# Yale R4

### 1

#### The meta-ethic is perspectivism, or the idea that there is no a priori truth independent of human conceptual schemes.

#### Prefer –

#### [1] Rule-following paradox—the only way to interpret rules is to have more rules to explain them—that means other frameworks are infinitely regressive and collapse into the NC.

#### [2] Externalism fails—even if a priori normative facts exist, they’re epistemically inaccessible because humans are products of their molecular biology—the mind can’t derive facts independent of material, external forces like gravity.

#### The sovereign is necessary to form these perspective ideals to have a grounding point for morality – otherwise, subjects trigger the state of nature – using their interpretations of the social covenant with infinite conceptions of morality which reduces us to infinite violence

#### The standard is consistency with the will of the sovereign. Prefer –

#### [1] Bindingness –

#### A) Morality lacks practical authority over agents without an enforceable system of public law. Kantian reasoning presumes commitments to agency like autonomous self-legislation, so I won’t be obligated to follow abstract principles.

#### B) Morals are indeterminate absent a preeminent authority to resolve them. For instance, practical activity depends on the ability to acquire property claims that I can use, but those rules of property acquisition can’t be deduced *a priori* but by juridical authority. Bindingness outweighs – If we have no reason to follow morality, then we can become skeptical.

#### [2] Meaning – In order to have a stable conception of morality and meaning, we need to have a dominant creator of meaning. This is achieved through a social covenant to appoint a sovereign, without one, everything fails to make sense.

**Parrish 04** Parrish, Rick. “Derrida’s Economy of Violence in Hobbes’ Social Contract” Theory & Event 7:4 © 2004

“For Hobbes **truth is a function of logic and language**, not of the relation between language and some extralinguistic reality,"25 so the **"connections between names and objects are not natural."**26 **They are artificially constructed by persons**, based on individual psychologies and desires. These individual desires are for Hobbes the only measure of good and bad, because value terms "are never used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves."27 **Since "there are no authentical doctrines concerning right and wrong, good and evil," these labels are placed upon things by humans in acts of creation rather than discovered as extrinsic facts.** Elaborating on this, Hobbes writes that "the nature, disposition, and interest of the speaker, such as are the names of virtues and vices; for one man calleth wisdom, what another calleth fear; and one cruelty what another justice."29 A more simplistic understanding of the brutality of the state of nature, which David Gauthier calls the "simple rationality account,"30 has it that mere materialistic competition for goods is the cause of the war of all against all, but such rivalry is a secondary manifestation of the more fundamental competition among all persons to be the dominant creator of meaning. Certainly, Hobbes writes that persons most frequently "desire to hurt each other" because "many men at the same time have an appetite to the same thing; which yet very often they can neither enjoy in common, nor yet divide it; whence it follows that the strongest must have it, and who is strongest must be decided by the sword."31 But this competition for goods only arises as the result of the more primary struggle that is inherent in the nature of persons of meaning creators. **In the state of nature, "where every [person] is [their] own judge," persons will "mete good and evil by diverse measures," creat[e]ing labels for things as they see fit, based on individual appetites**. One of the most significant objects that receives diverse labels in the state of nature is 'threat'. Even if most people happen to construe threat similarly, there will be serious disagreement regarding whether or not a specific situation fits a commonly-held definition.”

#### Now Negate –

#### [1] IPR is key for protection against the state of nature by breaking the regressive chain of creation cannibalization

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As illustration of the limits of social contract theory,46 particularly the malleability of the notions of consent and promise, consider a social contract theory of intellectual property based on the thoughts of Thomas Hobbes rather than that of John Locke. No scholar has expressly developed a Hobbesian theory of patent or of copyright, but as a challenge to social contract theory, it may be useful to imagine what such a theory would look like.47 **For Hobbes, humans created the** leviathan-the **sovereign state-to protect** themselves **from each other in the state** of **nature**. 48 Without the leviathan, **the state of nature was not** an idyllic paradise but **a condition of savagery** and brutality. In the state of nature, to the extent that any creative activity occurred, the **objects of creation would be cannibalized**, thoughtlessly copied, adapted, distributed, and performed or used, sold, offered to sell, and made by others. Thus, **intellectual property law under the leviathan would protect individuals from this state of nature by making them absolute**, immutable, bountiful, and unlimited. **Humans would consent to these terms if they were enforced equally for all creations**, and **each author and inventor would promise to all others to abide by this form of the intellectual property social contract**.

