# 1NC

## 1NC -- K -- Settler Colonialism

#### Settler colonialism is deeply engrained in Western culture and reflects in the universalist logic of ideal theory – their philosophy gets appropriated to justify extermination of Indigenous peoples.

Hinkinson 12 [John Hinkinson – Editor at Arena, an Australian maganzine. “Why Settler Colonialism?” Arena. 2012. <https://arena.org.au/why-settler-colonialism/>] // bracketed for ableist language

Settler colonialism as a practice is a subset of colonial history, one where the colonial relationship converts into a very specific cultural practice. It is where the ‘settler culture’ seeks a permanent place in the colonial setting and, as such, enters an unrelenting cultural logic of misrecognition and [ignorance] towards the cultural other, issuing in acts of objective cruelty and cultural destruction. Because this relationship is based in cultures, which are prior to the individual (while simultaneously forming the individual), it is a relationship that is especially difficult to put aside. Empirically speaking, there are many such examples in history, many arising in the period of Western Empire associated with modernity and expansionism in the New World. Settler colonialism as a field illuminates the history of these myriad examples while bridging into accounts of contemporary expressions of the settler phenomenon, from the continued cultural suppression arising out of nineteenth-century Empire (in Africa, the Americas, Australia and New Zealand, for example) to twentieth-century expressions in Palestine. If settler colonialism is to develop as a field of critical study it needs to include but go far beyond empirical accounts simply framed by an ethic of cultural justice. To do this it is necessary to develop a theory and account of how settler colonialism as a practice is based culturally. And this will require a broader frame of reference than the specific localities of settler-colonial practice, a broader frame that shows how this phenomenon is an effect of power based in attitudes to other cultures more generally. For it is arguable that the settler-colonial attitude derives from a widespread cultural politics set within a larger frame, one which the world today assumes, rather than reflexively knows or seeks to reform. This is to speak of a continuing imperialist attitude expressed in a view of other cultures that has little respect for those cultures’ core assumptions. There are crude expressions of this lack of cultural empathy, but there are also ‘high’ expressions, such as those embodied in the universalist philosophy of the West. For high universalism, the emancipatory principle is argued to be beyond all specific cultures and, as such, superior to all of them. Recent US adventures in the Middle East come to mind, where the invocation of ‘freedom’ has become a sign of disrespect for the complex cultures of the region. Imposed ‘freedom’ has devastating effects.

#### Ideal theory is a form of abstraction away from the material violence of settler colonialism – their view from nowhere and belief in the existence of a neutral plane for a priori ethical formulation is not only useless but actively props up settlerism.

Nichols 13 Nichols, R. (2013). Indigeneity and the Settler Contract today. Philosophy & Social Criticism, 39(2), 165–186. doi:10.1177/0191453712470359 SM

