## Off 1

### 1nc – nc

#### The meta-ethic is constructivism – morality is constructed through social interactions and does not exist a priori. Prefer –

a] Rule-following paradox—rules are infinitely regressive because they rely on more rules to explain them that are based in social understanding.

b] Epistemology—the way we interpret the natural world is necessarily framed by social constructs—we don’t call trees trees because of some natural fact about trees, rather the interpretation an individual subject places on them.

c] Externalism fails—even if a priori normative facts exist, they’re epistemically inaccessible because humans are products of their molecular biology—the mind can’t derive facts independent of material, external forces like gravity.

#### The state of nature necessitates infinite violence between conflicting world views –

a] Pre-emption—if there’s no basis to condemn actions, then everyone acts solely in their own self-interest—that means the most rational strategy is to take people out before they can hurt you

b] Resource Wars—a finite amount of material resources creates conflict between different people who want it

c] Action Theory—the imposition of your world view through action necessitates violence against the other since it de-legitimizes their perspective.

#### There is no objective solution to this conflict, because truth is relative. Instead, conflict requires the creation of the sovereign, to resolve disputes. In exchange for their safety, subjects agree to give up their claims to meaning to the sovereign.

Parrish 04 [Parrish, Rick, (Rick Parrish teaches at Loyola University New Orleans. His current research is focused on the play of violence and respect within justice.) "Derrida’S Economy Of Violence In Hobbes’ Social Contract" Theory &amp; Event, Vol. 7 No. 4, 2005, 2005, http://muse.jhu.edu/article/244119#back, DOA:6-30-2018 // WWBW]

All of the foregoing points to the conclusion that in the commonwealth **the sovereign's** first and **most fundamental job is to be the ultimate definer**. Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes' theory of government, Richard Flathman claims that peace "is possible only if the ambiguity and disagreement that pervade general thinking and acting are eliminated by the stipulations of a sovereign."57 Pursuant to debunking the perennial misinterpretation of Hobbes' mention of people as wolves, Paul Johnson argues that "**one of the primary functions of the sovereign** is to provide the necessary unity of meaning and reference for the primary terms in which men try to conduct their social lives."58 "The whole raison d'être of sovereign helmsmanship **lies** squarely **in the chronic defusing of interpretive clashes**,"59 **without which** **humans would** "fly off in all directions"60 and **fall inevitably into the violence of the natural condition.** 26. It is not surprising that so many noted students of Hobbes have reached this conclusion, given how prominently he himself makes this claim. According to Hobbes, "in the state of nature, where every man is his own judge, and differeth from others concerning the names and appellations of things, and from those differences arise quarrels and breach of peace, it was necessary there should be a common measure of all things, that might fall in controversy."61 The main categories of the sovereign's tasks are "to make and abrogate laws, to determine war and peace, [and] to know and judge of all controversies,"62 but each of these duties is a subspecies of its ultimate duty to be the sole and ultimate definer in matters of public importance. **It is only through the sovereign's effective continued accomplishment of this duty that the people of a commonwealth avoid the definitional problems that typify the state of nature.** 27. Judging controversies, which Hobbes lists as the third main task of the sovereign, is the duty most obviously about being the ultimate definer. In fact, Hobbes declares it a law of nature that "in every controversy, the parties thereto ought mutually to agree upon an arbitrator, whom they both trust; and mutually to covenant to stand to the sentence he shall give therein."63 As I repeatedly alluded to above, this agreement to abide by the decision of a third party arbitrator, **a sovereign** in the commonwealth, **is necessary because of the fundamentally perspectival and relative nature of persons' imputations of meaning and value into the situations they construct.** Hobbes understands this problem, as evidenced by his claim that "seeing right reason is not existent, the reason of some man or men must supply the place thereof; and that man or men, is he or they, that have the sovereign power"64 to dictate meanings that will be followed by all. The sovereign is even protected from potential democratic impulses, by which a 'true' meaning would be that agreed upon by the greatest number of people. Because "no one man's reason, nor the reason of any one number of men, makes the certainty," they will still "come to blows . . . for want of a right reason constituted by nature"65 unless both the majority and the minority agree to abide by the meanings promulgated by the sovereign. 28. These meanings are usually created and promulgated by the sovereign in the form of laws, another of the tasks with which Hobbes charges it. In one of his clearest explanations of the law, Hobbes writes that "it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what honest, what dishonest, what good, what evil; that is summarily, what is to be done, what to be avoided in our common course of life."66 The civil law is the set of the sovereign's definitions for ownership, justice, good, evil, and all other concepts that are important for the maintenance of peace in the commonwealth. When everyone follows the law (that is, when everyone follows the sovereign's definitions) there are far fewer conflicts among persons because everyone appeals to the same meanings. This means that people know what meanings others will use to evaluate the actions of themselves and others, so the state of nature's security dilemmas and attempts to force one's own meanings upon others are overcome. 29. **There is to be no question of the truth or falsity of the sovereign's definitions because "there are no authentical doctrines concerning right and wrong**, good and evil, **besides the constituted laws in each realm and government."**67 In fact, Hobbes specifically says that one of the "diseases of a commonwealth" is that "every private man is judge of good and evil actions."68 **Only when individual persons agree to follow the meanings promulgated by the sovereign, which of course includes refraining from trying to impose their own meanings on others, can persons live together in peace -- when they take it upon themselves to impose meaning on situations of public import, they descend into violence again.**

