# Open Source Framework

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# Open Source Framework – 1NC

**Thesis: this is a theoretical argument about how debate should take place. All of our evidence in this round is publicly posted on a website, in the form we are reading it, including both the cards and the value added in the form of text.**

**This argument in full file form can be found at http://opencaselist.wikispaces.com/file/list. It’s also linked off our wiki disclosure page.**

**Our framework is that debaters should not exercise proprietary control over either cards or the value added by their reorganization into briefs. We advocate an “open source” system in which debate arguments are publically accessible in their entirety online, and are subject to constant revision in the online marketplace of ideas.**

**The affirmative’s arguments, however, are not open source. Their briefs are close source. They exercise proprietary control over the value they’ve added to the information that they tilled from the internet and books. The briefs are not publicly accessible for download and they are not subject to constant revision.**

**We advocate a Wikipedia-like system. They’re operating in a system similar to Microsoft.**

**Here’s our argument:**

**A. The framework and violation – all evidence read in a debate must be publically accessible online prior to its use. If your evidence is closed source, you lose.**

**B. Only we meet our interpretation – we have disclosed our entire aff files and neg files online. The negative has not.**

**C. Reasons to prefer -**

**1. Argument Quality – open source debate would increase argument quality -**

**a. Rapid improvements – a large number of debaters working on a single argument would increase depth of sources and breadth of argument. Improvements happen rapidly through peer review. Social esteem and fun from researching will be sufficient to drive work.**

**Torvalds and Diamond ‘1** [Linus (Creator of Linux) and David (freelance contributor to the New York Times and Business Week); “Why Open Source Makes Sense”; Educause Review; November/December; p. 71-2 //nick]

It's the best illustration of the limitless benefits to be derived from the open source philosophy. While the PC wasn't developed using the open source model, it is an example of a technology that was opened for any person or company to clone and improve and sell. In its purest form, the open source model allows anyone to participate in a project's development or commercial exploitation. Linux is obviously the most successful example. What started out in my messy Helsinki bedroom has grown to become the largest collaborative project in the history of the world. It began as an ideology shared by software developers who believed that computer source code should be shared freely, with the General Public License - the anticopyright - as the movement's powerful tool. It evolved to become a method for the continuous development of the best technology. And it evolved further to accept widespread market acceptance, as seen in the snowballing adoption of Linux as an operating system for web servers, and in its unexpectedly generous IPOs.

What was inspired by ideology has proved itself as technology and is working in the marketplace. Now open source expanding beyond the technical and business domains. At Harvard University Law School, professors Larry Lessig (who is now at Stanford) and Charles Nesson have brought the open source model to law. They started the Open Law Project, which relies on volunteer lawyers and law students posting opinions and research on the project's Web site to help develop arguments and briefs challenging the United States Copyright Extension Act. The theory is that the strongest arguments will be developed when the largest number of legal minds are working on a project, and as a mountain of information is generated through postings and repostings. The site nicely sums up the trade off from the traditional approach: "**What we lose in secrecy, we expect to regain in depth of sources and breadth of argument."** (Put in another context: With a million eyes, all software bugs will vanish.)

It's a wrinkle on how academic research has been conducted for years, but one that makes sense on a number of fronts. Think of how this approach could speed up the development of cures for diseases, for example. Or how, with the best minds on the task, international diplomacy could be strengthened. As the world becomes smaller, as the pace of life and business intensifies, and as the technology and information become available, people realise the tight-fisted approach is becoming increasingly outmoded.

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# Open Source Framework – 1NC

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The theory behind open source is simple. In the case of an operating system - is free. Anyone can improve it, change it, exploit it. But those improvements, changes and exploitations have to be made freely available. Think Zen. The project belongs to no one and everyone. When a project is opened up, there is rapid and continual improvement. With teams of contributors working in parallel, the results can happen far more speedily and successfully than if the work were being conducted behind closed doors.

That's what we experienced with Linux. Imagine: Instead of a tiny cloistered development team working in secret, you have a monster on your side. Potentially millions of the brightest minds are contributing to the project, and are supported by a peer-review process that has no, er, peer.

The first time people hear about the open source approach, it sounds ludicrous. That's why it has taken years for the message of its virtues to sink in. Ideology isn't what has sold the open source model. It started gaining attention when it was obvious that open source was the best method of developing and improving the highest quality technology. And now it is winning in the marketplace, an accomplishment has brought open source its greatest acceptance. Companies were able to be created around numerous value-added services, or to use open source as a way of making a technology popular. When the money rolls in, people get convinced.   
One of the least understood pieces of the open source puzzle is how so many good programmers would deign to work for absolutely no money. A word about motivation is in order. In a society where survival is more or less assured, money is not the greatest of motivators. It's been well established that folks do their best work when they are driven by a passion. When they are having fun. This is as true for playwrights and sculptors and entrepreneurs as it is for software engineers. The open source model gives people the opportunity to live their passion. To have fun and to work with the world's best programmers, not the few who happen to be employed by their company. Open source developers strive to earn the esteem of their peers. That's got to be highly motivating.

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**b. No secrecy – there is no incentive in an open source system to conceal defects in arguments. This produces rapid innovations and improvements. There’s no incentive to hide the fact that an argument is bad and therefore weak arguments just won’t be run – our evidence model is analogous to ego-less programming.**

**Raymond ‘99** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “The Cathedral and the Bazaar”; August 8; <http://www.cantonmaine.com/bazaar/cathedral-bazaar-4.html> //nick]

In The Mythical Man-Month, Fred Brooks observed that programmer time is not fungible; adding developers to a late software project makes it later. As we've seen previously, he argued that the complexity and communication costs of a project rise with the square of the number of developers, while work done only rises linearly. Brooks's Law has been widely regarded as a truism. But we've examined in this essay a number of ways in which the process of open-source development falsifies the assumptions behind it—and, empirically, if Brooks's Law were the whole picture Linux would be impossible.

Gerald Weinberg's classic The Psychology of Computer Programming supplied what, in hindsight, we can see as a vital correction to Brooks. In his discussion of ``egoless programming'', Weinberg observed that in shops where developers are not territorial about their code, and encourage other people to look for bugs and potential improvements in it, improvement happens dramatically faster than elsewhere. (Recently, Kent Beck's `extreme programming' technique of deploying coders in pairs looking over one anothers' shoulders might be seen as an attempt to force this effect.)

Weinberg's choice of terminology has perhaps prevented his analysis from gaining the acceptance it deserved—one has to smile at the thought of describing Internet hackers as ``egoless''. But I think his argument looks more compelling today than ever.

The bazaar method, by harnessing the full power of the ``egoless programming'' effect, strongly mitigates the effect of Brooks's Law. The principle behind Brooks's Law is not repealed, but given a large developer population and cheap communications its effects can be swamped by competing nonlinearities that are not otherwise visible. This resembles the relationship between Newtonian and Einsteinian physics—the older system is still valid at low energies, but if you push mass and velocity high enough you get surprises like nuclear explosions or Linux.

# Open Source Framework – 1NC

**c. Debate-judge collaboration - exposing not just arguments but discussion on how to improve arguments to judges and other coaches improves debate because it allows reflection that can’t happen in a debate round. Judges could literally reflect on arguments long before they are debated, eliminating judge adaptation uncertainty – open source code and beta testers prove this argument.**

**Raymond ‘99** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “The Cathedral and the Bazaar”; August 8; http://library.n0i.net/advocacy/cathedral/ar01s05.html //nick]

One key to understanding is to realize exactly why it is that the kind of bug report non–source-aware users normally turn in tends not to be very useful. Non–source-aware users tend to report only surface symptoms; they take their environment for granted, so they (a) omit critical background data, and (b) seldom include a reliable recipe for reproducing the bug.

The underlying problem here is a mismatch between the tester's and the developer's mental models of the program; the tester, on the outside looking in, and the developer on the inside looking out. In closed-source development they're both stuck in these roles, and tend to talk past each other and find each other deeply frustrating.

Open-source development breaks this bind, making it far easier for tester and developer to develop a shared representation grounded in the actual source code and to communicate effectively about it. Practically, there is a huge difference in leverage for the developer between the kind of bug report that just reports externally-visible symptoms and the kind that hooks directly to the developer's source-code–based mental representation of the program.

Most bugs, most of the time, are easily nailed given even an incomplete but suggestive characterization of their error conditions at source-code level. When someone among your beta-testers can point out, "there's a boundary problem in line nnn", or even just "under conditions X, Y, and Z, this variable rolls over", a quick look at the offending code often suffices to pin down the exact mode of failure and generate a fix.

Thus, source-code awareness by both parties greatly enhances both good communication and the synergy between what a beta-tester reports and what the core developer(s) know. In turn, this means that the core developers' time tends to be well conserved, even with many collaborators.

# Open Source Framework – 1NC

**d. Cross-pollination - academic citations conclusively demonstrate that publishing online increases readership – the analogy would be that if backfiles were freely accessible online, it would be easier for debaters to build on existing arguments in creating new ones - debate should join the numerous disciplines that have switched to open access.**

**von Hippel ‘5** [Eric (Head of the Innovation and Entrepreneurship Group in the Sloan School of Management at the Massachusetts Institute of Technology); “Democratizing Information”; p. 88-89; http://web.mit.edu/evhippel/www/books.htm //nick]  
  
In the case of academic publications, we see evidence that free revealing does increase reuse—a matter of great importance to academics. A citation is an indicator that information contained in an article has been reused: the article has been read by the citing author and found useful enough to draw to readers' attention. Recent empirical studies are finding that articles to which readers have open access—articles available for free download from an author’s website, for example—are cited significantly more often than are equivalent articles that are available only from libraries or from publishers’ fee-based websites. Antelman (2004) finds an increase in citations ranging from 45 percent in philosophy to 91 percent in mathematics. She notes that "scholars in diverse disciplines are adopting open-access practices at a surprisingly high rate and are being rewarded for it, as reflected in [citations]."

**e. Public sphere - the insular, secretive manner in which research is stored prevents the spillover of vital research to public arguments – open source could facility cross-germination with the public sphere.**

**Mitchell ’00** [Gordon (Professor of Communications at the University of Pittsburgh); Strategic Deceptions: Rhetoric, Science, and Politics in Missile Defense Advocacy; p. xvi-xvii //nick]

Perhaps the most strange and idiosyncratic aspect of the contemporary intercollegiate debate community is that, by and large, it keeps to itself. Contrary to the populist tradition of debate as the quintessential genre of public discourse, contemporary intercollegiate debate is an insular and specialized academic activity. The research products generated by thousands of debaters nation-wide are generally put toward a singular end: winning tournament competitions. Sometimes this insularity appears absurd to those who stumble across a slice of the debate community for the first time. In the summer of 1990, Madison Laird (then captain of the Loyola University   
debate squad) was assigned the task of entertaining Earth Day organizer Bill Keepin during Keepin¹s visit to the Loyola campus in Los Angeles, California. After Keepin delivered a speech on nuclear power to the student body, Laird led him on a campus tour that ended up in the debate squad room, where yards and yards of argument briefs were stowed away in filing drawers. When Keepin asked to see the files containing research on nuclear power, Laird pulled open one file drawer stuffed to the gills with high-quality research. Keepin was stunned, asking incredulously "how long have you folks kept this stuff locked up?!" In a small way, this vignette   
illustrates the folly associated with the intercollegiate debate community's insular nature. Indeed, it would not be surprising to find countless other Bill Keepins out there who could make tremendous use of the research and knowledge generated out of intercollegiate policy debate competition. To reach them, debaters need only to realize that they can make vital contributions to public arguments swirling beyond the rarefied confines of debate tournament sites.

