#### All people are fundamentally morally equal. There is no natural distinction among persons that justifies one person or group having ethical priority over any other person or group. Equality is the basis for all ethics because any ethical rule must treat individuals with moral worth.

#### **All resources derive ultimately from the commons, and all agents have an innate, equal, original claim to a fair share of an undiminished commons. This right holds regardless of arbitrary characteristics of birth, such as location or recency. Roark:**

**“**The notion that **moral agents have an initially equal moral claim** in respect **to natural resources** is highly plausible because **an agent cannot appeal to anything that she has done or a**ny sort of **hereditary right** that she has **to establish a greater initial claim over natural resources** than any other agent can legitimately claim. All agents stand in the same initial moral relationship to natural resources. ***No* agent is morally, or**for that matter **causally, responsible for creating** or establishing in any way whatsoever **land,** fresh **water,** the oceans, **the atmosphere,** crude oil, wild berries **or any other natural resources**. Natural resources are simply established or given by Nature or God. **Appealing to an agent’s industriousness**, labor, or other aspects of her agency **cannot demonstrate** that she possesses **any greater initial claim to** natural **resources** than any other agent **because natural resources are not brought about as a result of labor** or any aspect of agency**.”**

Roark, Eric. Removing the Commons. Lexington Books, August 28, 2013. P. 3.

**And, ideas work the same way. Just as no one can lay claim to all natural resources, no one can lay claim to all ideas as a resource.**

#### **Recency of birth is arbitrary so the right to equitable access to the commons persists across generations. Weiss:**

**“**The second fundamental relationship is that between different generations of the human species. All generations are inherently linked to other generations, past and future, in using the common patrimony of earth. To define intergenerational equity, it is useful to view the human community as a partnership among all generations. In describing a state as a partnership, Edmund Burke observed that ‘as the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living but between those who are living, those who are dead, and those who are to be born.’ The purpose of human society must be to realize and protect the welfare and well-being of every generation. This requires sustaining the life-support systems of the planet, the ecological processes, and the environmental conditions necessary for a healthy and decent human environment. In this partnership, **no generation knows** beforehand **when it will be** the **living** generation, how many members it will have, **or** even **how many generations there will** ultimately **be**. It is useful, then, to take the perspective of a generation that is placed somewhere along the spectrum of time, but does not know in advance where it will be located. Such a **[Each] generation would want to inherit the earth in at least as good condition as it had been in for any previous generation** and to have as good access to it as previous generations. **This requires each generation to pass the planet on in no worse condition than it received it in and to provide equitable access to its resources** and benefits**. Each generation is thus** both **a trustee for the planet** with obligations to care for it and a beneficiary with rights to use it**.”**

Weiss, Edith. “Our rights and obligations to future generations for the environment.” The American Journal of International Law, vol. 84, No. 1, January 1990, pp. 198-207.

#### **This means the Lockean Proviso is true. A taking from the commons violates the equity rights of others if it fails to leave “enough and as good” in terms of access. Locke explains:**

**“**Nor was this **[The] appropriation of a**ny **parcel of land, by improving it, [is not] a**ny **prejudice to any other** man, **where there was still enough, and as good left**; and more than the yet unprovided could use. So that, in effect, **there was never the less left for others because of [one’s]** his **enclosure for [oneself]** himself: **for** he **[they] that leave**s **as much as another can make use of, does as good as take nothing at all**. No body could think himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left him to quench his thirst: and the case of land and water, where there is enough of both, is perfectly the same**.”**

Locke, John. Two Treatises Concerning the Original Extent and End of Civil Government. [Bracketing for gendered language.]

All economies are bound by these moral requirements regardless of their degree of advancement. When all common resources have been parceled out or developed, the right of each person born to equitable access to an undiminished commons is not reduced. The hoarding of resources by some constitutes an unjust taking in the face of scarcity experienced by others.

#### **Thus the criterion is Lockean Libertarianism. van der Vossen explains:**

Plausible versions of libertarian theory must therefore attempt to strike some balance between the maximally restrictive and maximally permissive views. Consider ***Lockean libertarianism***, which **allows unilateral** use and **appropriation but insists on restrictions at** both **the stage of appropriation—in the form of the Lockean proviso** that “enough and as good” be left for others**—and subsequent possessions—because no one can exclude the needy from** one's **property. Lockean libertarianism views natural resources as initially unprotected by any property rule** (no consent is needed for use or appropriation) **but as protected by an ongoing compensation liability rule. Those who use natural resources**, or claim rights over them, **owe compensation to others for any wrongful costs imposed.**

van der Vossen, Bas, "Libertarianism", The Stanford Encyclopedia of Philosophy (Spring 2019 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/spr2019/entries/libertarianism/>.

Prefer additionally –

#### a. Actor spec: The aff framework defines ethics in context of both the state and the individual – other theories pigeonhole ideology to one or the other but don’t concern how they interact. i.e. Kant only defines obligations of individuals, and util defines the state’s role as a policymaker, but the aff explains the federal role in individual life, and the individual obligation in relation to the commons.

#### b. Performativity: individuals have certain natural rights that must be met in order to access the space of argumentation and engaging in other ethical theories. Hoppe:

**“Argumentation does not consist of free-floating propositions but is a form of action requiring the employment of scarce means**; and that the means which a person demonstrates as preferring by engaging in propositional exchanges are those of private property. For one thing, **[N]o one could** possibly **propose anything**, and no one could become convinced of any proposition by argumentative means, **if a person’s right to make exclusive use of [their] physical body were not** already **presupposed. [This]** It is this recognition of each other’s mutually exclusive control over one’s own body which explains the distinctive character of propositional exchanges that, while one may disagree about what has been said, it is still possible to agree at least on the fact that there is disagreement. It is also obvious that such a property right to one’s own body **must be** said to be **justified a priori, for** anyone who tried to justify **any norm** whatsoever would already have to **presuppose[s]** the exclusive right of control over his body as a valid norm **[it]**. simply in order o say, ‘I propose such and such.’ **Anyone disputing [this]** such a **right would [commit]** become caught up in **a practical contradiction** since arguing so would already imply acceptance of the very norm which he was disputing.”

