## 1

Presumption negates, since its safer to presume the squo

Concede permissibility negates bc ought means aff has to prove obligation

are conceded tailoring objection

Top level no paradigm issues – a] contradictory all the paradigm issues they read in the aff were bidirectional I’ll concede their own justification for why I don’t get new answers b] do the debate here

Conceded NC theory is the highest layer comes before winning RVI

#### Drop the debater to deter future abuse since it’s the most severe form of punishment

#### No RVIs

#### 1) its illogical you don’t win by proving that you’re fair

#### 2) encourages theory baiting where good theory debaters bait the RVI to win

#### Interpretation: The affirmative must not defend the resolution a general principle.

#### Violation: They do – that was on the contention.

#### Standards:

#### 1 – Topic Education – General principle moots topic education because it allows debaters to recycle generic arguments which deny the truth of everything.

#### 2 – Reciprocal burdens – General principle forces the negative into having to disprove the aff in all instances. Our model solves because it eschews the idea that either side unilaterally carries the burden of proof, and requires both debaters to give an account of why their world is more desirable not principle.

#### 3 – Ground: It gives them the ability to shift out of all CPs by saying they don’t disprove the general principle of the AFF which is bad – Good policymaking requires making comparisons between similar courses of action – saying that CPs are bad doesn’t answer this because we should have to opportunity to argue that in round. CPs teach us to find the best policy possible – debate should teach us to be better decisionmakers because it’s the only transferable skill to the rest of our lives, also controls the I/L to ground because they get infinite advocacies but I only get one.

## 2

#### Interpretation: Debaters must specify how they enforce reduction of intellectual property protections in the 1AC.

#### 1] Resolvability – theres no normal means. Yu 14

Peter K. Yu, 12-2014, "Why Are the TRIPS Enforcement Provisions Ineffective?," Texas A&amp;M Law Scholarship, <https://scholarship.law.tamu.edu/facscholar/1022/> AT

Shortly after the adoption of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), commentators widely praised the Agreement for transforming the international intellectual property system. While some considered the extension of the mandatory dispute settlement process of the World Trade Organization (WTO) to intellectual property disputes a crowning achievement of the Uruguay Round of Multilateral Trade Negotiations (Uruguay Round), others extolled the unprecedented benefits of having a set of multilateral enforcement norms built into the international intellectual property system. With twenty-one provisions on obligations that range from border measures to criminal sanctions, the TRIPS Agreement, for the first time, provides comprehensive international minimum standards on the enforcement of intellectual property rights. Notwithstanding these quick praises, some commentators provided more measured assessments. For example, in a prescient, and still highly relevant, article published shortly after the adoption of the TRIPS Agreement, Jerome Reichman and David Lange described the Agreement’s enforcement provisions as its ‘Achilles’ heel’. As they observed: The enforcement provisions are crafted as broad legal standards, rather than as narrow rules, and their inherent ambiguity will make it harder for mediators or dispute-settlement panels to pin down clear-cut violations of international law … . We predict that the level of enforcement under the TRIPS Agreement will greatly disappoint rightsholders in the developed countries, and that recourse to coercive measures will not appreciably improve the situation in the short and medium terms.

#### That’s a voter since judges need to decide debates and takes out regress since its key to topic debates.

#### 2] Stable advocacy – 1AR clarification delinks neg positions that prove why enforcement in a certain instance is bad by saying it isn't their method of enforcement – wrecks neg ballot access and kills in depth clash –

#### CX doesn't check since it kills 1NC construction pre-round since I don't know advocacy till in round, and judges do not flow cross ex so its not verifiable.

#### 3] Prep skew – I don't know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec something else.

#### Fairness is a voter because the judge needs to evaluate the better debater

#### Drop the debater to deter future abuse since it’s the most severe form of punishment

#### No RVIs

#### 1) its illogical you don’t win by proving that you’re fair

#### 2) encourages theory baiting where good theory debaters bait the RVI to win

#### Use competing interps it creates a race to the top where we set the best norms

#### NC theory first –

#### a] I was only abusive because you were first and prevented me from creating a fair strat

#### b] Norming – more time

## 3

#### Permissibility and presumption Negate,

#### 1] Text – Ought is defined as expressing obligation[[1]](#footnote-1) which means absent a proactive obligation you vote neg since the aff can’t prove an obligation. O/W since text is the only thing we have access to prior to the round.

#### 2] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

#### 3] Real world – Policymakers don’t pass policies they aren’t sure about, they shelve them for later.

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

#### Prefer:

#### [1] Rule-following paradox—innate moral rules can be interpreted in an infinite number of ways, ethics and religion proves. That means they can’t guide action since

#### A) they aren’t binding

#### B) they lead to contradictory interpertations.

#### [2] Epistemology—experience frames knowledge – the reason why a tree is a tree and not a rock is because we experience what a tree is and relate the word to the object.

#### Next, every time someone acts, they have a corresponding goal—that means action necessitates imposing meaning on the world. The state of nature necessitates infinite violence between conflicting world views:

#### [1] Arbitrariness—under the state of nature, people will impose their own goals on each other with no restrictions which justifies infinite violations of rights and makes meaning creation impossible.

#### [2] Resource Wars—a finite amount of material resources creates conflict between different people who want it which means we control the root cause of the aff.

