# 1NC

## 1

#### Interp: Debaters must disclose round reports on the 2021-22 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech – from the 1AC to the end of the 2AR.

#### Violation: screenshot in the doc – they didn’t disclose beyond the 1NC for r3.

Graphical user interface, application

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#### Standards: 1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it’s an impact multiplier since anything else means people quit. 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can’t afford coaches to prep out affs. No AFF offense – they disclosed other RRs fully but not this one.

#### Paradigms – Education – it’s why schools fund debate. Drop the debater – a] deter future abuse and b] set better norms for debate. 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. 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 aff may not specify a situation that member nations of the World Trade Organization reduce intellectual property protections for medicines. The negative may not read PICs.

#### Violation: They spec pandemics.

#### Standard is limits – there are countless affs and specific situations – specific virus outbreak, war time, etc. unlimited topics incentivize obscure affs that negs won’t have prep on – limits are key to reciprocal prep burden – potential abuse doesn’t justify foregoing the topic and 1AR theory checks PICs

#### TVA solves – read as an advantage to whole res – we still get discussion on it – non-uniques any reason why their aff is uniquely good.

## 3

### Paradigm

#### The role of the ballot is to determine whether the resolution is a true or false statement – anything else moots 7 minutes of the NC – their framing collapses since you must say it is true that a world is better than another before you adopt it.

#### They justify substantive skews since there will always be a more correct side of the issue but we compensate for flaws in the lit.

#### Scalar methods like comparison increases intervention – the persuasion of certain DA or advantages sway decisions – T/F binary is descriptive and technical.

#### Negate because either the aff is true meaning its bad for us to clash w/ it because it turns us into Fake News people OR it’s not meaning it’s a lie that you can’t vote on for ethics

#### The ballot says vote aff or neg based on a topic – five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true so it's constitutive and jurisdictional. I denied the truth of the resolution by disagreeing with the aff which means I've met my burden.

### Burden

#### In order to prove the resolution, the aff must prove that it is conceptually coherent to reduce medical IP protections. To clarify, they must prove that when the member nations of the WTO guarantee IP reductions, they cannot structurally falter from that obligation. Prefer:

#### 1 – Textuality – ‘ought’ implies ‘can’, which means that the state cannot falter from an absolute obligation.

**Britannica** – Encyclopædia Britannica, inc. (n.d.). Ought implies can. Encyclopædia Britannica. Retrieved October 15, 2021, from https://www.britannica.com/topic/ought-implies-can.

**Ought implies can**, in [ethics](https://www.britannica.com/topic/ethics-philosophy), the principle according to which an agent has a [moral](https://www.merriam-webster.com/dictionary/moral) obligation to perform a certain action only if it is possible for him or her to perform it. In other words, if a certain action is impossible for an agent to perform, the agent cannot, according to the principle, have a moral obligation to do so. Attributed to the German [Enlightenment](https://www.britannica.com/event/Enlightenment-European-history) philosopher [Immanuel Kant](https://www.britannica.com/biography/Immanuel-Kant), the principle of ought implies can has been regarded as a minimal condition on the plausibility of any [ethical](https://www.merriam-webster.com/dictionary/ethical) theory: viz, no such theory is justifiable if it implies that agents have duties to perform actions that they are unable to perform.

#### 2 – Real world – The aff would be an incoherent policy if it was impossible – that’s why policy makers don’t debate over absurd policies like pursuing immortality for Agastya.

#### 3 – Conceptual necessity – If states cannot conceptually be obligated to externally take an action, then it means the principle of reducing I{ is incoherent – it presupposes some binding force. Means A] you’d still negate even if the burden is false since it proves the resolution false B] The burden comes first because it evaluates what it means to affirm or negate.

#### 3 – Hijacks your role of the ballot – A] Strategies against oppression must be pragmatic to avoid ivory-towered theorizing B] Considering if an IP reduction is favorable relies on its relation to the states that pass it.

#### 4 – Neg Burden Choice if they didn’t specify their implicit burden in the AC – otherwise they can de-link out of all the NC offense, and abuse was self-inflicted because they could have justified a burden but didn’t.

### Contention

#### Negate – the constitutive feature of the law is that the sovereign creates it, but the sovereign lives outside of the law and has complete control over the it. The sovereign is the only authority over the law, creating a state of exception; the state cannot undermine the sovereign in the state of exception. Thus, any principle that mandates the state to act is impossible.

