## 1

#### 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.

#### [2] Action Theory – Every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### Morality must be grounded in a priori truth to guide action, otherwise everyone would have different ethical codes and different rules. And, truth exists independent of human experience since certain things can be self-proving, i.e. a triangle has three sides. This is the difference between a priori and a posteriori. Reject a posteriori truth since they are just arbitrary states of being, not constitutive of ethics.

#### 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

#### A priori truth has to apply to everyone: 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

#### Now 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.

## 2

#### Interpretation: “Medicines” is a generic bare plural in the resolution. The aff must not specify a medicine or a subset of medicines to be eliminated.

#### Violation: They specify a covid waiver which is a subset of all medicines.

#### Standards:

#### 1] Generics – medicines is a generic bare plural without qualifiers. Generics can only be affirmed by defending all instances, not speccing.

Nebel 19 (Jake Nebel, 8-12-2019, "Genericity on the Standardized Tests Resolution," Briefly, <http://www.vbriefly.com/2019/08/12/genericity-on-the-standardized-tests-resolution/>; Jake Nebel studies Philosophy at Oxford on a Marshall Scholarship. As a coach, his students have won the TOC, NDCA, Glenbrooks, Bronx, Emory, TFA State, and the Harvard Round Robin. As a debater, he won six octos-bid championships and was top speaker at the TOC and ten other major tournaments. He co-directs the Victory Briefs Institute.)

Both distinctions are important. Generic resolutions can’t be affirmed by specifying particular instances. But, since generics tolerate exceptions, plan-inclusive counterplans (PICs) do not negate generic resolutions. First, ask yourself, honestly, whether the following speech sounds good to you: “Eight colleges and universities—namely, those in the Ivy League—ought not consider standardized tests in undergraduate admissions decisions. Maybe other colleges and universities ought to consider them, but not the Ivies. Therefore, in the United States, colleges and universities ought not consider standardized tests in undergraduate admissions decisions.” That is obviously not a valid argument: the conclusion does not follow. Anyone who sincerely believes that it is valid argument is, to be charitable, deeply confused. But the inference above would be good if “colleges and universities” in the resolution were existential. By way of contrast: “Eight birds are singing outside my window. Maybe lots of birds aren’t singing outside my window, but eight birds are. Therefore, birds are singing outside my window.” Since the bare plural “birds” in the conclusion gets an existential reading, the conclusion follows from the premise that eight birds are singing outside my window: “eight” entails “some.” If the resolution were existential with respect to “colleges and universities,” then the Ivy League argument above would be a valid inference. Since it’s not a valid inference, “colleges and universities” must be a generic bare plural. Second, “colleges and universities” fails the upward-entailment test for existential uses of bare plurals. Consider the sentence, “Lima beans are on my plate.” This sentence expresses an existential statement that is true just in case there are some lima beans on my plate. One test of this is that it entails the more general sentence, “Beans are on my plate.” Now consider the sentence, “Colleges and universities ought not consider the SAT.” (To isolate “colleges and universities,” I’ve eliminated the other bare plurals in the resolution; it cannot plausibly be generic in the isolated case but existential in the resolution.) This sentence does not entail the more general statement that educational institutions ought not consider the SAT. This shows that “colleges and universities” is generic, because it fails the upward-entailment test for existential bare plurals. Third, “colleges and universities” fails the adverb of quantification test for existential bare plurals. Consider the sentence, “Dogs are barking outside my window.” This sentence expresses an existential statement that is true just in case there are some dogs barking outside my window. One test of this appeals to the drastic change of meaning caused by inserting any adverb of quantification (e.g., always, sometimes, generally, often, seldom, never, ever). You cannot add any such adverb into the sentence without drastically changing its meaning. To apply this test to the resolution, let’s again isolate the bare plural subject: “Colleges and universities ought not consider the SAT.” Adding generally (“Colleges and universities generally ought not consider the SAT”) or ever (“Colleges and universities ought not ever consider the SAT”) result in comparatively minor changes of meaning. (Note that this test doesn’t require there to be no change of meaning and doesn’t have to work for every adverb of quantification.) This strongly suggests what we already know: that [so] “colleges and universities” is generic rather than existential in the resolution.

#### Medicines is a generic bare plural -- A) The WTO ought to reduce intellectual property protections for tylenol so they ought to reduce protections for medicines is incoherent. B) Medicines fails the upwards entailment test: WTO ought to reduce protections for medicines doesn’t mean that they ought to reduce protections for medical materials C) Medicines fails the adverb of quantification test: the WTO ought to reduce protections generally for medicines result in minor changes of meaning.

#### 2] Semantics outweigh pragmatics and are an independent voter: A] it justifies a stasis for predictability and pragmatic benefits- sequencing flips neg B] It’s the only thing that is inherent to topicality which questions your link to the topic. Pragmatic benefits don’t matter if your Non-T. C] Jurisdiction- judge is contracted by the tournament to vote inside the rez. If you don’t debate the resolution, you aren’t following the pre-set resolution burden meaning that the judge cannot vote aff because there was no aff.

#### 3] Limits/Ground - If the aff can choose whatever variation on the topic they want, there become infinite aff cases that the neg can’t possibly prep for. The aff needs to defend the whole resolution otherwise they could choose abusive/obscure cases where there is no neg offense or the case is just true. Kills generic NCs (like innovation and medicine safety) which heavily skews neg strat. Links into clash because the neg can’t engage.

#### 4] TVA solves – You can read the aff as an advantage to a wholerez plan. Solves all their offense.

#### Voters:

#### Fairness – Debate is a competitive activity and key to participation

#### Drop the debater – 1] a loss deters future abuse 2] dropping the arg severs from your original advocacy which creates a 7-6 timeskew when you read new offense.

#### Competing interps – 1] Your brightline is arbitrary and based on what you did rather than the best one. 2] Collapses – offense defense debate about your brightline is competing interps. 3] you’ll say race to the top but that’s good for norming and creating the best interps for debate

#### No RVI on T – 1] logic – you shouldn’t win for being topical it’s a basic burden to meet– outweighs since logic is a litmus test for arguments. 2] they encourage you to read an abusive aff and prep out T.

## Case