# 1nc

## 1st

#### Interpretation: Affirmative debaters must defend the topic as confined by the resolution

#### Violation – they don’t; the aff is the impossible bomb, they don’t defend a resolution text – discussing IPRs is not the same thing as taking a legislative action

#### Off newman, I’ll quote a line from their card “to recognize the inability for liberal inclusionism”, proves they don’t defend the topic since they say that there is an inability to participate in the WTO, there is no legal action

#### No 1ar shift to reclarify their advocacy since it decks negative ground

#### Standards:

#### [1] Predictable limits and ground – allowing the aff to arbitrarily dictate the grounds for the debate makes negative engagement impossible by skirting a predictable starting point and permitting infinite affs, which renders negative research useless and gives them an insurmountable prep advantage. Limits is also key to inclusion because non-topical affirmatives force people to spend their whole lives prepping which means oppressed individuals can’t engage and find your scholarship liberating. Their model also creates a race to the margins where they’re incentivized to pick uncontestable advocacies like “racism is bad.” Aff infinite prep and frontlining means they always have the upper hand on whatever small clash I can generate.

#### Also, TVA solves – they can just read an aff about negative state action and sapping power from the WTO. Alternatively, they can read an aff that says patents are racist and reducing them is helpful.

#### Even if there are disads to the TVA, the benefits outweigh – A] policy-making: cedeing the political lets the alt-right take over and pass more oppressive policies, we need to speak the language of the state B] turn: disads prove there’s neg ground which is the basis for valuable contestation; they aren’t entitled to the perfect aff.

#### Paradigm issues / voters:

#### 1] Fairness is a voter because it’s an intrinsic good – debate is fundamentally a game that requires effective competition to give meaning to the work we do and that benefit can only be actualized through an equal chance to prepare so the judge can decide. Filter impacts through intrinsic-ness – debate doesn’t make us loyal to any content – the only thing that happens is one debater wins and the other loses.

#### Fairness is the highest impact because it calls into question your ability to evaluate substance due to an incongruence in ability to debate – if one debater had ten minutes to speak and another had three, you can’t accurately decide the winner.

#### Impact turns to fairness are non-sensical and concede its validity – you follow rules created to ensure fair debate like speech times and assume the judge will evaluate your arguments fairly.

#### Drop the debater to set a precedent for the best norms of debate and to deter future abuse.

#### Use competing interps because what is reasonably fair is arbitrary and reasonability encourages debaters to get away with increasingly unfair strategies through defense on theory. And, don’t vote on the RVI on T 1] because it encourages debaters to bait theory 2] illogical – no one should win for being fair 3] develops a chilling affect against checking actual abuse

## 2nd

#### Presumption and permissibility negate, especially if they don’t defend the topic – a~ the aff has to prove an obligation to depart from the squo, if they don’t then we’ve done our job, b~ they get to choose to defend anything they want – if they don’t win then we’ve done the better debating

#### Any moral system faces the problem of regress – I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” asks for a reason for reasons, which concedes its authority. Reason means we must be able to universally will maxims—our judgements are authoritative and can’t only apply to ourselves anymore than 2+2=4 can be true only for me. and B) any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others.

#### Thus, the standard is consistency with the categorical imperative.

#### Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the aff standard without first willing that we can pursue ends free from others.

#### Thus, counter-methodology: Vote negative to engage in a liberation strategy of universal reason. This entails a starting point where we abstract from individual perspectives to understand the universal, and use this starting point to apply it to empirical institutions and agents. No perms: Uniquely non-sensical in a method debate: a] It assumes a notion of fiat that doesn’t make sense without a plan. The 1AC role of the ballot forefronts the performative and methodological which a permutation steals away b] non-T affs shouldn’t get perms since they can defend literally anything in the world – thus the burden is on them to prove their advocacy is the best solution to the problem they propose.

#### Negate

#### [1] Only univeralizable reason can effectively explain the perspectives of agents – that’s the best method for combatting oppression.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. The individual is not allowed to exclude others **as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

#### [2] Independently not defending the topic is non-universalizable b/c if nobody defended the topic than a topic wouldn’t have even been created in the first place which is a contradiction in conception.

#### [3] The aff violates the categorical imperative and is non-universalizable- governments have a binding obligation to protect creations

**Van Dyke 18** Raymond Van Dyke, 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/> SJ//DA recut SJKS

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.

