## 1

#### Interpretation: If the aff reads a standard, they must explicitly specify how the round will play out under that role of the ballot in the form of a text in the 1AC. To clarify, the aff must:

#### 1. Clarify how offense links back to the standard, such as whether post-fiat offense or pre-fiat offense matters and which comes first.

#### 2. Clarify what theoretical objections do and do not link to the aff, such as whether or not the aff comes before theory.

#### 3. Clarify how to weigh and compare between competing advocacies i.e. whether the standard is solely determined by the flow or another method of engagement.

#### Violation:

#### Standards:

#### 1. Engagement – I can’t engage in their standard because I don’t know what type of offence would negate under it or how to weigh between them. Answers their claim about me reading a different standard bc that just means that there’s is exclusionary which means you should be epistemically suspect of their standard.

#### 2. Strategy Skew – They can always just change the way their standard functions in the 1AR so that any try to negate under their standard would be completely removed which always ensures that they will win.

## 2

#### A. Interpretation: all arguments concerning fairness or education that the negative could violate must be read first in the AC. To clarify, theory arguments must be read at the top of the affirmative case before all substantive arguments.

#### B. Violation you don’t read your spikes at the top of your case

#### C. Standards -

#### 1. Neg strat – theory spikes and interpretations drastically change neg strategy because they operate on the highest layer of the debate. If the aff reads all their substance and then theory, it’s super unfair for the neg because time spent developing a substantive strategy becomes immediately nullified by your theory spikes. The neg should have to know what they have to meet before planning a strategy.

#### 2. Substantive education – if theory spikes are laid out at the top of the aff, the neg is able to then plan a strategy that meets your spikes so debaters can have a clean substance debate instead of spike extensions. Outweighs: a) substance means we learn about real-world policies which is better for advocacy skills and b) we only have 2 months for each topic while we get theoretical education every other round. And, you can’t use your spikes to take out my shell – a) it indicts my ability to have responded to their spikes so you have to evaluate the shell first and b) my shell doesn’t indict their ability to read their spikes rather it indicts the placement of the arguments so I do not trigger the violation.

## 3

**Permissibility and presumption negate – a. the resolution indicates the affirmative has to prove an obligation via ought, and permissibility would deny the existence of an obligation b. Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.**

**The starting point of morality is practical reason. 2 warrants:**

**1] Regress: A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. Metaethical standards outweigh: they determine what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations.**

**2] Is-ought gap – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.**

**That justifies universalizability. 3 warrants:**

**1] Absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless. Therefore err neg on risk of offense since anything else means ethics cannot serve it’s purpose.**

**2] Any non-universal norm justifies someone’s ability to impede on your ends, which also means universalizability acts as a side constraint on ends-based frameworks.**

**3] A violation of freedom is a contradiction and can never be universalized.**

**Stephen Engstrom 08 (PhD, Professor of Ethics at University of Pittsburg). “Universal Legislation As the Form of Practical Knowledge”. Pg. 19-20**

“Given the preceding considerations, it’s a straightforward matter to see how **a maxim** of action **that assaults** the **freedom** of others with a view **to further**ing one’s own **ends results in a contradiction** when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency. 19In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case. Now on the interpretation we’ve been entertaining, applying the formula of **universal law involves considering whether** it’s possible for **every person**—every subject capable of practical judgment—to **share[s] the** practical **judgment asserting the goodness of** every person’s acting according to **the maxim** in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. **Since** here **all persons** are on the one hand **deem**ing **good** both the **limitation of** others’ **freedom and** the **extension of their own** freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, **they** are all **deem**ing **good both the extension and the limitation of both their own and others’ freedom.”**

**Thus, the standard is consistency with a system of universal freedom.**

**Offence**

**1] Intellectual property is an inalienable personal right of economic use**

**Pozzo 6** Pozzo, Riccardo. “Immanuel Kant on Intellectual Property.” Trans/Form/Ação, vol. 29, no. 2, 2006, pp. 11–18., doi:10.1590/s0101-31732006000200002. SJ//DA recut SJKS recut JX

