# 1NC

## 1

### 1NC – ROJ

#### The role of the judge is to vote for the debater who wins the highest layer of the flow – anything else is self-serving, arbitrary, excludes a ton of arguments, and doesn’t promote weighing or engagement. Evaluate theory above any role of the ballot because theory controls what substance is good and sets long lasting norms for debate which outweighs on magnitude and timeframe.

### 1NC – T

#### Interpretation: Aff offense can only stem from the hypothetical implementation of the resolution through a governmental policy.

#### Resolved implies a policy

Louisiana House 3-8-2005, http://house.louisiana.gov/house-glossary.htm

**Resolution A legislative instrument** that generally is **used for** making declarations, **stating policies**, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution **uses the term "resolved".** Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### Only governments can reduce intellectual property protections. Lindsey 6/3

Brink Lindsey, 6-3-2021, "Why intellectual property and pandemics don’t mix," Brookings, https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/

When we take the longer view, we can see a fundamental mismatch between the policy design of intellectual property protection and the policy requirements of effective pandemic response. Although patent law, properly restrained, constitutes one important element of a well-designed national innovation system, the way it goes about encouraging technological progress is singularly ill-suited to the emergency conditions of a pandemic or other public health crisis. Securing a TRIPS waiver for COVID-19 vaccines and treatments would thus establish a salutary precedent that, in emergencies of this kind, governments should employ other, more direct means to incentivize the development of new drugs.

#### Standards:

#### 1] Predictable Limits – post-facto topic adjustment structurally favors the aff by manipulating the balance of prep which is anchored around the resolution as a stasis point. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus every 2 months. Prior question to their ROB since even if these issues are important their model makes it impossible to generate discussions and engage.

#### 2] Process: Debate is about process not content – switching sides prevents debate from turning into an echo chamber. Muir 93

Department of Communications at George Mason (Star A., “A Defense of the Ethics of Contemporary Debate,” Philosophy and Rhetoric, Vol. 26, No. 4. Gale Academic Onefile)

Values clarification, Stewart is correct in pointing out, does not mean that no values are developed. Two very important values— tolerance and fairness—inhere to a significant degree in the ethics of switch-side debate. A second point about the charge of relativism is that tolerance is related to the development of reasoned moral viewpoints. The willingness to recognize the existence of other views, and to grant alternative positions a degree of credibility, is a value fostered by switch-side debate: Alternately **debating both sides of the same question inculcates** a deep-seated attitude of **tolerance toward differing points of view**. To be forced to debate only one side leads to an ego-identification with that side. , . . The other side in contrast is seen only as something to be discredited. Arguing as persuasively as one can for completely opposing views is one way of giving recognition to the idea that a strong case can generally be made for the views of earnest and intelligent men, however such views may clash with one's own. . . .Promoting this kind of tolerance is perhaps one of the greatest benefits debating both sides has to offer. 5' The activity should encourage debating both sides of a topic, reasons Thompson, because **debaters are "more likely to realize that propositions are bilateral. It is those who fail to recognize this fact who become** intolerant, dogmatic, and **bigoted.**""\* While Theodore Roosevelt can hardly be said to be advocating bigotry, his efforts to turn out advocates convinced of their rightness is not a position imbued with tolerance.At a societal level, the value of tolerance is more conducive to a fair and open assessment of competing ideas. John Stuart Mill eloquently states the case this way: Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right. . . . the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race. . . . If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of the truth, produced by its collision with error."\*' At an individual level, **tolerance is related to moral identity via empathic and critical assessments of differing perspectives**. Paul posits a strong relationship between tolerance, empathy, and critical thought. Discussing the function of argument in everyday life, he observes that **in order to overcome natural tendencies to reason egocentrically** and sociocentrically, **individuals must gain the capacity to engage in self-reflective questioning**, to reason dialogically and dialectically, and to "reconstruct alien and opposing belief systems empathically."\*- Our system of beliefs is, by definition, irrational when we are incapable of abandoning a belief for rational reasons; that is, when we egocentrically associate our beliefs with our own integrity. Paul describes an intimate relationship between private inferential habits, moral practices, and the nature of argumentation. Critical thought and moral identity, he urges, must be predicated on discovering the insights of opposing views and the weaknesses of our own beliefs. Role playing, he reasons, is a central element of any effort to gain such insight.

#### Also turns case since dogmatism is the root cause of ethnocentric and colonialist views.

#### 3] Clash – Abdicating government actions sanctions picking any interp for debate. Incentivizes retreat from controversy and forces the neg to first characterize the aff and then debate it which eliminates the benefits of preround research. A common point of engagement ensures effective clash, which is a linear impact – negation is the necessary condition for distinguishing debate from discussion, but negation exists on a sliding scale. Clash comes first since any impact from debate necessitates contestation since it stems critical thinking and argument reflection.

#### 3] The TVA solves: Westwood broke an aff with a solvency advocate that endorses total elimination of biopiracy and traditional knowledge from patentability. Any disads to the TVA proves enough ground for both sides.

