# NC

# 1 - Truth Testing

#### The role of the ballot is to determine whether the resolution is a true or false statement, the neg must prove it true and the aff false – 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.

#### a priori's 1st – even worlds framing requires ethics that begin from a priori principles like reason or pleasure so we control the internal link to functional debates.

#### The ballot says vote aff or neg based on a topic – five dictionaries define to negate as to deny the truth of and affirm as to prove true so it's constitutive and jurisdictional.

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#### Merriam Webster defines ‘member’ as: PENIS[3]

#### Merriam Webster defines ‘trade’ as: having a larger softcover format than that of a mass-market paperback and usually sold only in bookstores[4]

#### Merriam Webster defines ‘World’ as: a distinctive class of persons or their sphere of interest or activity[5]

#### Merriam Webster defines ‘reduce’ as: to decrease the volume and concentrate the flavor of by boiling[6]

#### Dictionary.com defines ‘intellectual’ as: a person of superior intellect.[7]

#### Dictionary.com defines ‘property’ as: an essential or distinctive attribute or quality of a thing[8]

#### Merriam Webster defines ‘protections’ as: anchoring equipment placed in cracks for safety while rock climbing[9]

#### Dictionary.com defines ‘medicine’ as: any object or practice regarded as having magical powers.[10]

[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>

[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*

[3] https://www.merriam-webster.com/dictionary/member

[4] https://www.merriam-webster.com/dictionary/trade

[5] https://www.merriam-webster.com/dictionary/world

[6] https://www.merriam-webster.com/dictionary/reduce

[7] https://www.dictionary.com/browse/intellectual

[8] https://www.dictionary.com/browse/property

[9] https://www.merriam-webster.com/dictionary/protection

[10] https://www.dictionary.com/browse/medicine

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# 2- T

#### Interpretation: The aff can't defend that a subset of member nations ought to reduce IP protections.

**Leslie 16** Leslie, Sarah-Jane [Sarah-Jane Leslie (Ph.D., Princeton, 2007) is the dean of the Graduate School and Class of 1943 Professor of Philosophy. She has previously served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. She is also affiliated faculty in the Department of Psychology, the University Center for Human Values, the Program in Gender and Sexuality Studies, and the Kahneman-Treisman Center for Behavioral Science and Public Policy], 4-24-2016, "Generic Generalizations (Stanford Encyclopedia of Philosophy),"<https://plato.stanford.edu/entries/generics/> SM