# Open Source Framework – 1NC

**2. Education – open source debate would increase education – two warrants –**

**a. Breadth – open source debate would increase the breadth of education – this is really just simple math – while there would be a lot of overlap in research if all files were open source now, every innovation or argument that the majority of the country doesn’t have would expand the research and education base. Without the secrecy element of research – as soon as a new idea is discovered on the topic, the education of the topic would be further expanded.**

**b. Depth – in addition to the fact that open source debate means that every debater would have access to a larger set of arguments, open source debate would also mean that each file on every issue would be extremely deep. In simple terms, if you were to put the best ten files on a single issue in a word document, and then deleted all the duplicate evidence, that would be your file. You could expect to have files with nearly every one of the best pieces of evidence out there – this increases the depth and specificity of education.**

**3. Fairness - open source evidence is the only structural answer to resource inequalities – other inevitable measures limit production or participation – open source is key to reduce entry barriers – that’s key to overall fairness in debate.**

**Antonucci ‘5** [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] open source? resp to Morris”; December 8; http://www.ndtceda.com/pipermail/edebate/2005-December/064806.html //nick]

a. Open source systems are preferable to the various punishment proposals in circulation. It's better to share the wealth than limit production or participation. Various flavors of argument communism appeal to different people, but banning interesting or useful research(ers) seems like the most destructive solution possible.   
Indeed, open systems may be the only structural, rule-based answer to resource inequities. Every other proposal I've seen obviously fails at the level of enforcement. Revenue sharing (illegal), salary caps (unenforceable and possibly illegal) and personnel restrictions (circumvented faster than you can say 'information is fungible') don't work. This would - for better or worse.   
b. With the help of a middling competent archivist, an open source system would reduce entry barriers. This is especially true on the novice or JV level. Young teams could plausibly subsist entirely on a diet of scavenged arguments. A novice team might not wish to   
do so, but the option can't hurt.   
c. An open source system would fundamentally change the evidence economy without targetting anyone or putting anyone out of a job. It seems much smarter (and less bilious) to change the value of a professional card-cutter's work than send the KGB after specific counter-revolutionary teams.

C. Vote negative. This is a gateway argument about how we should be allowed to debate. Evaluate it through a lens of competing interpretations. If they don’t win that a closed source system is preferable or that their evidence is “open source,” they lose and you should vote negative. We have a few reasons –

1. The more winning ballots for the open source framework, the more likely debaters are to put their briefs online.

**Sanchez ‘5** [Kevin (debate coach); “[eDebate] open source / creative commons / how long will you folks keep this stuff locked?”; December 12; http://www.ndtceda.com/pipermail/edebate/2005-December/064838.html //nick]

At the NDT, many teams chose to post their first constructive speeches on an accessible website -- that's the internet disclosure which Stefan has worked hard to achieve. Yet some debaters chose not to do so, although they may've likely read the blocks of their opponents prior to the round. (I even recall Stefan and others stopping just short of calling such free-riders 'cheaters'.) This begs the question, how does this community intend to enforce this norm? I'd suggest that the short-term answer is not top-down punishment from tourney directors, but debaters themselves taking ballots away from free-riders, fair and square.   
Everyone knows there are dominant players who benefit immensely from the status quo: teams which can afford to hire extra staff, students who can afford to go to pricey institutes, companies which can afford to sue you if you share their evidence. Despite the lip-service paid to the educational mission of debate, until this competitive incentive changes, nothing will magically 'level the playing field'. So how do participants alter competitive incentive? Again, by winning ballots. Blatantly non-topical cases, for example, are liabilities. If/when the 'open source / creative commons' position wins more ballots, it will more likely compel debaters to put their briefs online. Quite simply, the 'solvency mechanism' - at least for the immediate future - is winning the position itself.

# Open Source Framework – 1NC

**2. Vote negative for norm enforcement – just as they’d lose for not being topical, they should lose for keeping their evidence “closed source.”**

**Sanchez ‘5** [Kevin (Debate coach); “[eDebate] What's being talked about is not "open source"”; December 12; http://www.ndtceda.com/pipermail/edebate/2005-December/064852.html //nick - evidence modified to correct grammar and spelling errors]

Also I'd remind you that the thrust of this position implies putting norm-enforcement power in the hands of debaters at the round-level. By that I mean, when a team fails to post their first constructive under already existing schemes for internet disclosure, they should also run up against a meta-theory-argument like this one; just as they'd lose to topicality if they are not topical, so they'd lose to whatever this is if they remain 'closed source', especially if they're reaping the benefits of others participation in an open system. The slogan is, gank ballots from free-riders.

3. Gendered language debates proves this works – voting negative could deter future use of “closed source” evidence

**Snider ‘4** [Alfred C. (Edwin Lawrence Professor of Forensics - University of Vermont); http://debate.uvm.edu/ReplyFrank.doc, date from Archive.org, article also cites 2002 articles //nick]

The challenges to the game of debate mentioned in my essay also directly address this. The critical move in debate, where debaters step outside of the traditional “box” to analyze the ethical issues of argumentative perspectives and to analyze the language employed in a debate belies this concern. Almost all American debaters know that making a racist or sexist comment in a debate is one of the easiest ways to lose a ballot, as the opposing team is likely to make that the only issue in the debate, and the judge will make an example of you. There is no time in debate history when falsification and fabrication of evidence has been better monitored or when the behavior of debaters as regards evidence has been better. This may be more due to the ability to check the evidence used by others, but it still is the case. This sort of ethical dimension of argument and presentation has been made an issue in the decision. Winning at all costs could cost you the win.

**4. We are a prerequisite to getting to a website where production is public and people can comment on the merits of arguments.**

**Kerpen ‘03** [Phil Kerpen, been in debate for about a decade as a theorist, participant, web guy, judge, and occasional coach. Had some success as a competitor both in high school (third at NFLs) and in college (cleared at both CEDA and NDT). Publishes several websites for high school and college policy debaters and coaches: [Cross-X.com](http://www.cross-x.com/) is the leading community web site for high school debaters; [eDebate](http://www.ndtceda.com/) is the leading discussion list for college debaters; [Teaching Debate](http://www.teachingdebate.com/) is an online community and resource for debate teachers; [hsdebate.com](http://www.hsdebate.com/) is no longer updated but still contains quite a bit of useful information. (taken from philkerpen.com) “Free Blocked Out K – Debate Commons.” Cross-x.com forums. October 27, 2003.]

This can be so much more than "post your files here". A world where evidence production is public and co-operative allows us to develop tools for argument production that would be amazing--click on this block, query the database for a card, paste the card in. Compare 10 different users tweaked versions of an argument, paste together the best parts, submit 5 new cards to the database, combine them into blocks. Read comments from two dozen people on the merits of subtle differences. Post round reports on what answers people made and won on. Write responses, etc. This is the kind of website that I'm interested in building, and **Antonucci's argument will be the competitive stick that drives the transition**. This is exciting.

# Open Source Framework (Short Version) – 1NC

**Thesis: this is a theoretical argument about how debate should take place. All of our evidence in this round is publicly posted on a website, in the form we are reading it, including both the cards and the value added in the form of text.**

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**We advocate a Wikipedia-like system. They’re operating in a system similar to Microsoft.**

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**1. Argument Quality – open source debate would increase argument quality - a large number of debaters working on a single argument would increase depth of sources and breadth of argument. Improvements happen rapidly through peer review. Social esteem and fun from researching will be sufficient to drive work.**

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It's a wrinkle on how academic research has been conducted for years, but one that makes sense on a number of fronts. Think of how this approach could speed up the development of cures for diseases, for example. Or how, with the best minds on the task, international diplomacy could be strengthened. As the world becomes smaller, as the pace of life and business intensifies, and as the technology and information become available, people realise the tight-fisted approach is becoming increasingly outmoded.

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everyone. When a project is opened up, there is rapid and continual improvement. With teams of contributors working in parallel, the results can happen far more speedily and successfully than if the work were being conducted behind closed doors.

That's what we experienced with Linux. Imagine: Instead of a tiny cloistered development team working in secret, you have a monster on your side. Potentially millions of the brightest minds are contributing to the project, and are supported by a peer-review process that has no, er, peer.

The first time people hear about the open source approach, it sounds ludicrous. That's why it has taken years for the message of its virtues to sink in. Ideology isn't what has sold the open source model. It started gaining attention when it was obvious that open source was the best method of developing and improving the highest quality technology. And now it is winning in the marketplace, an accomplishment has brought open source its greatest acceptance. Companies were able to be created around numerous value-added services, or to use open source as a way of making a technology popular. When the money rolls in, people get convinced.   
One of the least understood pieces of the open source puzzle is how so many good programmers would deign to work for absolutely no money. A word about motivation is in order. In a society where survival is more or less assured, money is not the greatest of motivators. It's been well established that folks do their best work when they are driven by a passion. When they are having fun. This is as true for playwrights and sculptors and entrepreneurs as it is for software engineers. The open source model gives people the opportunity to live their passion. To have fun and to work with the world's best programmers, not the few who happen to be employed by their company. Open source developers strive to earn the esteem of their peers. That's got to be highly motivating.

**2. Education – open source debate would increase education – two warrants – a) breadth – open source debate would increase the breadth of education since literally every issue would be at the public’s disposal; b) depth – open source debate would deepen the files on every issue – this increases the specificity of education.**

**3. Fairness - open source evidence is the only structural answer to resource inequalities – other inevitable measures limit production or participation – open source is key to reduce entry barriers – that’s key to overall fairness in debate.**

C. Vote negative. This is a gateway argument about how we should be allowed to debate. Evaluate it through a lens of competing interpretations. If they don’t win that a closed source system is preferable or that their evidence is “open source,” they lose and you should vote negative. Ballots for this position both encourage teams to change their evidence practices and affirms the open source system.

