## Off 1

### 1nc – nc

#### Permissibility negates:

1) negate means “to deny the truth of,” so the neg can disprove an obligation through permissibility since the 1ac must defend an active obligation to act

#### 2) there is a trichotomy between obligation, prohibition and permissibility; proving one

#### disproves the other two.

#### 3) Ought implies proactive justification since we don’t take actions unless we have a reason to take the action.

#### Presumption negates:

1) We assume statements to be false until proven true. That is why we don’t believe in alternate realities or conspiracy theories. The lack of a reason to believe something is false does not mean it is assumed to be true. The black swan disproved the statement “all swans are white.”

2) Statements are more often false then true. If I say thsis pen is red, I can only prove it true in one way by demonstrating that it is indeed red, where I can prove it false in an infinite amount of ways

3) Even under a comparing worlds it negates since it requires them to prove the statement that “the aff world is more desirable than the neg world” true. However, my args deny their ability to prove statements true under util, at neither debate has any offense, so you presume which negates since we assume statements to be false until proven true.

#### 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.

#### The metaethic takes out all paradoxes and a prioris – they attempt to construct transcendental principles of logic but that’s impossible as truth is socially constructed. And, this functions on the highest layer of the substance debate – it’s a fundamental epistemological and metaphysical question that frames all other forms of reasoning and linguistics.

## Off 2

#### Reject independent voting issues –

1] they incentivize bad-faith efforts to overwhelms the 2nr with a ton of new voters that I can’t respond to effectively – that kills clash and topical education

2] beg the question of an unwarranted external ROJ – prefer TT since the only non-arbitrary stasis point for debate

3] shouldn’t have a debate – if something actually makes ppl unsafe, go to tab

4] judge not arbiter of in-round safety – super young/inexperienced

#### 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 – if a chess player says you should break the rules for a more fun game, the proper response is to ignore them 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 to vote aff if they affirm better and neg the contrary – 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. If the aff is true the res ought to be implemented, but the res ought to only be implemented if its not already being implemented, so it ought to be that the res is not implemented. [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**

## Off 3

#### 1] member[[3]](#footnote-3) is “a part or organ of the body, especially a limb” but an organ can’t have obligations

#### 2] of[[4]](#footnote-4) is to “expressing an age” but the rez doesn’t delineate a length of time

#### 3] the[[5]](#footnote-5) is “denoting a disease or affliction” but the WTO isn’t a disease

#### 4] to[[6]](#footnote-6) is to “expressing motion in the direction of (a particular location)” but the rez doesn’t have a location

#### 5] reduce[[7]](#footnote-7) is to “(of a person) lose weight, typically by dieting” but IP doesn’t have a body to lose weight.

#### 6] for[[8]](#footnote-8) is “in place of” but medicines aren’t replacing IP.

#### 7] medicine[[9]](#footnote-9) is “(especially among some North American Indian peoples) a spell, charm, or fetish believed to have healing, protective, or other power” but you can’t have IP for a spell.

#### 8] Trade means “a publication intended for persons in the entertainment business”(Merriam Webster) but a world entertainment business cannot reduce intellectual property making the resolution incoherent.

#### 9] Intellectual is defined as “possessing or showing intellect or mental compacity” (Dictionary.com) but property cant possess intellect so the resolutions incoherent

#### 10] Property means “a building” (Oxford Languages) so reducing intellectual buildings is incoherent

#### Prefer additionally

#### 1] Decision Making Paradox- in order to decide to do the affirmative we need a decision-making procedure to enact it but to choose a decision-making procedure requires another decision making procedure leading to infinite regress.

#### 2] The Place Paradox- if everything exists in a place in space time, that place must also have a place that it exists in and that larger place needs a larger location to infinity. Therefore, ought statements are impossible since statements assume acting on objects in the space-time continuum.

#### 3] Grain Paradox- A single grain of millet makes no sound upon falling, but a thousand grains make a sound. But a thousand nothings cannot make something.

#### 4] Arrows Paradox- If we divide time into discrete 0-duration slices, no motion is happening in each of them, so taking them all as a whole, motion is impossible.

#### 5] Good Samaritan Paradox - If the aff is true the res ought to be implemented, but the res ought to only be implemented if its not already being implemented, so it ought to be that the res is not implemented.

#### 6] Meno’s Paradox - in order to discover something, it must not be known, but in order to know to discover something, it must already be known – this makes the quest for knowledge incomprehensible and thus impossible

## Off 4

#### 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. Evaluate the theory debate after the 2n – we both get 2 speeches so its reciprocal [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. Inclusion is the fallacy of origin, don’t apply it. Implications are clear out of the nc – don’t allow new 2ar responses because they’re functionally new arguments and there’s no 3n to check.