**Isolating the Generic Interpretation Consider the following pairs of sentences: (1) a. Tigers are striped. b. Tigers are on the front lawn.** (2) a. A tiger is striped. b. A tiger is on the front lawn. (3) a. The tiger is striped. b. The tiger is on the front lawn. **The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers**: a group of tigers in (1b), some individual tiger in (2b), and some unique salient or familiar tiger in (3b)—a beloved pet, perhaps. **In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about. The second sentences of the pairs receive what is called an existential interpretation**. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind. There are some tests **that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term.** Consider our examples above. In (1b), we can replace “tiger” with “animal” salva veritate, but in (1a) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. (1a) does not entail that animals are striped, but (1b) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995). **Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in (1a) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in (1b) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”).** (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.) 1.2 Stage Level and Individual Level Predicates Having distinguished two quite different meanings of these seemingly similar sentence pairs, the question arises: what is the basis of these two interpretations? This is of course a matter of debate, but **one important thesis is that it is the predicate that determines which of the two readings the subject will receive, particularly in the case of bare plural generics**. In his 1977 dissertation, Greg Carlson argued that **the distinction between “stage level” and “individual level” predicates is key here, and proposed that stage level predications give rise to existential readings of bare plurals** and indefinite singulars, **while individual level ones give rise to generic readings. The distinction between the two types of predicates can be drawn intuitively, and also on the basis of linguistic patterns** (Milsark 1974; Carlson 1977; Stump 1985). Semantically, **individual level predicates express properties that normally are had by items for quite extended periods, often comprising the items’ whole existence. Stage-level predicates, on the other hand, express properties normally had by items for relatively short time intervals**. Some examples of both types are as follows: Individual level predicates “is tall”; “is intelligent”; “knows French”; “is a mammal”; “is female”; “is a singer”; “loves Bob”; “hates Bob” Stage level predicates “is drunk”; “is barking”; “is speaking French”; “is taking an exam”; “is sober”; “is sick”, “is sitting”; “is on the lawn”, “is in the room”. Clearly the semantic distinction is not hard and fast: a teetotaler may be sober for the entire course of his existence, and the chronically ill may be sick for the entire course of theirs, and Alice in Wonderland is tall at some times but short at others. In the normal course of affairs, individual level predicates express more stable and less temporally intermittent properties than stage level ones do. The distinction also manifests itself linguistically. Stage level predicates are permissible in the following constructions, while individual level ones are not: (4) John saw Bill drunk/sober/sick/naked. (5) John saw Bill speaking French/taking an exam/smoking cigarettes. (6) John saw Bill on the lawn/in the room. (7) \*John saw Bill intelligent/tall/a mammal/male. (8) \*John saw Bill knowing French/hating Bob. There-insertion constructions behave similarly: (9) There are men drunk/sober/sick/naked. (10) There are men speaking French/taking an exam/smoking cigarettes. (11) There are men on the lawn/in the room. (12) \*There are men intelligent/tall/mammals/male. (13) \*There are men knowing French/hating Bob. Stage level predicates can be modified by locatives, while individual level ones cannot: (14) John is drunk/speaking French/smoking in 1879 Hall. (15) \*John is a mammal/intelligent/male in 1879 Hall. (16) \*John knows French/hates Bob in 1879 Hall. **Carlson noted the difference in syntactic behavior between individual and stage level predicates, and proposed that the distinction between the classes of predicates underlies the distinction between existential and generic readings of bare plurals:** (17) Students are drunk/speaking French/on the lawn. (existential) (18) Students are intelligent/mammals/tall/male. (generic) (19) Students know French/hate Bob. (generic) **Stage level predicates appear to give rise to the existential reading of bare plurals, while individual level ones give rise to generic readings**. Carlson also took the distinction to underwrite the difference between existential and generic readings of the indefinite singular:

#### It applies to “member nations” – 1] Upward entailment test – “member nations ought to reduce protections” doesn’t imply that “political bodies ought to reduce protections” because there might not be an obligation for the UN or terrorist groups 2] Adverb test -- “member nations generally ought to reduce protections” doesn’t substantially change the meaning of the res 3] Predicate – “ought to reduce protections” is individual level not stage level because reductions have long not short time intervals

#### Violation: they spec Jordan

#### Standards:

#### [1] Precision and semantics outweigh – the counter-interp justifies them arbitrarily doing away with random words in the resolution which decks negative ground and preparation because the aff is no longer bounded by the resolution. Independent voter for jurisdiction – the judge doesn’t have the jurisdiction to vote aff if there wasn’t a legitimate aff.

#### [2] Limits – There are over 164 affs with any permutation of member states . There’s no universal DA since each has different functions and geopolitical implications – explodes limits since there are tons of independent affs plus functionally infinite combinations, all with different advantages in different political situations.

#### [3] TVA – just read your aff as an advantage under whole res, solves all your offense

#### Fairness and education are voters – its how judges evaluate rounds and why schools fund debate

#### DTD – it’s key to norm set and deter future abuse

#### Neg theory is DTD - 1ARs control the direction of the debate because it determines what the 2NR has to go for – DTD allows us some leeway in the round by having some control in the direction

#### Competing interps – Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation – it also collapses since brightlines operate on an offense-defense paradigm

No RVIs – A – Going all in on theory kills substance education which outweighs on timeframe B - Discourages checking real abuse which outweighs on norm-setting C – Encourages theory baiting – outweighs because if the shell is frivolous, they can beat it quickly D – its illogical for you to win for proving you were fair – outweighs since logic is a litmus test for other arguments

#### NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea 3] It was introduced first so it comes lexically prior.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### Reasonability on 1AR shells – 1AR theory is very 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 really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up blippy 20 second shells in 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 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 – ows on quantifiaiblity

#### No new 1ar theory paradigm issues- A] New 1ar paradigms moot any 1NC theoretical offense B] introducing them in the aff allows for them to be more rigorously tested

# 3- Contracts

#### We’re Hijacking Util - The problem of disagreement concedes- we need to come to a join agreement to create apriori truth

#### [1] Utilitarianism collapses into and justifies contractarianism. It’s the only way Util can allow for ataraxia.

John J. **Thrasher**, Assistant Professor in the Philosophy Department and the Smith Institute for Political Economy and Philosophy at Chapman University, Reconciling Justice and Pleasure in Epicurean Contractarianism, Ethical Theory and Moral Practice, Vol. 16, No. 2 (April **2013**), pp. 423-436 ///AHS PB

**If** you do not, on every occasion, refer each of your actions to the goal of nature, but instead turn prematurely to some other [criterion] in avoiding or pursuing [things], your actions will not be consistent with your reasoning (KD 25). **This goal of reasoning and action is the absence of pain** and the tranquility that comes from living without fear (KD 3).4 This kind of pleasure, ataraxia, is unhindered tranquility, rather than a sensation of active pleasure.5 It is a psychological fact, according to Epicurus, that we do actually seek ataraxia and that our lives go best, from a subjective point of view, when we pursue ataraxia. It is the natural goal of beings like us. If fear of the gods, death, and pain constitute sickness of the soul, removing those ailments constitutes its health. This psycho logical hedonism creates the justification for the normative hedonism that practical reason ing should aim at ataraxia.6 The normative ideal of Epicurean practical rationality is a hedonistic form of instrumental rationality with the final end of ataraxia. In the parlance of modern decision theory, it is a maximizing theory of rationality. Given a set of ordered preferences, individuals chose rationally when they choose to act on their highest valued goals. To choose less pleasure rather than more pleasure when given the choice is paradig matically irrational and contrary to nature. Given this conception of practical rationality and virtue, it is hard to see how one can single-mindedly pursue pleasure and accept the constraints of justice. Traditionally, virtue ethical theories solve this problem by making the virtue of justice constitutive of happiness with deontic restraints built into the formal conditions of happiness.7 To use the Rawlsian terminology, the right flows naturally out of the good.8 This solution, however, will not work for the Epicurean. Unlike in Aristotelian or Stoic virtue theory, the standard of Epicurean happiness is not an objective, formal standard, but rather the subjective, psychological state of ataraxia. The Epicurean has a reason to (j> only if he or she believes that (J)-ing will reliably lead to the final end of ataraxia. If all reasons are instrumental in this sense, how is it possible for the Epicurean to have reason to constrain his or her pursuit of the goal of nature by the deontic demands of justice? To give a plausible account of justice, the Epicurean needs to explain how to justify the demands of justice as a means to the final end of ataraxia. One version of this problem arises in the context of friendship. Epicurus claims . .every friendship is worth choosing for its own sake, though it takes its origin from the benefits it confers on us" (VS 23). Given this statement about the value of friendship and KD 25, how can friendship be non-instrumentally valuable while also being beneficial because of the benefit it confers? Some have argued that genuine friendship is impossible unless we amend the basic egoistic element of Epicurean practical rationality.9 In contrast, Matt Evans argues that there are two basic approaches to understanding friendship in a consistently egoistic way (Evans 2004, 413). Friendship as "indirect egoism" involves incorporating the good of a friend or of friendship generally into one's own good. This is the interpretation that Timothy O'Keefe favors (O'Keefe 2001a). The alternative is Evans's preferred view, "direct egoism," that one's own good "stands or falls" with the good of one's friend (Evans 2004, 413). Indirect egoism is, for O'Keefe, a two-level hedonistic theoiy. Choice of desires is governed directly by hedonic concerns and those desires then pick out particular actions, which are only indirectly related to the original hedonic calculus (O'Keefe 2001a, 300-302). In contrast, Evans's direct egoism applies the hedonic calculus to action selection. Evans maintains that Epicureans can "reason their way to friendship" through direct egoistic means (Evans 2004, 423). What is true of friendship will likely be true of justice so it is imperative to determine whether the Epicurean hedonic calculus is meant to apply to actions (direct egoism), desires (indirect egoism), or something else entirely. The direct egoist interpretation has the benefit of being the easiest to reconcile with KD 25. The indirect egoist interpretation makes it easier to understand how the Epicurean can