#### [2] Through legislation IPR sustains state sovereignty in the market

Ashcroft 05 Deputy Dean at University of London. PhD in History and Philosophy in Science [Ashcroft, Richard E. “Access to essential medicines: a Hobbesian social contract approach.” Developing world bioethics vol. 5,2 (2005): 121-41. doi:10.1111/j.1471-8847.2005.00108.x Pg. 134] //Lex AKo

In Hobbes, states act through the law, while being above it. Nonetheless, **there is** a powerful **prudential interest in keeping to legal means of action** rather than simply acting at whim and will, since the chief role of the state is to create conditions of stability and trust between citizens and between citizen and the (representatives of the) state. Yet **what gives the law its persuasive force**, in Hobbes, **is the combination of the actual monopoly of legislative and military authority**, and the foundation of this in the **contractually constructed function of preserving the ‘common weal’**. Hence **states retain the power to make and enforce laws**, and to act, in emergencies, using sovereign power beyond the law. That they retain **this power is the most powerful incentive for citizens – and corporations** and other institutions – **to act in the light of the fact** that **if their practice endangers the common weal**, there is an ultimate sanction over them.

#### [3] Patents uphold Hobbesian social contract theory

EPO 12 [“Core Module.” Patent Teaching Kit, European Patent Office, 2012, msngr.com/ypqkesqdvaug.] //Lex AKo

**Patents are** sometimes considered **as a contract between the inventor and society**. The inventor is interested in benefiting (personally) from his invention. Society is interested in ... – encouraging innovation so that better products can be made and better production methods can be used for the benefit of all; – protecting new innovative companies so that they can compete with large established companies, in order to maintain a competitive economy; – learning the details of new inventions so that other engineers and scientists can further improve them; – promoting technology transfer (i.e. from universities to industry). So both **parties are interested in a contract that grants protection to innovators** (thereby also increasing the motivation to innovate) **in exchange for disclosure of the invention. This social contract is institutionalised in the form of patent law**. In this context, two requirements for patent protection emerge almost naturally: first, if the invention is not new to the world, then the inventor doesn't have anything to disclose, and society has no reason to conclude the above-mentioned contract with him; second, if the invention is new but obvious to a person skilled in the art, then the inventor doesn't possess anything the public is eager to learn and there is also no reason to exchange exclusivity for the publication of the invention. The inventor benefits from the patent system because he or she is granted the exclusive rights to commercially exploit the invention. These rights are transferable. In particular, the owner of the patent can licence the patent to third parties so that they may use it subject to certain conditions.

NCC –

OW on spec

If they win A/O distinctions auto egate – because always culpable for actions that we’ve omitted

### 2

#### Interp: Debaters must disclose complete round reports on the 2021-2022 NDCA LD wiki 30 minutes after every round and speech they have debated this season.

#### Violation: they don’t

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#### Standards:

#### [1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key for them to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it's an impact multiplier

#### [2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can't afford coaches to prep out affs.

#### [3] Prep skew – round reports provide valuable information about debater’s styles which alter strategy construction. Disclosure alone lets them act like they read and go for a policy aff every round when in reality they use the policy aff to bait conditional counterplans and give the same perfect condo 2AR every debate. Round reports solve since debaters will see their history of going for condo and adapt their strategy to avoid falling into the same trap.

#### Fairness – valid, speech times, why people debate

#### Education – protability, schools

#### Drop the debater—the abuse has already occurred and my time allocation which leads to severance in the 1ar which ow/s on magnitude b) to deter future abuse, big punishment incentivizes people to stop bad practices especially true with infinte abuse standard that means the aff will always win

#### Competing interps – a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm b] it creates a race to the top where we create the best possible norms for debate. C] aff has 7-6 TS which means you should be able to win you shell if you have more time allocated in rebuttals

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) chilling effect – forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, d) topic ed – prevents 1AR blip storm scripts and allows us to get back to substance after resolving theory

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### 1NC theory first a] If I was abusive it was because the 1AC was b] We have more speeches to norm over whether it’s a good idea c] 2AR answers to the 2NR counter-interp are always new, which means their interp is easier to win.

### 3

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up blippy 20 second shells in the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiaiblity

## Case

### 1NC – Dump – Kant

#### [1] Hijak – The only way the people can follow the [standard] is it is enforced by the sovereign, our theory is what makes yours ideal

#### [2] Allowing people to reason for themselves triggers the state of nature because people reasonably think about stuff differently an example is how I might think something is a pencil to write with and u might think it is a crayon

#### [3] Universalizability Fails – Bill Gates donating a million dollars to charity is good but it fails universalizability- if everyone donated 1 million to charity it leave the majority of the world in debt

#### [4] Tailoring Obj – Every action can be tailored to that instance, making all actions non universalizable

#### [5] No bright line for moral agent and patient – when do we know when someone is able to weigh moral action- when is a child grown up- means we don’t know when to evaluate the actions of individuals

#### [6] Two perfect duties can contradict – what is I was to tell a lie to avoid harming someone

#### [7] Shmagency Objection – It’s possible to be agents minus the norm examples of agency to not apply the norms of your framing

#### [8] Cannot resolve conflicts with 2 perfect duties or an imperfect and a perfect duty – sovereign solves we follow what the sovereign says

### Offense

#### 1] Reducing protections of IP leads to theft and the free riding of ideas.

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

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,