#### Thus, the standard is consistency with the will of the sovereign.

#### Vote neg –

#### 1] states can’t have obligations to external standards like international law since their only obligation is to avoid the state of nature –the state can’t restrict its own power since it exists outside the law which means the res is impossible – vote neg on presumption

#### 2] the res implies an unchanging normative claim but this is impossible as truth is constructed through socialization and there’s no guarantee that all subjects would come to the same truth claims.

## Off 2

#### [1] Theory is incoherent: [a] The ballot is always determined off abuse and inequalities, otherwise it would be impossible to evaluate the round. [b] You can’t evaluate theory because it’s evaluating off the flow rather than making the decision of which is actually a better norm, so you can’t actually be consistent with the voters. [c] Theory doesn’t produce the best rule since it allows the better theory debater to produce rules that will benefit them. [d] Things get proven true in debate rounds all the time that aren’t true in the real world, so theory doesn't actually achieve its purpose because it doesn’t prove better norms. [e] It’s a contradiction because you say your voter is either constitutive of or beneficial for a competitive activity, but no competitive activity would establish rules in the middle of a competition. [f] Theory sets bad norms because we vote for interps that are marginally better than other interps, rather the best version of the interp, so it doesn’t achieve the voter. [g] Theory is paradoxical because it attempts to limit arguments but uses arguments to do that, which concedes the validity of arguments in the first place. [h] Not jurisdictional because the judge can only vote for someone proving their side of the resolution. The resolution doesn’t care about whether we can debate, it just says prove your side, so theory isn’t a voter.

## Off 3

#### The role of the ballot is to vote for the debater who best proves the truth or falsity of the Resolution; the aff must prove it true and the neg must prove it false.

**Prefer: [A] Text: Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means the sole judge obligation is to vote on the resolution’s truth or falsity. This outweighs on common usage – it is abundantly clear that our roles are verified. Any other role of the ballot enforces an external norm on debate, but only truth testing is intrinsic to the process of debate i.e. proving statements true or false through argumentation. Constitutivism outweighs because you don’t have the jurisdiction not to truth test as a practice only makes sense based on its intrinsic rules. Jurisdiction is also an independent voter and a meta constraint on anything else since every argument you make concedes the authority of the judge fulfilling their jurisdiction – otherwise they could just hack against or for you which means it also controls the internal link to fairness since that’s definitionally unfair. [B] Logic: Any counter role of the ballot collapses to truth testing because every property assumes truth of the property i.e. if I say, “I am awake” it is the same as “it is true that I am awake” which means they are also a question of truth claims because it’s inherent. It also means their ROB warrants aren’t mutually exclusive with mine. [C] Inclusion: Any offense can function under truth testing whereas your specific role of the ballot excludes all strategies but yours. This is bad for inclusive debates because people without every technical skill or comprehensive debate knowledge are shut out of your scholarship which turns your ROB- truth testing solves because you can do what you’re good at and so can I. This is also better for education because me engaging in a debate I know nothing about doesn’t help anyone. o/w since it is a real-world implication in round rather than a thought experiment that doesn’t do anything**

## 1NC – Case

#### On the Offence -

#### The aff violates the categorical imperative and is non-universalizable- governments have a binding obligation to protect creations

**Van Dyke 18** Raymond Van Dyke, 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/> SJ//DA recut SJKS

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.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)