incorporate friendship and justice into hedonism. Another possibility, between direct and indirect egoism, is what Gregory Kavka calls "rule egoism" (Kavka 1986, chap. 9). Although Kavka developed his version of rule egoism in the context of understanding Hobbes's ethical theory, there are enough similarities between the two accounts for a plausible Epicurean version as well. The hedonic calculus applies directly to rules rather than to desires or action. Furthermore, rules can be generalizations over desires or actions, e. g. "don't cultivate a desire for riches" or "seek out friends." The first is a rule that indicates what desires will lead to pleasure whereas the second is a rule that indicates a particular set of actions that will likely lead to pleasure, namely having friends. **Rule egoism has several benefits over direct and indirect egoism. First, it is more general. Both actions and desires are mentioned throughout KD and VS as the possible object of choice. Rule egoism recognizes the importance of both actions and desires to the end of ataraxia and accounts for both in terms of rules. Second, rule egoism is simpler and likely more reliable than direct or indirect egoism. It is reasonable to expect that the typical Epicurean would be bewildered in the face of the multiplicity and complexity of choices that would face him or her on any given day. The stress of deliberating over actions on the direct egoist interpretation of KD 25 would often create anxiety rather than tranquility. Similarly, it is not clear that, given the complexity of the world, the direct approach would reliably lead to ataraxia. The indirect approach is not better on this count partly because desires do not necessarily pick out unique action in decision situations, partly because the indirect egoist faces the same problem as the direct egoist at the level of desires. By using rules, however, the Epicurean can rely on the knowledge embodied in the rules without having to deliberate in each case.** This explains the reason that Epicurus spends so much time in his writing listing rules and maxims. He gives rules about how to reduce sexual passion (VS 18), the irrationality of suicide (VS 38), the danger of envy (KS' 53), and the dangers of great wealth (VS 67). In all of these cases, and many more, Epicurus is passing on wisdom about how to reliably achieve ataraxia. He is playing the part, of a guide who has walked down life's tangled road and is reporting to those who have yet to see everything he has seen. These maxims or rules are the embodiment of the successful use of practical rationality in the past. Following these types of rules is, therefore, an application of direct egoism in an indirect way. Given the limited cognitive capacity and time of the Epicurean rational agent, relying on rules as a guide can be, following Gigerenzer and Goldstein, a "fast and frugal" way of reasoning based on heuristics communicated as rules or maxims (Gigerenzer and Goldstein 1996). **Instead of choosing over the expected outcome of individual acts, the rule egoist chooses sets of rules to follow based on the expected outcome of following that rule or set of rules** (Kavka 1986, 358-359). In the next section we will see how understanding Epicurean practical rationality as "rule-hedonism" makes it possible to reconcile Epicurean practical rationality with justice. 3 The Possibility of the Contract Once we understand Epicurean practical rationality as applying to rules rather than to particular actions or desires, we can see how the Epicurean can reconcile the imperatives of practical rationality with the demands of justice. **A particular social contract is a set of rules that regulates behavior in certain public settings.** The Epicurean agrees to a particular set of rules in order to more reliably achieve and maintain personal ataraxia. We might wonder, however, why the Epicurean would need a contract at all. Why wouldn't the first personal application of practical rationality be sufficient for ataraxia? Why is the social **contract** necessary? In a world of practically rational Epicureans, the social contract seems either otiose or harmful. Either the contract recommends what practical rationality would recommend or it conflicts with practical rationality. On its face, Epicurean contractarianism looks either unnecessary or impossible. I will argue here that the Epicurean social contract is both necessary and possible. **The social contract is necessary, as I will argue in the next section, for its coordinating, assuring, and specifying functions**. The social contract is possible because of the role that rules can play in Epicurean practical rationality. In this section I will argue that the Epicurean social contract is consistent with Epicurean practical rationality and, hence, possible, while fulfilling an important social role. The Epicurean social contract is fundamentally instrumental; **it is a "pledge of reciprocal usefulness neither to harm one another nor be harmed**" (KD 35). To be consistent with Epicurean practical rationality, then, the contract must secure benefits that would not be possible without the contract. If, however, one only has reason to enter into a contract because of the benefits, what reason does one have to follow the contract when there are no benefits and only costs? This is the heart of the concern that the Epicurean cannot be a good citizen. If citizenship involves the possibility of sacrifice, why should we expect the Epicurean to comply? Here again, we see the same kind of problem that we saw in §2 concerning friendship; the solution is also similar.