Throughout the 20th century, of course, these ‘high theories’ of human development have come under considerable attack. Although anti-imperial leaders and thinkers from those subject to European colonization had always offered trenchant critiques of the European discourse of progress, and counter-narratives were always available from within European thought, it was not until the 20th century that this counter-discourse began to take hold within Europe itself in any significant way. For instance, one of the first demands of the former colonies in the United Nations was to insist on the removal of references from UN documents to members in terms of ‘civilized’ versus ‘uncivilized’. The reason they gave was that this discourse was a prevailing justification for western imperialism in both its colonial and neo-colonial forms and, by the end of the two world wars – themselves major blows to European pretensions to be the standard of civilization – thousands of people in the West were reading these criticisms and taking them more seriously. And so, combined with various other factors (including the rise of Anglo-American analytic philosophy generally), the historical-anthropology language has largely been displaced by other modes of philosophical reflection – namely, more ‘ideal’ theory. As we also all know, in the early 1970s a particular variant of this formal or ideal theory came to predominate in the western academy. The publication of John Rawls’ A Theory of Justice (1971) and Robert Nozick’s Anarchy, State and Utopia (1974) revived and reactivated the intellectual tradition of social contract theory.3 Political 166 Philosophy and Social Criticism 39(2) Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 philosophers after Rawls and Nozick have been generally reluctant to engage in the grand, complex historical and anthropological narratives that characterized the work of, for instance, Hegel and Marx. Instead, they argued that guiding principles for the organization of a just society (and a just relationship between societies) can be generated by abstracting away from the specific historical and cultural conditions of the present. By imagining oneself in (to use Rawls’ parlance) an ‘original position’, behind a ‘veil of ignorance’ (i.e. without knowledge of one’s race, gender, culture, social location, etc.), it is possible to determine what first principles would be generally acceptable to all (regardless of the above qualifiers). The notion of an original ‘contract’ between such individuals is thus used as a device of representation to generate a normative theory which can then be used to critically examine actually existing practices. This tradition and mode of philosophical reflection have come to replace the 19th-century historical-anthropological discourse as the prevailing manner in which philosophers and political theorists in the western academy (but especially in Anglo-American countries) analyse the possibility of a just relationship to non-western societies. The purpose of this article is to reflect not only upon the limitations, but more importantly upon the political function of this approach, particularly when it is deployed as a resource for reflection on the political struggles and normative claims of the indigenous peoples in the settler-colonial societies of the Anglo-American world (e.g. Australia, Canada, New Zealand, the United States). In so doing, I hope to present a small slice of a much larger project comprising a genealogy of what I will refer to here asthe ‘Settler Contract’.4 In usingthe term ‘Settler Contract’ I am deliberately playing off of previous work by philosophers and political theorists who have been concerned to show the historical function and development of social contract theory in relation to specific axes of oppression and domination. Two of the most important contributions to this literature are Carole Pateman’s The Sexual Contract and CharlesMills’TheRacialContract.In Pateman’s 1988 work, she rereadthe canon of western social contract theory in an attempt to demonstrate that the presumptively neutral and ideal accounts of the origins of civil society as presented in the works of, for instance, Hobbes, Locke and Rousseau, were in fact always (implicitly or explicitly) sexual-patriarchal narratives that legitimized the subordination of women. In 1995, Charles Mills deliberately borrowed from Pateman in his project of unmasking the racial (or, more precisely, whitesupremacist) nature of the contract. There, Mills defined the ‘Racial Contract’ as ... that set of formal or informal agreements or meta-agreements ... between the members of one subset of humans, henceforth designated by (shifting) ‘racial’ (phenotypical/genealogical/cultural) criteria C1, C2, C3 ... as ‘white,’ and coextensive (making due allowance for gender differentiation) with the class of full persons, to categorize the remaining subset of humans as ‘nonwhite’ and of a different and inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-ruled polities the whites either already inhabit or establish or in transactions as aligns with these polities, and the moral and juridical rules normally regulating the behaviour of whites in their dealings with one another either do not apply at all in dealings with nonwhites or apply only in a qualified form.5 Although they have not necessarily used the specific term of art ‘Settler Contract’, for some time now various thinkers have attempted to contribute to an expansion on these Nichols 167 Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 themes by demonstrating the ways in which social contract theory has served as a primary justificatory device for the establishment of another axis of oppression and domination: an expropriation and usurpation contract whereby the constitution of the ideal civil society is premised upon the extermination of indigenous peoples and/or the displacement of them from their lands. I will use the term ‘Settler Contract’ to refer to the strategic use of the fiction of a society as the product of a ‘contract’ between its founding members when it is employed in these historical moments to displace the question of that society’s actual formation in acts of conquest, genocide and land appropriation.6 The Settler Contract’s reactivation is used not to deny the content of specific indigenous peoples’ claims, but rather to shift the register of argumentation to a highly abstract and counter-factual level, relieving the burden of proof from colonial states. In such a case, the original contract between white colonial settlers thus ‘simultaneously presupposes, extinguishes, and replaces a state of nature. A settled colony simultaneously presupposes and extinguishes a terra nullius.’ 