## Off 5

#### The neg may not read utilitarianism or any consequentialist ethical theory as a standard – a) resolvability: 1] Induction fails—induction assumes that things will always happen the same way in the future as they have in the past. But this begs the question of how we know what happened in the past will happen in the future. Thus, induction is logically fallacious. 2] Moral cluelessness—consequences are wholly unknowable and any action can lead to a domino effect that has unpredictable bad consequences in the end which means it can’t guide action 3] Infinite consequences—any harm stretches on into the infinite future and makes it impossible to compare harms—results in calculative regress—you have you calculate how much time to spend calculating and so on—destroys decision-making 4] Aggregation fails—happiness is only happy for you, but not for me, so you can’t compare across people—also can’t compare 10 headaches to a migraine to the value of friendship b) psychological violence: util and other consequentialist theories justify atrocities such as slavery if it benefits a marginal majority or for hypothetical benefits that might not even materialize

## Case

#### The plan gets circumvented through unilateral trade pressures – no IP case has ever gone to the ICJ, the strength of IP regimes has come solely through sanctions and threats.

Durand and Milberg, 18

[Cédric, Associate Prof. Political Economy @ U-Geneva, member @ Paris Nord Economics Center; and William, Dean @ The New School for Social Research: “Intellectual Monopoly in Global Value Chains,” published in 2018, https://hal.archives-ouvertes.fr/hal-01850438]//AD

Stricter IPRs at the national and international level support the expansion of GVC-based trade. Since the 1880s, the Paris and Berne Conventions – currently administered by the World Intellectual Property Organization (WIPO) - set some standards in terms of protection of industrial intellectual property and artistic works. However, their implementation has been problematic and no IP case has ever been subjected to the International Court of Justice. In the late 1970s, US IP-based industries realized that their competitive advantage was vulnerable as technological change made replication of their software, recorded music, videos, and pharmaceuticals increasingly easier and cheaper, in the absence of credible institutional means to sanction IP appropriators in developing countries. In the 1980s, they successfully lobbied the US government to use threats of unilateral trade sanctions to force developing countries to increase their IP protection and enlisted business associations in Europe and Japan to oppose what began to be framed as “piracy” and in favor of a stricter international IP regime. (Sell & Prakash, 2004, pp. 154–160).

#### Aff doesn’t attack all of the root causes of disease spread- lack of materials, equipment, and facilities when faced with skyrocketed demands means solving IP protections alone isnt enough

Brant & Burns 7-29-21 [Jennifer Brant, CEO and Founder of Innovation Insights, and Thaddeus Burns, Head of Life Science Government & Public Affairs at Merck and served in senior positions at the US Department of Commerce and the White House Office of the US Trade Representative, served as a member of the National Academy of Sciences Committee charged with preparing a report on the science and technology capabilities of the U.S. Department of State. “Trade restrictions are delaying the COVID response. The WTO must act.” July 29, 2021. <https://www.weforum.org/agenda/2021/07/wto-members-must-launch-new-work-to-reinforce-the-covid-response-in-november/>] AL

The COVID-19 pandemic hit at a time when bio-manufacturing was undergoing a process of democratization. Technological progress had enabled growing capacity in many countries including Brazil, Indonesia, South Africa, Tunisia, Argentina, and Egypt. By 2020, the business model for bio-manufacturing had fundamentally changed and it was becoming the norm for companies to distribute research, development and manufacturing across geographies and work with partners. As recently as 15 years ago, building a facility to produce biologics such as monoclonal antibodies or vaccines could require an investment of as much as €500m, and it would take up to 3 years to bring that facility online. New manufacturing technologies have made it cheaper and easier to build new facilities and to scale up existing ones. Today, an investment of €20m can get a bio-manufacturing plant up and running. Such changes are part of the reason the global community was able to launch production of new COVID-19 vaccines so quickly. The urgency of COVID-19 accelerated further innovations in bio-manufacturing equipment and processes, and compressed production time in a way that will have positive impacts in the future. But the pandemic also revealed major weaknesses in global value chains. It was difficult for manufacturers to keep up with the sudden surge for demand for raw materials and equipment, as many new research and development and manufacturing partnerships rapidly took off. To extend capacity, new employees, intensive training and collaboration, and more infrastructure were needed. The global community was faced with the reality that facilities cannot be built everywhere in an instant, and that there are bottlenecks in the supply chain. Government action in some cases made things worse. Some countries enacted export restrictions on COVID-related products, which made it extremely difficult to run a global supply chain. Another difficult issue has been the tariffs applied on biologics and the products needed for their manufacture. Eighteen months into the pandemic, biologics manufacturers are still trying to cope with a range of challenges. There is still surging demand for equipment and raw materials. In some cases, they have expanded manufacturing capacity to produce more equipment such as filters and bioreactors. This continues to require time and significant investments.