Corpus mysticum, opus mysticum, propriété incorporelle, proprietà letteraria, geistiges Eigentum. All these terms mean **intellectual property, the existence of which is intuitively clear because of the unbreakable bond that ties the work to its creator.** The book belongs to whomever has written it, the picture to whomever has painted it, the sculpture to whomever has sculpted it; and this independently from the number of exemplars of the book or of the work of art in their passages from owner to owner. The initial bond cannot change and it ensures the author authority on the work. Kant writes in section 31/II of the Metaphysics of Morals: “Why does unauthorized publishing, which strikes one even at first glance as unjust, still have an appearance of being rightful? Because on the one hand a book is a corporeal artifact (opus mechanicum) that can be reproduced (by someone in legitimate possession of a copy of it), so that there is a right to a thing with regard to it. **On the other hand a book is also a mere discourse of the publisher to the public, which the publisher may not repeat publicly without having a mandate from the author to do so (praestatio operae), and this is a right against a person**. The error consists in mistaking one of these rights for the other” (Kant, 1902, t.6, p.290). The corpus mysticum, **the work considered as an immaterial good, remains property of the author on behalf of the original right of its creation. The corpus mechanicum consists of the exemplars of the book or of the work of art. It becomes the property of whoever has bought the material object in which the work has been reproduced or expressed.** Seneca points out in De beneficiis (VII, 6) the difference between owning a thing and owning its use. He tells us that the bookseller Dorus had the habit of calling Cicero’s books his own, while there are people who claim books their own because they have written them and other people that do the same because they have bought them. Seneca concludes that the books can be correctly said to belong to both, for it is true they belong to both, but in a different way **The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on his work confers him a moral right that is indeed a personal right. It is also a right to exploit economically his work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other.** In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). **He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. Kant, however, was firm in embracing intellectual property. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right.** In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to **intellectual property as an “inalienable right (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name”** (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. **He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library.** In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. Kant and Fichte spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience. In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “This intellectual element must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection in which, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the author’s exclusive right to the intellectual content of his book – “the appropriation of which through another is physically impossible” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use. In Publishing Considered anew, Reimarus considered on the contrary copyright in its patrimonial aspects as a limitation to free trade: “What would not happen were a universal protection against pirate publishing guaranteed? Monopoly and safer sales certainly do not procure convenient price; on the contrary, they are at the origin of great abuses. The only condition for convenient price is free-trade, and **one cannot help noticing that upon the appearance of a private edition, publishers are forced to substantially lower the price of a book”** (Reimarus, 1791a, pp.402-3). Reimarus admitted of being unable to argue in terms of justice. Justice was of no bearing, he said, for whom, like himself, considered undemonstrated the author’s permanent property of his work (herein supported by the legislative vacuum of those years). What mattered, he said, was equity. In sum, Reimarus anticipated today’s stance on free use by referring to the principle that public interest on knowledge ought to prevail on the author’s interest and to balance the copyright. Moreover, Reimarus extended his argument beyond the realm of literary production to embrace, among others, **the today vital issue of pharmaceutical production on patented receipts. “Let us suppose that at some place a detailed description for the preparation of a good medicine or of any other useful thing be published, why may not somebody who lives in places that are far away from that one copy it to use it for his own profit and but must instead ask the original publisher for the issue of each exemplar?”** (Reimarus, 1791b, t.2, pp.584). To sum up, Reimarus’s stance does not seem respondent to rule of law. For in all dubious case the general rule ought to prevail, fighting intellectual property with anti-monopolistic arguments in favor of free trade brings with itself consequences that are not tranquilizing also for the ones that are expected to apply the law. **By resetting literary texts, one could obviously expurgate some errors. More frequently, however, some were added, given the exclusively commercial objectives of the reprints. The valid principle was, thus, that reprints were less precise than original editions, but they were much cheaper for the simple reason that the pirate publisher had a merely moral obligation against the author and the original publisher. In fact, he was not held to pay any honorarium to the author upon handling over the manuscript, nor to paying him royalties, nor to pay anything to the original publisher. The** only expense in charge of the pirate publisher was buying the exemplar of the original edition out of which he was to make, as we say today, a free use.

