# 1AC – Domination

### 1AC – Framework

#### The meta ethic is practical reason-

#### [1] Ethics must be derived a priori

#### A] Uncertainty – if we base ethics on a postieri knowledge, our experiences are subjective and unverifiable, but principles created with the bases if a priori in the noumenal world are universally the same with all agents. That outweighs because if ethics are subjective that allows people to justify atrocities by saying they don’t experience the same

#### B] Is/Ought Gap – experience in the physical world only descriptively tells us what is, not what ought to because we won’t know the best course of action, only what we can perceive. Thus it’s not possible to create an ought statement through descriptive premises which means there must be a premises created in the noumenal a priori world to make a moral theory so we can see if an action is good in a vacuum and in all situations.

#### [2] Agents have a constitutive right to freedom –

#### A] Inescapability – to deny agency is self-contradictory because questioning your agency is exercising that same agency. Thus, exercising free agency – justifying judgements and freely taking actions – is constitutive of subjectivity

#### B] Principle of Generic Consistency – freedom is constitutive of agency and is necessary good. Denying freedom in general in contradictory since it justifies interference in your ability to take actions and make judgements in the first place – also justifies phenomenal ontological status

Gewirth 84 [Gewirth, A. (1984). The Ontological Basis of Natural Law: A Critique and an Alternative. The American Journal of Jurisprudence, 29(1), 95–121. doi:10.1093/ajj/29.1.95 // JB (brackets for gendered language)]

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, **every agent acts for purposes he [they] regards as good. Hence, he [they] must regard as necessary goods the freedom and well being that are the generic features and necessary conditions of his [their] action and successful action in general**. From this, **it follows that every agent logically must hold or accept that he [they] has rights to these conditions**. For **if he [they] were to deny that he [they] has these rights, then he [they] would have to admit that it is permissible for other persons to remove from him [them] the very conditions of freedom and well-being that, as an agent, he [they] must have**. But **it is contradictory for him [them] to hold both that he [they] must have these conditions and also that he [they] may not have them**. Hence, **on pain of self-contradiction, every agent must accept** that **he [they] has rights to freedom and well-being. Moreover, every agent must further admit that all other agents also have those rights**, since **all other actual or prospective agents have** the **same general characteristics of agency on which he must ground his own right-claims**. What I am saying, then, is that **every agent, simply by virtue of being an agent**, must **regard his freedom and well being as necessary goods** and **must hold that he and all other actual or prospective agents have rights to these necessary goods**. Hence, **every agent, on pain of self-contradiction**, must **accept the** following **principle: Act in accord with** the generic **rights of your recipients as well as of yourself**. The generic rights are rights to the generic features of action, freedom, and well-being. I call **this the Principle of Generic Consistency** (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action. In this way, then, the use of reason in the deductive sense of logical necessity, including conceptual analysis, when it is applied to the generic features of action, **serves to establish an egalitarian-universalist moral principle**, the/Principle of Generic Consistency?) **The** PGC and the **argument leading up to it have** the **three characteristics of natural law** theories that I listed in the beginning of this paper. **The PGC has ontological groundedness**, but only in the modified form I have indicated, since the generic features of action do not derive from man's nature per se but from a certain purposive development of it. The PGC **also has universal validity because** **it is derived from the generic features of human action**—features that characterize all actual or prospective agents. And the PGC is **based on reason** in the most stringent sense, because **it can be denied or violated only on** pain of self-**contradiction**; hence, **it is inherently rational.**

#### [3] Freedom is not just the absence of interference – a slaveowner who does not interfere in the affairs of their slaves has not made them “freer,” because they are still subject to domination, a regime of potential arbitrary intervention. Prefer freedom as nondomination – better corrects noninterfering forms of subjugation through institutional restraints.

