## 1

#### Interpretation: The affirmative debater may only defend that the member states of the WTO ought to reduce intellectual property protections for medicines. To clarify- the aff cannot garner offense from anything beyond the resolution

Violation: That’s what their plan is modeled after. [They garner offense from method and not just the fiatted advocacy and 2. because their method requires more than just implementing the policy but requires a specific orientation/research/etc]

#### Standards:

#### 1] Limits- they can add any random non topical action to the plan which explodes neg prep burdens- limits key to reciprocal engagement since they create a caselist for neg prep- supercharged by the lack of a stasis point

#### 2] Ground- their model allows them to artificially inflate their ground by fiating actions that solve potential solvency deficits- takes away core generics like infrastructure, scale up, quality, circumvention and more- ground controls the IL to engagement

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate – all other rules can be debated over but rely on some conception of fairness to be justified.

#### 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

#### Fairness first:

#### 1] It’s a constitutive process of debate since debate is a game with a winner and loser, speech times, and flipping 30 min before the round – Constitutive Rules means any DA to our interpretation are inevitable and terminally non-unique

#### 2] Self Defeating- All the 1ar's arguments assume that the judge will evaluate them fairly which concedes it's authority – actively hack against them

#### 3] Ballot proximity – the ballot can’t solve their offense or actualize their method since arguments we read have no effect on our subjectivity, but voting negative can set good norms.

#### 4] Deliberation – Every discussion of an liberation strategy assumes an level playing field with the ability to contribute to the discussion

#### 5] Misses the boat – Their impact turns shows a misapplication of fairness not a reason why the very structure of it is bad.

#### 6] Fair Testing – since I can’t answer the aff you should assume their arguments are presumptively false – we can only come to conclusions about the world via rigorous testing of them

## 2

#### Interpretation: If the aff reads evidence specifying what the role of the judge or ballot ought to be, they must have a text in the 1AC which clarifies:

#### ---what constitutes offense

#### ---how to weigh offense under their paradigm

#### ---what constitutes a legitimate advocacy

#### Violation: They don’t.

#### Standards:

#### [1] Stable Advocacy – they can shift framework in their second speech to delink offense or exclude turns by re-specifying what links and what doesn’t under their framework, making it impossible for me to win offense under their framework

#### 2 Impacts:

#### time skew – letting them shift out of my offense gives them 13 mins of offense but I have to restart in the 2nr, outweighs because it’s key to fairness

#### clash – letting them exclude any legitimate argument I make denies a rigorous testing of ideas

#### [2] Resolvability – it’s impossible to choose the better debater under their role of the ballot if they don’t specify what it means to debate under that role of the ballot. Key to fairness – absent an objective adjudication of the round, the decision is arbitrary.

#### [3] Engagement – If I don’t know how the role of the ballot functions, its impossible for me to engage the aff, since knowing what counts as offense is a prerequisite to being able to make meaningful arguments that clash with yours. Knowing what a legitimate advocacy is ensures that I read something that is relevant to your method, and knowing how to weigh gives us an explicit standard for what is relevant, preventing superficial clash where we each make vacuous preclusion claims.

**You can’t use your ROB to exclude my shell. My shell allows you to read your role of the ballot, it just functionally constrains how you can do that. Additionally, as long as I win comparative offense to my interp it precludes on a methodological level -my method is your ROTB with specification, your is just the ROTB, so if the former is better it’s a reason to vote for me even if method debates in general preclude theory. Also, if they go for K first that proves the abuse of my shell since they should have specified in the AC.**

**CX Doesn’t Check**

#### [a] topic ed: asking a million questions about the advocacy means that we don’t get to discuss the central issues of the case or the warrants, that’s what makes the case true

**[b] They can shift out in CX as I ask disad questions, which is the abuse of my shell.**

**[c] Infinitely regressive – this justifies the aff just saying “if you don’t understand the Plan – ask me about it in cross-x”**

**[d] Not verifiable. We can’t know if they would have actually specified. People are trained in CX to be shady as possible- no way I could get an actual concession.**

**[e] Prep skew –I don’t know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec something else – means CX can’t check.**

## 3

#### The starting point of morality is practical reason.

#### 1] Regress: A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. Metaethical standards outweigh: they determine what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations.

#### 2] Action Theory: Every action has infinite sub-actions we must unify them under intent to explain the unity of action. To use intent agents must use practical reason to know the means she takes in her actions can achieve principles guiding the action.