# Open Source Framework – 2NC Overview

**Debate currently functions in a system in which debaters maintain the highest levels of proprietary control over their evidence. While the debate community has been trending away from this system through the recent emphasis on disclosure and the use of the wikispaces, debate evidence is still not free to all participants. It’s time for a change.**

**Here’s our argument: all evidence used in debate should be open source. That means that as a prerequisite to reading evidence in debate, that evidence and the file it comes from must be posted on a publicly-accessible, freely frequented website. Mainly, post your files to the wikispaces.**

**Evaluate this debate like topicality – we have an interpretation – your evidence should be open source – they’ve conceded its’ not – that means you should evaluate this debate based on competing interpretations of how debate should look – if we win we have the best interpretation for debate, then you vote negative. Prefer this framework because it’s the most objective way to evaluate this debate.**

**Our interpretation is best – i.e., an open source system of evidence should be preferred –**

**1. Argument quality – an open source system of evidence would improve argument quality – we have five arguments –**

**a. Rapid improvements and peer review – we analogize our model to the Open Law model at Harvard Law where an entire case (which made it to the Supreme Court) was briefed online through postings – what the case lost in secrecy it gained in depth of sources and breadth of (rapid) argument. If debate files were free online, there could be collaboration, peer review, and faster innovation in arguments. That’s Torvalds and Diamond.**

**b. Defect secrecy – in the status quo, debaters have an incentive to conceal the defects to their arguments (this is referred to in the software industry as Brooke’s Law). For instance, if you are reading a K and you know the alt is the weakest part of it, you have a competitive incentive to hide the defect in your argument. Additionally, some teams currently maintain competitive incentives by reading bad arguments that they win with because people have never heard of them – like this reverse spending f-22 DA. In an open source system there is no incentive to hide defects and all arguments are freely accessible – there are two impacts to this: it produces rapid innovations and improvements to faulty arguments, and it disincentivizes the use of very bad arguments. That’s Raymond.**

**c. Debate-judge collaboration - exposing not just arguments but discussion on how to improve arguments to judges and other coaches improves debate because it allows reflection that can’t happen in a debate round. With software, a recurring problem is that the programmers don’t communicate with the testers, so when a beta tester notices a flaw in NBA Live 2k9 it doesn’t necessarily get communicated back to the programmer – this causes shittier programs. The same can be said for debate. The divide between debaters and judges means that judges don’t give key feedback to prevent error replication in argument – in an open source system a judge could literally comment on your actual file. This solves flaws in arguments. That’s Raymond.**

**d. Cross-pollination – recently academics have begun posting their papers online on their websites without publishing them – this has led to massive amounts of citations of these papers – studies show that “open source” academic work is cited at a considerably higher rate than published work. In debate, if evidence was online, debaters could freely reference to other arguments, building on backfiles and spurring innovation. That’s von Hippel.**

**e. Public sphere - the insular, secretive manner in which research is stored prevents the spillover of vital research to public arguments – open source could facility cross-germination with the public sphere. Gordon Mitchell’s account of a Loyola debater’s experience with a nuclear scientist proves this argument.**

**2. Education – two arguments – a) breadth – open source debate will expand the number of arguments out there – both because each existing argument will be accessible and because there will be an incentive to look for new arguments, this increases the expansive range of education; b) depth – if you can imagine combining the ten best files on any issue, that would drastically increase argument depth – people won’t be looking for the same old cards or tracking down cites so there is an incentive to make arguments deeper. This means we control both key internal links for overall education – we’ll outweigh any of their claims.**

# Open Source Framework – 2NC Overview

**3. Fairness – our argument is simple – debaters are leaving the activity now – everyone has a reason for it but definitely one is some of the entry barriers – posting all of the evidence free online would greatly ease the burden on statup programs and young debaters – this is key to overall retention which eases some of the competitive advantages in debate – and even if they articulate minor fairness issues – overall debate growth and retention are the key fairness question and outweigh their arguments.**

**And – in addition to the competing frameworks model – a ballot is key for two reasons – a) it creates a norm whereby people will post their evidence or face a loss; and b) it explicitly affirms our framework for debate, which sends a signal through the debate community.**

# A2 – We Meet – Cites on the Wiki

**1. This doesn’t meet – wikispaces is the status quo – we argue a shift to an evidence economy in which all evidence is open and freely accessible. There’s no evidence on the wikispaces that they’ve disclosed.**

**2. Citations aren’t enough –**

**a. Argument quality – cites on the wiki don’t allow any sort of argument innovation – arguments are still secret, there’s no rapid innovation or changes, files aren’t freely distributed. This literally never accesses standard one of our framework.**

**b. Education – cites don’t allow the same depth or breadth of education – this is intuitive. If you can’t read a file, you can’t learn as much from it. Also preventing collaboration undermines education.**

**c. Fairness – they don’t do evidence sharing – means they don’t make the evidence system more fair for small schools.**

**3. Any risk of a violation means you vote negative – our frameworks is clear and we’re way ahead on the reasons to prefer – treat this like a DA where the impacts are conceded – if we win a marginal link risk its game over.**

# A2 – We Meet – Just Posted Evidence

**1. Doesn’t meet – just because you posted your evidence right before the debate doesn’t mean you’re free – our argument is about innovation, education, and fairness – none of that happens in files are thrown up right before tournaments – they don’t cause better debate because they are still functionally restricting informational access.**

**2. Any risk of a violation means you vote negative – our frameworks is clear and we’re way ahead on the reasons to prefer – treat this like a DA where the impacts are conceded – if we win a marginal link risk its game over.**

# A2 – We Meet – Our Ev Posted Somewhere

**1. This doesn’t meet – we have a clear framework that establishes that you have to have your evidence posted in a centrally accessible location. Their miscellaneous site doesn’t constitute adequate disclosure. The point of open source is it being open, not hidden.**

**2. They don’t access argument quality arguments – if files aren’t freely viewable, they can’t be improved. If we don’t know where your stuff is, it won’t be helpful.**

**3. Any risk of a violation means you vote negative – our frameworks is clear and we’re way ahead on the reasons to prefer – treat this like a DA where the impacts are conceded – if we win a marginal link risk its game over.**

# A2 – Counter-Interpretation – Closed Source / Status Quo

**This interpretation is the status quo – we have numerous arguments –**

**1. We control uniqueness – debate is dying slowly now – while we don’t claim to identify a singular cause, all data indicate a decrease in participation. Advocating the status quo as their interpretation means there is literally zero risk they change anything.**

**2. Our interpretation is key to long-term debater retention – open source isn’t the silver bullet for making debate more fair, but it would decrease entry barriers which is key to fairness in debate – means its try or die for our interpretation. That’s Antonucci.**

**3. Key to argument quality – we’re crushing them on this question – open source systems are key to arguments quality – here’s our warrants –**

**a. Rapid improvements – open source allows a large number of debaters to work on a single argument – this increases the depth of argument and sources. Improvements will happen rapidly and will be through peer review. That’s Torvalds and Diamond.**

**b. No incentive to mark defects – in an open source system, there’s no incentive to conceal defects in arguments – this produces rapid innovations – bar arguments just won’t be run. That’s Raymond.**

**c. Debate-judge collaboration - exposing not just arguments but discussion on how to improve arguments to judges and other coaches improves debate because it allows reflection that can’t happen in a debate round. Judges could literally reflect on arguments long before they are debated, eliminating judge adaptation uncertainty. That’s Raymond.**

**d. Cross-pollination – tired of the same arguments year after year, open source arguments will spur people to build on backfiles – this fosters argument innovation – academic citations prove this argument. That’s von Hippel.**

**e. Public sphere spillover – an open source system will allow professionals and scholars to access research by debaters – this fosters cross-germination. Mitchell’s nuclear scientist example proves this position.**

**4. Key to education – they don’t solve breadth or depth as well – access to all research by all teams means debaters will be exposed to the entire range of arguments with each argument with more depth than the status quo. Educational depth and breadth outweigh their arguments – education is the terminal impact to any of their fairness articulations – fairness is only good because it’s an end towards learning.**

**5. Err neg – we access every single theoretical terminal impact – there’s only a risk we make debate better – err neg on this interpretation v. counterinterpretation debate.**

# A2 – Counter-Interpretation – Do Cites

**1. This is the status quo – people already freely post their cites on the wiki – this is not a competitive interpretation with our interpretation.**

**2. Doesn’t solve the net-benefits to our interpretation –**

**a. Argument quality – our internal links are all based on debaters actually being able to look at arguments and collaborate on them – that’s not possible with just cites.**

**b. Education – there’s no added depth or breadth of education if debaters don’t have full access to files.**

**c. Fairness – small schools can’t overcome the research burden if there isn’t any research out there.**

**3. Eliminating the long delays of hunting down cites innovates arguments**

**Burkhardt ’08** [Can Open Source Help the Economy? Roger Burkhardt, CIO.com December 14, 2008 <http://www.pcworld.com/businesscenter/article/155439/can_open_source_help_the_economy.html>]

With freedom also comes faster innovation. My experience at the [New York Stock Exchange](http://www.cio.com/article/469364/subject/NYSE+Euronext) (NYSE) was that we could innovate more rapidly with open source through rapid technical collaboration and by eliminating the [long legal and contractual delays](http://www.cio.com/article/460764/Vendor_Negotiations_Cost_Cutting_Tips) of the proprietary software model. An open-source user who has worked with both Linux and Ingres agrees. Alan Nidiffer, VP and CIO at C&K Market, a West Coast grocery chain, recently explained why [open source offers more innovation](http://www.cio.com/article/367213/Using_Open_Source_Innovation_Networks_to_Drive_Collaborative_Software_Development) and [faster development](http://advice.cio.com/esther_schindler/enterprise_developers_programming_speed_check_time_to_fix_bugs_not_so_much) times. According to Nidiffer, the set release schedules of traditional software companies slow down innovation, whereas open-source improvements come at any time. He notes that innovative features can even come from software developers outside of his company; they have fresh ideas on how to continuously improve the applications.

**4. We already share files and usually get the ones we request, but bypassing permission streamlines argument development.**

**Young ’99** [Robert Young, founder of Red Hat Software, Inc., one of the leading commercial companies offering open-source software. “How Red Hat Software Stumbled Across a New Economic Model and Helped Improve an Industry” “Open Sources: Voices from the Open Source Revolution.” January 1999. http://oreilly.com/catalog/opensources/book/toc.html]

Keep in mind that one of the great strengths of the Linux OS is that it is a highly modular technology. When we ship a version of Red Hat Linux we are shipping over 435 separate packages. So licensing also has a practical dimension to it. A license that enables Red Hat to ship the software but not make modifications to it creates problems because users cannot correct or modify the software to their needs. A less restrictive license that requires that the user ask the permission of the original author before making changes still burdens Red Hat and our users with too many restrictions. Having to ask possibly 435 different authors or development teams for permission to make modifications is simply not practical.

