# 1nc

## 1st

### Theory

#### Interpretation: debaters may not read substantive and theoretical justifications for their fw

#### Violation: you did

#### Standard

#### 1] Phil-ed: kills phil ed by forcing a theory debate in framework when we are supposed to be learning about and debating philosophy. That’s an indepedant voter because the only thing intrinsic to LD debate is discussion over philosophy and morality. Phil ed also controls the internal link to other voters because we need a concept of noramtivity to even care about fairness or education.

#### 2] Strat skew: TJFs force me to win on both theory and framework to win framework while you may only debate one, extending the other. Kills fairness since I have to engage on different layers with minimal time.

#### 3] Logic – theoretical justifications are bad bc regardless of whether or not the fw is philosophically coherent tjfs ensure we apply illogical args for debates which kills education because its bad to learn about untrue things and fairness because disregarding rules of logic make it so that we’re unable to come up with argumentation – independently logic outweighs because it’s a litmus test for what counts as an argument in the first place

#### Paradigm issues

#### Fairness voter, a] in reading any argument, you presuppose the judge is evaluating it fairly in the first place, b] debate is a competitive activity that requires fair evaluation

#### Drop the debater – 1. Deterrence – Prevents reading the abusive practice in the future since it’s not worth risking the loss which is k2 norm setting indefensible practices die out 2. TS – Otherwise you’ll read a bunch of abusive practices for the time trade off 3. Epistemic Skew – The round has already been skewed so it’s impossible to evaluate the rest of the flow

#### Competing interps – 1. Reasonability encourages a race to the margins of what counts as sufficiently fair which incentivizes as much abuse as possible 2. Norm setting – it encourages the most fair rule through debating competing models 3. Judge intervention – Reasonability begs the question of what the judge thinks is sufficient which takes the round out of the debaters hands.

#### No RVIs – 1. Baiting – incentivizes people to be abusive and script counter-interps to win on the RVI which increases the existence of bad norms 2. Logic – you shouldn’t win for proving you were fair

#### 1NC theory first – a] If I was abusive it was because the 1AC was b] We have more speeches to norm over whether it’s a good idea, c] 2AR answers to the 2NR counter-interp are always new, which means their interp is easier to win.

#### No new 1ar paradigm issues - A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense -- --- also means no new 1ar fwk justifications because the 1nc occurred without having them which also moots my offense AND its irreciprocal since I only have 1 speech to read a fw

#### Reject 1ar theory

## 2nd

### NC

#### Permissibility and presumption negate – Statements are more often false than true because any part can be false – outweighs on probability. This means you negate if there is no offense because the resolution is probably false.

#### I value morality.

#### Ethics must be derived from the constitutive features of agents – ethics based internally fail because they can’t generate universal obligations and ethics based externally fail because they are nonbinding as agents could opt-out and have no motivation to follow them which means they fail to guide action.

#### Constitutivism solves – it allows for universal obligations among all agents but they are binding and cannot be opted out of. Thus, the meta ethic is constitutivism.

#### Next, only practical reason is constitutive:

#### [1] Regress – practical reason is inescapable because when you question why you should use practical reason, you are using reason itself. Anything else is infinitely regressive and nonbinding because you can always ask “why should I do that” continuously without any terminal justification. Bindingness is required in morality; otherwise people could opt out of it and have no moral guidance.

#### Next, practical reason means we all have a unified perspective: What can be justified to me can be justified to everyone who is a practical reasoner. If I can conclude that 2+2 is 4, then I understand not only that I know 2+2 is 4, but that everyone around me can arrive at the same conclusion

#### Ethics must be universalizable: A) absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless, B) otherwise it creates a contradiction in which you justify your freedom while limiting others’

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

#### Prefer additionally:

#### 1] 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

#### 2] Consequentialism fails - a] induction fails: the logic of looking into the past to predict the future is predicated on past experiences, meaning it’s circular, b] butterfly effect: every consequence is infinitely cascading so we don’t know the true extent of our actions, meaning we cannot predict consequences

### Offense

#### Negate:

#### [1] 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.

#### [2] The aff encourages free riding- that treats people as ­means to an end and takes advantage of their efforts which violates the principle of humanity

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Also, **allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor**, would disrupt capitalism in a radical way. **The resulting more secretive approach in support of the above free-riding Statement** would be akin to a Communist environment **where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible,** apart from legitimate exigencies.

#### [3] No aff offense IP is considered a form of property under the fw

Pozzo 06 (POZZO, R. Immanuel Kant sobre propriedade intelectual. Trans/Form/Ação, (São Paulo), v.29(2), 2006, p.11-18.)

The peculiarity of **intellectual property** cons**is**ts thus first in being indeed a property, but **property of an action**; and second in being indeed **inalienable**, but also transferable in commission and license to a publisher. **The bond** **the author has** **on** his **work confers** him **a moral** right that is indeed a **personal right**. It is also a right to exploit economically his work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other. In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. **Kant**, however, **was firm in embracing intellectual property**. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to **intellectual property as** an “**inalienable right** (ius personalissimum) always himself to speak through anyone else, the right, that is, that **no one may deliver the same speech to the public other than in his** (the author’s) **name**” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw **intellectual property** as a **part of** his **metaphysical construction of intellectual activity**, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. Kant and Fichte spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience. In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “**This intellectual element** must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection **in which**, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the **author’s exclusive right** to the intellectual content of his book – “the appropriation of which **through another is physically impossible**” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use.

## case