#### And, reason must be universal – a reason for one agent is a reason for another agent. I can’t say 2+2=4 is true for me but not for you – that’s incoherent.

### Method:

#### Thus, counter-methodology:

#### Vote negative to engage in a liberation strategy of universal reason.

#### This entails a starting point where we abstract from individual perspectives to understand the universal, and use this starting point to apply it to empirical institutions and agents.

#### No perms: Uniquely non-sensical in a method debate:

#### [a] It assumes a notion of fiat that doesn’t make sense without a plan. The 1AC role of the ballot forefronts the performative and methodological which a permutation steals away

**[b] non-T affs shouldn’t get perms since they can defend literally anything in the world – thus the burden is on them to prove their advocacy is the best solution to the problem they propose.**

The Role of the Judge is to act as a moral educator.

Educators have a duty to create moral leaders to challenge injustice in the world but contemporary educational practices default to the norms of the dominant group.

ANN HIGGINS-D’ALESSANDRO (psychology professor at University of Fordham). “LAWRENCE KOHLBERG’S LEGACY: RADICALIZING THE EDUCATIONAL MAINSTREAM,” *Kohlberg Revisited*, 27–49. 2015.

**Kohlberg** strongly **opposed** moral relativism as a basis for school life. Power and Power (2012) capture the weakness of **moral relativism as a basis for schooling** by calling it the “default curriculum,” that is **the norms and values of a school that are accepted** by teachers, parents and students alike **because such norms and values reflect their community’s norms and values**. It is the sea in which they swim. In addition, in diverse neighborhoods, **schools and teachers** most **often instantiate the norms and values of the traditionally predominant groups** with the accompanying risk of alienating others. **Morality by implicit consensus cannot challenge a** school’s rules or **society’s laws when they are unfair**, give voice to the powerless, or enable the weak to become less vulnerable. Abraham **Lincoln and** **M**artin **L**uther **K**ing, Jr. **are** **American examples of those who spoke the language of universal morality** in their challenges to the status quo. The last great world leaders whose messages were embedded within a universal moral perspective were Desmond Tutu. **Although the world seems to need such leaders**, **young people** themselves **debate** and discuss **using universal moral categories when solving interpersonal or intergroup issues**, seemingly **quite naturally**. Moreover, **they quite easily understand and debate each other across the major distinguishing threads of traditional moral philosophies**—deontic, teleological, and utilitarian as they tend to temper them all with concerns about quality of life (Nussbaum & Sen, 1993). Noddings (2008) has written forcefully and elegantly **about the moral purpose of schooling as building trusting community**; like Kohlberg, she **emphasizes respectful, caring, and truthful relationships among all school members**. Like Noddings and Kohlberg, students come to these ideas in various instantiations, sometimes with adult guidance, sometimes without such guidance being necessary. The next section describes how the conditions within the Just Community make it an experiment in moral education, more than only an exercise in democracy, leadership, and cooperation.

#### Additionally Prefer:

#### [1] Performativity: freedom is the key to the process of justification of arguments through talking freely. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, denying self-ownership in the round automatically implies the truth of the aff framework.

#### [2] Ideal theory is capable of radical possibilities.

Holmstrom 12 [Holmstrom, Nancy [Prof. Emeritus @ Rutgers]. "Response to Charles Mills's." Radical Philosophy Review 15.2 (2012): 325-330.]

We have to speak to people where they are, he says, and that means appealing to core values of liberalism: individualism, equal rights and moral egalitarianism. Against what he calls the conventional wisdom among radi- cals, he argues that there is no inherent incompatibility between these values and a radical agenda. If these values are suitably interpreted, I think he is absolutely right. Over two hundred years ago, Mary Wollstonecraft and Toussaint Louverture took the abstract universalistic principles of the French Revolution and extended them to groups they were intended to exclude. Gradually and incompletely women and blacks and landless men have achieved the democratic rights promised to all (in words) by the anti-feudal revolution. So I agree with Charles that such universalistic principles have great value; even if usually applied in self-serving ways, they have a deeply radical potential and it would be foolish of radicals to reject them, any more than we should reject all of the technological developments of the Indus- trial Revolution which also developed with the rise of capitalism. in fact, few American radicals have rejected these aspects of liberalism in their politi- cal practice but have been their strongest champions since the Revolution; socialists of all kinds helped to build the labor and civil rights movements.‘

#### [3] Consequences Fail - Takes out their offense and claims in their evidence since they’re predicated on using past experiences and means you vote neg on presumption.

#### [a] Every action has infinite stemming consequences, because every consequence can cause another consequence so we can’t predict or calculate.

