## 1

#### Interpretation: affirmative debaters may no read all neg interps are counter interps, aff gets 1ar theory, aff theory prior to neg theory, aff gets rvi, and neg doesn’t get rvi

Infinte abuse

norming

#### Fairness and education are voters – debate’s a game that needs rules to evaluate it and education gives us portable skills for life like research and thinking. Drop the debater—the abuse has already occurred and my time allocation has shifted b) to deter future abuse, big punishment incentivizes people to stop bad practices especially true with bad spikes cuz otherwise they just load them up like pics dont negate stuff 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 shouldn’t win for being fair – it’s a litmus test for engaging in substance b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) chilling effect – forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, d) topic ed – prevents 1AR blip storm scripts and allows us to get back to substance after resolving theory d) Double Bind – either 1) my Theory shell is unwarranted in which case you shouldn’t have any problem answering it or 2) you’re actually abusive in which case the whole shell stands and outweighs. 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.

#### 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.

## 2

#### Permissibility and presumption negate – a. if the resolution indicates the affirmative has to prove an obligation, permissibility would deny the existence of an obligation b. Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false. C. we don’t presume everything true, that’s why we don’t believe in conspiracy theories

#### The neg burden is to prove that the aff won’t logically happen in the status quo, and the aff burden is to prove that it will.

#### Prefer:

#### 1] Text –

#### A] Ought is “used to express logical consequence” as defined by Merriam-Webster

(<http://www.merriam-webster.com/dictionary/ought>) //Massa

#### B] Oxford Dictionary defines ought as “used to indicate something that is probable.”

<https://en.oxforddictionaries.com/definition/ought> //Massa

#### 2] Debatability – A] it focuses debates on empirics about squo trends rather than irresolvable abstract principles that’ve been argued for years – resolvability is an independent voter cuz otherwise the judge can’t make a decision which means it’s a constraint on any burden because otherwise the round is impossible B] moral framework debate is impossible.

Joyce 02 Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47.

This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain **“linguistic frameworks”** (as Carnap calls them) **bring** with them **new** terms and **ways of talking: accepting the language of “things” licenses making assertions** like “The shirt is in the cupboard”; **accepting mathematics allows one to say “There is a prime number greater than one hundred”;** accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionally **philosophers have interest**ed themselves **in** the external question – **the issue of the adequacy of the framework itself:** “Do objects exist?”, “Does the world exist?”, “**Are there numbers?”,** “Are the propositions?”, etc. Carnap’s argument is that **the** external **question,** as it has been typically construed, **does not make sense. From a perspective that accepts mathematics, the answer to the question “Do numbers exist?” is just** trivially **“Yes.”** From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness,etc., of the adoption. But the (traditional) **philosopher’s questions** – “But is mathematics true?”, “Are there really numbers?” – **are pseudo-questions.** By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space. **To** step out of the thing language and **ask “But does the world exist?” is a mistake,** Carnap thinks, **because the very notion of “existence” is a term which belongs to the thing language, and can be understood only within that framework, “hence this concept cannot be meaningfully applied to the system itself.”** 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: **persons who dispute** whether propositions exist, **whether properties exist,** etc., do not know what they are arguing over, thus they **are not arguing over the truth of a proposition,** but over the practical value of their respective positions. Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

#### 3] Neg definition choice – the aff should have defined ought in the 1ac because it was in the rez so it’s predictable contestation, by not doing so they have forfeited their right to read a new definition – kills 1NC strategy since I premised my engagement on a lack of your definition.

#### Now negate:

#### 1] Inherency – either a) the aff is non-inherent and you vote neg on presumption or b) it is and it isn’t going to happen since there are structural barriers that preclude. Also you don’t get to say in the 1ar that the aff is non inherent because you took a stance in the aff that it was which is an academic integrity issue.

## Case

### Underview

#### New 2nr responses – 1. their arguments are incomplete and I can’t know the implications until the 1ar 2. Clash – their model allows debaters to just extend one argument and ignore the rests of the flow

#### Paradigm issues for 1AR shells if the neg concedes the framework, and defends the status quo

#### [1] DTA – A] 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 B] proves terminal defense to 1AR shells since the 1NC is directly engaging under the aff’s framework of choice, with the most predictable advocacy

#### [2] Reasonability – 1AR theory is super aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to which means either A] the 2AR always wins since they just need a single response to each argument which flips infinite abuse or B] means it’s irresolvable because the judge has to intervene to determine whether or not it’s warranted enough to vote on which collapses to reasonability – reasonability checks 2AR sandbagging by preventing super abusive 1NCs while still giving the 2N a chance.

#### [3] We get 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 quantifiaiblity

#### [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. C] anything else screws over NC strategy because your lack of justification determines my 1nc strat D] Infinite abuse is solved by preemptive shells empirically proven by reading ACC

#### [5] Reject 1AR Theory: a] Resolvability: Either you auto accept all responses to 2NR standards and they auto win since I can't respond, or you intervene to give 2AR credence b] Structural skew: 7-6 time 2-1 speech skew for offense favors the Aff who speaks first and last and set the stage with a persuasive advantage c] No infinite abuse: 1NC is 7 minutes and 1AC spikes check

### offense

#### [1] Coercion - Reducing IPP is a form of the government coercing medicine companies into giving away rights to their products – that’s is a contradiction in conception and this also takes out aff offense because companies can’t be coerced into doing something even if it might be a good under the framework – for example, you can’t coerce someone into donating to charity

**[2] Freeriding - IPP is intrinsically good because its intention is to oppose nonuniversalizable actions like freeriding and theft**

**Van Dyke 18** (Raymond Van Dyke and , 7-17-2018, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/ ) BHHS AK

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. 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.