Pettit ‘96 [Philip Pettit, “Freedom as Antipower,” Ethics, Vol. 106, No. 3 (Apr. 1996), pp. 576-604. Pettit is the Laurance S. Rockefeller University Professor of University Center for Human Values at Princeton University and also Distinguished University Professor of Philosophy at the Australian National University.] CHSTM [Recut JB]

**There are two characteristic marks of the conception of freedom as noninterference. The first is that under this approach the interference of a nonsubjugating authority impacts on the liberty of the people affected-although, no doubt, with aggregate, long-term benefit- even if the interference involved is just the constitutional imposition of a fair but (necessarily) coercive rule of law.** As Berlin writes in paraphrase of the approach: "**Law is always a 'fetter,' even if it protects you from being bound in chains that are heavier than those of the law, say, arbitrary despotism or chaos**.""4 Bentham was emphatic on the point: "As against the coercion applicable by individual to individ- ual, no liberty can be given to one man but in proportion as it is taken away from another. **All coercive laws, therefore, and in particular all laws creative of liberty, are as far as they go abrogative of liberty.**"42 John Rawls indicates that he too shares this understanding of liberty when he writes: "Liberty can be restricted only for the sake of lib- erty";43 the assumption is that law always does represent a restriction, however benign, of liberty.44 **The second characteristic mark of the conception of freedom as noninterference is that while it represents even nonsubjugating interference as a deprivation of liberty, it finds nothing hostile to liberty in a form of subjugation that does not involve any actual interference. There is nothing about the traditional, unconstrained relation of employer to employee or husband to wife, for example, that raises questions in the ledger book of liberty**, nothing, at any rate, in the absence of actual or expected compulsion, coercion, manipulation, or whatever. **The fact that the relation puts one party under the power of the other does nothing, in itself, to affect the liberty of the weaker person.** But suppose we move away from the opposition to bare interference in terms of which contemporary thinkers tend to understand freedom. Suppose we take up the older opposition to servitude, subjugation, or domination as the key to construing liberty. **Suppose we understand liberty not as noninterference but as antipower**. What hap- pens then? Unsurprisingly, we find ourselves with a conception of freedom under which the two marks of the dominant contemporary approach are reversed**. If freedom is opposed to subjugation, then the introduc- tion of constitutional authority does not, as such, constitute an abrogation of liberty, for it need not itself involve subjugation or domination: it does not essentially involve anyone's having the capacity to interfere arbitrarily in another's affairs.** Under any rule of law, those in the parliament, those in the administration, and those in the judiciary have special powers of coercion, but if the powers are regulated in a constitutional manner, then they do not give the authorities power over people in the distinctive sense associated with subjugation. The authorities may be more or less productive of antipower, depending on how well they cope with existing patterns of domination and de- pending on how wide the range of antipower is that they allow. **But provided they are truly constitutional in character-a big proviso, indeed-they relate to freedom as antipower in quite a different way from how they must be seen to relate to freedom as noninterference: they do not represent an abrogation, even an abrogation that is benign in the long term, of that freedom**.45 If freedom is construed as antipower rather than noninterference, then we do not have to see the rule of law, and more generally of constitutional authority, as itself an abrogation of liberty. But **the construal of freedom as antipower has exactly the contrary effect on judgments about asymmetric relations such as those that have traditionally obtained between employers and employees, husbands and wives, and parents and children.** Contemporary thinkers tend to see no loss of liberty here-they may see other deficits, of course-given that there is no actual interference. But **if liberty is opposed to subjugation in the first place, then, even in the absence of actual interference, these relationships are often going to represent paradigms of unfree- dom. The powerful employer, husband, or parent who can interfere arbitrarily in certain ways subjugates the employee, wife, or child. Even if no interference actually occurs**, even if no interference is particularly likely-say, because the employee, wife, or child happens to be very charming-**the existence of that relationship and that power means that freedom fails.** The employee, wife, or child is at the mercy of the em- ployer, husband, or parent, at least in some respects, at least in some measure, and to that extent they live in a condition of servitude.

#### [4] Non-domination requires specific interventions by the state to protect the polity from subjugation – laws do not infringe on freedoms but enable them. Only when interrelations are mutually governed by a system of non-arbitrary communal public rules is it possible for citizens to enjoy independence from arbitrary rule.