#### [b] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events.

### Negate:

#### [1] Independently not defending the topic is non-universalizable b/c if nobody defended the topic than a topic wouldn’t have even been created in the first place which is a contradiction in conception.

#### [2] The aff has a deontological obligation to be topical.

#### Nebel 15 Jake Nebel,"The Priority of Resolutional Semantics by Jake Nebel," Briefly, <https://www.vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/>

A second strategy denies that such pragmatic benefits are relevant. This strategy is more deontological. One version of this strategy appeals to the importance of consent or agreement. Suppose that you give your opponents prior notice that you’ll be affirming the September/October 2012 resolution instead of the current one. There is a sense in which your affirmation of that resolution is now predictable: your opponents know, or are in a position to know, what you will be defending. And suppose that the older resolution is conducive to better (i.e., more fair and more educational) debate. Still, it’s unfair of you to expect your opponents to follow suit. Why? Because they didn’t agree to debate that topic. They registered for a tournament whose invitation specified the current resolution, not the Sept/Oct 2012 resolution or a free-for-all. The “social contract” argument for topicality holds that accepting a tournament invitation constitutes implicit consent to debate the specified topic. This claim might be contested, depending on what constitutes implicit consent. What is less contestable is this: given that *some* proposition must be debated in each round and that the tournament has specified a resolution, no one can reasonably reject a principle that requires everyone to debate the announced resolution as worded. This appeals to Scanlon’s contractualism. Someone who wishes to debate only the announced resolution has a strong claim against changing the topic, and no one has a stronger claim against debating the announced resolution (ignoring, for now, some possible exceptions to be discussed in the next subsection). So it is unfair to expect your opponent to debate anything other than the announced resolution. This unfairness is a constraint on the pursuit of education or other goods: it wrongs and is unjustifiable to your opponent.

#### [3] Intellectual property is an inalienable personal right of economic use

**Pozzo 6** Pozzo, Riccardo. “Immanuel Kant on Intellectual Property.” Trans/Form/Ação, vol. 29, no. 2, 2006, pp. 11–18., doi:10.1590/s0101-31732006000200002. SJ//DA recut Cookie JX

Corpus mysticum, opus mysticum, propriété incorporelle, proprietà letteraria, geistiges Eigentum. All these terms mean **intellectual property, the existence of which is intuitively clear because of the unbreakable bond that ties the work to its creator.** The book belongs to whomever has written it, the picture to whomever has painted it, the sculpture to whomever has sculpted it; and this independently from the number of exemplars of the book or of the work of art in their passages from owner to owner. The initial bond cannot change and it ensures the author authority on the work. Kant writes in section 31/II of the Metaphysics of Morals: “Why does unauthorized publishing, which strikes one even at first glance as unjust, still have an appearance of being rightful? Because on the one hand a book is a corporeal artifact (opus mechanicum) that can be reproduced (by someone in legitimate possession of a copy of it), so that there is a right to a thing with regard to it. On the other hand a book is also a mere discourse of the publisher to the public, which the publisher may not repeat publicly without having a mandate from the author to do so (praestatio operae), and this is a right against a person. The error consists in mistaking one of these rights for the other” (Kant, 1902, t.6, p.290). The corpus mysticum, **the work considered as an immaterial good, remains property of the author on behalf of the original right of its creation. The corpus mechanicum consists of the exemplars of the book or of the work of art. It becomes the property of whoever has bought the material object in which the work has been reproduced or expressed.** Seneca points out in De beneficiis (VII, 6) the difference between owning a thing and owning its use. He tells us that the bookseller Dorus had the habit of calling Cicero’s books his own, while there are people who claim books their own because they have written them and other people that do the same because they have bought them. Seneca concludes that the books can be correctly said to belong to both, for it is true they belong to both, but in a different way **The peculiarity of intellectual property consists 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. In Publishing Considered anew, Reimarus considered on the contrary copyright in its patrimonial aspects as a limitation to free trade: “What would not happen were a universal protection against pirate publishing guaranteed? Monopoly and safer sales certainly do not procure convenient price; on the contrary, they are at the origin of great abuses. The only condition for convenient price is free-trade, and one cannot help noticing that upon the appearance of a private edition, publishers are forced to substantially lower the price of a book” (Reimarus, 1791a, pp.402-3). Reimarus admitted of being unable to argue in terms of justice. Justice was of no bearing, he said, for whom, like himself, considered undemonstrated the author’s permanent property of his work (herein supported by the legislative vacuum of those years). What mattered, he said, was equity. In sum, Reimarus anticipated today’s stance on free use by referring to the principle that public interest on knowledge ought to prevail on the author’s interest and to balance the copyright. Moreover, Reimarus extended his argument beyond the realm of literary production to embrace, among others, the today vital issue of pharmaceutical production on patented receipts. “Let us suppose that at some place a detailed description for the preparation of a good medicine or of any other useful thing be published, why may not somebody who lives in places that are far away from that one copy it to use it for his own profit and but must instead ask the original publisher for the issue of each exemplar?” (Reimarus, 1791b, t.2, pp.584). To sum up, Reimarus’s stance does not seem respondent to rule of law. For in all dubious case the general rule ought to prevail, fighting intellectual property with anti-monopolistic arguments in favor of free trade brings with itself consequences that are not tranquilizing also for the ones that are expected to apply the law. **By resetting literary texts, one could obviously expurgate some errors. More frequently, however, some were added, given the exclusively commercial objectives of the reprints. The valid principle was, thus, that reprints were less precise than original editions, but they were much cheaper for the simple reason that the pirate publisher had a merely moral obligation against the author and the original publisher. In fact, he was not held to pay any honorarium to the author upon handling over the manuscript, nor to paying him royalties, nor to pay anything to the original publisher. The** only expense in charge of the pirate publisher was buying the exemplar of the original edition out of which he was to make, as we say today, a free use.