#### [2] Your view of Utilitarianism suffers from the fallacy of composition. It still requires a system of individual preference in order to be normative, which means my framework is a prior question.

**Gauthier**, David P. *Morals by Agreement*. Oxford: Clarendon, **1986**. Print ///AHS PB BRACKETED FOR CLARITY

A position both subjectivist and absolutist seems implicit in the views of many defenders of one of the most influential modern moral theories, **utilitarianism**. John Stuart Mill suggests such a position in his attempt to offer a sort of proof for the principle of utility - **subjectivist in saying that 'the sole evidence it is possible to produce that anything is desirable is that people do actually desire it', and absolutist in insisting 'that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons'. 22 But there is an evident awkwardness in this union** of subjectivism and absolutism noticeable in Mill's own statement, **which in passing from a seemingly relativist premiss (that each person's happiness is a good to that person) to an absolutist conclusion (that the general happiness is a good to all persons) has generally been held to exemplify the fallacy of composition**. Utilitarianism finds itself under pressure to move away from a conception of value at once subjective and absolute. The most plausible way to resist this pressure would seem to be to accept a universalistic conception of rationality, and to argue that since rationality is identified with the maximization of value, and rationality is universal, then what is maximized, value, must similarly be universal -- the same from every standpoint. If however utilitarianism remains true to its roots in the economic conception of rationality, then either subjectivism or absolutism gives way. On the one hand value may be conceived as relative, but a special form of value, **moral value**, is introduced, which **is the measure of those considered preferences held from a standpoint specially constrained to ensure impartiality**. On the other hand value may be conceived as objective, as the measure of an inherent characteristic of states of experience -- enjoyment -- that affords a standard or norm for preference. This is not the place to embark on a discussion of these positions, so that we shall merely (but dogmatically) affirm that a hundred years of ever more sophisticated efforts to avoid Mill's fallacy have not advanced the cause of utilitarianism a single centimetre. But we shall of course give more serious attention, especially to the second of the above ways of defending utilitarianism, as we continue the exposition of our own theory.

#### [3] Bindingness – It doesn’t matter if we decide everyone should be happy if there is nothing forcing people to follow the directive they have set – only contracts can solve by both identifying the objective and providing mechanisms for enforcement.

#### Thus, the standard is consistency with Contractarianism. And, the framework outweighs on actor specificity: States derive authority from contracts that allow them to constrain action.

#### Prefer additionally –

#### 1. Flexibility – Contracts are key to a) Encompassing all other ethical calculus into our decision since we process the consistency of those frameworks with our self interest and b) Value pluralism – recognizing a singular ethic fails to account for the complexity of moral problems and genuine moral disagreement. My framework solves since we can recognize multiple legitimate values while allowing individuals to exclude ones that are bad.

#### 2. Bindingness – A) Arising of Ethics – Every interaction with another agent is mediated by consent to participate in that interaction since otherwise, agents could simply leave, which means there is an implicit social contract formed in every ethical interaction and B) Culpability – Only contracts can ensure agents are held to their agreements since there is a verifiable basis for judging their action as wrong as well as a pre-established punishment for breaking it.