Pettit ‘05 [Philip Pettit, “The Domination Complaint”, Nomos, Vol. 46, POLITICAL EXCLUSION AND DOMINATION (2005), pp. 87-117.] CHSTM [Recut JB]

**This condition already ensures a connection between nondomination and community, for it means that the ideal of nondomination is an inherently social value, not an atomistic one**. The second point to make in underscoring the tie to community is that **if people are secured against domination by the operation of the institutional instrumentalities available for the state to deploy—the institutions of armament, disarmament, and protection—then the connection between being nondominated and those institutions is constitutive and not merely causal. To be non-dominated is to be more or less immune to the possibility of arbitrary interference, and this immunity will come into being simultaneously with the introduction of measures that realize it, not as a causal consequence of those measures being in place**: a consequence that might take time to realize. The connection between immunity to arbitrary interference and the presence of those measures will be like the connection between immunity to a certain disease and the presence of suitable antibodies in the blood. The physical immunity will not materialize as a contingent consequence of the antibodies that take a certain time to eventuate; it is present as soon as the antibodies are there, being realized by the antibodies. And similarly a person's immunity to arbitrary interference—a person's nondomination—will not materialize as a causal result of the institutional measures taken to realize it; rather, it will be constituted by those measures, being present just as soon as they are present. **The fact that nondomination requires a community of individuals, and that a person's nondomination will be constituted by the institutional measures that make[him or her more or less secure against arbitrary interference by other members of the community, means that for the state to work at promoting nondomination is just for the state to work at ensuring that people enjoy a certain sort of community**: a sort of community that is bound to have the aspect of an ideal.

#### Thus, the standard is establishing checks against domination.

#### Prefer additionally –

#### 1] Performativity – debate as an institution is defined not just how we perform as individuals but how we interact as a community, ensuring the community is free of domination by removing subjugating regimes so everyone is equally respected and everyone’s voices can be heard is a pre-requisite to being able to debate.

#### 2] Actor-specificity – non-domination is the only notion of freedom that can apply to state actors since individuals always exist in communities and communal governance always involves restrictions

#### 3] Inclusion – analytical philosophy allows for anyone to make responses to it with no carded evidence

### 1AC – Advocacy – 2:19

#### Thus the advocacy – Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

Patents, jurisdiction in every country

### 1AC – Offense

#### [1] Rich countries use IP to block access to medicines from developing countries – vaccine access IS an issue and this perpetuates a global regime of domination.

Meredith 4/15 [Sam Meredith, 4-15-2021, “Rich countries are refusing to waive the rights on Covid vaccines as global cases hit record levels,” CNBC, [https://www.cnbc.com/2021/04/22/covid-rich-countries-are-refusing-to-waive-ip-rights-on-vaccines.html //](https://www.cnbc.com/2021/04/22/covid-rich-countries-are-refusing-to-waive-ip-rights-on-vaccines.html%20//) JB]