#### [4] Unauthorized publication and usage of text is wrongful and infringes on inalienable moral rights

Barron ’11. [Barron, Anne (2011) Kant, copyright and communicative freedom. Law and philosophy . pp. 1-48. <http://eprints.lse.ac.uk/37521/1/Kant_Copyright_and_Communicative_Freedom_%28lsero%29.pdf>] NChu

My claim in this article is that a significantly different, and arguably richer, conception of what a free culture entails and how the rights of authors relate to it emerges from a direct engagement with the philosophy of Immanuel Kant.15 The immediate justification for turning to Kant in this context is that he dealt very directly with the issue of authors’ rights – first in an essay published in 178516 (hereinafter ‘1785 Essay’) and again briefly in a section – entitled “What is a Book” – of his late work of political philosophy, Part I of The Metaphysics of Morals. 17 Moreover, he theorized these rights as speech rights, and not as rights of property in works considered as crystallizations of their authors’ communications.18 The most wellknown of the arguments contained in these writings can be briefly outlined. Kant’s premise is that a book considered as a material object must be distinguished from a book considered as the vehicle for an activity of authorial speech. On the one hand, an author’s manuscript, and every printed copy of it, is an ordinary object of property attracting an ordinary right of property vested in whomever is legitimately in possession of the object. This right would include the right to use the object, to sell the object and indeed to copy the object. On the other hand, a published book (considered as the vehicle of its author’s speech) is also a communication from publisher to public in the name of the author. Hence it is also an action, and as such it has its existence in a person – the person of the author. For Kant, it follows that unauthorized publication of copies of the author’s text – though not unauthorized reproduction as such – is wrongful. By selling copies of an author’s text to the public, the unauthorized publisher is not just dealing with commodities – printed books – in his own name, but is disseminating an author’s speech, thus compelling the author to speak against his will,19 to acknowledge the book as his own and be responsible for it.20 Actions “belong exclusively to the person of the author, and the author has in them an inalienable right 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”21 or deliver a fundamentally altered speech in his name.22 However if the work is indeed so altered that it would be wrong to attribute it to the author, it can rightfully be published in the modifier’s name.23 These remarks on authors’ rights have not gone unnoticed by copyright lawyers. On the contrary, Kant’s 1785 Essay is often cited as inspiration for the theory – now institutionalized in international copyright law – that authors ought to have inalienable ‘moral’ rights in relation to their works.24 These are enforceable legal rights which are ‘moral’ in the sense that they concern authors’ non-pecuniary interests in relation to their works (such as the interest in being identified as author, and in ensuring that one’s works are published only in the form in which they were created); and they contrast with the economic rights (e.g. to control the reproduction and distribution of copies) which protect authors’ pecuniary interests in the commercial exploitation of their works. Yet moral rights in practice afford far less protection to authors than the theory would suggest, and transferable economic rights to the most commercially valuable works are more often than not held by corporate investors. And since it is economic rights which are the focus of concerns about copyright expansionism and its implications for the public domain, the formal recognition of a doctrine of moral rights has done little to allay these concerns.