# 1NC – Third Lab Rules

## 1

**A. Interpretation: If the affirmative defends anything other than the whole resolution – then they must provide a counter-solvency advocate for their specific advocacy in the 1AC. *(To clarify, you must have an author that states we should not do your aff, insofar as the aff is not a whole res phil aff)***

**B. Violation:**

**C. Standards:**

**1. Fairness – This is a litmus test to determining whether your aff is fair –**

**A] Limits – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments. Nobody knows your aff better than you, so if you can’t find an answer, I can’t be expected to.**

**2. Research – Forces the aff to go to the other side of the library and contest their own viewpoints, as well as encouraging in depth-research about their own position. Having one also encourages more in-depth answers since I can find responses.**

**Paradigms – Fairness – debate is a competitive activity that requires fairness for objective evaluation. Drop the debater – a] indicts the aff so drop the arg is drop the debater b] deter future abuse. Competing interps – a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm b] it creates a race to the top where we create the best possible norms for debate. c] Eval theoretical paradigms after the 2N – key to prevent 2AR judge psychology and checks for infinite prep. No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices. c] Getting faster solves. 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. Neg abuse o/w aff abuse – we both have 13 minutes but you have persuasive advantages in the 2AR on top of infinite prep time.**

## 2

**Interpretation:** **The affirmative must specify the degree to which they reduce property rights in a delineated card in the 1AC.**

**Violation: You don’t.**

**Standards – 1] Stable advocacy – 1AR clarification delinks neg positions that prove why property rights are bad because it’s not what they defend – for example, a small reduction in property rights probably wouldn’t link to the innovation DA, but a complete elimination would – wrecks neg ballot access and kills in depth clash – CX doesn’t check since it kills 1NC construction pre-round. 2] Real World – Policy-makers have to specify the mandates of the plan – also means zero solvency, absent spec, states can circumvent the aff’s policy since there is no delineated way to enforce what property rights are reduced.**

## 3

### Paradigm

#### The role of the ballot is to vote for the debater who proves the truth or falsity of the resolution. Prefer:

#### 1 – Textuality – “affirm” is defined as “to assert as valid or confirmed”[[1]](#footnote-1), and “negate” is “to deny the existence or truth of”[[2]](#footnote-2) which means the judge is only in their jurisdiction to vote on arguments that either affirm or negate the resolution.

#### 2 – Collapses – all statements collapse to truth value; saying “I am hungry” is the same as saying “it is true that I am hungry.” – which means you think it is true we should use your role of the ballot and concedes ours.

#### 3 – Safety – other roll of the ballots open up the lives of personal debaters by taking pre-fiat factors into account – only truth testing solves by being grounded in a textual analysis of the resolution.

#### Permissibility and Presumption negate:

#### 1 – "Ought" in the resolution mean that you need to prove an obligation to do the aff – permissibility means that AFF isn’t obligatory

#### 2 – Probability – There are infinite number of ways to prove a statement false and only one way to prove it true, so the resolution is more likely to be false.

### NC

#### Objective morality is epistemically inaccessible:

#### 1 – Rule-Following Paradox – there is nothing inherent in a rule that mandates following a specific interpretation. They are always subject to interpretation by the observer, which means an objective moral rule would get interpreted differently by different agents.

#### 2 – History proves – no moral or epistemological theory has received a majority support among philosophers, despite thousands of years of debate – means that even if there is a universal theory – it’s not binding as proven by ever past act of immorality.

#### 3 – Epistemic Bias – governments are skewed by power relationships in society, so enforcing a universal moral theory would inevitably fail to encompass the views of all its constituents.

#### The solution is the libertarian state – only our framework preserves people’s freedom to pursue their conception of truth. Thus, the standard is consistency with libertarianism.

**Mack 18** – Eric Mack, June 15, 2018, “Robert Nozick’s Political Philosophy” <https://plato.stanford.edu/entries/nozick-political/#FraDisPro>