7 The Settler Contract then refers to the dual legitimating function of the philosophical and historical-narrative device of the ‘original contract’ as the origins of societal order: first, by presupposing no previous indigenous societies and second, by legitimizing the violence required to turn this fiction into reality. Although the Settler Contract has obvious similarities and points of overlap with the Racial Contract, and is constituted in gendered and sexualized practices, it is analysable as a distinct axis since it pertains more to issues related to land appropriation and the subordination of previously sovereign polities and societies. My specific contribution here is twofold. First, I am interested in expanding the scope of these critical genealogies to include the mode of argumentation or style of reasoning endemic to social contract theory. In order to explain what I mean by this it is helpful to look to a point of difference between Pateman and Mills. Although Charles Mills sees the actual historical instantiation of contract theory as implicated in white supremacy, he nevertheless argues that the form or model of reasoning it represents can be ‘modified and used for emancipatory purposes’.8 Mills argues that the language of an ideal contract that constitutes society ‘serves a useful heuristic purpose – it’s a way of dramatizing the original social contract idea of humans choosing the principles that would regulate a just society’.9 This is why Mills described his work as a contribution to that long struggle to ‘close the gap between the ideal of the social contract and the reality of the Racial Contract’.10 Carole Pateman, on the other hand, has argued that the theoretical device of an appeal to the ‘ideal’ contract is itself inherently problematic. This is because Pateman, unlike Mills, sees contract theory as requiring the ‘fiction’ of property in the person. This theoretical presupposition is, according to Pateman, necessarily enabling of domination and oppression. She writes: Property in the person cannot be contracted out in the absence of the owner. If the worker’s services (property) are to be ‘employed’ in the manner required by the employer, the worker has to go with them. The property is useful to the employer only if the worker acts as the employer demands and, therefore, entry into the contract means that the work becomes a subordinate. The consequence of voluntary entry into a contract is not freedom but superiority and subordination.11 168 Philosophy and Social Criticism 39(2) Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 Although Pateman’s more radical and comprehensive critique of social contract theory is instructive here, my contribution is different still. While I agree in general with Pateman’s assessment of the inherently problematic nature of contract theory, my aim is to bring to light another facet of this, one specifically related to colonization. As I will discuss in more length below, I am concerned to show how the appeal to an ‘ideal’ original contract, even as a heuristic device for the generating of ‘first principles’, serves to displace questions of the historical instantiation of actual political societies and domains of sovereignty and, as such, has served and continues to serve the function of justifying ongoing occupation of settler societies in indigenous territory. To do this, I draw upon a Foucaultian distinction between historico-political vs philosophico-juridical discourses of sovereignty and right as a means of complementing and augmenting previous work on the Settler Contract. Furthermore, I argue that the philosophico-juridical discourse of the Settler Contract has its origins – both in historical time and as an event repeated in contemporaneous time – at the moment in which the weight of the past cannot be borne. Contract theory can therefore be studied not merely in terms of the content of its claims (i.e. true or false depictions of indigenous peoples), but in terms of its strategic function in relieving the burden of the historical inheritance of conquest. When read in light of this function, I argue, contract theory emerges as an inherently problematic framework for the adjudication of indigenous claims and, moreover, for the establishment of a non-colonial relationship between indigenous peoples and settler-colonial societies. This also means, however, that unlike Pateman and Mills, I am less interested in the specific content of, for instance, the racist and demeaning depictions of indigenous peoples as pre-political ‘savages’ in the works of contract theorists since it is my claim that even independent of any specifically negative portrayal of indigenous peoples within such work, social contract theory is still a vehicle for the displacement of such peoples, conceptually and in actual historical fact. In fact, I want to argue, it is in those places where contract theory is at its most abstract (purportedly neutral and non-evaluative) that it often functions most effectively as a strategy of settler-colonial domination. The second contribution to this discussion I would like to make is to demonstrate how this form of theory continues to function today with respect to the claims of indigenous peoples. Thus, I am also less concerned here with the historical figures of Hobbes, Locke, Rousseau and Kant than Pateman or Mills, and more interested in those contemporary thinkers who explicitly work in this tradition – philosophers such as John Rawls, Robert Nozick and, the focus of this article, Jeremy Waldron. A few caveats before I proceed. First, it is not my claim that contemporary thinkers such as Rawls, Nozick, or Waldron necessarily intend to facilitate the logic of the Settler Contract (though I do not rule out this possibility either). I am not primarily interested in what specific authors intend to do with their arguments, but rather with how a specific rhetorical structure or style of argumentation shapes the discursive space such that certain outcomes appear as the logical or necessary conclusion to an argument when, in fact, the debate has been skewed in this direction by the point of departure itself. Second, I acknowledge that my selection of authors is non-comprehensive. I have chosen here to focus on Jeremy Waldron’s recent application of the social contract tradition to the claims of indigenous peoples. This is in part because (as I said at the outset) this particular article is merely one small slice of a much larger genealogy. But it is also in Nichols 169 Downloaded from psc.sagepub.com at NORTH CAROLINA STATE UNIV on March 18, 2015 part because Waldron represents a kind of ‘exemplary figure’ here. One of the difficulties in examining contemporary analytic contract philosophy as it relates to indigenous claims is that, overwhelmingly, philosophers working within this tradition do not consider such questions at all. Jeremy Waldron is a major exception to this rule. Since Waldron explicitly locates his work within the tradition descending from Hobbes and Locke, through Kant to Rawls and Nozick, and because Waldron’s influential and prominent role as legal scholar enmeshes his work closely with the juridical apparatus that actually adjudicates indigenous claims in Anglo-settler societies, and finally, because Waldron (a New Zealander of European descent) takes up the question of ‘indigeneity’ so directly and seriously, it seems appropriate to take him as an exemplar of the attempt to reformulate some modified version of analytic contract theory in relation to indigenous peoples.

