# 1NC

## 1

Interpretation: The aff can’t say neg interps are counterinterps and no rvis on 1AC or 1AR theory

1] Strat skew – theory becomes a one way street (extempt)

#### Drop the debater – a) it’s key to norms creation, if they lose because of reading these terrible spikes they are more likely to not read these type of arguments again but drop the argument just lets them get away with it and win off some other spike, b) to rectify for time lost reading theory.

#### Competing interps – a) reasonability collapses since we have an offense defense debate over a brightline, b) incentivizes intervention since we all have different bs meters based on our own beliefs.

#### No rvis – a) illogical – you shouldn’t get a cookie for proving we could engage in the affirmative somehow, b) incentivizes theory baiting where people bait theory and just prep it out to win on the rvi, c) the aff has infinite prep so we should be able to read a shell we don’t have to defend for the entirity of the debate.

#### Fairness – a) it’s constitutive, fairness bad arguments rely on the judges evaluating them fairly, b) it’s intrinsic debate is inherently a game with wins, loses and speaker points.

#### The interp is a reason to vote negative on substance since it proves we couldn’t engage at all and their model is exclusive.

#### Only evaluate the counter interp to the shell – that means reject overview arguments and cross applications. Double bind – either I don’t read theory and I probably lose because of the abuse on the shell or b) these debaters know they will lose to a true combo shell and hedge against that with pre written overviews and extending hidden spikes which forecloses ability to set good norms.

#### Combo shells are good, their key to critical thinking – they take debaters off of the document since you can always script 1ar’s against shells like spikes bad or spikes on top but combo shells force you to defend specific tailored norms that you can’t prep out.

## 2

**Permissibility negates – the word ought in the resolution indicates an obligation so they have the burden to prove the existence of one.**

**The meta ethic is procedural moral realism or the idea that ethics are derived in the noumenal world absent accounting for human experiences.**

#### 1] Uncertainty – experiences are locked within our own subjectivity and are inaccessible to others, however a priori principles are created in the noumenal world and are universally applied to all agents.

#### 2] Is/Ought Gap – experience in the phenomenal world 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 within the noumenal world to make a moral theory.

Yes Act omission distincion – otherwise inf culpability negate

#### The existence of extrinsic goodness requires unconditional human worth—that means we must treat others as ends in themselves.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS/Recut Lex AKu \*brackets for gendered language

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action,[they] he or she supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Practical reason is inescapable - Any moral rule faces the problem of regress – I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” requires reason to do in the first place which concedes its authority.

#### Reason means we must be able to universally will maxims— [A] our judgements are authoritative and can’t only apply to ourselves any more than 2+2=4 can be true only for me. [B] any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others.

**This the standard is consistency with the categorical imperative.**

#### 1] Patents protect private companies.

Na 19 [Blake Na, "Protecting Intellectual Property Rights in the Pharmaceutical Industry", Chicago-Kent | Journal of Intellectual Property, 4-19-2019, https://studentorgs.kentlaw.iit.edu/ckjip/protecting-intellectual-property-rights-in-the-pharmaceutical-industry/, accessed: 8-24-2021.] //Lex VM

Patent Rights A pharmaceutical company may apply for a patent from the PTO at any time in the development lifetime of a drug.[12] A drug is patentable if it is non-obvious, new, and useful.[13] The drug must be non-obvious when comparing the drug with another previously invented drug, i.e., it does not bring the same type of information as the other drugs. The drug must also not exist, and it must have a purpose. Intellectual property rights, especially patent rights, are the foundation of the pharmaceutical industry. The industry heavily depends on the future profits which innovation (and as a result, exclusivity) enable. Drug patents grant the originator company to market exclusivity for a fixed term of 20 years from the patent’s original filing date. By giving this 20-year patent term in which the government cannot regulate the price, market exclusivity allows pharmaceutical companies to have a monopoly over the market. To maximize their profit, pharmaceutical companies work on extending the exclusivity of a drug. For example, AbbVie extended the manufacturing exclusivity of Humira by delaying generic companies from manufacturing generic entrants until 2023. The market exclusivity can be lengthened anywhere between 180 days to 7 years. Thus, due to efforts to derive profits from patents, pharmaceutical companies’ patents contribute to roughly 70-80 percent of their overall revenues. Patents in the pharmaceutical industry are normally referred to as their product portfolio and are the most effective method for protecting innovation and creating significant returns on investments. Accordingly, as mentioned above, patents help in recouping costs related to research, development, and marketing of a drug. Patents not only help pharmaceutical companies recoup investments, they can also act as a shield against infringement claims. Strong patent protection can safeguard drugs from potential infringers. Without consent from the patentee, other competing companies cannot use, make, or distribute the invention. However, because a drug can be easily imitated by competitors, bringing an infringement suit can also protect a patentee’s rights. Recently, DUSA Pharmaceuticals, Inc.—an arm of the Indian pharmaceutical company Su Pharma and ranked among the top 50 global Pharma Companies—was recently granted injunctive relief from a U.S. court against Biofrontera Inc. in a patent infringement case[14]. The court’s order prohibited Biofrontera from making use of information, including sales data, marketing data, technical information, and unpublished clinical data, of DUSA Pharmaceuticals[15]. Although bringing an infringement suit is a valuable remedial measure for patentees, pharmaceutical companies often face difficulty with the high costs and uncertainty of litigation