## Case

Non-Black afro-pessimism objectifies Blackness and is always theoretical, which is violent to the affirming purpose of afropess. It also obscures the question of who positions blackness which produces an ethos of complacency.

Dixon, Porter, and Hughes 19 [Zion, Joshua, and Quinn; “ON NON-BLACK AFROPESSIMISM”; The Drinking Gourd; HSLD debaters on the front lines of eradicating antiBlack praxis within the debate space. Together, they have multiple bids to the Tournament of Champions, have championed various tournaments, and write about antiBlackness in the debate space. December29 2019; LCA-BP]

What would have happened if Rachel Dolezal had nappied up her hair, tan her skin, put on that effect, and went south of the Mason Dixon line in the year 1800? The ability to engage in slave roleplaying is available to non-Black debaters because of the academic protection provided by the debate space, but the scholarship implies that history is a flat line, and slaveness is an atemporal term. Therefore, if Rachel Dolezal wanted to play slave now, a counterfactual reading of her conduct still applies. Imagine Rachel “spreading the scholarship” arm in arm with Harriet Tubman. Rachel whispers the escape route to a fellow slave, but she is overheard by the slave master. Instead of promptly lacing Rachel up, the master allows Rachel to wash the perm out of her hair, remove her spray tan, and live the rest of her life as a white woman who does not have to deal with the burden of anti-black violence. Our thesis: Non-Black debaters are allowed to have a comfortable relationship to the scholarship of afro pessimism due to the academic protection provided by the debate space, but the objective of this article is to rupture. Non-Black debaters get ballots when they read the theory and are able to shy away from discussion about how they are entangled with anti-blackness, whereas the implications of this scholarship deeply affect Black children in the debate space. \* \* \* One of the constructive principles of the flesh is the inevitability of invasion, as theorized in the seminal work Mama’s Baby, Papa’s Maybe by Hortense Spillers. For the flesh and the subjects who ontological premise is to be encapsulated by fleshiness, invasion is a constitutive and reliable fact of Black life. To be invaded physically with the “magnetization of bullets” to the captive body, as theorized by Frank Wilderson, with the invasion of the master’s touch, as articulated further by Spillers and later by Saidya Hartman, and with the invasion of the mind and the psyche as stated by Frantz Fanon. Invasion and its accompanying principles of negro-philia/phobia, resentment, angst, disgust, define the relationship that Black people may have with one another and with the world. The process of being invaded, touched, and felt, mark the experience of Blackness. The object always already in the position of being held, kept, owned by the world. The world taking, carrying, appropriating using, consuming Blackness, is predetermined by the world’s ability to invade Blackness. These scenes of invasion construct Black spaciality. Blackness is constructed as the presence of the absence of space. Always already in the position of being occupied by the impossibility of occupation. The insistence of Black space creation is the testament to the resistance of the object. The possibility of Black space making, Black imaging, Black praxis made out of space is the refusal to be occupied by the world’s invasive principals. The maroon communities who were forced to build space out of trees, swamp, bog were forced to create spaces out of and inside plain sight. The space making of Harriet Jacobs forced her to make space out of her mother’s floorboards. The creation, augmentation, and recreation of space is a principal of the Black experience. In these scenes, we are not only forced to bear witness to when the object resists, but also when space endures the object. When space becomes unavailable when the existence of is a technology of anti-Black violence, the ability to create and imagine and fabulated space is not only an impressive luxury but a necessary praxis of survival. The ability to imagine the end of the world as well as the ability to imagine the creation of another serves as the praxis of thinking through and surviving the violent intrusion foundational to Blackness. Saidya Hartman gives a name to this praxis in her work “Venus in Two Acts,” describing the imagining of these new worlds, this counter articulation to the narrative of anti-Blackness, as “Critical Fabulation”. Fabulation as the refusal of the narrative that can not be given in favor of the story that can not be imagined. By playing with and rearranging the basic elements of the story, by re-presenting the sequence of events in divergent stories and from contested points of view, I have attempted to jeopardize the status of the event, to displace the received or authorized account, and to imagine what might have happened or might have been said or might have been done. By throwing into crisis “what happened when” and by exploiting the “transparency of sources” as fictions of history, I wanted to make visible the production of disposable lives (in the Atlantic slave trade and, as well, in the discipline of history), to describe “the resistance of the object,” if only by first imagining it, and to listen for the mutters and oaths and cries of the commodity. In this praxis of calling for this new narrative, the one in which the damned, moans, laughters and cries of Blackness can be understood and respected by the agents of the world, one is necessary calling for an end of the world and its technologies, as it is the world that constructs itself, and sustains itself on top of the perpetuation of Black