**2] The aff violates the categorical imperative and is non-universalizable- governments have a binding obligation to protect creations**

**Van Dyke 18** Raymond Van Dyke, 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/> SJ//DA recut SJKS

As we shall see, applying **Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent.** So, employing this canon, **a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands.** This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. **However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment.** Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust.

**3] Unauthorized publication and usage of text is wrongful and infringes on inalienable moral rights**

**Barron ’11**. [Barron, Anne (2011) Kant, copyright and communicative freedom. Law and philosophy . pp. 1-48. <http://eprints.lse.ac.uk/37521/1/Kant_Copyright_and_Communicative_Freedom_%28lsero%29.pdf>] NChu

My claim in this article is that a significantly different, and arguably richer, conception of what a free culture entails and how the rights of authors relate to it emerges from a direct engagement with the philosophy of Immanuel Kant.15 The immediate justification for turning to Kant in this context is that he dealt very directly with the issue of authors’ rights – first in an essay published in 178516 (hereinafter ‘1785 Essay’) and again briefly in a section – entitled “What is a Book” – of his late work of political philosophy, Part I of The Metaphysics of Morals. 17 Moreover, he theorized these rights as speech rights, and not as rights of property in works considered as crystallizations of their authors’ communications.18 The most wellknown of the arguments contained in these writings can be briefly outlined. Kant’s premise is that a book considered as a material object must be distinguished from a book considered as the vehicle for an activity of authorial speech. On the one hand, an author’s manuscript, and every printed copy of it, is an ordinary object of property attracting an ordinary right of property vested in whomever is legitimately in possession of the object. This right would include the right to use the object, to sell the object and indeed to copy the object. On the other hand, a published book (considered as the vehicle of its author’s speech) is also a communication from publisher to public in the name of the author. Hence it is also an action, and as such it has its existence in a person – the person of the author. For Kant, it follows that unauthorized publication of copies of the author’s text – though not unauthorized reproduction as such – is wrongful. By selling copies of an author’s text to the public, the unauthorized publisher is not just dealing with commodities – printed books – in his own name, but is disseminating an author’s speech, thus compelling the author to speak against his will,19 to acknowledge the book as his own and be responsible for it.20 Actions “belong exclusively to the person of the author, and the author has in them an inalienable right always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name”21 or deliver a fundamentally altered speech in his name.22 However if the work is indeed so altered that it would be wrong to attribute it to the author, it can rightfully be published in the modifier’s name.23 These remarks on authors’ rights have not gone unnoticed by copyright lawyers. On the contrary, Kant’s 1785 Essay is often cited as inspiration for the theory – now institutionalized in international copyright law – that authors ought to have inalienable ‘moral’ rights in relation to their works.24 These are enforceable legal rights which are ‘moral’ in the sense that they concern authors’ non-pecuniary interests in relation to their works (such as the interest in being identified as author, and in ensuring that one’s works are published only in the form in which they were created); and they contrast with the economic rights (e.g. to control the reproduction and distribution of copies) which protect authors’ pecuniary interests in the commercial exploitation of their works. Yet moral rights in practice afford far less protection to authors than the theory would suggest, and transferable economic rights to the most commercially valuable works are more often than not held by corporate investors. And since it is economic rights which are the focus of concerns about copyright expansionism and its implications for the public domain, the formal recognition of a doctrine of moral rights has done little to allay these concerns.

## Case

**Consequentialism is incoherent:**

**1. Problem of induction – takes out the AC Framework.**

**Vickers 14**, John Vickers, 2014, The Problem of Induction, https://plato.stanford.edu/entries/induction-problem/

**The original problem of induction can be simply put. It concerns the support or justification of inductive methods; methods that predict** or infer, in Hume's words, that “instances of which we have had no experience resemble those of which we have had experience” (THN, 89). Such methods are clearly essential in scientific reasoning as well as in the conduct of our everyday affairs. The problem is how to support or justify them and it leads to a dilemma: **the principle cannot be proved deductively, for it is contingent, and only necessary truths can be proved deductively. Nor can it be supported inductively—by arguing that it has always or usually been reliable in the past—for that would beg the question by assuming just what is to be proved.**