#### That negates – A] Promise breaking – states promised legally binding IP protections to companies who might not have otherwise developed medicines – the aff is a unilateral violation of that contract. B] That’s a form of restricting the free economic choices of individuals.

#### 2] IP is a reflection of our will and a form of property.

Merges 11 [Merges, Robert P. "Will and Object in the World of IP." Justifying Intellectual Property, Cambridge, Harvard UP, 2011, pp. 76-78. ISBN: 0674049489,9780674049482. Found on Libgen.] //Lex VM

It is clear enough at this point that Kant thought reliable expectations about ongoing possession of objects enables something positive to take place. Stable possession permits the imprinting of some aspect of a person, what Kant called his will, onto objects so as to enable the person to more fully flourish. Though nuances abound, Kant’s basic idea regarding the will24 is simple enough: Will is that aspect of a person which decides to, and wants to, act on the world.25 It has three distinctive qualities: it is personal, autonomous, and active. It is highly individual, a function of each person’s preferences and desires; Lewis White Beck says that will is “bent upon the satisfaction of some arbitrary purpose.” It is this aspect or feature of ourselves that we imprint or stamp on the world through our choices and the resulting actions that carry out or manifest these choices. Right here, in this foundational element, we see a radically individualistic and autonomous view of humans. Although this is balanced by a universalizing, transpersonal sense of reason in other parts of his philosophy,26 a highly individual will is nonetheless central to Kant’s view of human thought and action, and thus an essential aspect of what he thought it means to be human.27 will and object in the world of ip. It is tempting to get caught up in the terminology and conceptual complexity of Kant’s ideas of persons, will, and objects. To prevent that happening, it seems wise at this point to talk about some specific examples. How exactly does Kantian autonomy work? What does it look like in the context of IP rights? After we have a better grasp of these ideas, and of how they relate to Kant’s rationale for property, we can turn to an equally important topic: the limits on individual autonomy that Kant built into his theory. Our earlier example of Michelangelo showed how stable possession is required for a creator to fully work his will on a found object— in that case, a block of marble. The same basic logic applies in all sorts of cases. Individual farmers and landowners generate and then bring to life a vision for the lands they work on;28 inventors transform off- the- shelf materials into prototypes, rough designs, and finished products; and artists work in media such as paint and canvas, paper and pen, textiles and wood, keyboard and iPad, and so on, to give life to a concept or mental image. Wherever personal skill and judgment are brought to bear on things that people inherit or find, we see evidence of the Kantian process of will imprinting itself on objects. It even happens when the objects at hand are themselves intangible. A composer working out a new instance of a traditional form— a fugue or symphony, blues song or tone poem— is working on found objects just as surely as the farmer or inventor. Even in our earlier example, some of the objects that Michelangelo works on in the course of carving his sculpture are intangible: received conventions about how to depict an emotion; traditional groupings of figures in a religious set piece, such as the Pieta; or accepted norms about how to depict athletic grace or youthful energy. He may take these pieces of the cultural tableau and refine them, or he may subtly resist or transform them. However he handles them, these conventions are just as much objects in his hands as the marble itself.29 As with found physical objects, extended possession of these objects- intransformation is required to fully apply the creator’s skill and judgment. And because of this, Kantian property rights come into play with intangible objects as well. Let me say a word about this complex, and perhaps controversial, possession of intangible objects. It has often been argued that this feature of IP, the control of copies of an intangible work, constitutes a form of “artificial scarcity,”30 that it runs counter to an ethically superior regime where information is shared freely— and is maybe even counter to the nature of information, which, some say, “wants to be free.”31 According to Kant, all property rights have this element of artifice, because they define a conceptual type of possession. Property is not just a matter of physical contact between person and object; it describes a relationship that is deeper and goes well beyond the basic acts of grasping and holding. I can hear one objection to this right away. Yes, Kant speaks of legal ownership as a special relation between a person and an object. But, the objection might run, in his writings he refers only to physical objects, for example, an apple (à la Locke). So maybe the ownership relation is limited to that sort of thing? No. I give no weight to the fact that Kant uses only examples of tangible, physical property in most of the sections of the Doctrine of Right (DOR).32 Kant describes an additional type of possession that makes it crystal clear that the idea is not in any way limited to physical things—the expectation of future performance under a contract. He posits that one could not properly be said to “possess” a right to performance under an executory contract (one that has been signed or agreed to, but not yet performed) unless “I can maintain that I would have possession . . . even if the time of the performance is yet to come.”33 With that legal relation established, however, “[t]he promise of the [promisor] accordingly belongs among my worldly goods . . . , and I can include it under what is mine.”34 The synonymous use of “possession,” “object,” “belonging,” and “mine” in the case of a tangible, physical thing such as an apple and an intangible thing such as a promise of future contractual performance is too clear to require much comment. “Object” is very abstract for Kant, and can of course therefore include IPRs.35