Offense:

#### [1] IP rights are included in multiple international contracts which Jordan participates in– the aff violates that.

**Franklin 13** - “International Intellectual Property Law” by Jonathan Franklin\* He earned his A.B., A.M. Anthropology and J.D. degrees from Stanford University and M.Libr. with a Certificate in Law Librarianship from the University of Washington. Prior to the University of Washington, he spent five years as an reference librarian and foreign law selector at the University of Michigan Law Library. In law school, he was a Senior Editor of the Stanford Environmental Law Journal and a Note Editor for the Stanford Law Review. He is a member of the American Association of Law Libraries. [https://www.asil.org/sites/default/files/ERG\_IP.pdf] // ahs emi

The most important international **agreements in intellectual property** law are listed here. Many of them are available in multiple formats, **includ**ing Microsoft Word, PDF, and HTML. In addition, This page was last updated February 8, 2013. 5 the links below link to the main pages for those treaties, rather than the HTML texts so that the reader can also find related protocols, notifications and signatories. ● Agreement on Trade-Related Aspects of Intellectual Property Rights ("**TRIPS**")(http://www.wto.org/english/docs\_e/legal\_e/legal\_e.htm#TRIPs) ● Berne Convention for the Protection of Literary and Artistic Works (http://www.wipo.int/treaties/en/ip/berne/index.html) ● **Hague Agreement** Concerning the Deposit of Industrial Designs (http://www.wipo.int/hague/en/legal\_texts/) ● International Convention for the Protection of New Varieties of Plants(http://www.upov.int/en/publications/conventions/index.html) ● **Madrid Agreement** Concerning the International Registration of Trademark (http://www.wipo.int/madrid/en/legal\_texts/) ● Paris Convention for the Protection of Industrial Property (http://www.wipo.int/treaties/en/ip/paris/index.html) ● **Patent Cooperation Treaty** (http://www.wipo.int/pct/en/texts/index.htm) ● **Trademark Law Treaty** (http://www.wipo.int/treaties/en/ip/tlt/index.html) ● **Universal Copyright Convention** (http://portal.unesco.org/en/) For other substantive, registration and classification treaties, see the treaty sections at the World Intellectual Property Organization (WIPO) (http://www.wipo.int/clea/en/index.jsp), IPRsonline (http://www.iprsonline.org/legalinstruments/international.htm), the Compleat World Copyright Web site (http://www.compilerpress.ca/CW/multi\_i.htm) and the intellectual property page at the Electronic Information System for International Law (EISIL) (http://www.eisil.org/). For bilateral treaties, one of the best sources is IPRsonline(http://www.iprsonline.org/legalinstruments/bilateral.htm). The focus of this Chapter is international law. Although it includes references to national domestic law (foreign law) **and** comparative law sources, other sites comprehensively cover national domestic law, such as WIPO’s Collection of Laws for Electronic Access (CLEA)(http://www.wipo.int/clea/en/index.jsp) (which is also referred to as WIPO Lex) or UNESCO’s Collection of National Copyright Laws(http://portal.unesco.org/culture/en/). For **additional** web sites that compile **national** intellectual property **laws** and decisions, see the relevant 6 section below. Practical Law Company’s Cross-border: Intellectual Property & Technology (http://us.practicallaw.com/about/cross-border-intellectual-property-technology) provides a substantial list of country comparisons touching on intellectual property law.