#### Reformism is not emancipatory but instead contributes to the iterative perfection of colonial capitalism – the transformative potential of legal change is circumscribed by hegemonic power structures that are embedded in international political systems.

Vanni ’21 -- Dr. Vanni obtained both her PhD and LLM degrees in International Economic Law from the University of Warwick, where her doctoral thesis was awarded the 2018 SIEL–Hart Prize in International Economic Law. She has BA(Hons) in International Relations and Politics from Keele University, where was awarded the Vice-Chancellor Partial Scholarship (2004-2007). Dr. Vanni currently teaches the undergraduate and postgraduate modules in intellectual property law (Amaka Vanni, 3-23-2021, "On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism," TWAILR, <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>, accessed 8-24-2021) //nikki

These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### The alternative is to decolonize intellectual property – a critical examination of colonial knowledge production that disrupts the dominance of Eurocentric political literature within academia – this is a prerequisite to legal change.

Makoni ’17 -- Munyaradzi Makoni is a freelance science journalist from Zimbabwe. He was Canada’s International Development Research Centre-Research Africa science journalism fellow in 2012. His journalism work has appeared in various media organizations including Africa Renewal, Forskning & Framsteg, Intellectual Property Watch, IPS, SciDev.net, Thomson Reuters Foundation, and University World News among others. (Munyaradzi Makoni, 1-20-2017, "Urgent need to decolonise intellectual property curricula," University World News, <https://www.universityworldnews.com/post.php?story=20170119072916504>, accessed 8-29-2021) //nikki

There is an urgent need for decolonised intellectual property, or IP, law curricula in order for African states to build IP expertise that is Afrocentric and development oriented. A South African university is making progress in developing an appropriate model. Writing in the latest edition of the World Intellectual Property Organisation journal, Professor Caroline B Ncube of the department of commercial law at the University of Cape Town in South Africa, said: “For an African state, decolonising IP means placing the nation’s conditions and developmental aspirations centre-stage and for law schools seeking to teach decolonised IP law curricula, it means using methodologies and learning materials that disrupt Eurocentric hegemonies." In an article titled “Decolonising Intellectual Property Law in Pursuit of Africa’s Development”, Ncube writes that a model for what this might look like for African law schools has been developed by the Open AIR project and is currently being piloted at the University of Cape Town. The paper has been published in the context of renewed calls by students in South Africa over the past two years for the decolonisation of curricula in that country’s universities. In reference to the increased urgency of the calls, Ncube notes that: “The idea of decolonising IP is a notion that global South governments, some scholars and some sectors of civic society have had for a significant period of time. This is an important point to underscore in an environment that is perturbed and perplexed by the meaning of decolonisation and the perceived violence accompanying it.” Dearth of scholarship According to Ncube, there exists a significant body of scholarship on the teaching of IP law and focusing on decolonising legal education generally. “But there is virtually nothing on decolonising IP law curricula.” Ncube argues that while decolonisation, which is the overthrow of direct colonial rule over territories across the globe, ended a long time ago, vestiges of colonial influences remain in many countries’ legal systems, while neo-colonial interests have also been grafted onto them. Calls for decolonisation therefore remain valid. “Placing Africa at the centre of African education and endeavour through the continent’s advancement has gained much support in current decolonisation calls and IP can be tailored to advance this development dialogue,” she says. Ncube suggests that a starting point in the process of decolonisation of law could be an examination, through research processes and political practices, of current legal systems to determine to what extent they are influenced by colonial and neo-colonial interests. Decolonising methodologies “Such an examination would also entail a scrutiny of scholarship on those systems through ‘research process (and political practices) that seek to change the hegemonic ordering of knowledge production’. Such ‘decolonising methodologies’ are an essential tool in the deconstruction of ‘a canon that attributes truth only to the Western way of knowledge production’,” she writes. According to Ncube decolonising the curriculum requires deep reflection about what is taught, from which perspective (Eurocentric or Afrocentric) it is taught and by whom it is taught – all of which speak to the source and authorship of learning materials and its distribution models. “These are important considerations because they infuse the learning materials with a particular worldview and impact the accessibility of the material. The perspective adopted has far-reaching consequences because it schools a future generation in a particular way about IP law and this in turn will impact society generally when those schooled in these perspectives take up positions in government, industry and other areas in the future,” she writes. New IP model Developed by the Open AIR project, a long-term partnership of IP experts and researchers, the majority of whom are Africa-based, the 12-week postgraduate course at the University of Cape Town known as “IP Law, Development and Innovation” has modules on innovation, development and intellectual property rights; globalisation; patents; copyright; communal trademarks; traditional knowledge; intellectual property rights and agriculture; and Intellectual Property Rights from the Publicly Financed Research and Development Act 2008. According to Ncube, each module was informed by case studies undertaken during the second phase of the research project. Once the development of the model course is completed, an openly licensed course syllabus and the modules will be made accessible free of charge from the project website and other online platforms. Each institution offering the course will determine the formative and summative evaluation of the course in accordance with its own rules and procedures. The decision about who presents the course will be made at institutional level. Empirical research “The primary contribution of the model course is its provision of modules that are informed by empirical research undertaken on the continent by scholars and researchers who have a strong understanding and experience of the African context,” writes Ncube. Ncube says expertise gathered from the pilot will inform the final model course. “The student and external examiner evaluations of the course delivered by University of Cape Town lecturers have been very positive,” she writes, and with more funds the case study researchers and book chapter authors will be invited to personally or virtually lead some of the seminars in the future.

