### NC (1:35)

#### The meta-ethic is internalism – a priori moral facts don’t exist, but instead ethical claims must be made with reference to individual desires.

#### 1] Bindingness – ethics must answer the question of “why should I be moral” else there is no reason to be a moral person – the only solution is reference to self-interest since it creates motivating reasons to be ethical.

#### 2] Disagreement – the fact that there’s widespread disagreement in morality is best explained by reference to there being no universal good rather than a majority of people with the capacity for reason having no access to moral facts – fact that objective facts in math or science have consensus on its basic foundations further proves.

#### 3] Regress – no universal moral fact exists since we can demand justification for any moral fact infinitely – means any moral principle must stop with an arbitrary preference else there would be no principle at all so externalism collapses.

#### 4] Externalism collapses – the only reason agents follow external demands is those demands are consistent with their internal account of the good. Motivation is a necessary feature for ethics since normativity only matters insofar as agents follow through on the ethic that’s generated from it

#### Thus, rather than individuals acting on objective moral principles, they merely act based on self-interest. Only an account of mutual self-restraint where each agent recognizes the benefit of restraining each other’s right can create a coherent ethical theory out of egoism.

David Gauthier, “Why Contractarianism?,” from Peter Vallentyne, ed., Contractarianism and Rational Choice JS

I turn then to the third way of resolving morality ’ s foundational crisis. The first step is to embrace deliberative justification, and recognize that morality’s place must be found within, and not outside, its framework. Now this will immediately raise two problems. First of all, it will seem that the attempt to establish any constraint on choice and action, within the framework of a deliberation that aims at the maximal fulfillment of the agent ’ s considered preferences, must prove impossible. But even if this be doubted, it will seem that the attempt to establish a constraint independent of the agent ’ s preferences, within such a framework, verges on lunacy. Nevertheless, this is precisely the task accepted by my third way. And, unlike its predecessors, I believe that it can be successful; indeed, I believe that my recent book, Morals by Agreement , shows how it can succeed. 13 I shall not rehearse at length an argument that is now familiar to at least some readers, and, in any event, can be found in that book. But let me sketch briefly those features of deliberative rationality that enable it to constrain maximizing choice. The key idea is that in many situations, if each person chooses what, given the choices of the others, would maximize her expected utility, then the outcome will be mutually disadvantageous in comparison with some alternative – everyone could do better. 14 Equilibrium, which obtains when each person ’ s action is a best response to the others ’ actions, is incompatible with (Pareto-) optimality, which obtains when no one could do better without someone else doing worse. Given the ubiquity of such situations, each person can see the benefit, to herself, of participating with her fellows in practices requiring each to refrain from the direct endeavor to maximize her own utility, when such mutual restraint is mutually advantageous. No one, of course, can have reason to accept any unilateral constraint on her maximizing behavior; each benefits from, and only from, the constraint accepted by her fellows. But if one benefits more from a constraint on others than one loses by being constrained oneself, one may have reason to accept a practice requiring everyone, including oneself, to exhibit such a constraint. We may represent such a practice as capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreement is the basis of morality. Consider a simple example of a moral practice that would command rational agreement. Suppose each of us were to assist her fellows only when either she could expect to benefit herself from giving assistance, or she took a direct interest in their well-being. Then, in many situations, persons would not give assistance to others, even though the benefit to the recipient would greatly exceed the cost to the giver, because there would be no provision for the giver to share in the benefit. Everyone would then expect to do better were each to give assistance to her fellows, regardless of her own benefit or interest, whenever the cost of assisting was low and the benefit of receiving assistance considerable. Each would thereby accept a constraint on the direct pursuit of her own concerns, not unilaterally, but given a like acceptance by others. Reflection leads us to recognize that those who belong to groups whose members adhere to such a practice of mutual assistance enjoy benefits in interaction that are denied to others. We may then represent such a practice as rationally acceptable to everyone. This rationale for agreed constraint makes no reference to the content of anyone’s preferences. The argument depends simply on the structure of interaction, on the way in which each person’s endeavor to fulfill her own preferences affects the fulfillment of everyone else. Thus, each person ’ s reason to accept a mutually constraining practice is independent of her particular desires, aims and interests, although not, of course, of the fact that she has such concerns. The idea of a purely rational agent, moved to act by reason alone, is not, I think, an intelligible one. Morality is not to be understood as a constraint arising from reason alone on the fulfillment of nonrational preferences. Rather, a rational agent is one who acts to achieve the maximal fulfillment of her preferences, and morality is a constraint on the manner in which she acts, arising from the effects of interaction with other agents.

#### Thus, the standard is consistency with mutual self-restraint. Impact calc – the only moral principles that matter are those that rational and self-interested agents would choose in order to mutually restrain themselves.