#### [2] Forecloses the ability for future contracts.

**Hilty et al 21** [Reto Hilty Director at the Max Planck Institute for Innovation and Competition and a professor at the University of Zurich Pedro Henrique D. Batista Doctoral student and Junior Research Fellow at the Max Planck Institute for Innovation and Competition Suelen Carls Senior Research Fellow at the Max Planck Institute for Innovation and Competition Daria Kim Senior Research Fellow at the Max Planck Institute for Innovation and Competition Matthias Lamping Senior Research Fellow at the Max Planck Institute for Innovation and Competition Peter R. Slowinski Doctoral student and Junior Research Fellow at the Max Planck Institute for Innovation and Competition; “10 Arguments against a Waiver of Intellectual Property Rights,” Oxford Law; 6/29/21; <https://www.law.ox.ac.uk/business-law-blog/blog/2021/06/10-arguments-against-waiver-intellectual-property-rights>] Justin

2. Intellectual property rights are the **basis for collaborations and contracts** The development cycle of the new mRNA and vector vaccines—from the provision of the technological basis to safety studies and marketing authorisation—is tremendously multifaceted. Nevertheless, throughout the development, production and distribution of vaccines against Covid-19, cooperation has reached an **unprecedented** level—despite the typically fierce competition in the biopharmaceutical sector. Intellectual property rights and particularly patents are normally the basis for such cooperation; they provide assurance that contracts will be **fulfilled. Even a temporary waiver** of these rights may therefore have **detrimental consequences for the willingness to cooperate**.

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# 5

Hijack - Util triggers determinism

**1] Induction- if x action leads to y result then x action must be influenced by prior action which means a causal chain of events structure my action rather than my will**

**2] Focus on end states necessitates determinism because scientific models assume x will happen if y – anything else triggers permissibility**

**3] Psychology- Neuroscience has demonstrated that our internal cognition is deterministic. Make them provide a counter study- you shouldn’t trust the word of a high-schooler about neuroscience**

**Butkus** [Matthew A. Butkus(Professor in the department of Philosophy at McNeese State University, PhD - Health Care Ethics Duquesne University, MA – Philosophy Duquesne University). “Free Will and Autonomous Medical Decision-Making.” Journal of Cognition and Neuroethics. Volume 3, Issue 1. Pg 113-114. March 2015. Accessed 4/4/20.<https://pdfs.semanticscholar.org/89a4/924e0111035dbda63d61631a169c654a04fa.pdf> //Recut Houston Memorial DX from BHPE]

**Psychology and neuroscience have demonstrated that consciousness, our day-today perception, our sense of self and identity, judgment, emotions, and intuitions are all predicated upon a number of causal cognitive elements that are outside our awareness— the bulk of our cognition is deterministic and preconscious. This determinism opens up avenues of undue influence into processes we normally assume to be under our control— it should be clear that this assumption is mistaken at best, inhuman and pernicious at worst.** We should notabandon ourselves to blind determinism, however—we possess the ability to reflect upon our motivations, and to engage in dialogic interaction with others, who may bring aspects of ourselves to the fore which would remain otherwise inaccessible. As a result, we can take back a measure of control, but only if we engage in honest dialectic and dialogue with others. In the context of patient autonomy and decision-making, the necessity of this dialogical process is especially evident—patients are already physically compromised, potentially in ways that can exert conscious and unconscious influence over their decision-making processes, above and beyond the normal potential sources of error found in heuristics and biases. Clinicians should be alert for such influences, recognizing that a medical illness can easily mask a deeper psychopathology. Affective disorders are very common, occur more in patients than in the general population, and tend to go unrecognized or dismissed as a normal reaction to their illness. The effect of these disorders, however, is quite pernicious. They fundamentally affect the efficacy of therapeutic interventions, morbidity and mortality, and rate of recovery—ignoring, dismissing, or failing to identify a comorbidity compromises the treatment of the obvious illness. By only treating the surface pathology, we potentially ignore the deeper wound. Many contemporary models of autonomy suffer from similar shortcomings—while ethics seeks to inform itself of philosophical, legal, theological, and medical constructs, it all too easily ignores the psychological, an unfortunate irony in light of the fundamental connection between cognitive and clinical psychology and ethical ideals of autonomous choice. Ethical theories that dismiss or fail to address psychological constructs are groundless; models derived from inhuman absolutes are so much fancy and fiction. What good is it to describe models of cognition that have little resemblance to how we actually think? The present autonomy model suggests that decision-making is a complex construct necessarily containing rational and emotional elements, intuitive judgments, and, as a result, potential sources of error. This seems to gel with day-to-day experience— many decisions are made by gut instinct and intuition, instead of a Cartesian rational process methodically and algorithmically exploring all possible influences, outcomes, and variables. This deterministic model gels with the phenomenon of basing day-to-day decisions upon distal causes—early education and environment, role models, learned behaviors, etc. This model suggests that as the severity of the outcomes increases to terminal, increasing reflection upon the causes and motivations of the decision is required—that a genuinely autonomous choice will explore the agent’s motivations, identifying and judging the appropriateness of each influence, determining if it is congruent with the value system adopted by the agent as a whole.