## 3

#### Hobbes’s justification of ethics through the state of nature is the starting point for justification of racist and colonialist ideologies across America – it is a voter.

Henderson 98 James. "The context of the state of nature." Reclaiming indigenous voice and vision (2000): 11. [Senior Administrator and Research Director of the Native Law Centre at the University of Saskatchewan]

Hobbes did not assert the universality of the state of nature. He did not believe that the state of nature "ever generally" existed "over all the world."" Instead, he asserted that there were "many places" where the state of nature did exist: "the savage people in many places of America, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all; and live at this day in that brutish manner, as I said before.” Hobbes used savages in America to illustrate the universal negative standards of primal chaos and the natural state of war." The savage state envisioned by Hobbes provided more than the force creating and sustaining law and political society, however; it also created a spectacular repository of negative values attributed to Indigenous peoples. Hobbes asserted that the state of nature and civil society are opposed to one another. The state of nature has a right of nature (“ius naturale"): "the liberty each man has to use his own power, as he will himself, for the preservation of his own nature, that is to say, his own life; and consequently, of doing any thing which in his own judgment and reason he shall conceive to be the aptest means thereto." By the right of nature, "every man has a right to every thing, even to one another’s body. " This reinforced the wretched and dangerous condition of the state of nature. Hobbes emphasized the tendency toward the state of nature in European society by noting the existing civil wars. He thought that these wars testiﬁed to the fact that European sovereigns remained in a state of nature toward each other as well as toward their subjects. He also believed that, with the separation between political and ecclesiastical authority in European society, the whole of Europe was not far from falling into the state of nature or the image of civil war, much in the same way as the ancient republics had been transformed into "anarchies." After Hobbes made this distinction between the state of nature and civil society, the state of nature became the starting point in Eurocentric discussions of government and politics. The state of nature was the conditionality or the assumption or the given upon which the idea of the modern state or civil society was constructed. Those who attempted to construct a rational theory of the state began from Indigenous peoples in a state of nature being the antithesis of civilized society. These political philosophers ranged from Spinoza to Locke, from Pufendorf to Rousseau to Kant. These philosophers created the natural-law theory of the modern state. Hegel eliminated the state of nature as the original condition of humans but merged the theory in the relations among states. By the early eighteenth century, the usual explanation of the origin of the state, or “civil society," began by postulating an original state of nature in which primitive humans lived on their own and were subject to neither government nor law.” As the ﬁrst systematic theorist of the philosophy of Liberalism and Hobbes's greatest immediate English successor, John Locke took up where Hobbes left off. In 1690, Locke published Two Treatises of Government.” Like Hobbes, he started with the state of nature. However, he opposed Hobbes's view that the state of nature was "solitary, poore, nasty, brutish, and short" and maintained instead that the state of nature was a happy and tolerant one. He argued that humans in the state of nature are free and equal yet insecure and dangerous in their freedom. Like Hobbes, Locke had no proof of his theory. Indeed, there is no proof that the state of nature was ever more than an intellectual idea, since no historical or social information about it has ever existed.” Of course, there was nothing to disprove the idea either, and Locke simply stated that "It is not at all to be wonder’d that History gives us but a very little account of Men, that lived together in the State of Nature. " Following Hobbes, he argued that government and political power emerged out of the state of nature. “In the beginning," Locke wrote, "all the World was America/ That America is “still a Pattern of the ﬁrst Ages of Asia and Europe” and the relationship between the Indigenous peoples and the Europeans in America is "perfectly in a State of Nature." Thus, Locke, despite his differences with Hobbes on the state of nature itself, used the idea to justify European settlement in America” and to give Europeans the right to wage war “against the Indians, to seek Reparation upon any injury received from them."