# A2 – Counter-Interpretation – Disclose After Debate

**1. Doesn’t solve argument quality – the point of disclosure before debates is so that arguments make be adequately reviewed in an open source framework – we have two specific scenarios -**

**a) Secrecy – their interpretation maintains secrecy of arguments until after the debates – this is bad because it incentivizes the use of defective yet unpredictable arguments, and inhibits meaningful criticism of arguments before debate.**

**b) Judge-debater collaboration – disclosing after the debate means the programmer-tester divide remains, i.e., there’s no pre-round judge feedback which means arguments don’t rise to a level of higher quality.**

**2. Doesn’t solve education – disclosing after a debate means there is less depth and breadth of education because we haven’t been able to see your briefs, which inhibits an informed debate. Education outweighs any benefit to this interpretation.**

**3. No way to verify enforcement – there’s no way to ensure that they actually do post their evidence – signing the ballot negative is key to make sure people are posting before debates – otherwise this shift in debate will never go into effect.**

**4. Doesn’t set norm – allowing teams to disclose evidence after the debate doesn’t establish a norm of disclosure because there’s no future risk that they might lose – forcing teams to disclose before debates or lose will establish an open source norm – gendered language proves – that’s our Snider evidence.**

**5. No net-benefit – there’s no real net-benefit to this interpretation – if there’s no net-benefit, don’t evaluate the interpretation, even if it seems reasonable.**

# A2 – Counter-Interpretation – Disclose After Reading Once

**1. Doesn’t solve argument quality – this is functionally the equivalent of Microsoft releasing its source code for Windows 2000 – disclosing after breaking an argument supercharges our secrecy argument – this interpretation rewards teams for keeping arguments secret – it creates perverse incentives where teams have an incentive to conceal defects and read bad arguments – means they don’t solve argument quality.**

**2. Doesn’t solve fairness – this creates a system where its advantageous to continually break new arguments – the teams most capable of this will be the ones already advantaged – debate will functionally turn into a system where to be successful you need to constantly break new arguments.**

**3. No net-benefit – there’s no real net-benefit to this interpretation – if there’s no net-benefit, don’t evaluate the interpretation, even if it seems reasonable.**

# A2 – Counter-Interpretation – Weak Version / 1AC Only Disclosed

**1. This is functionally the status quo – it doesn’t solve any of the standards articulated in the overview –**

**a. Argument quality – only a 1AC isn’t sufficient for argument innovation or collaboration – there’s no depth to discussion.**

**b. Education – there’s no depth or breadth to education under this interpretation because all they give us is a 1AC.**

**c. Fairness – a small school can’t build a team on a bunch of 1ACs – this interpretation doesn’t even come close.**

**2. No net-benefit – there’s no real net-benefit to this interpretation – if there’s no net-benefit, don’t evaluate the interpretation, even if it seems reasonable.**

# A2 – Counter-Interpretation – Voluntary System

**1. Voluntary system fails –**

**A. Ballot direction – people respond to the direction of ballots – only when people started losing rounds on gendered language arguments did they modify their evidence. That’s Snider ‘4.**

**B. Empirically proven – lots of teams won’t post to the wiki, some aren’t even on the site. Compulsion is key to force people to do it. That’s Sanchez**

**C. Perverse incentives – making it voluntary means teams have an incentive not to disclose so that they can cut their own cards and then take other people’s evidence – only if there is a potential loss, will the hording of evidence seem less attractive.**

**D. Lack of coordination – there are too many coordination issues and those who don’t participate will hire pro card cutters which will produce better evidence than those who opt into the open source system.**

**Antonucci ‘5** [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] open source? resp to Morris”; December 8; http://www.ndtceda.com/pipermail/edebate/2005-December/064806.html //nick]

d. "Voluntary" open source systems (evidence collectives) don't work very well. People have proposed various regional collective evidence pools as an "alternative". I'm sure they've been helpful and interesting opportunities for intellectual cross-pollination. As a genuine equity proposal, though, get real. Do you really think you can beat a top-notch unified machine with a loose network (over a   
hundred repetitions)? I don't.   
First, the labor involved in co-ordination tends to suck up whatever marginal time savings you'd hope to achieve. Distributing assignments across five college teams is pretty tough - a single squad has a much better idea of who's a beast on what, who's going to   
flake, etc.   
Secondly, pro card cutters are pro for a reason - they're pretty sweet. It's a qualitative question. They don't cut more cards, necessarily - they set higher standards for evidence. They recognize the small number of cards that actually get read, and thus prize the distinction between an A and an A+ card. Collective X can match any pro card cutter card for card, but it can never control the signal/noise ratio   
as well.

**2. Compulsive system leads to voluntary system – the experience with cite disclosure proves – less than five years ago the NDT had to threaten people in order to get them to turn over their 1AC cites, now teams freely upload to wikispaces without a threat.**

**3. Rules are key to an effective anti-proprietary regime in debate – guidelines were critical to the freeware movement with software.**

**Martin ‘95** [Brian Martin, Department of Science and Technology Studies,University of Wollongong. 1995 (“AGAINST INTELLECTUAL PROPERTY”, <http://www.eff.org/IP//against_ip.article> //nick]

Another important strategy is the promotion of non-owned information. A good example is public domain software, which is computer software that is made available free to anyone who wants it. The developers of "freeware" gain satisfaction out of their intellectual work and out of providing a service to other people. A suitable alternative to copyright is shareright. A piece of freeware might be accompanied by the notice, "You may reproduce this material if your recipients may also reproduce it." This encourages copiers but refuses any of them copyright. Intellectual property gives the appearance of stopping unfair appropriation of ideas although, as argued here, the reality is quite different. If intellectual property is to be challenged, people need to be reassured that misappropriation of ideas will not become a big problem. Therefore it is important to develop principles to deal with credit for intellectual work -- even if credit is not rewarded financially. This would include guidelines for not misrepresenting another person's work. So-called moral rights to be recognised as the author of a work are relevant here.

# A2 – Counter-Interpretation – Piracy

**1. Counter-counter-interpretation – do our framework and piracy – steal their information and then redistribute it.**

**2. Just makes everything worse – theft buys into the original model of distribution – the possibility of thieves justifies continuing fencing.**

**3. Double bind – either:**

**a. They accept the current IPR regime in debate, which means their interpretation is complicit with it; or**

**b. They sever out of the initial commitment to an evidence production model. That’s severance in an attempt to boogie out of our whole position – that’s a voter for real abuse.**

**4. Piracy fails to accomplish social change – it implicitly accepts the system by trying to cheat it.**

Brian **Martin**, Department of Science and Technology Studies,University of Wollongong. **1995**

(“AGAINST INTELLECTUAL PROPERTY”, <http://www.eff.org/IP//against_ip.article>)

An obvious way to challenge intellectual property is simply to defy it by reproducing protected works. From the point of view of intellectual property, this is called "piracy." (This is a revealing term, considering that no such language is used when, for example, a boss takes credit for a subordinate's work or when a Third World intellectual is recruited to a First World position (Verzola 1993).) This happens every day when people photocopy copyrighted articles, tape copyrighted music, or duplicate copyrighted software. It is precisely because illegal copying is so easy and so common that big governments and corporations have mounted offensives to promote intellectual property rights. Unfortunately, illegal copying is not a very good strategy against intellectual property, any more than stealing goods is a way to challenge ownership of physical property. Theft of any sort implicitly accepts the existing system of ownership. By trying to hide the copying and avoiding penalties, the copiers appear to accept the legitimacy of the system.

# A2 – Counter-Interpretation – Apology / Sorry

**1. This is brutal severance – the affirmative speech act contains not only assumptions in their rhetoric, but in their speech act as well. An apology after the fact doesn’t do anything – it only abuses us because we’ve staked the round on it. Severing assumptions is a voting issue because it destroys advocacy – the affirmative can kick out of different assumptions, or their plan text, and we can never maintain a stable position. Also, advocacy burdens are necessary for vertical development and argument quality – that’s a voter. If we shifted and ran some standard args in the 2nc, the debate would turn all crappy.**

**2. Only ballots change minds – if we lose on some weak perm or counter-interpretation, this arg won’t be at the table. It will be dismissed as another easily permuted loser or bad framework arg. Their apology can never get the full impact of the larger political implications**

**3. Deterrence contradicts rehabilitation – we aren’t really pushing for you to see the light. We’re pushing for a ripple effect throughout the community when this argument lights up discussions. If we win, the argument comes to the table, and if we lose, it drops off the map.**

**4. Infinite regress – the affirmative will always respond to this argument with a belated apology and an offer to make amends. These promises don’t have any force, however, once the possibility of losing a ballot goes away. To have an effect, the copyleft needs to be examined on the front end, not the back end.**

**5. Equivalent to topicality – the affirmative simply can’t admit their non-topicality and apologize. This isn’t an abuse impact per se, but the strategy skew implications are the same**

**6. Encourages co-option – Microsoft has made efforts to embrace parts of Linux programming. This partial embrace, however, simply diffuses the force of the open source argument by maintaining a proprietary model. Their tactical concession becomes another link into our argument.**

# A2 – Open Source Bad – No Innovation

**1. Open source helps innovation –**

**a. Empirically proven – Linux and Wikipedia prompted software innovations; Open Law led to innovative arguments; the recent use of the opencaselist can be correlated with more arguments.**

**b. Rapid improvements – an open source system leads to rapid innovations – individuals around the country can collaborate on arguments – this prompts rapid innovations. That’s Torvalds and Diamond.**

**c. Peer review – open source allows peer review which causes well-critiqued arguments – that spurs improvements in arguments and subsequent innovation.**

**d. Judge review – open source allows judge review before debates which causes well-critiqued arguments by judges – that also spurs improvements in arguments and subsequent innovation**

**d. No secrecy – our model reverses Brook’s Law, which says that complexity and communication costs increase when you add people to projects. Instead, abandoning territorial approaches to evidence means that more people are added to projects at no cost, which means weak spots are found and changes made more quickly – that’s Raymond.**

**e. Backfiles are the floor – if all files are out on the web, any work after that is an innovation – thus instead of 100 teams producing free trade good/bad files, everyone can just skip that research and go to arguments more particularized to the topic – in a closed source system, before there can be innovations teams need to cover the basics.**

**2. Open source doesn’t hurt innovation – debaters still have an incentive to research because it gives them genuine expertise and other open source systems prove that developers innovate despite the lack of economic incentive to do so.**

**Antonucci ‘5** [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] Open Source response to Eric/Hanson/Massey/Morris/Smith”; December 10; http://www.ndtceda.com/pipermail/edebate/2005-December/064819.html//nick]

A strong system obviously changes the economic value of evidence. However, it doesn't change the underlying pedagogy. Debaters who actually read articles and books will still win more rounds, because, hopefully, reading things about China makes you smarter about China. The value simply shifts from widgets (cards) to genuine expertise. Top teams would still change cases because they can stay ahead of the learning curve, outpacing teams in their ability to process and absorb information.   
Open source systems exist. They work pretty well. Play Battle of Wesnoth, use Wikipedia, use Linux, use a peer to peer distribution system (Soulseek is my favorite music provider, by far. Debaters who get all tetchy about someone snaking their cards ditch their   
IPR purism when there's a movie or album at stake.) They innovate quickly and efficiently. Open source code developers aren't slacking. OpenLaw was considered a success, although they lost the Supreme Court case. (The suit was probably a lost cause from   
the outset.) Programmers continue to innovate and debug because it's cool, and because they want their innovations acknowledged (ego-boosting.) There is such a thing as a pure academic.   
Some have questioned the applicability of some of these analogies. I'll tell you this, though - software development is a much better analogy to debate than big pharma developers.