**The** landmark **proposal**, which was jointly **submitted by India and South Africa in October**, has been **backed by** more than 100 mostly **developing countries**. Six months on, **the proposal** continues to be **stonewalled by** a small number of governments — including the **U.S., EU, U.K., Switzerland, Japan, Norway, Canada, Australia and Brazil.** Andrew Stroehlein, European media director of Human Rights Watch, said via Twitter on Thursday the fact that high-income countries were “throttling vaccine production globally by blocking the TRIPS waiver ... is a scandal that affects us all.” LONDON — **The U.S., Canada and U.K. are among some of the high-income countries actively blocking a patent-waiver proposal designed to boost the global production of Covid-19 vaccines.** It comes **as coronavirus cases** worldwide **surge to their highest level** so far and **the World Health Organization has repeatedly admonished a “**[**shocking imbalance**](https://news.un.org/en/story/2021/04/1089392)**” in the distribution of vaccines amid the pandemic.** Members of the World Trade Organization will meet virtually in Geneva, Switzerland on Thursday to hold informal talks on whether to temporarily waive intellectual property and patent rights on Covid vaccines and treatments. **The** landmark [**proposal**](https://pop-umbrella.s3.amazonaws.com/uploads/e9989bf5-7d26-4d4d-8336-8d37f1577529_W669.pdf?key=), which was **jointly submitted by India and South Africa in October**, has been backed by more than 100 mostly developing countries. It **aims to facilitate the manufacture of treatments locally and boost the global vaccination campaign.** Six months on, the proposal continues to be stonewalled by a small number of governments — [including](https://www.msf.org/countries-obstructing-covid-19-patent-waiver-must-allow-negotiations) the U.S., EU, U.K., Switzerland, Japan, Norway, Canada, Australia and Brazil. “**In this** Covid-19 **pandemic, we are** once again **faced with issues of scarcity, which can be addressed through diversification of manufacturing and supply capacity and ensuring the temporary waiver of relevant intellectual property,” Dr. Maria Guevara, international medical secretary at Medecins Sans Frontieres,**[**said**](https://msfaccess.org/after-encouraging-statement-us-landmark-covid-19-monopoly-waiver-msf-calls-all-opposing-countries)**in a statement on Wednesday**. “It is about saving lives at the end, not protecting systems.” **The urgency** and importance **of waiving** certain intellectual property rights **amid** the **pandemic have been underscored by the WHO, health experts, civil society groups, trade unions, former world leaders, international medical charities, Nobel laureates and human rights organizations.**

#### [2] **IP for medicine is racist and has historically been used to target black and brown folk.**

​​​​​​​BP-Weeks 8/21 [Maurice Bp-Weeks, 8-21-2020, "Racial Health Disparities Are Fueled by Big Pharma's Patent Monopolies [Op-Ed]," No Publication, [https://www.colorlines.com/articles/racial-health-disparities-are-fueled-big-pharmas-patent-monopolies-op-ed //](https://www.colorlines.com/articles/racial-health-disparities-are-fueled-big-pharmas-patent-monopolies-op-ed%20//) JB]

* The 1NC’s innovation DA is just a reification of these dominant power structures – the DA is offense for us if we win framework

**We’re** still **in** the thick of **a global pandemic, and racial disparities in our healthcare system have never been more apparent**. Usually, when **we talk about** the **high cost of health care**, we focus on the **greedy executives behind our for-profit insurance system**. But there’s another insidious factor at play that we must expose: **big pharma’s drug pricing**. **To dismantle racism in our healthcare system, we must address outrageous drug pricing by pharmaceutical companies**, which is **extracting health and wealth from Black and Brown folks**. We must **hold Wall Street and elected leaders accountable, and work to undo the systems that allow them to exploit our communities**. Time after time, **Black and Brown people pay the price—either with our lives or through pain and suffering—because of systemic racial discrimination and the continued extraction of dollars from us. Nothing illustrates this truth more than COVID-19, which has been killing Black, Latinx and Indigenous people disproportionately because of lack of access to healthcare**, safe housing and overrepresentation in what is now recognized as “essential work.” **As researchers race to find** potential **cures for COVID-19, it’s already** becoming **clear that yet again, only certain people will have access to them**. Before it even hits the market, Gilead Science set a heinous price for proposed COVID-19 treatment Remdesivir—over $3,000 per patient. **This is just one example of the myriad of life-saving medication which Black and Brown people are denied via pricing.** A **new report**, “[Poi$on](https://acrecampaigns.org/research_post/poison/),” **shows that Black folks** have **twice** the **rate of hypertension, and twice the mortality rate for diabetes compared to white people. Additionally, Latinx people also have twice the rate of diabetes and are more likely to experience preventable diabetes-related kidney failure and vision loss.** On top of this already glaring health disparity, the **report finds that Black and Latinx people are more likely to ration medication due to cost**, which causes a slew of other issues including heart disease, strokes, and kidney disease. Often, diabetic patients who ration medication have to undergo amputations that are completely preventable with reliable access to affordable medication, leading to what ProPublica has deemed an “[epidemic of amputations](https://features.propublica.org/diabetes-amputations/black-american-amputation-epidemic/)” in Black communities. **The high cost of medication is not a coincidence. It’s the result of pharmaceutical companies having total control over their pricing. Of course, in the capitalist hellscape we live in, they always choose to put profits over people without oversight from our government.** “Poi$on” also finds that there are some clearly identifiable bad actors here. Eli Lilly hiked the price of its insulin, Humalog, 30 times in just 20 years, including a 585 percent increase between 2001 and 2005. **After buying the patent rights to two blood pressure drugs, Nitropress and Isuprel, Valeant Pharmaceutical immediately raised their prices by 212 percent and 525 percent**, respectively. A Valeant spokesperson referred to its duty to “maximize the value” for shareholders as justification for this egregious and arbitrary leap in price. **If it seems bananas that they’re able to do this, it is. The reason why? These pharmaceutical corporations have the authority to monopolize patents, and then do everything they can to abuse them. With no oversight on drug pricing, greedy pharma executives can gouge prices on a whim, willfully killing countless Black and Brown people in the name of profit.** On top of **abusing an already corrupt patent system, pharmaceutical companies assemble tangled webs of intellectual property protection that stifle truly innovative medical research, while keeping already hyper-inflated drug prices high**. It hasn’t always been this way. Patent monopolies giving pharmaceutical companies control over pricing weren’t introduced until the 1960s, when right-wingers worked to empower corporations and wealthy investors by weakening public-sector regulations and consumer protections.  **These days, the excuse** for the high prices **of drugs is attributed to innovation or keeping the market competitive. But the truth is that government-funded research has always been the backbone of medical breakthroughs—pharmaceutical companies profit by buying the patents and monopolizing public knowledge.**