**I defend the squo and that negates**

**1] Actions are predetermined which means we aren’t culpable for actions we don’t take**

# Case

#### Util Justifies Death Good

**Benatar 97**[David Benatar- “Why it is better to never come into existence”<https://wmpeople.wm.edu/asset/index/cvance/benatar> American Philosophical Quarterly Volume 34, Number 3, July 1997.] UT AI

As a matter of empirical fact, bad things happen to all of us. **No life is without hardship.** It is easy to think of the millions who live a life of poverty or of those who live much of their lives with some disability. Some of us are lucky enough to be spared these fates, but most of us who do none? The less suffer ill-health at some stage during our lives. Often the suffering is excruciating, even if it is only in our final days. Some are condemned by nature to years of frailty. We all face death.1 We infrequently contemplate the harms that await any new-born child: pain, disappointment, anxiety, grief and death. For any given child we cannot predict what form these harms will take or how severe they will be, but we can be sure that at least some of them will occur. (Only the prematurely deceased are spared some but not the last.) None of this befalls the nonexistent. Only existers suffer harm. Of course, I have not told the whole story. Not only bad things but also good things happen only to those who exist. Pleasures, joys, and satisfaction can be had only by existers. Thus, the cheerful will say, we must weigh up the pleasures of life against the evils. As long as the former outweigh the latter, the life is worth living. Coming into being with such a life is, on this view, a benefit

However, this conclusion does not follow. This is because there is a crucial difference between harms and benefits which makes the advantages of existence over non-existence hollow but the disadvantages real. Consider pains and pleasures as exemplars of harms and benefits. It is uncontroversial to say that:

1) the presence of pain is bad and that

2) the presence of pleasure is good.

However, such a symmetrical evaluation does not apply to the absence of pain and pleasure, for:

3) **the absence of pain is good**, even if that good is not enjoyed by anyone, whereas

4) **the absence of pleasure is not bad** unless there is somebody for whom this absence is a deprivation.

My view about the asymmetry between 3) and 4) is widely shared. A number of reasons can be advanced to support this. First, this view is the best explanation for the commonly held view that while there is a duty to avoid bringing suffering people into existence, there is no duty to bring happy people into being. In other words, the reason why we think that there is a duty not to bring suffering people into existence is that the presence of this suffering would be bad (for the sufferers) and the absence of the suffering is good (even though there is nobody to enjoy the absence of suffering). In contrast to this, we think that there is no duty to bring happy people into existence because, while their pleasure would be good, its absence would not be bad (given that there would be nobody who would be deprived of it).

#### 1] Spikes that aren’t on top are a voting issue- it means I have to wait for the 1ac to finish to formulate a strategy since I don’t know what your going to read which moots 6 min of prep

#### 2] Spikes that weren’t disclosed are a voting issue- prevents us from rigorously testing your norm and incentivizes surprise tactics

#### 3] Under views are a voting issue—one small theory analytic can take out huge chunks of the 1nc which kills substantive clash

#### 4] New 2NR Responses- A] none of the spikes have a clear implication in the 1ac B] It’s key to robustly contest their norm

#### 5] Negating is harder so auto reject aff fairness claims- they have a 2ar judge psychology advantage and have infinite prep before round

#### 6] RVI’s on each spike- otherwise they can read the most absurd paradigm issues for 6 min and are never held accountable