# A2 – Open Source Bad – No Innovation

**3. Innovation is the primary reason people embrace open source. It facilitates discovery and creativity, minimizes duplication of effort, and replicates results.**

**DiBona, Ockman, and Stone ’99** [Chris DiBona, Vice President of the Silicon Valley Linux Users Group, Sam Ockman, President of Penguin Computing, a company specializing in custom-built Linux systems, chairman of LINC, the International Linux Conference and Exposition, and Mark Stone, Open Source editor for O'Reilly. Prior to joining the world of publishing he was a professor of philosophy, and holds a Ph.D. from the University of Rochester. “Open Sources: Voices from the Open Source Revolution.” January 1999. http://oreilly.com/catalog/opensources/book/toc.html]

The most fascinating development in the Open Source movement today is not the success of companies like Red Hat or Sendmail Inc. What's intriguing is to see major corporations within the computer industry, companies like IBM and Oracle, turn their attention to Open Source as a business opportunity. What are they looking for in Open Source? Innovation. Science is ultimately an Open Source enterprise. The scientific method rests on a process of discovery, and a process of justification. For scientific results to be justified, they must be replicable. Replication is not possible unless the source is shared: the hypothesis, the test conditions, and the results. The process of discovery can follow many paths, and at times scientific discoveries do occur in isolation. But ultimately the process of discovery must be served by sharing information: enabling other scientists to go forward where one cannot; pollinating the ideas of others so that something new may grow that otherwise would not have been born. Where scientists talk of replication, Open Source programmers talk of debugging. Where scientists talk of discovering, Open Source programmers talk of creating. Ultimately, the Open Source movement is an extension of the scientific method, because at the heart of the computer industry lies computer science. Consider the words of Grace Hopper, inventor of the compiler, who said, in the early 60s: To me programming is more than an important practical art. It is also a gigantic undertaking in the foundations of knowledge. Computer science, though, differs fundamentally from all other sciences. Computer science has only one means of enabling peers to replicate results: share the source code. To demonstrate the validity of a program to someone, you must provide them with the means to compile and run the program. Replication makes scientific results robust. One scientist cannot expect to account for all possible test conditions, nor necessarily have the test environment to fully test every aspect of a hypothesis. By sharing hypotheses and results with a community of peers, the scientist enables many eyes to see what one pair of eyes might miss. In the Open Source development model, this same principle is expressed as "Given enough eyes, all bugs are shallow." By sharing source code, Open Source developers make software more robust. Programs get used and tested in a wider variety of contexts than one programmer could generate, and bugs get uncovered that otherwise would not be found. Because source code is provided, bugs can often be removed, not just discovered, by someone who otherwise would be outside the development process. The open sharing of scientific results facilitates **discovery**. The scientific method minimizes duplication of effort because peers will know when they are working on similar projects. Progress does not stop simply because one scientists stops working on a project. If the results are worthy, other scientists will follow up. Similarly, in the Open Source development model, sharing source code facilitates **creativity**. Programmers working on complimentary projects can each leverage the results of the other, or combine resources into a single project. One project may spark the inspiration for another project that would not have been conceived without it. And worthy projects need not be orphaned when a programmer moves on. With the source code available, others can step in and take over the direction of a project. The GIMP sat idle for a year, but ultimately development did continue, and today the GIMP is pointed to with pride when Open Source developers consider what they can do in an area that is new territory for them: end-user applications. Fortune 500 companies want to leverage off of this powerful model for innovation. IBM will happily charge a tidy sum to set up and administer the integration of Apache into MIS departments. This is a net win for IBM; they can install an exceptionally stable platform, which reduces the cost of supporting the platform, and really deliver service that can truly help their customers out. Just as important, IBM engineers share in the cross-pollination of ideas with other independent developers in the Apache Team. This is precisely the reasoning behind Netscape's decision to make its browser Open Source. Part of the goal was to stabilize or increase market share. But more importantly, Netscape looked to the community of independent developers to drive innovation and help them build a superior product.

# A2 – Open Source Bad – Free Riding

**1. Non-unique – debaters free-ride now. Most teams have the varsity teams, coaches, or hired card cutters create evidence and trickle the arguments down to novices and JV debaters. Also, wealthy people essentially free-ride by buying evidence now.**

**2. Competiveness isn’t the only incentive for debaters to do research –**

**a. Egos – open source communities overcome free riders by placing a positive ego-boosting incentive to quality work**

**Raymond 2000** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “Homesteading the Noosphere”; <http://library.n0i.net/advocacy/ho-mst/index.html> //nick]

Earlier I referred to the ``Delphi effect'' as a possible explanation for Linus's Law. But more powerful analogies to adaptive systems in biology and economics also irresistably suggest themselves. The Linux world behaves in many respects like a free market or an ecology, a collection of selfish agents attempting to maximize utility which in the process produces a self-correcting spontaneous order more elaborate and efficient than any amount of central planning could have achieved. Here, then, is the place to seek the ``principle of understanding''.

The ``utility function'' Linux hackers are maximizing is not classically economic, but is the intangible of their own ego satisfaction and reputation among other hackers. (One may call their motivation ``altruistic'', but this ignores the fact that altruism is itself a form of ego satisfaction for the altruist). Voluntary cultures that work this way are not actually uncommon; one other in which I have long participated is science fiction fandom, which unlike hackerdom has long explicitly recognized ``egoboo'' (ego-boosting, or the enhancement of one's reputation among other fans) as the basic drive behind volunteer activity.

**b. Interest in knowledge – some people do research to learn and have expertise – just because evidence is free, that doesn’t mean they won’t want to do their own research for learning – that’s Torvalds and Diamond.**

**c. Sex appeal – giving away evidence and having a reputation for being a good researcher makes people think you’re hot – good debater syndrome proves – honestly, who in this room doesn’t know someone who has gotten a little nookie for being a really good debater – the possibility of a hookup will check free riding.**

**Raymond ’00**. [Eric Steven Raymond, hacker, GNU contributor, co-developer of fetchmail, nethack, Emac’s VD and GUD modes, 2000 <http://catb.org/~esr/writings/cathedral-bazaar/homesteading/ar01s22.html>]

Handicap theory may also be relevant. The peacock's gaudy tail and the stag's massive rack of antlers are sexy to females because they send a message about the health of the male (and, consequently, its fitness to sire healthy offspring). They say: "I am so vigorous that I can afford to waste a lot of energy on this extravagant display." Giving away source code, like owning a sports car, is very similar to such showy, wasteful finery - it's expense without obvious return, and makes the giver at least theoretically very sexy.

**d. Empirics - the Open Law program of Harvard University Law School did not produce free-riders, but rather motivated everyone to work harder – those running the case didn’t free ride – it just prompted more people to work – that’s Torvalds and Diamond.**

**3. Impact turn – let them ride –**

**a. Key to solve entry barriers – young debaters can survive on scavenged arguments – this prevents debaters from instantly going to parliamentary debate because they don’t have to do as much work yet – low entry barriers are also key for new startup programs – with so many barriers in debate, not having to cut all your cards is key.**

# A2 – Open Source Bad – Free Riding

**b. Only a risk of the turn – open source will maintain high participation levels and there’s no risk of bad debate because the smartest/hardest working debaters will be rewarded with wins because of their expertise.**

**Antonucci ‘5** [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] Open Source response to Eric/Hanson/Massey/Morris/Smith”; December 10; http://www.ndtceda.com/pipermail/edebate/2005-December/064819.html//nick]

The smartest/hardest working debaters will still have a huge edge. Policy debate can be insanely labor intensive. We should minimize initial entry barriers. Plenty of debaters free ride within their squad - it may be kind of annoying, but it boosts numbers. Big Deal Debaters frequently spot their younger proteges some args, and it isn't hurting anyone.   
Face facts, people - if debate requires that every single participant eat, sleep and breathe the activity, it will keep dropping numbers. Rule systems should allow broad participation while still rewarding the students who are all-in.

**4. Impact turn – free riding shifts debaters to an emphasis on different skills like performance and speaking – that’s key for debaters who don’t want to be professional researchers.**

**Johnson ’94** [David (Electronic Frontier Foundation): “Rewarding Authorship in Cyberspace: Is Intellectual Property the Answer or the Problem?”; April 10; http://www.eff.org/IP//reward\_online\_authors\_johnson.article //nick]

When our culture was an oral one, the key form of "copying" was story-telling. No one "owned" the story -- but good storytellers could make a living because not everyone had the skills to practice their art. When the printing press made it easier to distribute permanent copies, the state intervened to create artificial monopolies by creating a new "ownership" law. But the best protections of authors' and publishers' prerogatives stemmed from the cost of a press and the difficulty and cost of copying as compared to the relatively low cost of buying an authorized copy. Now that it's so easy and cheap to make an electronic copy, all the pressure is placed on the legal scheme. Yet the rise in unauthorized copying may be not so much a sign of declining morality as a signal that the new medium should be treated differently from the old. In a brilliant article in \_Wired\_ magazine, John Perry Barlow suggests that an increase in electronic copying will not destroy culture as we know it -- because we will revert to arts that are more like story telling and live performance. I agree that our bards will still make a living, because they will, uniquely, give great e-mail. We can reward those who create great works online by paying to listen to them in a timely fashion, -- without worrying that those sitting attentively around the electronic campfire may retell the tale to others. There is an incentive to pay to get the next day's story -- and the interactive and iterative character of the medium makes it matter whether you are receiving the message directly from the author or indirectly from a member of the author's audience.

**5. Turn - reward-based incentives fail -- getting money or competitive benefit because arguments lived up to the buyer’s standards relies on *making* people produce, which demotivates researchers – it’s empirically and experimentally verified.**

**Raymond ’00** [Eric Steven Raymond, hacker, GNU contributor, co-developer of fetchmail, nethack, Emac’s VD and GUD modes, 2000 <http://catb.org/~esr/writings/cathedral-bazaar/homesteading/ar01s19.html>]

It may still be intelligent to offer incentives, but they have to come without attachments to avoid gumming up the works. There is a critical difference (Ryan observes) between saying, ``I'm giving you this reward because I recognize the value of your work'', and ``You're getting this reward because you've lived up to my standards.'' The first does not demotivate; the second does.

In these psychological observations we can ground a case that an open-source development group will be substantially more productive (especially over the long term, in which creativity becomes more critical as a productivity multiplier) than an equivalently sized and skilled group of closed-source programmers (de)motivated by scarcity rewards. This suggests from a slightly different angle one of the speculations in *The Cathedral And The Bazaar*; that, ultimately, the industrial/factory mode of software production was doomed to be outcompeted from the moment capitalism began to create enough of a wealth surplus that many programmers could live in a post-scarcity gift culture. Indeed, it seems the prescription for highest software productivity is almost a Zen paradox; if you want the most efficient production, you must give up trying to *make* programmers produce. Handle their subsistence, give them their heads, and forget about deadlines. To a conventional manager this sounds crazily indulgent and doomed—but it is *exactly* the recipe with which the open-source culture is now clobbering its competition.