IPW ‘06[Intellectual Property Watch quoting Debra Harry -- executive director of the Indigenous Peoples’ Council on Biocolonialism, and a member of the Paiute tribe in the United States, “Inside Views: Indigenous Groups Tell WIPO, ‘Don’t Patent Our Traditional Knowledge’”, [https://www.ip-watch.org/2006/12/06/inside-views-indigenous-groups-tell-wipo-dont-patent-our-traditional-knowledge/]//pranav](https://www.ip-watch.org/2006/12/06/inside-views-indigenous-groups-tell-wipo-dont-patent-our-traditional-knowledge/%5d//pranav)

* Examples of medicines the plan would affect include reserpine, digitoxin, American ginseng medicines, Qualaquin, Neem, Turmeric, Aspirin, and many others.
* The ev cites an actual joint statement from a tribal group
* Ev also answers the “what if a company decides to j mass produce” question

The joint statement of tribal group says: “**Any attempt to develop IPR-based mechanisms to ‘protect’ IK [indigenous knowledge] actually poses much more threat to our knowledge, as a whole, than it can ever claim to prevent**. **Rather than protect, the imposition of IPRs over IK actually would serve to facilitate the alienation, misappropriation, and commercialization of IK.”** “We believe patent applications that include or are based on IK should be specifically excluded from patentability. **In IP terms, we’re sure you understand that these patent claims would fail to meet the test of innovation, novelty or inventiveness**. But more importantly for Indigenous peoples, **such patent claims should be denied because IK is in the Indigenous domain; that is, it is already under the jurisdiction of Indigenous legal systems, which protect the IK in perpetuity as the inherent and inalienable cultural property of Indigenous peoples.**

#### Procedural fairness is a voter –

#### ---A] Decision-making – every argument concedes to the validity of fairness i.e. that the judge will make a fair decision based on the arguments presented.

#### ---B] Debate inevitably involves exclusions---the only non-arbitrary exclusion is the topic

#### ---C] Probability and Solvency – voting aff can’t solve any of their impacts but it can solve ours. All the ballot does is tell tab who won which can’t stop any violence but can resolve the fairness imbalance in this particular debate.

#### Drop the debater to deter further abuse. Competing interps because A] reasonability is arbitrary and invites judge intervention, B] there’s no predictable Brightline and prevents race to the bottom of what is considered reasonable C] Reasonability collapses to competing interps the brightline and counter interp are functionally the same.

#### They can’t weigh the case—lack of preround prep means their truth claims are untested which you should presume false—they’re also only winning case because we couldn’t engage with it

## 2

### 1NC – CP

#### Counterplan Text – Do the affirmative but vote negative. The 1AC operates from the position of the intellectual— acting as the interpreter of the truth to debate community as a revolutionary mass. They are just another part of the productive process.

Bifo 09, Franco " Bifo " Berardi (born 2 November 1948 in Bologna, Italy) is an Italian Marxist theorist and activist in the autonomist tradition, whose work mainly focuses on the role of the media and information technology within post-industrial capitalism, Precarious Rhapsody, 2009, [www.minorcompositions.info/wp-content/uploads/2009/06/PrecariousRhapsodyWeb.pdf](http://www.minorcompositions.info/wp-content/uploads/2009/06/PrecariousRhapsodyWeb.pdf) ///AHS PB

The role of **intellectuals** is central in the political philosophy of the twentieth century, and particularly in communist revolutionary thought. In What is to be Done?, Lenin asks himself how it is possible to organize collective action, and how the activity of intellectuals can become effective. For Lenin intellectuals are not a social class; they have no specific social interests to uphold. They **are** generally an expression of parasitic profit and can make ‘purely intellectual’ choices, **turn**ing **themselves into intermediaries and organizers of a revolutionary consciousness descending from philosophical thought.** In this sense intellectuals are very similar to the pure becoming of the ‘spirit,’ to the Hegelian unfolding of self-consciousness. On the other hand, the **workers,** still bearers of social interests, **can only pass from a purely economic phase** (the Hegelian ‘in itself’ of the social being) **to a politically conscious phase** (the ‘for itself’ of selfconsciousness) **through the political form of the party, which incarnates and transmits a philosophical legacy**. Marx speaks of the proletariat as heir to German classical philosophy: thanks to workers’ struggles a historical realization of the dialectical horizon becomes possible – the arrival of the end-point of German philosophical development from Kantian Enlightenment to romantic idealism. In Gramsci the reflection on intellectuals connotes social analysis, and approaches a materialist formulation of the ‘organic’ relationship between intellectuals and the working class. Nonetheless, the collective dimension of intellectual activity remains within the party, defined as the collective intellectual. The intellectual of the Gramscian tradition (the one that has yet to be put to work by the digital network) therefore cannot access the collective and political dimension except through the party. But in the second part of the twentieth century, **following mass education and the techno-scientific** transformation of production which came about through the direct integration of different **knowledges, the role of intellectuals was redefined**. No longer are intellectuals a class independent of production, or free individualities that take upon themselves the task of a purely ethical and freely cognitive choice; instead **the intellectual becomes a mass social subject that tends to become an integral part of the general productive process**. Paolo Virno uses the term ‘mass intellectuality’ to denote the formation of social subjectivity tied to the mass standardization of intellectual capacity in advanced industrial society.