#### Permissibility and Presumption negate:

#### 1] Obligations – the resolution indicates the affirmative has to prove an obligation, and permissibility would deny the existence of an obligation – burden of proof proves

#### 2] Falsity – Statements are more often false than true because proving one part of the statement false disproves the entire statement. Presuming all statements are true creates contradictions which would be ethically bankrupt.

#### 3] Negating is harder – Aff gets last speech to crystallize and shape the debate in a way the favors them with no 3NR

#### The role of the ballot is to vote for the debater who best proves the truth or falsity of the Resolution; the aff must prove it true and the neg must prove it false:

#### 1] Constitutivism: The ballot asks you to either vote aff or neg based on the given resolution

#### A] 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 its intrinsic to the nature of the activity

#### B] the purpose of debate is the acquisition of knowledge in pursuit of truth – a resolutional focus is key to depth of exploration which o/w on specificity. It’s a jurisdictional issue since it questions whether the judge should go outside the scope of the game.

#### 2] Logic: Any counter role of the ballot collapses to truth testing because every property assumes truth of the property i.e. if I say, “I am awake” it is the same as “it is true that I am awake” which means they are also a question of truth claims because it’s inherent

#### Ethics must begin a priori:

#### 1] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### 2] Action theory – only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### 3] Constitutive Authority – practical reason is the only unescapable authority because to ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary.

#### 4] Transcendental Idealism – what we see is not what is, but our representations of reality – only a priori knowledge is a lane to truth as perception is the lane to truth insofar as a lack of the subject removes material constitution and abstracts sensibility as it is then unknown.

#### Next, reason implies universalizability –

#### 1] Anytime you act, you acknowledge the value of your agency, because otherwise you wouldn’t be exercising it. However, agency is not unique to you – if your agency is valuable, then so is everyone else’s. Therefore, its logically incoherent to pursue a course of action that violates the agency of another, because you wouldn’t have acted if agency wasn’t valuable. Thus, actions must be universalizable.

#### 2] A priori principles like reason apply to everyone since they are independent of human experience i.e. 2+2=4 must be true for everyone

#### Prefer:

#### 1] Performativity – All arguments appeal to reason; otherwise you concede they have no warrant to structure them and are definitionally baseless. Thus, reason is an epistemic constraint on evaluating neg arguments.

#### 2] Performativity – arguing against freedom requires that you be free to argue, so attacks on my framework prove its legitimacy.

#### 3] All other frameworks collapse – non-Korsgaardian theories source obligations in extrinsically good objects, but that presupposes the goodness of the rational will.

#### 4] Resource Disparities - A focus on evidence and statistics rewards debaters with the most preround prep which increases the disparity between lone-wolfs and big schools with huge evidence files. A Kantian debate resolves this because it can easily be won without any prep since only analytical arguments are required. This is also means you should prefer Kant debates because don’t have a side skew from empirical topic literature. Key to fairness since it equalizes the playing field.

#### 5] Resolvability: Clarity of weighing under interpretation of Kantianism: perfect duties above imperfect duties. Duties in right. Explicit categories that supersede other categories. All other FWs are consequentialist that use unquantifiable prob, mag, or prob x mag. Resolvability is an independent voter since otherwise the judge can’t make a decision.

#### Now negate:

#### 1] Act-omission distinction – there’s no maxim created in a failure to act, which means you can’t evaluate it – implication is that the affirmative is only permissible, omissions can’t generate obligations

#### 2] Humanity principle – using another’s intellectual property without their consent uses them as a mere means to the end of getting that intellectual property.

#### 3] Violates non-contradiction – nobody would create. Van Dyke 18

Raymond Van Dyke (Technology and Intellectual Property Attorney, Patent Practitioner, Van Dyke Intellectual Property Law), 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/>, //SLC West HZ

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust.

#### 4] Violates both humanity and non-contradiction – in stealing, you ignore others’ will to property and if everyone stole, there would be no property. Yes, IP is property. Zeidman and Gupta 16

Bob Zeidman (Bob Zeidman is one of the leading experts on intellectual property, particularly as it relates to software. He is the president and founder of Zeidman Consulting, a premier contract research and development firm in Silicon Valley that focuses on engineering consulting to law firms about intellectual property disputes. Clients have included Apple Computer, Cisco Systems, Facebook, Intel, Symantec, Texas Instruments, and Zynga. Bob is also the president and founder of Software Analysis and Forensic Engineering Corporation, the leading provider of software intellectual property analysis tools for use in forensic examinations. Bob is considered a pioneer in the fields of analyzing and synthesizing software source code. He has worked on and testified in over 200 cases involving billions of dollars in disputed IP) & Eashan Gupta (Eashan Gupta is a junior at Basis Independent High School in San Jose, California. He is part of his school's Mock Trial team as an attorney and a witness, where he was recognized by Santa Clara County for outstanding performance. Eashan was the news editor for his school newspaper. In his free time, Eashan competes in fencing tournaments around the country, along with being a fencing referee. During the summer of 2015, he worked as an intern at the Federal Bankruptcy Court in San Jose), 1-5-2016, "Why Libertarians Should Support a Strong Patent System," IPWatchdog, <https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/>, //SLC West HZ

Many libertarians believe that intellectual property, being intangible, is not real property. A formal libertarian definition of property is difficult to formulate, but we would say that property is that which can be produced or contribute to production. Intellectual property falls clearly within these constraints. Yet some libertarians complain that intellectual is not tangible and is defined by government regulation—the patent laws—such that it would not exist without government definition. Let us look at this argument closer. Land is unquestionably property in the minds of libertarians. Yet the land upon which a house is built was not created by the property owner. It was created by nature or God, depending on your inclination, but no one would claim it to be created by the owner, whereas intellectual property is unquestionably created by the inventor. And how far do property lines extend? Property lines are determined by local governments. One can argue that property lines are negotiated by owners and enforced by governments, but when we moved into our homes, there were no negotiations with surrounding property owners. And how far above ground and below ground do property rights extend? These limitations are definitely not negotiated with other property owners but are determined by laws enforced by governments. Patents also have limitations in terms of scope and time that are determined by government laws. One can see that limitations on patents are similar to those on physical property and in some respects are more closely connected to production. For these reasons, libertarians should recognize patents as they do other forms of property. As a secondary but important example, libertarians are generally concerned about government spying on private conversations. When the government captures a phone conversation, it is not physically taking property. It is simply copying intangible data that exists as a form of transient electrical signals. Copying does not involve removing the original—the phone conversation is not destroyed when it is copied. Yet libertarians recognize that this copying of intangible data is a kind of theft of property. Libertarians should thus be wary of making the argument that intangible patents cannot be property or they may lose their contrary argument that private conversations are personal property to be protected.

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)