# 1NC

## 1

### 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.

#### 2] Switch side and idea-testing – only a limited topic that leaves a role for the negative allows contestation and second-order testing that overcomes polarization.

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

\*\* TVA Inserted in the doc 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.**

#### Voters:

#### 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. Evaluate theory after the 2NR key to structural reciprocity since we both get 1 rebuttal speech with the shells. Reject 1AR theory A] 7-6 Time skew means they can brute force bad norms B] NO 3NR so 2ar gets to weigh however they want. No RVI’s A] they will just bait t and only prep that killing substance debate. B] it’s a litmus test for what counts as substance they shouldn’t win for meeting it. Don’t let them gain offense off a counterinterpretation that isn’t defending the violation as is, A] creates impossible to maintain norms since every round is different in its own way, B] using planks change how the violation functions in turn not justifying an entirely exclusive norm.

## 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.

## 3

### 1NC – NC

#### Role of the ballot: Vote for the debater who best defends the truth or falsity of the resolution. The aff burden is to prove the resolution is true, and the neg is to prove its falsity. Prefer:

#### [1] Text: Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means the sole judge obligation is to vote on the resolution’s truth or falsity. This outweighs on common usage – it is abundantly clear that our roles are verified.

#### [2] Co-opts their role of the ballot – they say we need to study racial scripts, but that assumes truth testing (a) intrinsically – proving one methodology good assumes we’ve proven its truth and (b) any comparison between worlds requires proving a statement “X world is more desirable than the Y world” true. FREGE ‘03:

Frege, Gottlob. “The Thought: A Logical Inquiry” in Logicism and the Philosophy of Language: Selections from Frege and Russell. Broadview Press. March 2003. Pg. 204.

“It may nevertheless be thought that we cannot recognize a property of a thing without at the same time realizingthe thoughtthat this thing has this property to be true**.** So with every propertyof a thing is joined a property ofa thought, namely, that of truth. It is also worthy of notice that the sentence “I smell the scent of violets” has just the same content as the sentence “it is true that I smell the scent of violets”. So it seems, then, that nothing is added to the thought by my ascribing to it the property of truth. \.”

#### And, their role of the ballot enforces an external norm on debate, but only truth testing is intrinsic to the process of debate i.e. proving statements true or false through argumentation. Only constitutive rules are relevant to debate, not pragmatic or higher purposes because a practice only makes sense based on its intrinsic rules i.e you cannot makeup new rules about random moves in the game of chess.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)