#### Reps 1st

#### 1] controls the form of argumentation – every arg you make is skewed because you justified them with flawed rhetoric

#### 2] prevents debaters from engaging in your arguments – if you’re arguments justify these things, they may be sensitive to debaters who identify with those groups and prevent them from effectively engaging.

#### 3] reps shape reality because we only understand arguments through how they’re conveyed, just like you won’t vote on an argument you don’t understand.

#### 4] The safety of the space is prima facie – we don’t know who’s winning if people can’t engage. Anything that doesn’t immediately denounce atrocities excludes people who have and can experience them.

**Teehan** Ryan Teehan [NSD staffer and competitor from the Delbarton School] – NSD Update comment on the student protests at the TOC in 2014. //Massa

Honestly, I don't think that 99% of what has been said in this thread so far actually matters. It doesn't matter whether you think that these types of assumptions should be questioned. It doesn't matter what accepting this intuition could potentially do or not do. It doesn't matter if you see fit to make, incredibly trivializing and misplaced I might add, links between this and the Holocaust. **All** of the **arguments that talk about how debate is** a **unique** space for questioning assumptions **make an assumption of safety**. They say that this is a space where one is safe to question assumptions and try new perspectives. **That is not true** for everyone. **When we allow arguments that question the wrongness of racism, sexism, homophobia, rape**, lynching, etc., **we make debate unsafe for certain people. The idea that debate is a safe space to question all assumptions is** the definition of **privilege**, it begins with an idea of a debater that can question every assumption. **People who face the actual effects** of the aforementioned things **cannot question those assumptions, and making debate** a space **built around the idea that they can is hostile**. So, you really have a choice. Either 1) say that you do not want these people to debate so that you can let people question the wrongness of everything I listed before, 2) say that you care more about letting debaters question those things than making debate safe for everyone, or 3) make it so that saying things that make debate unsafe has actual repercussions. On "**debate is not the real world**". **Only for people who can separate their existence in "the real world" from their existence in debate.** That means privileged, white, heterosexual males like myself. I don't understand how you can make this sweeping claim when some people are clearly harmed by these arguments. **At the end of the day, you have to figure out whether you care about debate being safe for everyone** involved. I don't think anyone has contested that these arguments make debate unsafe for certain people. If you care at all about the people involved in debate then **don't vote on these arguments**. If you care about the safety and wellbeing of competitors, then don't vote on these arguments. If you don't, then I honestly don't understand why you give up your time to coach and/or judge. The pay can't be that good. I don't believe that you're just in it for the money, which is why I ask you to ask yourselves whether you can justify making debate unsafe for certain people.

## Case

### OV

#### New 2NR responses to AC spikes, trix, and theory arguments: a) forcing the neg to answer every warrant in every spike and trick in the NC means massive amounts of time of the 1NC is lost and not spent generating offense which means every round gets wasted on theory and I’m super behind, b) implications are hidden which means answering them in the 1NC is uniquely har.

#### Reject auto vote aff arguments, it kills clash and denies the potential of refutation which is an impact filter as all their offense presumes the possibility of debate.

#### If they win they get 1ar theory only one 1AR shell – a) strat skew – multiple 1ar shells incentivize a bunch of short 1ar shells so that the 2nr can’t answer all of them in depth since we only have like 1 minute on each shell and then they get to collapse to whatever we undercovered for 3 minutes giving them a massive time advantage on the theory debat. NC theory first – our abuse is justified in the context of your abuse – i.e we needed to be abusive to even the playing field since you were abusive first.

LBL

### Specific stuff

#### 1] Reason hijacks – the way we consent to the State of nature is through practically reasoning that the State of Nature is bad and causes suffering which explains that we need to get rid of the state of nature.

#### 2] Hobbesian sovereigns only matter if they respect our freedom since if they break the covenant like they do in (insert topical offense) then it's a violation of their framework as well which proves freedom hijacks and is a pre-requisite to their offense.

#### 3] Hijack – the sovereign ought to use the categorical imperative to ensure they don’t violate their responsibility to their citizens.

#### 4] Following the categorical imperative prevents all of the problems that occur in the state of nature (explain)

#### 1] Justifies the state doing whatever they want to citizens including exploiting or enslaving them.

#### 2] Impact justified – they just say avoid the statue of nature because it’s bad, without explaining an ethical reason.

#### 3] Just because state has power does not mean they set a basis of morality for all people. Just because the state can exercise control does not mean they do that to reach the same moral value.