## 1NC -- Case

### 1NC -- Framework

#### Abstract ethics requires a view from nowhere which allows the white male body to take the dominant position. Embodied experience is necessary.

**Yancy 08** Prof of Philosophy Duquesne University “Black Bodies, White Gazes *THE CONTINUING SIGNIFICANCE OF RACE Journal of Speculative Philosophy* 2008

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write froma place of lived embodied experience a site of exposure. **In philosophy**, the only thing that we are taught to expose is a weak argument, a fallacy, or someone’s “inferior” reasoning power. **The embodied self is bracketed and deemed irrelevant to theory**, superfluous and cumbersome in one's search for truth. It is best, or so **we are told**, **to reason from nowhere**. Hence, **the white philosopher/**author **presumes to speak for all of “us” without** the slightest **mention of his or her “raced” identity**. Self-consciously writing as a white male philosopher, Crispin Sartwell observes:  Left to my own devices, I disappear as an author. That is the "**whiteness**" **of** my **authorship**. This whiteness of authorship **is,** for us**, a form of authority**; **to speak** (apparently) **from nowhere, for everyone, is empowering,** though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: **it yields the pleasure of self-forgetting** or apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials.(1998, 6)  To **theorize the Black body one must "turn to the** [Black] **body as the radix for** interpreting **racial experience**" (Johnson [1993, 600]). It is important to note that **this** particular strategy also **functions as a lens through which to** theorize and **critique whiteness**; for the Black body's "racial" experience is fundamentally linked to the oppressive modalities of the "raced" white body. However, there is no denying that my own "racial" experiences or the social performances of whiteness can become objects of critical reflection. In this paper, my objective is to describe and theorize situations where **the Black body's** subjectivity, its ***lived* reality**, **is reduced to instantiations of the white imaginary**, resulting in what I refer to as "the phenomenological return of the Black body." These instantiations are **embedded within** and evolve out of **the** complex **social and historical interstices of whites' efforts at self-construction** through complex acts of erasure **vis-à-vis Black people.** These acts of self-construction, however, are myths/ideological constructions predicated upon maintaining white power. As James Snead has noted, "Mythification is the replacement of history with a surrogate ideology of [white] elevation or [Black] demotion along a scale of human value"(Snead 1994,

#### Non-consequentialist theories are paradoxical—if agency is so important, we shouldn’t make the world worse—default to intuitive implausibility.

**Alexander and Moore 12**, Larry Alexander [serves on the editorial boards of the journals Law & Philosophy, Ethics, Criminal Law and Philosophy, and the Ohio State Journal of Criminal Law] and Michael Moore [Illinois – Co-Director, Program in Law and Philosophy, One of the country's most prominent authorities on the intersection of law and philosophy], "Deontological Ethics", The Stanford Encyclopedia of Philosophy (Winter 2012 Edition), Edward N. Zalta (ed.), BE

-abiding by deont would result in more freedom violations, intuitively seems contradictory

On the other hand, deontological theories have their own weak spots. **The most glaring** one **is the seeming irrationality of our having duties or permissions to make the world morally worse.** Deontologists need their own, non-consequentialist model of rationality, one that is a viable alternative to the intuitively plausible, “act-to-produce-the-best-consequences” model of rationality that motivates consequentialist theories. Until this is done, **deontology will always be paradoxical.** Patient-centered versions of deontology cannot easily escape this problem, as we have shown. **It is not even clear that they have the conceptual resources to make agency important enough to escape this moral paradox. Yet even agent-centered versions face this paradox; having the conceptual resources** (of agency and agent-relative reasons) **is not the same as making it plausible just how a secular, objective morality can allow each person's agency to be so uniquely crucial to that person**.