Agamben 04 – Agamben, Giorgio. “Homo Sacer – Sovereign Power and Bare Life”. Translated by Daniel Heller-Rozan. Published 2004. Bracketed for gendered language

The paradox of sovereignty consists in the fact **the sovereign is**, at the same time, **outside and** **inside the juridical order. If the sovereign is** truly **the one to** **whom the** juridical **order grants the** **power** **of proclaiming a state of exception** and**, therefore**, of suspending the order's own validity, then "**the sovereign stands outside** the juridical order and, nevertheless, belongs to it, **since it is up** **to him [them] to decide if the constitution is to be** **suspended** in toto" (Schmitt, Politische Theologie, p. 13). The specification that the ¶ sovereign is "at the same time outside and inside the juridical order" (emphasis added) is not insignicant: **the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law**. This means that the paradox can also be formulated this way: "**the law is outside itself**," or: "1, the sovereign, who am outside the law, declare that there is nothing outside the law [che non c'e un ori gge]." ¶ The topology implicit in the paradox is worth reflecting upon, since the degree to which sovereignty marks the limit (in the dou­ ble sense of end and principle) of the juridical order will become clear only once the structure of the paradox is grasped. Schmitt presents this structure the structure of the exception (Ausnahme): ¶ The exception is that which cannot be subsumed; it defies general codification, but it simultaneously reveals a specically juridical formal element: the decision in absolute purity. The exception appears in its absolute form when it is a question of creating a situation in which juridical rules can be valid. **Every** general **rule demands** **a regular**, everyday **frame** oflife **to which it can be factually applied** and which is submitted to its regulations. The rule requires a homogeneous me­ dium. This factual regularity is not merely an "external presupposi­ tion" that the jurist can ignore; it belongs, rather, to the rule's imma­ nent validity. There is no rule that is applicable to c**haos. Order must be established for juridical order** to m e sense. A regular situation must be created, and **sovereign is he who definitely decides if this** **situation** **is** actually **effective**. l law is "situational law." The sovereign creates and guarantees the situation as a whole in irs totality. **He** **has the monopoly over** **the** nal **decision**. Therein consists **the** essence of **State sovereignty**, which **must** therefore **be** properly juridically de ned not as the monopoly to sanction or to rule but as **the monopoly to decide**, **where** the word "**monopoly" is** **used in a general sense** that is still to be developed. The decision reveals the essence of State authority most clearly. Here the decision must be distinguished from the juridical regulation, and (to formulate it paradoxically) authority proves itself not to need law to create law. .. . The exception is more interesting than the regular case. The latter proves nothing; the excep­ tion proves everything. **The exception does not only confirm the rule; the rule as such lives o the exception alone**. A Protestant theologian who demonstrated the viral intensity of which theological reflection was still capable in the nineteenth century said: "The exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the general itself After a while, one becomes disgusted with the endless talk about the general-there are exceptions. If they cannot be explained, then neither can the general be explained. Usually the difficulty is not noticed, since the general is thought about not with passion but only with comfortable superficiality. The exception, on the other hand, thinks the general with intense passion." (Politische Theologie, pp. 19-22) ¶ It is not by chance that in defining the exception Schmitt refers to the work of a theologian (who is none other than S0ren Kierke­ gaard). Giambattista Vico had, to be sure, armed the superiority ¶ of the exception, which he called "the ultimate configuration of facts," over positive law in a way which was not so dissimilar: '' esteemed jurist is, therefore, not someone who, with the help of a good memory, masters positive law [or the general complex of laws], but rather someone who, with sharp judgment, knows how to look into cases and see the ultimate circumstances off acts that merit equitable consideration and exceptions from general rules" (De antiquissima, chap. 2). Yet nowhere in the realm of the juridical sciences can one nd a theory that grants such a high position to the exception. For what is at issue in the sovereign exception is, according to Schmitt, the very condition of possibility of juridical rule and, along with it, the very meaning of State authority. **Through the state of exception, the sovereign** "creates and **guarantees the situation**" **that the law needs for its own validity**. But **what is this "situation**," what is its structure, **such that it consists in nothing other than the suspension of the rule**? ¶ X The Vichian opposition between positive law (ius theticum) and exception well expresses the particular status of the exception. The exception is an element in law that transcends positive law in the form of its suspension. The exception is to positive law what negative theology is to positive theology. While the latter a rms and predicates determinate qualities of God, negative (or mystical) theology, with its "neither . . . nor . . . ," negates and suspends the attribution to God of any predicate whatsoever. Yet negative theology is not outside theology and can actually be shown to function as the principle grounding the possibility in general of anything like a theology. Only because it has been negatively presupposed as what subsists outside any possible predicate can divinity become the subject of a predication. Analogously, only because its validity is suspended in the state of exception can positive law define the normal case as the realm of its own validity. ¶ r.2. The exception is a kind of exclusion. **What is excluded from the general rule is an individual case**. But the most proper characteristic of the exception is that what is excluded in it is not, on account of being excluded, absolutely without relation to the rule. On the contrary, **what is excluded in the exception** **maintains itself** ¶ **in relation to the rule in the form of the rule's suspension**. The rule applies to the exception in no nger app ing, in withdrawing om it. **The state of exception** **is** thus **not the chaos that** **precedes order but rather the situation that results from its suspension**. In this sense, the exception is truly, according to its etymological root, taken outsi (ex-capere), and not simply excluded. ¶ It has o en been observed that the juridico-political order has the structure ofan inclusion of what is simultaneously pushed outside. Gilles Deleuze and Felix Guattari were thus able to write, "Sovereignty only rules over what it is capable of interiorizing" (Deleuze and Guattari, Mil p teaux, p. 5); and, concerning the "great confinement" described by Foucault in his Madness and Civilition, Maurice Blanchot spoke of society's attempt to "confine the outside" (en rmer le dehors), that is, to constitute it in an "interiority of expectation or of exception." Confronted with an excess, the system interiorizes what exceeds it through an interdiction and in this way "designates itself as exterior to itself" (L ntretien in ni, p. 292) . The exception that defines the structure of sovereignty is, however, even more complex. **Here what is outside is included not simply by means of an interdiction or an internment**, **but** rather **by means of the suspension of the juridical order's** **validity-by letting the juridical order**, that is, **withdraw from the exception** and aban­ don it. The exception does not subtract itself from the rule; rather, the rule, **suspending itself, gives rise to the** **exception** and, maintaining itself in relation to the exception, rst constitutes itself as a rule. The particular "force" of law consists in this capacity of law to maintain itself in relation to an exteriority. We shall give the name relation of exception to the extreme form of relation by which something is included solely through its exclusion. ¶ **The situation created in the exception has the peculiar characteristic that it cannot be defined** either as a situation of fact or as a situation of right, but instead institutes a paradoxical threshold of indistinction between the two. It is not a fact, since **it is only created through the suspension of the rule**. But for the same reason, it is not even a juridical case in point, even if it opens the possibility ¶ of the force of law. **This is the ultimate meaning** of the paradox that Schmitt formulates when he writes **that the sovereign[s] decision "proves itself not to need law to create law."** What is at issue in the sovereign exception is **not so much the control or neutralization of** an **excess as the creation and definition of the very space in which the juridico-political order can have validity.** In this sense, **the sovereign exception is the** fundamental **localization** (Ortung), **which does not limit itself to distinguishing what is inside from** what is **outside but** instead **traces a threshold** (the state of exception) **between the two, on** the basis of which outside and inside, **the normal situation and chaos**, enter into those complex topological relations that make the validity of the juridical order possible. ¶ The "ordering of space" that is, according to Schmitt, constitu­ tive of the sovereign nomos is therefore not only a "taking of land" (Landesnahme)-the determination of a juridical and a territorial ordering (of an Ordnung and an Ortung)-but above all a "taking of the outside," an exception (Ausnahme). ¶