#### [3] No NC offense and CPs don’t solve – Patents are arbitrary and assert ownership over nature and doesn’t meet a priori truth.

Long 95 [(Roderick T., professor of philosophy at Auburn University, editor of the Journal of Ayn Rand Studies, director and president of the Molinari Institute and a Senior Fellow at the Center for a Stateless Society) “The Libertarian Case Against Intellectual Property Rights,” Free Nation Foundation, 1995] JL recut Lex VM

The moral case against patents is even clearer. A patent is, in effect, a claim of ownership over a law of nature. What if Newton had claimed to own calculus, or the law of gravity? Would we have to pay a fee to his estate every time we used one of the principles he discovered?

Defenders of patents claim that patent laws protect ownership only of inventions, not of discoveries. (Likewise, defenders of copyright claim that copyright laws protect only *implementations* of ideas, not the ideas themselves.) But this distinction is an artificial one. Laws of nature come in varying degrees of generality and specificity; if it is a law of nature that copper conducts electricity, it is no less a law of nature that this much copper, arranged in this configuration, with these other materials arranged so, makes a workable battery. And so on.

Suppose you are trapped at the bottom of a ravine. Sabre-tooth tigers are approaching hungrily. Your only hope is to quickly construct a levitation device I've recently invented. You know how it works, because you attended a public lecture I gave on the topic. And it's easy to construct, quite rapidly, out of materials you see lying around in the ravine.

But there's a problem. I've patented my levitation device. I own it — not just the individual model I built, but the universal. Thus, you can't construct your means of escape without using my property. And I, mean old skinflint that I am, refuse to give my permission. And so the tigers dine well.