# A2 – Open Source Bad – Free Riding

**6. No impact – free-riders still have to learn the evidence, which means they’re doing work. If they don’t do work, they’ll certainly lose, which will motivate them to create better evidence.**

**7. Our impacts outweigh – even if there’s a risk that free-riding happens, the judge can vote knowing that only open source solves for argument innovation, better and more education, judge adaptation bias, contributions to the public sphere, helping real-life issues, more creation of evidence by academia, and structural barriers to debating. Any risk that those that do work will be punished by free-riders will be more than offset by the increased fairness for them. The aff’s argument is like saying we should not guarantee rights to everyone, because a few people don’t “contribute to society.” We should not burden everyone for the acts of a few.**

# A2 – Open Source Bad – Right to Work Product

**1. No right to work product –**

**a. Not the originator - there’s no right to intellectual product on the individual level – this is particularly obvious in a debate context, where we’re just cutting quotations – you added value, but you’re not the originator.**

Brian **Martin**, Department of Science and Technology Studies,University of Wollongong. **1995**

(“AGAINST INTELLECTUAL PROPERTY”, <http://www.eff.org/IP//against_ip.article>)

The first argument for intellectual property is that people are entitled to the results of their labour. Hettinger's response is that not all the value of intellectual products is due to labour. Nor is the value of intellectual products due to the work of a single labourer, or any small group. Intellectual products are social products.

Suppose you have written an essay or made an invention. Your intellectual work does not exist in a social vacuum. It would not have been possible without lots of earlier work -- both intellectual and nonintellectual – by many other people. This includes your teachers and parents. It includes the earlier authors and inventors who have provided the foundation for your contribution. It also includes the many people who have discussed and used Ideas and techniques, at both theoretical and practical levels, and provided a cultural foundation for your contribution. It includes the people who have built printing presses, laid telephone cables, built roads and buildings and in many other ways have contributed to the "construction" of society. Many other people could be mentioned. The point is that any piece of intellectual work is always built on and inconceivable without the prior work of numerous people.

Hettinger points out that the earlier contributors to the development of ideas are not present. Today's contributor therefore cannot validly claim full credit.

**b. Claims of intellectual property are theft in this context – any claim that your ideas get market value in a competitive process massively overlooks the production process and other work you built on.**

Brian **Martin**, Department of Science and Technology Studies,University of Wollongong. **1995**

(“AGAINST INTELLECTUAL PROPERTY”, <http://www.eff.org/IP//against_ip.article>)

More fundamentally, it needs to be recognised that intellectual work is inevitably a collective process. No one has totally original ideas: ideas are always built on the earlier contributions of others. Furthermore, contributions to culture -- which makes ideas possible -- are not just intellectual but also practical and material, including the rearing of families and construction of buildings. Intellectual property is theft, sometimes in part from an individual creator but always from society as a whole.

**2. Don’t confuse us with punishment – we aren’t flogging the aff or just ganking their stuff. We’re making an argument, impacted with the statement of the debate ballot.**

**3. Intellectual property claims are wrong –**

**a. Our historical analysis deconstructs – their concept of Lockean property rights, or some way in which they get something by mixing labor with it, is just a quaint historical fiction. Other cultures have not held to our conceptions of property rights – the aff values aren’t universal, they’re historically contingent. Our liberatory values may be historically contingent as well, but they apply in an info-economy. They also just improve autonomy and life straight up, according to even a util calculus.**

# A2 – Open Source Bad – Right to Work Product

**b. Natural rights claims in intellectual property are based on flawed assumptions of history and tradeoffs in ownership of physical property.**

**Stallman ’94** [Richard ([rms@gnu.ai.mit.edu)](mailto:rms@gnu.ai.mit.edu)), former MIT AI Lab, head of the free software foundation and GNU project, programmer, 1994; http://www.gnu.org/philosophy/why-free.html //nick]

Authors often claim a special connection with programs they have written, and go on to assert that, as a result, their desires and interests concerning the program simply outweigh those of anyone else---or even those of the whole rest of the world. (Typically companies, not authors, hold the copyrights on software, but we are expected to ignore this discrepancy.)

To those who propose this as an ethical axiom---the author is more important than you---I can only say that I, a notable software author myself, call it bunk.

But people in general are only likely to feel any sympathy with the natural rights claims for two reasons.

One reason is an overstretched analogy with material objects. When I cook spaghetti, I do object if someone else eats it, because then I cannot eat it. His action hurts me exactly as much as it benefits him; only one of us can eat the spaghetti, so the question is, which? The smallest distinction between us is enough to tip the ethical balance.

But whether you run or change a program I wrote affects you directly and me only indirectly. Whether you give a copy to your friend affects you and your friend much more than it affects me. I shouldn't have the power to tell you not to do these things. No one should.

The second reason is that people have been told that natural rights for authors is the accepted and unquestioned tradition of our society.

As a matter of history, the opposite is true. The idea of natural rights of authors was proposed and decisively rejected when the US Constitution was drawn up. That's why the Constitution only *permits* a system of copyright and does not *require* one; that's why it says that copyright must be temporary. It also states that the purpose of copyright is to promote progress---not to reward authors. Copyright does reward authors somewhat, and publishers more, but that is intended as a means of modifying their behavior.

The real established tradition of our society is that copyright cuts into the natural rights of the public---and that this can only be justified for the public's sake.

**4. Internal education swamps – we improve the quality of debate, which is the endpoint. There’s no “rights” conception per se within a supposedly educational activity.**

# A2 – Open Source Bad – People Cheat

[ANSWER THEIR OBJECTION ON POINT, AND...]

**1. Non-unique and empirically false – cheating can occur now. It’s real easy to slap up a website and fake some quals and fabricate some killer ev. People don’t do it, because the costs are too high for lying. Also, I’d contend that debaters aren’t just asses – we do follow a code.**

**2. This is defense – maybe some people will cheat at the margin. At worst, that’s a partial solvency takeout – we still get all the political benefits externally, most args are still developed well, and all teams have an excellent card stock**

**3. Debate already relies on trust – every single piece of evidence handed over currently involves an act of trust. There are 10 different ways to game the system now:**

* **Cross reading;**
* **Handing judges the wrong card;**
* **Misdisclosing;**
* **Weighted coins for tosses;**
* **Stealing evidence;**
* **Spiking your opponents drink with LSD;**
* **Guns;**
* **Making separate illegible briefs for opponents with misnumbered answers; and**
* **Straight up judge bribery.**

**We don’t do this crap now. The system works**

**4. it’s an enforceable system – we can always check the args before and after. Also, a rising tide lifts all boats – the top of the circuit will have the strongest incentive toward honesty because their arguments will receive the most intensive scrutiny. If we can force first round teams into the system, half the battle’s won, because those norms trickle down.**

**5. Disclosure proves – aff disclosure is totally widespread, even though it produces no competitive advantage.**

**6. Turn – we make cheating harder. Right now, we can’t check quals or sources nearly as easily. After the implementation of the open source model, we can.**

**7. Turn – culture shift raises the penalties for cheating – cheating is technically unenforceable now. The weight of the shame is the only thing that stops it. In a culture derived entirely from the free exchange of gifts, the onus of shame actually skyrockets.**

**8. Empirically, in open source gift cultures, taboos evolve against CHEATING – three reasons**

Eric Steven **Raymond**, hacker, GNU contributor, co-developer of fetchmail, nethack, Emac’s VD and GUD modes, **2000**

<http://www.catb.org/~esr/writings/cathedral-bazaar/homesteading/ar01s04.html>

The three taboos we observed above make perfect sense under this analysis. One's reputation can suffer unfairly if someone else misappropriates or mangles one's work; these taboos (and related customs) attempt to prevent this from happening. (Or, to put it more pragmatically, hackers generally refrain from forking or rogue-patching others' projects in order to be able to deny legitimacy to the same behavior practiced against themselves.)

Forking projects is bad because it exposes pre-fork contributors to a reputation risk they can only control by being active in both child projects simultaneously after the fork. (This would generally be too confusing or difficult to be practical.)

Distributing rogue patches (or, much worse, rogue binaries) exposes the owners to an unfair reputation risk. Even if the official code is perfect, the owners will catch flak from bugs in the patches (but see [RP]).

Surreptitiously filing someone's name off a project is, in cultural context, one of the ultimate crimes. Doing this steals the victim's gift to be presented as the thief's own.

Of course, forking a project or distributing rogue patches for it also directly attacks the reputation of the original developer's group. If I fork or rogue-patch your project, I am saying: "you made a wrong decision by failing to take the project where I am taking it"; and anyone who uses my forked variation is endorsing this challenge. But this in itself would be a fair challenge, albeit extreme; it's the sharpest end of peer review. It's therefore not sufficient in itself to account for the taboos, though it doubtless contributes force to them.

# A2 – Open Source Bad – Destroys Coaching

\_\_\_\_ THIS IS OBVIOUSLY UNTRUE – COACHES CAN TELL US ABOUT ARGUMENTS WITHOUT PRODUCING AN UNFAIR ADAVNATAGE BY CUTTING THEM

\_\_\_ NO IMPACT – COACHES ARE JUST ANOTHER FUNCTION OF RESOURCE DISPARITY

\_\_\_\_ BOTTOM UP MODELS ALLOW MORE SUSTAINED EFFORT – THIS TURNS BACK ALL THEIR PROJECTED FEAR OF LAZINESS

Eric Steven Raymond, hacker, GNU contributor, co-developer of fetchmail, nethack, Emac’s VD and GUD modes, 2000

<http://catb.org/~esr/writings/cathedral-bazaar/cathedral-bazaar/ar01s12.html>

They would observe that in software development it is really sustained effort over time and the degree to which customers can expect continuing investment in the product that matters, not just how many people have thrown a bone in the pot and left it to simmer.

There is something to this argument, to be sure; in fact, I have developed the idea that expected future service value is the key to the economics of software production in the essay *The Magic Cauldron*.

But this argument also has a major hidden problem; its implicit assumption that open-source development cannot deliver such sustained effort. In fact, there have been open-source projects that maintained a coherent direction and an effective maintainer community over quite long periods of time without the kinds of incentive structures or institutional controls that conventional management finds essential. The development of the GNU Emacs editor is an extreme and instructive example; it has absorbed the efforts of hundreds of contributors over 15 years into a unified architectural vision, despite high turnover and the fact that only one person (its author) has been continuously active during all that time. No closed-source editor has ever matched this longevity record.

\_\_\_\_\_\_\_\_ any development in the presence of power relationships necessarily crushes innovation and quality

Eric Steven Raymond, hacker, GNU contributor, co-developer of fetchmail, nethack, Emac’s VD and GUD modes, 2000

<http://catb.org/~esr/writings/cathedral-bazaar/cathedral-bazaar/ar01s14.html>

Of course, Kropotkin's critique and Linus's Law raise some wider issues about the cybernetics of social organizations. Another folk theorem of software engineering suggests one of them; Conway's Law—commonly stated as ``If you have four groups working on a compiler, you'll get a 4-pass compiler''. The original statement was more general: ``Organizations which design systems are constrained to produce designs which are copies of the communication structures of these organizations.'' We might put it more succinctly as ``The means determine the ends'', or even ``Process becomes product''.

It is accordingly worth noting that in the open-source community organizational form and function match on many levels. The network is everything and everywhere: not just the Internet, but the people doing the work form a distributed, loosely coupled, peer-to-peer network that provides multiple redundancy and degrades very gracefully. In both networks, each node is important only to the extent that other nodes want to cooperate with it.