#### Negate:

#### 1] Intellectual Property creates a prisoner’s dilemma game that justifies its protection from the perspective of a self-interested agent.

Moore, Adam and Himma, Ken "Intellectual Property", The Stanford Encyclopedia of Philosophy (Winter 2018 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2018/entries/intellectual-property/>. JS

Consider the following case. Imagine that we have two intellectual property creators, Beren and Lúthien, and two possible outcomes for each. In a single-play prisoner’s dilemma game, each player can copy an intellectual creation of the other, or not. Assume as well that the intellectual works created by Beren and Lúthien are valuable, interesting, or desired. The best case for either player is one where their own intellectual creation is not copied and yet they get to copy the work of the other player. This is ‘best’ for the player who copies and ‘worst’ for the player who doesn’t because, (1) the player who copies gets to enjoy or consume more content compared to the other player, (2) the player who copies still has the option or possibility of obtaining benefit by selling, trading, or bartering with the other player, while the non-copier does not enjoy these possibilities — this provides a way to recoup research and development costs, and (3) via selling, trading, or bartering the copier may obtain a positional advantage and more capital for future exchanges compared to the non-copier. Simply put, the copier obtains more content and retains more opportunities to sell, barter, or exchange compared to the non-copier. If Beren and Lúthien both refrain from copying each other, then each will avoid the worst outcome in terms of recouping investment costs and being at a positional disadvantage. Both will also retain the option of buying or bartering for the non-copied content the other enjoys. This payoff is ‘okay,’ better than ‘worst’ but not as good as ‘best.’ If both Beren and Lúthien copy each other, then both will get extra content to enjoy and will not be put at a positional disadvantage, but each will be denied the possibility of recouping research and development costs. The other player will not buy or barter for content he already possesses. These payoffs mirror a prisoner’s dilemma game. In modeling content creation, access, and copying as an iterated prisoner’s dilemma between numerous individuals, the problem becomes even more salient. It will be individually rational to copy the intellectual efforts and creations of others. This will suppress innovation and lead to a sub-optimal result. Based solely on rational self-interest and prudence, Moore argues we should adopt institutions that promote innovation and allow inventors the capacity to recoup research and development costs. If copying becomes too widespread or if enforcement mechanisms fail, then we will likely spiral toward the collectively sub-optimal result of suppressing innovation. We see similar results of an intellectual property prisoner’s dilemma played out between nations. Through the use of sanctions against copying the intellectual efforts of others, we give ourselves compelling reasons to pursue a collectively superior outcome.

#### 2] Companies have made contracts and agreements with governments mandating that their medicines be patented – the aff is a reduction in this mutual agreement and thus violates contracts – creating a contract to break a contract is immoral since it would mean people can’t be assured that the contracts they set will be respected, which leads to non-compliance.

### Underview

#### 1] Reasonability with a brightline of 1 unconditional route to the ballot that has turn ground and defends the squo – brightline proves you have the ability to substantively engage and it’s predictable since it’s based on the resolution – prefer reasonability – a] anything else incentivizes frivolous theory shells that are impossible to derive counterinterp offense from and shift from substance – b] aff is skewed on theory since they can sandbag and brute force line by line in the uncontestable 2AR so competing interps ensures the neg loses every time – reasonability key to allow leniency and checks genuine abuse since it would indict it.

#### 2] Aff gets 1 theory shell – a] strat skew – neg is already skewed due to 7-6 timeskew in rebuttals so splitting the 2NR ensures you can always get massive time advantage and always win, especially since we don’t have a 3NR to contest their last speech – b] substantive engagement – means you get a bunch of 1AR shells as no risk issues so you always read theory instead of going for substance.

### 1AC Framework

#### Advantage 2 doesn’t matter – that was CX

#### Reject skep triggers – repugnant and we know it’s wrong

#### Kant collapses –

#### 1] Free consent is key to Kantianism since each person is autonomous and has free will – only the contract can ensure that one person’s autonomous will does not hinder another’s since each side has consented to the action.

#### 2] Breaking promises is bad under Kant cuz it’s non-universalizable – if everyone broke proimses, no one make them in first place

### 1AC Offense

#### 1] Weak intellectual property protections are a form of institutional free-riding which is theft – fact that IP is non-rival doesn’t apply.