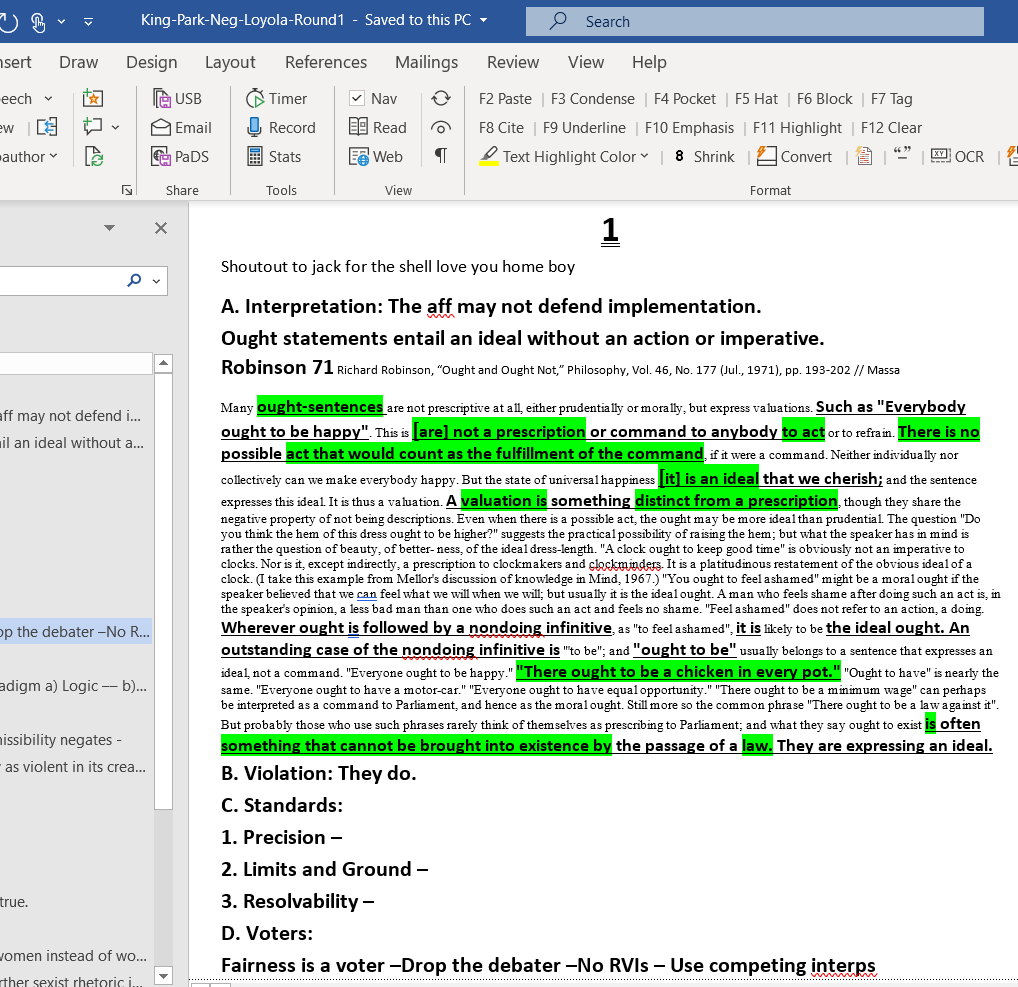
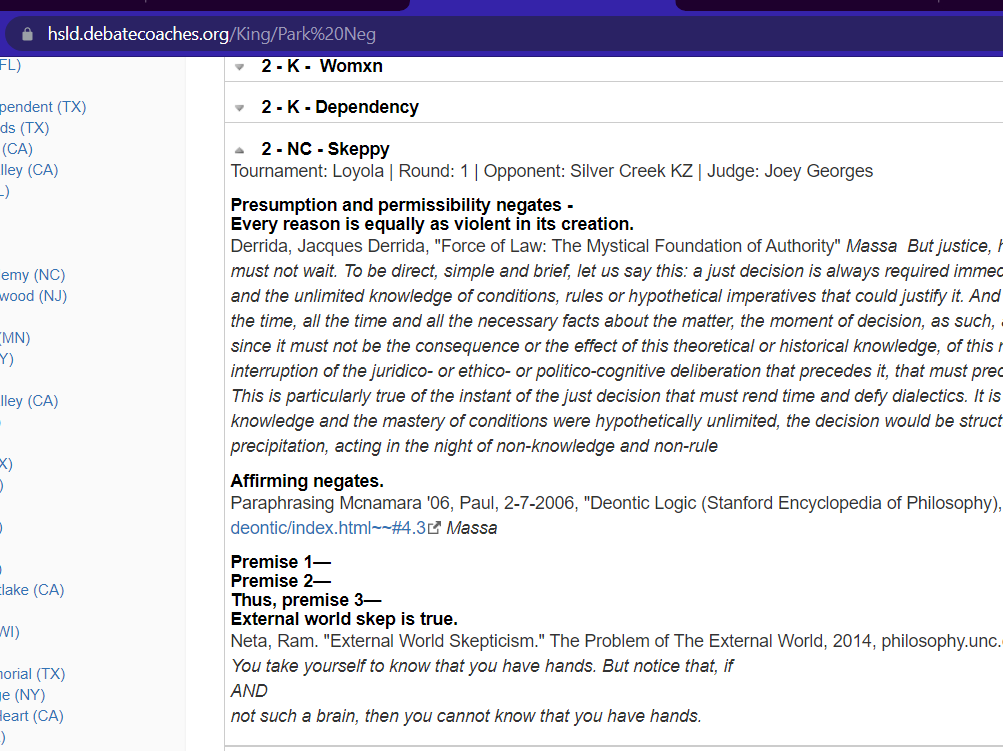
This highlights the moral problem with the notion of intellectual property. By claiming a patent on my levitation device, I'm saying that you are not permitted to use your own knowledge to further your ends. By what right?