The peer-to-peer part is essential to the community's astonishing productivity. The point Kropotkin was trying to make about power relationships is developed further by the `SNAFU Principle': ``True communication is possible only between equals, because inferiors are more consistently rewarded for telling their superiors pleasant lies than for telling the truth.'' Creative teamwork utterly depends on true communication and is thus very seriously hindered by the presence of power relationships. The open-source community, effectively free of such power relationships, is teaching us by contrast how dreadfully much they cost in bugs, in lowered productivity, and in lost opportunities.

# A2 – Capitalism Good

\_\_\_\_ Microsoft isn't capitalism - it's an enormous monopoly. Our evidence proves that LINUX outevolves Microsoft because it's a more fit competitor. Analogously, differential access to evidence isn't a free market - it's a market distortion.

\_\_\_\_ Contradicts the thesis of competitive debate - we exist largely because of the largesse of public school systems. If this forum has value, it's largely because of massive public investments.

\_\_\_\_ Education is a special case - a free market presumes a level playing field. It's impossible, however, to argue that differing access to resources as a 17 year old are somehow the result of individual merit. As a case in point, we have much better card access at Lexington than many other schools - and this isn't because we somehow "earned" it. We inherited all of these resources.

\_\_\_\_ Gift economy subsumes - we give an example of an economy that works better, that's more suited to the current mode of intellectual production. Maybe industrial capitalism was super duper sweet. However, we're in a post-industrial economy. Also, our gift culture evidence is much better because it's comparative - even if capitalism is good, post-capitalism is better.

\_\_\_\_ Contention three subsumes - we have a list of warranted reasons that info-economy capitalism screws the third world because of its interaction with intellectual property regimes. IPR regimes don't allow the sort of competition presumed by their evidence, because you'll get sued if you reverse engineer a product correctly. Endorsements of the free market don't make any sense when the current barriers to market entry are insurmountable

\_\_\_\_ Our evidence is historically better - Travis' geneaology undoes their capitalism args by tracing their intellectual evolution. The commons was no tragedy - and tragedy of the commons arguments are simply facades put up to justify the violence of enclosure

\_\_\_ [refer to "we have a right to this" blocks, which serve as pretty good indictments of capitalism. Also, read "marketplace of ideas" Kritik]

# A2 – Property Rights / IPR Good

# They’re lacking an internal link – we don’t collapse property rights or the IPR regime. Our argument is that evidence in debate should be open source. That doesn’t spillover to proprietary regimes.

# A2 – You’re Evil Hackers

\_\_\_\_ THIS IS A BADLY CONFUSED AFF ARG – WE ENDORSE WHITE HAT HACKERS. THAT MEANS ANYONE WHO LIKES TO SEE HOW SYSTEMS WORK.

\_\_\_ TURN – WE LEGITIMIZE THE HACKING UNDERGROUND – THAT GIVES EVEN A BLACK HATS AN OPPORTUNITY TO GET EGOBOO PLAYING WITH OTHER SYSTEMS AS OPPOSED TO BLOWING THINGS UP OR WHATEVER

\_\_\_\_ NO LINK – OPEN SOURCING DOESN’T ENCOURAGE HACKERS, THERE’S NO CARD THAT SAY THAT

\_\_\_ DOUBLE BIND IMPACT TURN – IF BY HACKERS, THEY MEAN PEOPLE WHO ESTABLISH CONTROL OVER PERSONAL INFORMATION NETWORKS WITHOUT MANIFESTING A NIHILISTIC IMPULSE TO DESTROY OR DISRUPT THEM, WE DO ENCOURAGE THAT, AND ALL OUR IMAPCTS PROVE WHY IT’S GOOD

\_\_\_\_\_ TURN – OPEN SOURCE PROVIDES SUPERIOR SECURITY FOR THREE REASONS, 1. BETTER QUALITY, 2. QUICKER FIXES, 3. FASTER PATCH DISTRIBUTION

EBEN MOGLEN, Professor of Law & Legal History, Columbia Law School,, JUNE 15, 2002

“Free Software Matters: Security Through Freedom”

<http://emoglen.law.columbia.edu/publications/lu-21.html>

As I have written here before [ref to column in Apr01?], one of Microsoft's biggest vulnerabilities in maintaining the unfree software monopoly is the possibility that governments around the world will decide to stop buying unfree programs they can't understand, can't modify or improve, and can't redistribute--spending, worldwide, tens of billions of dollars annually of their taxpayers' money on programs whose free software equivalents they could have for next to nothing. Finding reasons for governments to avoid free software is difficult: free software is a typical ``public good,'' about which economists can give lots of reasons for government support to production, and very few reasons against. In the most literal sense, free software is the public's business. But, says the Alexis de Tocqueville Institution, that would help the terrorists destroy national security.

Another threat to the Western Way of Life? No, just hogwash. This report is a classic example of the belief in ``security through obscurity'': make your systems secure by not telling people how they work. And, as experts have been trying to tell business and government for decades, security through obscurity just isn't secure at all.

The first problem is that such security is only as good as the obscurity itself. Is Microsoft Windows secure because only a few tens of thousands of people around the world have access to the source code? That's probably not the best guarantee that no one will figure out its weak points. Indeed, security through obscurity is useless for a more general reason: ``crackers,'' the break-in artists and electronic smash-and-grab thugs who populate the darker corners of the net, don't need the source code to find problems with programs. The classic way of attacking the security of computer programs is to feed them unexpected and deceptive inputs and watch what happens: use very long responses to test for buffer overflows, use unexpected inputs to test for holes in verification routines, etc. Windows has not been trouble free for security specialists, after all, because it was so easy for virus builders and other black-hat programmers to stress test their way to knowledge of the system's vulnerabilities.

Free software is, in fact, far more secure than proprietary software, for the same reason that it has fewer defects of other, non-security kinds. First, the entire user community is able to read the code and locate problems through static analysis; problems are unearthed as people learn about the programs for their own purposes. And when problems are recognized, through any means, they can be fixed by the first person who discovers them. So fixes are quicker to attain, and can be vetted, in turn, by thousands of users around the world immediately. And third, the resulting improved versions of the program can be distributed in the decentralized, non-hierarchical way that all free software is distributed: no waiting for everyone to download a binary patch from the Microsoft website.

# A2 – Foucault / Deleuze – Control Bad / Authorship Bad

\_\_\_\_ NO LINK: WE AREN’T A CONTROL SYSTEM – WE ARGUE FOR A VISIBLE GRASSROOTS MECHANISM, WHICH IS SUSCEPTIBLE TO REVISION AND ARGUMENT. THAT’S ENTIRELY DISTINCT FROM A PANOPTIC SYSTEM OR A CONTROL SOCIETY

\_\_\_\_ TURN – WE SOLVE THE ENCORACHMENT OF INFORMATION CONTROL. EVERY CARD IN THE THIRD CONTENTION IS AN INDEPENDENT TURN –

A. THE LAST MOGLEN CARD SAYS WE RESIST PERVASIVE SURVEILLANCE BY ALLOWING A SPACE FOR TACTICAL CREATIVITY

B. THE PREVIOUS TWO MOGLEN CARDS PROVE THAT THE COLLAPSE OF PROPRIETARY INFORMATION SYSTEM IS INEVITABLE, BUT THE STATE LASHES OUT HARDER IF THE TRANSITION TAKES LONGER

C. TRAVIS IS AN EXPLICIT FOUCAULDIAN – HE TRACES A GENEALOGICAL RELATIONSHIP TO ENGLISH PROPERTY RIGHTS, AND USES IT TO EXCAVATE THE ROOTS OF THE CURRENT ENCLOSURE. ADHERING TO FOUCAULT’S METHODOLOGY ACTUALLY PUTS US IN THE SPIRIT OF HIS WORK, INSTEAD OF THE AFF’S READING OF MORAL IMPERATIVES

D. THE PREVIOUS MOGLEN IS A DEVASTATING TRUMP – HE SAYS THAT, GIVEN THE EVOLUTION OF CONTROL SYSTEMS, THAT THE NEGATIVE MODEL IS THE ONLY HOPE.

\_\_\_\_ WE OUTWEIGH – WE HAVE A UNIQUE IMPACT; OUR RESISTANCE ACTUALLY WORKS AND HAS A PLAN OF SORTS

\_\_\_\_\_ GLOBAL IMPACTS TRUMP – FOUCAULT’S ANALYSIS REMAINS CONSTRAINED TO FIRST WORLD COUNTRIES. HE ENTIRELY EFFACES THE HISTORY OF IMPERIALISM. WE ACCOUNT FOR IT, AND PROVIDE A MODE OF RESISTANCE. ECONOMIC OPPRESSION UNDER PROPRIETARY LICENSING SCHEMES HAS A MATERIAL SUBSTANTIVE IMPACT THAT JUST STRAIGHT UP OUTWIEGHS EXTENSION OF HEGEMONY

\_\_\_\_\_\_ TURN OPEN SOURCE MODELS, EVEN IF THEY CREATE OR MOLD RESISTANCE, ALLOW A RECONSTITUTED AUTONOMOUS SUBJECT TO SEE THE TERMS OF HER OWN SUBJUGATION

Michael Truscello, doctoral candidate in the Language and Literature program in the Department of English at the University of Waterloo, Ontario, Canada, 2003

(The Architecture of Information: Open Source Software and Tactical Poststructuralist Anarchism, <http://www.iath.virginia.edu/pmc/current.issue/13.3truscello.html>)

The "mode of information" measures the linguistic experiences of the surveillance society, and the "anarchitecture" of Woods constructs freespaces for the autonomy of the individual in ideologically suffused spaces. Open Source creates an anarchic space for tactical intervention in the surveillance and control society by making the principal means of control, the code, "visible" to the greatest number of subjects.[11] The subject, though participant in its own self-subjugation, is also a participant in its own emancipation. The machinations of surveillance, the operating systems and applications of subject construction, are potentially exposed and reconstructed. Always, whether the Superpanopticon's architecture of information or Woods's informed architect, the slippage between concrete and virtual architecture, between buildings and databases, leaves traces of the embeddedness of architectural discourse in the web of technocultural discourses.

# A2 – Foucault / Deleuze – Control Bad / Authorship Bad

\_\_\_\_\_\_\_ TURN: AN INFORMATION ARCHITECTURE BUILT ON PRINCIPLES OF TRANSPARENCY ENABLES RESISTANCE TO ENCLOSURE

Michael Truscello, doctoral candidate in the Language and Literature program in the Department of English at the University of Waterloo, Ontario, Canada, 2003

(The Architecture of Information: Open Source Software and Tactical Poststructuralist Anarchism, <http://www.iath.virginia.edu/pmc/current.issue/13.3truscello.html>)

Woods wishes to alter the role of architecture from a discipline that reifies the social hierarchy to a discipline that enables "heterarchy," the rule of many. "Heterarchical urban forms" such as the Berlin Free-Zone

are invented in response to increasing emphasis in the present culture on the idea of the "the individual," coupled with recent technological developments, such as the personal computer and systems of communication that simultaneously weaken the established hierarchies by accessing the information formerly controlled by them, and strengthen the autonomy of individuals. (288)

31. The heterarchical form of Open Source's information architecture certainly weakens "the established hierarchies," namely the cathedral-builders, and returns an increased degree of information access to individuals, the legion of co-developers. Freespace is not new, but its public implementation is, says Woods. Similarly, free source code is not new; the information superhighway was paved with the asphalt of free code. But with Microsoft's monopolistic hold on the productivity software industry, and with a very public battle with the U.S. Department of Justice revealing Microsoft's anti-competitive practices to the public, the Open Source movement has accrued momentum and become a public emblem of "heterarchic" software development, software without ends.