Gmeiner, Robert. (2021). International free riding on institutions. Economic Affairs. 41. 123-140. 10.1111/ecaf.12452. JS

Within one country, a government can maintain these institutions. When firms trade, invest, and expand internationally, rules specific to individual countries apply, and these may vary sharply from one country to another. Intellectual property is intangible and thus non-rival, but the profits it can yield are rival. The intangibility of intellectual property makes the economic surplus from its creation susceptible to international misappropriation. Intellectual property rights are a focus of this article because they are linked so closely to innovation and economic advance and have long been the subject of trade-related contention. Intellectual property rights do not lead to economic progress in a vacuum; other domestic insti- tutions determine the benefit that a country receives as a result of an intellectual property rights regime. These institutions include those that ensure uniformity of police protection and the rule of law, impartial and timely judicial processes, contract enforcement, and effective enforcement of judgements. Workers must be well-educated to develop and apply new and innovative knowledge, which requires quality public education or a good private market in education. Beyond innovative processes, the burden of bureaucracy and regulation together with the prev- alence of rent-seeking activity affect the profitability of businesses generally and, more specifi- cally, whether they have an incentive to innovate and commercialise new knowledge. In addition to domestic institutions, internationally focused policies (immigration, trade barriers) determine the extent to which a country can draw on global talent and resources for innovation. As indispensable as they are, it is a mistake to attribute a country's innovative success solely to intellectual property right ree riding is consumption or use of a good or service by those who do not pay, and it can hap- pen when that good or service is non-excludable. Institutional free riding, the concept this article develops, is the wilful misappropriation of economic surplus from one country by firms or a government in another country that lacks the institutions that resulted in that surplus. By this definition, it only occurs when institutions differ between countries, however this difference may not automatically give rise to institutional free riding. Under this definition, institutional free riding is a wilful, not accidental, choice by both governments and firms. Firms must make an active choice to misappropriate economic surplus generated by another country's institutions. Governments of countries that lack these institutions must also make an active choice to permit or encourage firms to practise this misappropriation. A government that is unable to stop its firms from free riding is not making an active choice. Because institutional free riding involves misappropriation of rival surplus, it is analogous to theft. However, like any crime, theft is defined and punished by sovereign states within their own borders. Institutional free riding is unique in that it occurs during trade between countries. Conceptually, theft and institutional free riding are similar, but theft often connotes activity that sharply differs from the free riding tactics in this paper, which are described in subsec- tions 3.3 and 3.4. For this reason, ‘theft’ is a semantically tenuous description. For examples of institutional free riding other than IP (see subsection 3.3), ‘theft’ in its traditional sense does not describe institutional free riding

#### 2] Self ownership entails a right to all products of your body and mind, which includes intellectual property.

Attas D. (2008) Lockean Justifications of Intellectual Property. In: Gosseries A., Marciano A., Strowel A. (eds) Intellectual Property and Theories of Justice. Palgrave Macmillan, London. <https://doi.org/10.1057/978-0-230-58239-2_2> JS

On a very simple notion of intellectual creativity, ideas are simply extensions of the self. That is to say, mental products such as ideas, inventions, works of art, and so on, come into being as parts of the mind, in the same way as body products, such as hair or blood, come into being as parts of the body. Since we own our body, we also own its products; if we similarly own our mind, we also own our mind’s products. Were Locke to have given any thought to the idea of intellectual property when he was writing Of Civil Government, he might have said not only that ‘The labour of his body, and the work of his hands’, but also that the ideas of his mind, ‘we may say are properly his’. There is no real need to ‘appropriate’ anything in the genuine sense, since these things come into the world already attached to persons having foundational rights of self-ownership with respect to them.

#### 3] Labor theory – when one labors to create a product, using the product without their consent uses them as a mere means to an end since you’re using their labor for your own benefit – any piece of IP, especially medicines, requires labor to produce making it property.

#### 4] Permissibility – existence of an act-omission distinction means one can always omit from taking an ethical action and reject culpability, which makes moral obligations incoherent – means there’s no obligation to do the aff which negates substantively.

#### 5] There is no distinction between intellectual and physical property – reduction in right is thus theft.

Mark Schultz, 2-24-2014, "A free market perspective on intellectual property rights," American Enterprise Institute - AEI, <https://www.aei.org/technology-and-innovation/intellectual-property/free-market-perspective-intellectual-property-rights/> JS BRACKETED FOR GENDER LANGUAGE

Point 1. Intellectual property secures the same values as physical property As an institution, property secures rights in what we create through our work. In this regard, there’s no cause or need to distinguish intellectual property from any other forms of property. In all cases, a person employs [their] his intellect and talents to impose his plan and will on his environment to bring something new into the world. This is the essence of productive labor, the fruits of which property protects. Distinguishing between physical and intellectual labor, as some would, is misguided, because both are, at heart, the same activity. Whether it is a carpenter building a house, a farmer planting a field, an author writing a book, a director filming a movie, or an inventor developing a new drug, the activity is, ultimately, productive labor.

#### 5] Weak intellectual property protections are a form of institutional free-riding which is theft – fact that IP is non-rival doesn’t apply.

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