nonbeing. The ability to make, imagine and call for the end of this world, in favor of the worlds that can not (not) be given, is the method and praxis that sustains Blackness is all of its a-spacialities. What happens when the imagined space of the end of the world becomes vulnerable to the invasion that fills and envelops Blackness? What happens when the farthest and most intimate praxises of Black world making/world breaking became the newest city of imperial conquest. In high school, Lincoln Douglas debate, the calls for the ending of the world seem to be spoken more and more frequently by those who are not able to conceptualize, desire, or work through the ending of the world. Not only this, but they are unable to obtain a subject position that allows them to desire the end of the world. Not only this, but the engagement of this scholarship has become overdetermined by the competitive success that is possible through its circulation in the debate space. The competitive success that is possible through the consumption of Black flesh. Black theory comes from Black life. The love, care, and the impossibility of community is the material by which our theorizations of the world are able to be formed. The ability to share these theories in the debate space empires Black debaters to control and celebrate our narratives, and it gives us the tools to navigate our world predicated on out (non)being. Not only this but being able to celebrate Black life in debate grants Black debaters with the tools to be able to build communities bonding over our own shared and lived experience. We write, we theorize, and we build, as a method of making sense out of the violence that we must bear witness to both in and outside of debate. The act of imagining and theorizing through the end of the world gives Black debaters the tools to love ourselves and build community by forging our own tools, that will never be given to us without our demand for the end of time. Hartman gives us the tools to be able to articulate the unique violence of non-Black folks reading arguments predicated on Black lived experience. First, there is a phenolic component. The ability and desire to touch, feel, and consume the multiple positions of Blackness. Much more personally, there is the implicit violence of others sharing the most intimate, unique, and disturbing elements of your personal narrative. Bearing witness to non-Black people being celebrated in the debate community based on reading afropress gives way to a unique and sickly feeling that is almost impossible to put to language. The invasion. The occupation. The theft. \* \* \* “Debate is a game!” “Debate is a game!” “Debate is a game!” How many times are you non-Black people going to use this excuse for your actions? How many times does a Black debater or judge need to tell you this is triggering before you stop? How many times will we have to call you out before you are held accountable? Even better. Why are judges more compelled to hear non-Black people make the same arguments we do? Is it that hard to resist reducing Black flesh to nothingness? You know what? I am just going to say it. You will not like it. You may not even listen. I cannot be silent about this any longer. WE cannot be quiet about this anymore. NON-BLACK PEOPLE SHOULD NOT BE READING AFRO PESSIMISM. Even better, stop using Black suffering and the reality of anti-Blackness to win high school debate rounds. There I said it. If only it were that simple. If only I could be assured you would listen. Non-Black afro pessimism is problematic because our authors take an ontological stance on Blackness. Reading positions centered around Black suffering, oppression, and violence for ballots is disgusting. We have a different relation to the literature and arguments; when I do it, I am confronting the reality of my life. When you do it, your relationship to the positions is entirely different. How do you even relate to it? Stop saying, “oh, debate is a game”. That will not cut it anymore. We are talking about real lives and feelings, and non-Black debaters will never understand the weight of that. We are coping with the reality of an anti-Black world. You guys just think it must suck to be Black. Our authors make claims that Blackness is nonhuman, an object, nonbeing, nothing, outside of this world, a nigger. You people read these cards without taking the time to let it sink in that you might as well call us niggers. The logic of reducing Blackness to an object is all the same.. Do you ever think debate might be more than a game to some people? Of course, you don’t. You guys don’t care about us. In the words of Rashad Evans “As a non-Black debater, your relationship to afro pessimism will always be theoretical, redundant, and objectifying.” non-Black debaters can read arguments about the topics relationship to Black people, but you cannot reduce Blackness to ontological nothingness. Black people in the debate community talk about this quite often. non-Black debaters will never know how we feel about them reading these positions. We know that. Just respect that. As Black debaters begin to call people out more and more on this controversial issue, you guys must have a clear understanding of what all this means. First, it needs to be established that this is not an act of restricting anti-racism or, in any way, saying you cannot join the fight against anti-Blackness. This is saying that it is unethical to actively seem comfortable in calling Black people socially dead, slaves, nothing, etc. There is a difference and saying racism is terrible, and reading ontological claims about Blackness. You go from wanting to end anti-Blackness to just accepting that “progress is impossible” for US. Once again, you put yourself in an awkward position as