Another problem with patents is that, when it comes to laws of nature, even fairly specific ones, the odds are quite good that two people, working independently but drawing on the same background of research, may come up with the same invention (discovery) independently. Yet patent law will arbitrarily grant exclusive rights to the inventor who reaches the patent office first; the second inventor, despite having developed the idea on his own, will be forbidden to market his invention.

### 1AC – Method

#### Interpretation: Debaters should disclose the warrants to all analytic arguments unrelated to personal narratives made in their constructive speeches without evidence on the NDCA LD wiki page. Analytics disclose the entire argument read with warrants.

#### Violation: I’ve inserted screenshots.



#### 1] Accessibility – Debaters with ADHD or dysgraphia would have a difficult time mind sweeping through warrants of tons of tricks especially when you suddenly surprise them. Accessibility is an independent voting issue and outweighs other argument since it controls the internal link to being able to engage in the first place – it’s the terminal impact to fairness and it’s an impact multiplier on everything since people quit when excluded. Asking them doesn’t solve – all our arguments show that disclosing millions of analytics 10 minutes before round is impossible, inaccessible, and doesn’t solve stealing good.

#### Disclosure first – a] lexically prior since violation was out of round

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation.

#### Drop the debater – a] deter future abuse and b] set better norms for disclosure

#### Competing interps – [a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm – we don’t know your bs meter especially on disclosure because theres no normal sense of frivolous disclosure, [b] it creates a race to the top where we create the best possible norms for debate – ow since norming is the purpose of theory [c] collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVIs – a] illogical for disclosure and preemptive violations, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b] baiting ppl know these interps exist so they bait it off their wiki – incentivizes good debaters to be abusive, bait theory, then collapse to the 1AR RVI, c] topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory. D) They have 13 minutes of theory debate while the aff has 7, also it’s preemptive so violating was their choice – incentivizes dumping on theory and not engaging in substance.

### 1AC – AFC

#### Interpretation: The negative must concede the affirmative’s framework choice if it’s theoretically justified.

#### You violate by reading another framing mechanism and/or contesting mine – 6 ways out if you concede AFC – **T or theory, counterplans, disads impact turns, kritiks impacted to the aff, and link turns**

#### [1] Strat skew – The NC can adapt to the 1AC – but the 1AC can’t adapt to the NC. The 1AC is already behind on strategy because it has to commit to a strategy since they talk first, but AFC levels the playing field.

### 1AC – Funderview

#### [1] 1ar theory since the neg can do infinite bad things and I can’t check. Paradimg issues should be contextual to the shell

#### [2] Permissibility and presumption substantively affirm: a) Statements are true before false since if I told you my name, you’d believe me