Hoppe, Hans-Hermann. The Economics and Ethics of Private Property, p. 334.

#### c. Motivation—only a framework that guides state action with individual internal motivations can be good insofar as we can account for both state and individual action when it comes to access to the commons

#### d. ethical theories themselves determine what counts as evidence, not an external framework. Joyce:

Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47. /// AHS PB /// (N8)

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 interested 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 **[that] 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.**

The rEz is true :O

Now affirm,

IPRs are intellectual property rights

**Intellectual property is not real property, D'Amato 13:**

Economics assays to confront the very real problems presented by the relationship between scarcity and the exchange of tangible, valuable goods and services. Regardless of the involuted claims of intellectual property proponents, ideas — which are the object of patents and copyrights — are not scarce. Indeed, unlike many of the other things we may consider as non-scarce, **ideas are not** even **capable of becoming scarce**, **[they] exist**ing **in the immaterial, conceptual realm, not the concrete, physical world. Legitimate property can apply only to that latter sphere, as a necessary expedient** that allows free individuals in civil society to resolve controversies and **to form secure expectations about the future** before controversies arise. It follows that **individuals can only own things**, exercising exclusive rights over them, **where those things are of the sort that requires exclusion** in order **for justice to be done**. For instance, the substance of my ownership of my automobile would be rather flimsy if everyone in my neighborhood were allowed to use it freely, without permissionas well. **Ideas are a different matter** of a different nature. **My exertion of “your idea”** (we will come to the absurdity of this phrase below) **in no way limits or encroaches upon your absolute and unqualified use and enjoyment of it**. Simply put, there could never be a circumstance in which the supply of ideas became finite, in which exclusion might be justified.

Not only is **the grant of ownership rights over ideas [is] ridiculous**, it is also, in point of fact, **[and] impossible**. When intellectual property laws undertake to grant such ownership, then, the result as a practical matter is that those laws do ultimately apply themselves to scarce material objects — just not in any defensible manner. Intellectual property privileges simply confer upon their beneficiaries the prerogative to coercively prohibit others from using or arranging their rightful personal property in otherwise peaceful and permissible ways. Patents decree that an individual cannot employ known laws of physical nature together with her own property in ways particularly set forth in special government documents; they therefore necessarily endow their holders with partial ownership rights over others’ property.

Any attempt to neatly partition the contributions made by one mind or another, through all the ages of invention and scientific discovery, is vain and fruitless to the point of inanity. Inventions constantly both absorb and propagate one another, plagiarizing, consuming and collaborating to create still newer inventions. To source any idea whatsoever to a particular individual or group is to assume that we know far more than we ever could about the full picture of the idea’s germination and evolution. Given that every idea has had thousands of contributors through the years, to choose a single beneficiary (whether individual or corporate) of intellectual property’s limited monopolies is foolish and uneconomical even taken on its own terms. This free flow of ideas is extremely beneficial and is fostered by genuine free market competition.

Intellectual property on the other hand — quite contrary to the empty claims of its advocates — is a millstone around the neck of innovation and technological progress, a political mechanism for stifling both in favor of bare monopoly. And to be sure monopoly has always been the raison d’être of intellectual property protections. As nineteenth-century libertarian Joshua King Ingalls observed, “The interest manifested in the rights of authorship and of invention is too flimsy a pretense to deceive any but those who court deception.” As a historical matter, **the real purpose of intellectual property has not been to protect inventors and authors, but** rather **to concentrate** useful, **valuable information in the hands of a privileged class**, tied to the cynosures of political power.

D'Amato, David S. “Intellectual Property Is Not True Property:” Mises Institute, 10 Sept. 2013, mises.org/library/intellectual-property-not-true-property. Valley JS

If intellectual property is not real property, then it can’t be justified under a Lockean proviso which deals with property rights.

**Intellectual property protections exclude others from the information commons, Tavani:**

Let us assume that the information commons is infinitely expandable in terms of the kinds of intellectual objects that can be produced. Would this phenomenon in itself be sufficient to ensure that the information commons is not in danger of being eroded? We should note that **IPRs have been granted not only for the production of intellectual objects but also for the development of certain kinds of methods used to access those objects**. Additionally, **IPRs that are granted for these purposes can result in restricting one’s ability to access and use information**, in the same way that fencing off sections of the physical commons resulted in individuals being denied access to tangible objects such as acorns and apples.20

Many advocates for IPRs believe that the methods used to access digitized information are among the kinds of things that deserve legal protection.21 However, critics point out that **granting** this kind of **protection has already resulted in ordinary individuals being denied access to information that had previously been available to them**. In this sense, then, **the information commons** (like the physical commons in England during the 17th and 18th centuries) **is subject to erosion; and it can be eroded even if** countless **new intellectual objects are produced**. Because the current threat to the information commons is analogous in relevant respects to the threat posed to the physical commons in Locke’s time, looking to Locke’s property theory for possible guidance would not seem unreasonable.

Tavani, Herman T. "Locke, intellectual property rights, and the information commons." Ethics and Information Technology 7.2 (2005): 87-97. Valley JS

This affirms under the Lockean proviso: the information commons being cut off for other people does not leave “enough and as good as” for others because of the way it is eroded.

UV: it exists