## 4

### 1NC – 1AR Paradigms

#### 1 – Reasonability on 1AR shells – 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. Evaluate theory after the 2NR – key to check back against infinite prep.

#### 2 – DTA on 1AR shells - 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.

#### 3 – RVIs on 1AR theory – 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

#### 4 – 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 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.

### 1NC – 1AR Theory Hedge

#### No 1AR Theory/Independent voters –

#### 1~ Responses to my counter interp will be new which means 1ar theory necessitates intervention—-outweighs because it makes the decision arbitrary

#### 2~ Deters the 1NC from checking abuse out of fear for 1AR meta-theory, which destroys me since it's also preclusive. Turns their infinite abuse args.

#### 3~ Resolvability double bind—either you automatically accept 2AR responses to 2NR counter-standards which means they always win since I can't answer those responses, or you have to intervene to determine the credence you give those 2AR responses, which makes it irresolvable and unfair.

#### 4~ Reject infinite abuse claims—a~ infinite abuse doesn't exist since there are a finite number of rounds, b~ if I win I can't engage in 1AR theory then you could never check infinite abuse since we can't use your shells to determine what's abusive c. Functional limits solves – I only have 7 minutes so I can’t be infinitely abusive

## 5

#### Interp: Debaters must show-up to the room check-in on time.

#### Violation: They were late, screenshots in doc.

Table

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Graphical user interface, application

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#### 1] Tech issues – testing tech pre-round is key to functional debates like audio quality and sound settings. O/Ws A] Sequencing – controls the internal link to other standards B] Reversibility – you could get disqualified for being late.

#### 2] Tournament rules – Bronx requires you to be on time for tech check – means you can’t jurisdictionally vote for them bc its intrinsic to the tournament.

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#### 3] Delay – Late tech-checks and preventable tech issues delay RFDs and future pairings 2 impacts – (A) Scope – delaying the tournament skews flight 2 neg debaters, big prep-squads (B) Late rounds cause sleep-deficits which is bad for your health and skews your ability to effectively clash and engage.

## 6

#### Interpretation – The affirmative may not claim that multiple framing arguments procedurally outweigh.

#### Violation – They’ve independently taken the stance that extinction, and actor spec, and intuitions all come first.

#### Standards –

#### 1. Strat – It’s impossible to determine what angle to take while contesting the aff. Claiming multiple framing arguments are the highest layer means I need a strategy that links to all of them on the spot, but you get to make up the terms and choose the fwk that they all operate under.

#### 2. Infinite Abuse – Reading arguments as the highest layer justifies reading every argument as the highest layer, forcing us to answer every single argument in the aff.

#### 3. Shiftiness – If I read a separate fwk and claim it’s the most germane to government specific action, you’ll just claim that it doesn’t matter because intuitions come first in the 1AR which is arbitrary.

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)