a non-Black person because of the lack of understanding and relationship you will always have with this literature. You do not get to call us slaves to get the ballot. This would also mean that you can answer pessimistic positions because that would not be affirming the nothingness of Blackness. Apologizing is nice don’t get me wrong, but is it meaningful? Does that really fix our pain? Does it teach you anything? Even then, the act of apologizing after we call you out just proves that you did something problematic. Why else would you feel the need to apologize? Some say if afro pessimism is real, then reading it in debate rounds is the only ethical choice. However, you do not have to seem all happy about the theory being true. You do not have to repeat the same shit in debate rounds to win rounds acting as if you care, or as if you would do anything about it. If the ontological claims are correct, that is more of a reason for us Black debaters to get triggered by you reading it. Do I really need these white people to reaffirm my social death? You guys are the same people out of rounds trying to argue that our literature is bullshit… Next issue is the concept of “ I only read it once” or “ I will never read it again.” The act of calling debaters out for reading afro pessimistic positions is not to attack you personally but to criticize the quite popular norm you have upheld in debate and the toxic atmosphere you have participated in creating for Black kids. The ability for some people to go back and forth between this literature and policy affs proves the privilege non-Black people have to separate themselves from the frame of anti-Blackness whenever they please. The purpose of this is not to define what Blackness is because Blackness means something different for different people. The point is that non-Black persons should not do it. Similar to saying the word nigga or nigger, an evaluation of what Blackness is completely distracting from the point that the action is unethical. When Black debaters are get triggered or suffer psychological violence from the act of non-Black people reading certain literature, the question is no longer “what can I do to win despite being called out?”. An understanding is necessary to realize that not everyone will know what it is like to be in that position. We will defend this claim in all instances because it is about the way individuals are negatively impacted by this space. Safety and inclusion in the debate community should be the primary focus. When Black debaters start calling people out for reading afro pessimism (because we will), be on the right side. As we began using this argument it was immediately clear that judges of color specifically Black judges tended to vote for this argument while non-Black judges who read some sort of afro pessimism in highschool and white judges are quick to shut us down. This just feeds into the slave master’s fantasy by being rewarded for dehumanizing Black bodies. In response to this current trend, it is important to realize that signing the ballot the other way in these situations just says our personal experiences are not violent and attempts to assert that our feelings are inaccurate or not of your concern. Until this is no longer occurring, judges should allow us to call debaters out on reading afro pessimism. The role of the ballot should be to surrender the ballot to Black debaters when they are calling out non-Black people for being anti-Black. The role of the judge is to allow Black debaters to do this. Allow us to make the space safer for ourselves, allow us to callout anti-Blackness. Force people to be held accountable for their actions. Intervening against this argument because it was “out of round” or whatever the case may be is unacceptable. To assume we have not been affected even after the fact is to underestimate the power of anti-Blackness. For non-Black people to stop actively participating in this continual issue, the Black community needs to see judges willing to step out of their comfort zone to hold others accountable. In response to claims on rejecting out of round arguments, this is not a claim about you or your actions in your everyday life, this is a claim about your orientation towards anti-Blackness in the debate space. Participating in a continual process that makes debate anti-Black directly impacts the Black debater in every round. People vote on out of round dispute all the time in instances like a disclosure theory debate so the act of calling somebody out should not be treated differently. We don’t care if you read it last week or last year. For too long there has been a lack of accountability. Stop being scared to use the ballot as a symbolic representation of what it looks like to hold people accountable. The Black community knows judges enjoy voting up non-Black people on afro pessimism more than voting up Black debaters. And let’s be honest, you have the jurisdiction to vote a Black debater up when they call somebody out for participating in anti-Blackness. The act of surrendering the ballot to Black debaters is vital to allow us to create a safer space and also to overcompensate for the way debate is structurally harder for Black debaters to succeed. When we bring this up in rounds, it is no longer about tricks, spikes, or “important arguments,” because the debate space should be a safe space first and foremost. It is about whether you think it is ethical to uphold anti-Blackness in the debate space. Fuck their fairness claims, because it is definitely not fair to participate in an activity where you are reduced to nothing for people to win. It is not fair to have to prove why anti-Blackness is bad. Debate should be a safe space for everybody, and allow Black debaters to call out anti-Blackness.