**2. prediction is impossible. Any action can lead to a domino effect that can have disastrous impacts in the end. For example, if I sneeze, it could lead to a butterfly effect that eventually causes my sneeze to form into a hurricane and kill thousands.**

**3. Aggregate pleasure is impossible because pain is incommunicable – 5 headaches and a migrane can’t be compared since I don’t know how how it feels for you versus me and if it’s the same or different, meaning weighing consequences is arbitrary.**

**4. Consequentialism is irresolvable because if a bigger harm can outweigh a smaller, there’s always a non-zero chance of a bigger harm in the future and there’s no non-arbitrary point at which consequences stop being relevant**

**5. All actions have infinite reactions so we won’t know what we’re responsible for. It can’t be moral then because it isn’t a guide to action cause it can’t recommend what we should or shouldn’t do at certain times – even if they have a warrant that warrant can’t instruct individuals and so doesn’t stick**

**6. No impact to anything – the universe is infinite.**

**Bostrom 11** Nick Bostrom (Professor, Faculty of Philosophy & Oxford Martin School Director, Future of Humanity Institute Director, Oxford Martin Programme on the Impacts of Future Technology University of Oxford) “Infinite Ethics” Analysis and Metaphysics, Vol. 10 (2011): pp. 9-59

In the standard Big Bang model, assuming the simplest topology (i.e., that space is singly connected), there are three basic possibilities: the universe can be open, flat, or closed**. Current data suggests a flat or open universe, although the final verdict is pending. If the universe is either open or flat, then it is spatially infinite at every point** in time and the model entails that **it contains an infinite number of galaxies, stars, and planets.** There exists a common misconception which confuses the universe with the (finite) “observable universe”. But **the observable part—the part that could causally affect us—would be just an infinitesimal fraction of the whole.** Statements about the “mass of the universe” or the “number of protons in the universe” generally refer to the content of this observable part; see e.g. [1]**. Many cosmologists believe that our universe is just one in an infinite ensemble of universes (a multiverse), and this adds to the probability that the world is canonically infinite**; for a popular review, see [2]. The “many worlds” of the Everett version of quantum physics, however, would not in any obvious way amount to the relevant kind of infinity; both because whether the “world”-count reaches infinity or merely a large finitude might be an artifact of convenient formalism rather than reflecting of physical reality, and also because the ethical significance of each Everettian “world” should, plausibly, be weighted by its associated measure (amplitude squared), which is a normalized; see e.g. [3].

## Accessible Formatting

A violation of freedom is a contradiction and can never be universalized

Engstrom 08

a maxim that assaults freedom to further ends results in a contradiction universal law involves considering whether every person share[s] the judgment asserting the goodness of the maxim all persons deem good limitation of freedom and extension of their own

Intellectual property is an inalienable personal right of economic use

Pozzo 6

intellectual property, exist because of the bond to its creator a book may not repeat publicly without a mandate a right against a person work , remains property of the author on the right of its creation intellectual property a inalienable moral personal right of economic use Kant saw i p as a metaphysical construction of intellectual activity

The aff violates the categorical imperative and is non-universalizable- governments have a binding obligation to protect creations

Van Dyke 18

Kant entails acknowledging a right to express themselves labor) has value and is theirs and government is obligated to protect their property. Thus, an inventor has a creation, which cannot be taken without consent. Applying this to everyone leads to a yes determination , a contrary proposal would lead to chaos.

Unauthorized publication and usage of text is wrongful and infringes on inalienable moral rights

Barron 11

an author’s manuscript is an object of property This right would include the right to use the object, sell the object and copy the object For Kant unauthorized publication is wrongful selling copies of an author’s text is disseminating speech authors have inalienable ‘moral’ rights in relation to their works

Problem of induction – takes out the AC Framework.

Vickers 14

problem of induction concerns methods that predict the principle cannot be proved deductively, for it is contingent Nor can it be supported inductively arguing that it has been reliable in the past would beg the question by assuming what is to be proved.

No impact to anything – the universe is infinite.

Bostrom 11

Current data suggests the universe is spatially infinite at every point it contains an infinite number of galaxies and planets the observable part would be an infinitesimal fraction of the whole Many cosmologists believe our universe is one in an infinite ensemble of universes this adds to the probability that the world is infinite