#### There is no objective solution to this conflict because truth is relative. Instead, conflict requires the creation of the sovereign, to resolve disputes. In exchange for their safety, subjects agree to give up their claims to meaning to the sovereign.

Parrish 04 [Parrish, Rick, [Rick Parrish teaches at Loyola University New Orleans. His current research is focused on the play of violence and respect within justice.] "Derrida’S Economy Of Violence In Hobbes’ Social Contract" Theory &amp; Event, Vol. 7 No. 4, 2005, 2005, http://muse.jhu.edu/article/244119#back, DOA:6-30-2018 // WWBW]

All of the foregoing points to the conclusion that in the commonwealth **the sovereign's** first and **most fundamental job is to be the ultimate definer**. Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes' theory of government, Richard Flathman claims that peace "is possible only if the ambiguity and disagreement that pervade general thinking and acting are eliminated by the stipulations of a sovereign."57 Pursuant to debunking the perennial misinterpretation of Hobbes' mention of people as wolves, Paul Johnson argues that "**one of the primary functions of the sovereign** is to provide the necessary unity of meaning and reference for the primary terms in which men try to conduct their social lives."58 "The whole raison d'être of sovereign helmsmanship **lies** squarely **in the chronic defusing of interpretive clashes**,"59 **without which** **humans would** "fly off in all directions"60 and **fall inevitably into the violence of the natural condition.** 26. It is not surprising that so many noted students of Hobbes have reached this conclusion, given how prominently he himself makes this claim. According to Hobbes, "in the state of nature, where every man is his own judge, and differeth from others concerning the names and appellations of things, and from those differences arise quarrels and breach of peace, it was necessary there should be a common measure of all things, that might fall in controversy."61 The main categories of the sovereign's tasks are "to make and abrogate laws, to determine war and peace, [and] to know and judge of all controversies,"62 but each of these duties is a subspecies of its ultimate duty to be the sole and ultimate definer in matters of public importance. **It is only through the sovereign's effective continued accomplishment of this duty that the people of a commonwealth avoid the definitional problems that typify the state of nature.** 27. Judging controversies, which Hobbes lists as the third main task of the sovereign, is the duty most obviously about being the ultimate definer. In fact, Hobbes declares it a law of nature that "in every controversy, the parties thereto ought mutually to agree upon an arbitrator, whom they both trust; and mutually to covenant to stand to the sentence he shall give therein."63 As I repeatedly alluded to above, this agreement to abide by the decision of a third party arbitrator, **a sovereign** in the commonwealth, **is necessary because of the fundamentally perspectival and relative nature of persons' imputations of meaning and value into the situations they construct.** Hobbes understands this problem, as evidenced by his claim that "seeing right reason is not existent, the reason of some man or men must supply the place thereof; and that man or men, is he or they, that have the sovereign power"64 to dictate meanings that will be followed by all. The sovereign is even protected from potential democratic impulses, by which a 'true' meaning would be that agreed upon by the greatest number of people. Because "no one man's reason, nor the reason of any one number of men, makes the certainty," they will still "come to blows . . . for want of a right reason constituted by nature"65 unless both the majority and the minority agree to abide by the meanings promulgated by the sovereign. 28. These meanings are usually created and promulgated by the sovereign in the form of laws, another of the tasks with which Hobbes charges it. In one of his clearest explanations of the law, Hobbes writes that "it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what ho nest, what dishonest, what good, what evil; that is summarily, what is to be done, what to be avoided in our common course of life."66 The civil law is the set of the sovereign's definitions for ownership, justice, good, evil, and all other concepts that are important for the maintenance of peace in the commonwealth. When everyone follows the law (that is, when everyone follows the sovereign's definitions) there are far fewer conflicts among persons because everyone appeals to the same meanings. This means that people know what meanings others will use to evaluate the actions of themselves and others, so the state of nature's security dilemmas and attempts to force one's own meanings upon others are overcome. 29. **There is to be no question of the truth or falsity of the sovereign's definitions because "there are no authentical doctrines concerning right and wrong**, good and evil, **besides the constituted laws in each realm and government."**67 In fact, Hobbes specifically says that one of the "diseases of a commonwealth" is that "every private man is judge of good and evil actions."68 **Only when individual persons agree to follow the meanings promulgated by the sovereign, which of course includes refraining from trying to impose their own meanings on others, can persons live together in peace -- when they take it upon themselves to impose meaning on situations of public import, they descend into violence again.**

#### Thus, the standard is consistency with the will of the sovereign.

#### Now Negate --

#### 1] Uniqueness proves the sovereign wants IP, that means the plan would be an act of coercion that goes against the soveriegns will.

#### 2] IP rights are implicit in the creation of the sovereign in expressing creativity.

Ghosh 04 [Shubha Ghosh (B.A., Amherst College; Ph.D., University of Michigan; J.D., Stanford Law School; Professor of Law, University at Buffalo, SUNY, Law School; Visiting Professor, SMU Dedman School of Law). “PATENTS AND THE REGULATORY STATE: RETHINKING THE PATENT BARGAIN METAPHOR AFTER ELDRED”. BERKELEY TECHNOLOGY LAW JOURNAL. 2004. Accessed 9/3/21. <https://lawcat.berkeley.edu/record/1119327/files/fulltext.pdf> //Xu]

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.

1. <https://www.merriam-webster.com/dictionary/ought> [↑](#footnote-ref-1)