#### Existing *compulsory licensing* exemptions are sufficient to solve

Bacchus, JD, 20

(James, adjunct scholar at the Cato Institute, a professor of global affairs at the University of Central Florida, An Unnecessary Proposal A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines <https://www.cato.org/sites/cato.org/files/2020-12/FTB_78.pdf>, 12-16)

What we have not heard in the waiver debate is any clear explanation from waiver advocates of why they believe that the right to compulsory licensing that they already possess will prove insufficient to ensuring access to COVID-19 vaccines. In requesting a broad waiver of IP rights to COVID-19 vaccines, India and South Africa maintained that “many countries especially developing countries may face institutional and legal difficulties when using flexibilities available” under existing WTO rules. They also noted that a “particular concern for countries with insufficient or no manufacturing capacity” is that the 2017 amendment that permits countries that produce generic medicines under compulsory license to export all of those medicines to least-developed countries that lack their own manufacturing capabilities will lead to a “cumbersome and lengthy process.”14 India and South Africa did not offer any further explanation or any evidence to support these assertions. In an effort at an explanation, two Canadian university professors contended, “The TRIPS flexibilities are important policies but they are not perfect. Rules allowing compulsory licensing apply only on a case-by-case and product-by-product basis. This slows down the ability of countries to scale up production of needed COVID-19 products.”15 But this is advocacy, not evidence. At the time, this point was purely prospective; it was a prejudgment before any COVID-19 vaccine had been given final approval or reached the market. Before such a sweeping waiver of IP rights is taken up, it should first be demonstrated that the option of compulsory licensing and other flexibilities under the current trade rules will not suffice. At this point, the developed countries that have opposed the waiver are correct. There is no evidence of the need for such a waiver. Action by the WTO should be contemplated only if, and when, the current flexibilities in WTO rules prove to be inadequate. Should that happen, any such action should be no broader than necessary to address the global medical need.

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)
3. https://www.google.com/search?q=member+definition&rlz=1C1CHBF\_enUS877US877&oq=member+definition&aqs=chrome.0.69i59j69i60l3.1863j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-3)
4. https://www.google.com/search?q=of+definition&rlz=1C1CHBF\_enUS877US877&oq=of+definition&aqs=chrome.0.69i59j69i61l3.1473j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-4)
5. https://www.google.com/search?q=the+definition&rlz=1C1CHBF\_enUS877US877&oq=the+definition&aqs=chrome..69i57j69i64j69i61j69i60l2.1976j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-5)
6. https://www.google.com/search?q=to+definition&rlz=1C1CHBF\_enUS877US877&oq=to+definition&aqs=chrome..69i57j69i60l3.1415j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-6)
7. https://www.google.com/search?q=reduce+definition&rlz=1C1CHBF\_enUS877US877&sxsrf=AOaemvI3lZsbmnXg5WHeL4m6rYGn8Vf6Aw%3A1630610232638&ei=OCMxYbCaJpO0tQb6wpGoCA&oq=reduce+definition&gs\_lcp=Cgdnd3Mtd2l6EAMyCQgjECcQRhD5ATIECAAQQzIECAAQQzIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQ6BwgAEEcQsAM6BwgAELADEEM6BwgjEOoCECc6BAgjECc6BQgAEJECOhEILhCABBCxAxCDARDHARDRAzoKCAAQsQMQgwEQQzoHCAAQsQMQQzoICAAQgAQQsQM6CAgAELEDEIMBOgoIABCABBCHAhAUSgQIQRgAUMLMBFjS3QRgnt8EaAJwAngDgAG2A4gB-heSAQozLjExLjEuMi4xmAEAoAEBsAEKyAEKwAEB&sclient=gws-wiz&ved=0ahUKEwiwlru9gOHyAhUTWs0KHXphBIUQ4dUDCA8&uact=5 [↑](#footnote-ref-7)
8. https://www.merriam-webster.com/dictionary/for#:~:text=English%20Language%20Learners%20Definition%20of,meant%20to%20be%20used%20with [↑](#footnote-ref-8)
9. https://www.google.com/search?q=medicine+definition&rlz=1C1CHBF\_enUS877US877&oq=medicine+definition&aqs=chrome.0.69i59.2986j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-9)