The official purpose of Part III of ASU, “Utopia”, is to show that **the minimal state is** not merely legitimate and just; it is also **inspiring**. This purpose is advanced by sketching a framework for utopia that is inspiring and noting that this framework is highly akin to—Nozick actually says “equivalent to” (333)—the minimal state. Yet Nozick also says that the framework might not have any “central authority” (329). Still, the framework is akin to the minimal state because it is an institutional structure that enforces peaceful co-existence among voluntarily formed communities. **It protects the independence of such communities and their freedom to recruit members and also protects the liberty of individuals to enter and exit communities as they respectively choose**. Although Nozick is not explicit about this, we have to presume that the framework enforces the same norms of personal freedom, property, and contractual compliance that the minimal state enforces except insofar as individuals voluntarily relinquish such rights within the communities they enter. The framework is inspiring **because of the way it contributes to persons’ identification of and participation in communities** (and other networks of relationships) **through which they will find meaning and well-being**. It is inspiring to **anyone** **who appreciates how little each of us knows about what sorts of communities best suit** **human** beings in all their depth and diversity and how much the operation of **the framework assists individuals in their discovery of and engagement in communities that enhance their respective well-being.** Moreover, many persons may value the framework not merely for the way it enhances their own good but, also, for the ways in which it allows them to participate vicariously in others’ achievement of their different modes of flourishing (Lomasky 2002). 5.1 The Framework as Discovery Procedure The framework is—or, more precisely, sustains—a discovery procedure. Under the protective umbrella of the framework, individuals are presented with and can try out diverse communities while communities themselves arise and modify themselves in their competitive search to sustain, improve, or increase their membership. A wide range of communities will continually arise out of and in response to the evolving perceptions that diverse individuals will have about what modes of sociality will best suit them and will best attract welcome partners. Communities will survive and perhaps expand or be imitated insofar as they actually embody modes of relationship that serve well their actual or prospective membership or insofar as they successfully refine their offerings in the market place of communities. **The framework also insures that those who are already confident that they know what sort of community is best for them will be free to form those communities by voluntary subscription and, thereby, to manifest their actual value** (or disvalue) to themselves and to other seekers of well-being. Part of Nozick’s sub-text here is **a message to socialist utopians that nothing in the framework (or the minimal state) precludes their non-coercive pursuit of their ideal communities.** How, therefore, can socialists object to the framework (or the minimal state)? This generalizes Nozick’s earlier claims in ASU that that advocates of meaningful work and workers’ control of productive enterprises ought not to be hostile to the minimal state since the minimal state is fully tolerant of non-coercive endeavors to establish such conditions (246–253). In a short essay in Reason magazine published four years after ASU, Nozick asked, “Who Would Choose Socialism?” (Nozick 1978). More precisely, his question was: What percent of the adult population would choose “to participate in socialist interpersonal relations of equality and community” were they in position to choose between “a reasonably attractive socialist option and also a reasonably attractive non-socialist one?” (Nozick 1978: 277). Nozick takes the choice available to Israelis between membership and non-membership in kibbutzim to be a good instance of a choice between such options and notes that around six percent of the adult population of Israel in the 1970s had chosen the socialist option. He speculates that socialists are at least “tempted” to be imperialists precisely because they sense that there will be too few volunteers (Nozick 1978: 279). The discovery procedure that the framework sustains is a version of Millian experiments in living—albeit it is a version that places much more emphasis on the role of a marketplace of communities in providing individuals with experimental options. This discovery procedure (like Millian experiments in living) is, of course, a Hayekian invisible hand process. Given the enormous diversity among individuals, we do not know what one form of community would be best. The idea that there is one best composite answer to all of these questions [about what features utopia has], one best society for everyone to live in, seems to me to be an incredible one. (And the idea that, if there is one, we now know enough to describe it is even more incredible.) (311) Nor do we know what distinct modes of community would be best for distinct types of persons. Thus, we cannot design an inclusive utopia; nor can we design an array of mini-utopia such that some significantly fulfilling community will be available to everyone—or even to most. It is helpful to imagine cavemen sitting together to think up what, for all time, will be the best possible society and then setting out to institute it. Do none of the reasons that make you smile at this apply to us? (313–314) Given our ignorance, the best way to realize utopia—almost certainly many distinct utopia—is through the discovery procedure that the framework sustains. (We should note, however, an implicit, somewhat puzzling, and wholly unnecessary presupposition of Nozick’s discussion, viz, that individuals with utopian aspirations will generally seek out communities that are made up of other individuals like themselves. The suggestion is that chosen communities will be internally homogeneous with heterogeneity existing only across these communities.)

#### Prefer:

#### 1 – Argumentation presupposes freedom to prove claims as valid. Being able to objectively decide between arguments and evaluate them necessitates a higher framework which is libertarianism. Refuting this claim concedes to the authority of the argument, as you rely on an external framework to prove it false.

#### 2 – Our framework isn’t consequentialist – we focus on the intrinsic intentions behind actions and evaluate if they violate freedom.