#### 4] Can’t normatively justify action outside of what the government says, so it can’t guide action in case the government collapses.

**5] There theory is based on some sort of social contract that people consented to years ago but they no longer do.**

### A2 Rule Following Paradox

#### 1] Reject it – everything is observational so even the round couldn’t be evaluated because you don’t know what we’re saying but 50 years of empirics’ flow neg.

#### 2] Self legislation uniquely solves because all rules are created internally so we know what they mean

### Turns

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

Ghosh 04 Dr. Shubha Ghosh earned his J.D. from Stanford University, with distinction, and his Ph.D. in Economics from the University of Michigan. He earned his B.A., cum laude, from Amherst College. Prior to joining Syracuse University College of Law, Ghosh taught at the University of Wisconsin Law School as a chaired, tenured professor and co-director of the Innovation cluster, consisting of faculty in the law and business schools. Ghosh joined the Syracuse University College of Law in January, 2016, as Crandall Melvin Professor of Law and Director of the Technology Commercialization Curricular Program, a unique program which trains students in intellectual property, business law, and the legal foundations for the commercialization of patents, copyrights, trademarks, and other legal property governing technology and innovation [Ghosh, Shubha. “Patents and the Regulatory State: Rethinking the Patent Bargain Metaphor after Eldred.” Intellectual Property Law eJournal (2004): n. pg. 1324 V. 19:1315] // Lex AKo

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.

#### [4] The sovereign must control IPR, the state if nature contradicts the meaning of property rights by destroying common consent

Greene Associate Professor of Philosophy; Chair of Philosophy; Coordinator of Philosophy, Politics, and Economics [Michael J. Green, "Natural property," <https://pages.pomona.edu/~mjg14747/033-2006/NaturalProperty.shtml>] // Lex AKo

The answer was that rules for acquiring **property rights were agreed to by common consent**. So, for example, primogeniture, or first occupancy, was accepted as a way of acquiring property rights in land. Note that they assumed that private ownership was legitimate; they looked for a story about how it arose that vindicated its existence. In other words, **the rules** for acquiring property aren’t natural. They **were invented by** human **convention and so they are artificial**. But the rules were established prior to the state and property rights existed independent of the state’s authority. It’s the claim that property rights are independent of the state’s authority that Hobbes opposed. The argument about **how there can’t be any property rights in the state of nature** is supposed to **show that this can’t be the case**. It is a wholly original point. The debate in Hobbes’s time was between those who thought that monarchs could tax property only with the consent of the owners, via Parliament, and those who thought that the monarch could raise taxes without Parliamentary consent, but only in extreme emergencies. Even of those who favored an absolute monarchy only went so far as the second position (we’ll talk more about what ‘absolute’ means later). Hobbes cut right through this political and intellectual debate. He thought he had shown that **property rights could not be established without the state** and, as a consequence, that the **sovereign decides what property rights there are**. If so, neither position makes any sense. The sovereign can tax property without having to consult anyone or proving that his hand is forced by an emergency.

# 2NR

## Kant

## 1

Interpretation: The aff can’t say neg interps are counterinterps and no rvis on 1AC or 1AR theory

1] Strat skew – theory becomes a one way street (extempt)

#### Drop the debater – a) it’s key to norms creation, if they lose because of reading these terrible spikes they are more likely to not read these type of arguments again but drop the argument just lets them get away with it and win off some other spike, b) to rectify for time lost reading theory.

#### Competing interps – a) reasonability collapses since we have an offense defense debate over a brightline, b) incentivizes intervention since we all have different bs meters based on our own beliefs.

#### No rvis – a) illogical – you shouldn’t get a cookie for proving we could engage in the affirmative somehow, b) incentivizes theory baiting where people bait theory and just prep it out to win on the rvi, c) the aff has infinite prep so we should be able to read a shell we don’t have to defend for the entirity of the debate.

#### Fairness – a) it’s constitutive, fairness bad arguments rely on the judges evaluating them fairly, b) it’s intrinsic debate is inherently a game with wins, loses and speaker points.

#### The interp is a reason to vote negative on substance since it proves we couldn’t engage at all and their model is exclusive.

#### Only evaluate the counter interp to the shell – that means reject overview arguments and cross applications. Double bind – either I don’t read theory and I probably lose because of the abuse on the shell or b) these debaters know they will lose to a true combo shell and hedge against that with pre written overviews and extending hidden spikes which forecloses ability to set good norms.

#### Combo shells are good, their key to critical thinking – they take debaters off of the document since you can always script 1ar’s against shells like spikes bad or spikes on top but combo shells force you to defend specific tailored norms that you can’t prep out.