#### Threshold objection—universal law ignores that a maxim’s morality sometimes depends on how many act upon it.

Parfit 11 Derek, philosopher with great hair. “On What Matters” 2011. IB

Whether it is wrong to act on some maxim sometimes depends on how many people act upon it. There are some maxims on which it is permissible or good for some people to act, though it would be very bad if everyone acted on them. Two examples are the maxims ‘Consume food without producing any,’ and ‘Have no children, so as to devote my life to philosophy’. Most of us could not rationally will it to be true that everyone acts on these maxims, so Kant’s Law of Nature Formula condemns such acts even when they are not wrong. This objection is partly answered by the fact that most people’s maxims implicitly take into account what other people are doing. For a complete answer, we must revise Kant’s formula.

#### Universalizability fails to condemn clearly wrong acts.

Parfit 11 Derek, philosopher with great hair. “On What Matters” 2011. IB

To explain why theft is wrong, Kant writes: Were it to be a general rule to take away his belongings from everyone, mine and thine would be altogether at an end. For anything I might take from another, a third party would take from me. 312 As before, however, no one acts on the maxim ‘Always steal’. Many thieves act on the maxim ‘Steal when that would benefit me’. If this maxim were universally accepted and acted upon, that would not produce a world in such acts would never succeed. There would still be property, which would not always be successfully protected. Thieves would sometimes achieve their aims. When Kant discusses the maxim ‘Let no insult pass unavenged’, he claims that, if this maxim were universal, it would be ‘inconsistent with itself’, and would not ‘harmonize with itself’. 313 But if everyone acted on this maxim, that would not make it true that no one could succeed. It might even be true that every insult was avenged, so that everyone would succeed. Kant’s actual formula, we have found, fails to condemn many of the acts that are most clearly wrong. This formula does not condemn self-interested killing, injuring, coercing, lying, and stealing

### 1NC – Underview

#### We meet – I disclosed the positions my opponents read in every round and what they went for – literally every round reports shows what the 2NR was

#### Counter-interpretation – debaters do not need to disclose round reports for speeches in which they did not introduce new positions as long as their opponents did not ask for greater disclosure before the round.

#### Solves all of their offense – I didn’t include rwhat was in the 1AR and 2AR because they were literally just case extensions and answers to what they read – I didn’t read any new positions which means its redundant to disclose that – if there’s no round report for the 1AR/2AR you can just presume no new positions were read which solves their offense.

#### Asking us before the round solves 100% of your offense – you didn’t ask me about the round reports before the roud which proves that you didn’t read disclosure in order to actually set norms but rather just to have an easy win on theory, if you asked for what the 1AR and 2AR I would have answered.

#### Reasonability – their theory arguments were intrinsically unpredictable because it wasn’t asked before the round and its not tied to the resolution which means we had no way to meet the interp before the round AND don’t evaluate theory like other arguments – using an offense defense paradigm is incoherent when theory crowds out the substantive debates it claims to foster – c/I causes a reason to the bottom where debaters are incentivized tomake every debate a theory debate because they only have to prove that their interp is better not that there is a germaine impact to the violation

#### 1AR theory is only a question of what we did in this round, not what we justify – hold them to proving that our actions skewed this debate instead of holding the 2NR accountable for preempting every possible action another debater could take

#### This topic is structurally aff biased – most k and policy lit is in favor of reducing IP protections for medicines – err neg on 1AR theory to correct for it

#### The structure of the 1AR being hard is inevitable – its illogical to use the format of debate itself to justify altering its rules in your favor, we all have to be aff which means there’s no unique impact

#### Interpretation – negative debaters do not have to concede the affirmative’s framework choice – terrible for neg ground because most of the aff’s offense is based on their framework which narrows the scope of neg offense to three cards at the bottom of the aff, destroys clash and idea testing by literally allowing them to get away with dogmatically defending one theory and never having it be tested which prevents refinement and reflexvity and makes them bad advocates in the long term, its also illogical – debate is a forum for contestation, there shouldn’tbe arbitrary exceptions