#### Now negate:

#### 1 – Medical IP restrictions deny an individual’s constitutive right to their labor.

**Damato** – David D’amato, Libertarian views of Intellectual Property, May 28 2014, https://www.libertarianism.org/columns/libertarian-views-intellectual-property-rothbard-tucker-spooner-rand

The work of individualist anarchist Lysander Spooner presents a stark and noteworthy contrast to that of Benjamin Tucker. Eulogized by Tucker as “Our Nestor,” Spooner was a key influence on early American anarchism and continues to have an impact on the contemporary libertarian movement. Uncompromising in his methodical attacks on slavery and repressive legislation more generally, the polemics of this libertarian lawyer were always feisty and creative. He founded his American Letter Mail Company in 1844 as a rival to the monopolistic U.S. Post Office and attacked slavery on constitutional grounds only to turn around and attack the Constitution itself using generally accepted principles of contract law. Given his rare genius and durable stature as an important ancestor of modern libertarians, Spooner’s views on intellectual property rights have continued to inform the conversation surrounding the relationship between those rights and natural law. In his essay “The Law of Intellectual Property,” published in 1855, Spooner sets out to “understand the law of nature in regard to intellectual property,” a project he says must begin with “understand[ing] how and when wealth becomes property.” For Spooner, this distinction between wealth and property is important, with the former encompassing a broad array of things even “intangible and imperceptible,” and the latter reserved for wealth that an owner has converted into something “that is possessed” (emphasis in original). Property, Spooner writes, “is a right against the whole world,” and may embrace any “conceivable thing … which can be possessed, held, used, controlled, and enjoyed, by one person.” Spooner thus affirmatively answers the question of whether things like enjoyments, ideas, happiness, and feelings fall within the category as he has delineated it, concluding that all of these are susceptible to property. Since Spooner finds the foundation of property in each individual’s natural right to provide for her own subsistence and happiness, it is perhaps unsurprising that he regards “the right of property in intellectual wealth” as necessary and legitimate. After all, ideas are no less important to the ends served by property than are labor and natural resources, which would remain idle and useless without the application of intellect and ingenuity. Confronting the argument that a thing must have “corporeal substance” to be the subject of a property right, Spooner protests that tangible, **physical substances “are not the only things that have value”—that denying a property right in ideas is akin to arguing that an individual does not own her labor, also intangible.** If labor is properly the subject of property, belonging to the individual and deserving of payment, then so too are ideas, which he compares to the “new forms and new beauties” that human labor gives to physical objects. Engaging ideas from tort law, Spooner goes on to observe that health, strength, and the physical senses too are incorporeal, susceptible to loss “without the loss of any corporeal substance,” but are nevertheless “valuable possessions, and subjects of property.” A tortfeasor who impairs or harms these non‐​physical qualities must make his victim whole, paying damages as compensation. For Spooner, then, it is clear that property rights can (indeed, must) extend their reach beyond physical objects, that the acquisition of property itself depends fundamentally upon something that cannot be seen or touched, human effort. Among the several other objections Spooner addresses is the common worry that “ideas have no ear‐​marks,” that it is impossible, as a practical matter, to attribute ownership of an idea to an individual accurately or justly. To this, Spooner points to the fact that, as things are now, **individuals regularly register ownership of their ideas, and “with a great variety of other evidence” demonstrate that ownership to tribunals with sufficient certainty and definiteness**. Spooner thus denies that the density and plurality of inventions’ causes means that the ideas behind them cannot be owned by distinct individuals, arguing that this objection, if sound, would also apply to property in tangible objects. Spooner urges his reader to consider the gold miner in California, who is no less propelled and aided by the “general progress of science, knowledge, and art,” the gold he discovers no less owing to others who came before him. Spooner takes on perhaps the most common objection to intellectual property rights among libertarians today, that private property in corporeal commodities is justified only by the fact that these are rivalrous, that they “cannot be completely and fully possessed and used by two persons at once.” Carried to its logical end, Spooner says, this argument is nothing but communism, allowing any individual the right to take for himself and use freely anything he wants, regardless of whether he has produced it by his own labor. Spooner arrives at this conclusion by arguing that private property has its proper foundation not on the rivalrousness of tangible objects, but on the fact that the property in question is “produced by one man’s labor.” The opponents of intellectual property therefore undermine the entire basis for private property, establishing a principle that, Spooner argues, in fact applies equally well to corporeal commodities under certain circumstances. For example, railways, roads and canals may be used simultaneously by several people, and yet are proper subjects of private property. Having set out his own case for private property in ideas and carefully attended to many of the objections to such property, Spooner’s “The Law of Intellectual Property” remains a pivotal moment in the case for pro‐​intellectual property libertarianism.

#### 2 – Justification – the AC justifies large corporations stealing the property of a single inventor and using it as their own more efficiently – means that the Aff violates libertarian freedom.

## 4

#### Paradigm for 1AR shells and independent voters:

#### Reasonability – 1AR theory is crazy aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing crazy abusive 1NCs while still giving the 2N a chance.

#### DTA – They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – outweighs on quantifiability.

#### No new 1AR theory paradigm issues – A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B] introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

1. https://www.merriam-webster.com/dictionary/affirm [↑](#footnote-ref-1)
2. https://www.merriam-webster.com/dictionary/negate [↑](#footnote-ref-2)