\_\_\_\_\_ DELEUZE SPECIFIC: OPEN SOURCE REPRESENTS THE BEST AVAILABLE MEANS OF RESISTING THE GENERAL EXTENSION OF THE CONTROL SOCIETY

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(The Architecture of Information: Open Source Software and Tactical Poststructuralist Anarchism, <http://www.iath.virginia.edu/pmc/current.issue/13.3truscello.html>)

Open Source may represent a space of resistance for the surveillance society, and the metaphor of the bazaar suggests the mode of resistance. In his critique of Foucault's panoptic technology of power, Gilles Deleuze contrasts the "spaces of enclosure" in disciplinary societies--Foucault's hospitals, prisons, and factories--with the "modulations" of societies of control, the ephemeral corporations and databanks that organize contemporary life. Deleuze describes the continuous becoming of the subject in the society of control:

Enclosures are molds, distinct castings, but controls are a modulation, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point. (4)

24. In the disciplinary society, resistance is localized, the source of power in the maintenance of molds, fixed spaces. In the control society, power is distributed and adaptive, morphing ceaselessly to the contours of resistance. The cathedral-builder prizes conceptual integrity across generations; the bazaar model adapts to contexts without being led by market forces or corporate visions. The bazaar model is a particularly compelling political philosophy because it translates the architecture of enclosures to the architecture of information, and information, the code, mediates power in the control society.

In the societies of control . . . what is important is no longer either a signature or a number, but a code: the code is a password, while on the other hand the disciplinary societies are regulated by watchwords (as much from the point of view of integration as from that of resistance). The numerical language of control is made of codes that mark access to information, or reject it. (5)

# A2 – Foucault / Deleuze – Control Bad / Authorship Bad

\_\_\_\_\_\_\_ TURN – WE DECONSTRUCT FIXED NOTIONS OF SUBJECTIVITY AND AUTHORSHIP: **foucault’s theories of cultural polysemy through the death of the author are brought to fruition by copyleft models**

SEVERINE DUSSELIER, University of Namur, Belgium, SUMMER 2003

(Columbia - VLA Journal of Law & the Arts*26 Colum.-VLA J.L. & Arts 281, \* )*

**The copyleft** movement, particularly its exposition in contractual models such as the General Public License or the Free Art License, captures another author-function desired by Foucault, who argued:

as our society changes, at the very moment when it is in the process of changing, the author-function will disappear, and in such a manner that fiction and its polysemic texts will once again function according to another mode, but still with a system of constraint, one which will no longer be the author, but which will have to be determined or, perhaps, experienced. **67**

This call to experiment with a culture of freely circulated fiction, formulated by Foucault without much hope of realization, **68** had generally been forgotten. Those copyright scholars who cited the philosopher's text were generally using it to denounce the fiction of the originality of a work in and thus legitimate certain practices of appropriation of works of others. What differentiates open source and the Free Art License from contemporary postmodern artistic practice based on appropriation **69** is the legalization of the practice by virtue of its embodiment in specific contracts. The free movement does not claim freedom for the user to copy and counterfeit the work, only the ability of the author to grant this freedom to subsequent users. **70**

Foucault and Barthes failed to translate the death of the author and the consecration of the text into a new model of creation where second generation creators can be legally protected and acknowledged. **71** **copyleft** and the so-called free creation movement, however, succeed in protecting both the work and the user. These doctrines do so by working within the framework of intersubjectivity and the relative disappearance of the author by simultaneously associating copyright and contract.

\_\_\_\_\_\_\_\_\_ TURN - COPYLEFT EMPLOYS TRADITIONAL RIGHTS AND RESTRICTIONS, BUT DECONSTRUCTS THEM IN THE PROCESS. THIS OPENS A SPACE FOR LIBERATORY POSSIBILITY AND CULTURAL FREEDOM

SEVERINE DUSSELIER, University of Namur, Belgium, SUMMER 2003

(Columbia - VLA Journal of Law & the Arts*26 Colum.-VLA J.L. & Arts 281, \* )*

The ingeniousness of the **copyleft** model resides in this alternative use of exclusive rights outside of the proprietary model. The free movement certainly thumbs its nose at traditional copyright policy, but only because of the posture adopted by the author herself. The Free Art License emphasizes:

[the] contractual principle in the determination of an author to place her work in the framework of that which one could call for want of a better expression, "the artistic public interest," that is to say as a contribution offered and open to all potential appropriating artists. This contract, which supports taking hold of the collective conscience of the positive dimension of the artistic public interest, constitutes a form of legitimizing the process of artistic appropriation. **64**

Nevertheless, **copyleft** tarnishes Kant's authorship model. Once the work is made available to the public, the formerly unwavering link to the author becomes blurred. The author is no longer considered "the initiator of the collective work." **65** Furthermore, the integrity of the work - that element which reflects authorial personality and justifies an extensive moral right in Continental doctrine - no  **[\*295]**  longer means much. In this sense, the author resembles the figure of postmodern literary aesthetics or Foucault's "founder of discursivity." **66** As the initiator of an open discourse - of an ever-evolving work - the author of an element of a collective creation in **copyleft** finds her particular contribution diluted by the whole of successive contributions. The "work" in the **copyleft** regime is software in constant (re)-formation; it is the production of meaning from different convergent or successive artistic practices.

The author is not only the initial founder of a discourse and instigator of a creation of which her contribution is only the first stage. She is also the figure by whom the whole of the collective creation finds itself marked by the stamp of freedom. In the chain of contributions, of works which will come to add incrementally to the first act, none will be able to escape the refusal of intellectual property rights exerted in a proprietary and exclusive manner. Foucault's desire for greater cultural freedom is brought to life in **copyleft.**

# A2 – Foucault / Deleuze – Control Bad / Authorship Bad

\_\_\_\_ TURN OPEN SOURCE COPYLEFTS DIRECTLY CONTEST THE REGULATION OF MEANING BY A CONSTRAINING FIGURE WITHIN POWER-KNOWLEDGE REGIMES

SEVERINE DUSSELIER, University of Namur, Belgium, SUMMER 2003

(Columbia - VLA Journal of Law & the Arts*26 Colum.-VLA J.L. & Arts 281, \* )*

The author of the original software, who invites the users to modify and redistribute it, is not dissimilar to the "founder of discursivity" of which Foucault spoke. **58** No work is ever consummated by a single unit, but is part of a continually  **[\*293]**  formative discourse. Certain authors "are unique," wrote Foucault, "in that that they are not just the authors of their own works. They have produced something else: the possibilities and the rules for the formation of their texts." **59** The French philosopher uses Marx, Freud, and Ann Radcliffe as examples of such authors who allow the formulation of other discourses in their requisite areas of political philosophy, psychoanalysis, or nineteenth-century horror novels. Beyond their function of author, these writers initiate a discursive practice that sets in motion a number of possible applications in a chain of creation. The creation of a "free" model has its postulate in a paradigm similar to discursivity, in the sense that the first author is only the one who initiates the discursive act, who opens up all the possibilities. Software offered to the Internet community by an "open source" follower contains in itself, by the gift of the source code, the potential for modification, reexamination, and improvement. The act of putting a computer program in an "open source" model is a claim to the first but not the last act of discourse; it is a claim to the foundation of work to be developed through a collective and interactive software project. Similarly, in the field of art, "free" art symbolizes the tradition of artistic creation by incremental appropriation.

The artist no longer considers her work as property in the definitive sense - marked by the stamp of her singular personality - but as material which can be appropriated by others who have the goal of participating in a larger discourse. Composers place their music under free license in order to encourage sampling, just as producers offer their videos for the creation of alternative television broadcasts. Open source perhaps constitutes the analog to the shift in authorship announced by Foucault when describing the transition of the author from "ideological figure by which one marks the manner in which we fear the proliferation of meaning," **60** to a "culture in which the fictive would operate in an absolutely free state, in which fiction would be put at the disposal of everyone and would develop without passing through something like a necessary or constraining figure."

# A2 – Pragmatism Good

**This evidence is irrelevant. Our argument is a framework for how debate should go down. Your critique cards about pragmatic action being good are irrelevant in this context.**

# A2 – Censorship Bad

1. We aren’t censorship – we say you should post your evidence online – your evidence describes free speech and is entirely irrelevant in this context.

2. No slippery slope. Their fear of censorship masks the motives that make the slippery-slope impact possible.

**Fish ’94** [Stanley (Professor of Law at Duke); There's No Such Thing as Free Speech, and It's a Good Thing Too; Oxford University Press; p/110-112 //nick]

It is from just such a conclusion--a conclusion that would put politics inside the First Amendment--that commentators recoil, saying things like "This could render the First Amendment a dead letter," or "This would leave us with no normative guidance in determining when and what speech to protect," or "This effaces the distinction between speech and action," or "This is incompatible with any viable notion of freedom of expression." To these statements (culled more or less at random from recent law review pieces) I would reply that the First Amendment has always been a dead letter if one understood its "liveness" to depend on the identification and protection of a realm of "mere" expression distinct from the realm of regulatable conduct; the distinction between speech and action has always been effaced in principle, although in practice it can take whatever form the prevailing political conditions mandate; we have never had any normative guidance for marking off protected from unprotected speech; rather, the guidance we have has been fashioned (and refashioned) in the very political struggles over which it then (for a time) presides. In short, the name of the game has always been politics, even when (indeed, especially when) it is played by stigmatizing politics as the area to be avoided.

In saying this, I would not be heard as arguing either for or against regulation and speech codes as a matter of general principle. Instead my argument turns away from general principle to the pragmatic (anti)principle of considering each situation as it emerges. The question of whether or not to regulate will always be a local one, and we can not rely on abstractions that are either empty of content or filled with the content of some partisan agenda to generate a "principled" answer. Instead we must consider in every case what is at stake and what are the risks and gains of alternative courses of action. In the course of this consideration many things will be of help, but among them will not be phrases like "freedom of speech" or "the right of individual expression," because, as they are used now, these phrases tend to obscure rather than clarify our dilemmas. Once they are deprived of their talismanic force, once it is no longer strategically effective simply to invoke them in the act of walking away from a problem, the conversation could continue in directions that are now blocked by a First Amendment absolutism that has only been honored in the breach anyway. To the student reporter who complains that in the wake of the promulgation of a speech code at the University of Wisconsin there is now something in the back of his mind as he writes, one could reply, "There was always something in the back of your mind, and perhaps it might be better to have this code in the back of your mind than whatever was in there before." And when someone warns about the slippery slope and predicts mournfully that if you restrict one form of speech, you never know what will be restricted next, one could reply, "Some form of speech is always being restricted, else there could be no meaningful assertion; we have always and already slid down the slippery slope; someone is always going to be restricted next, and it is your job to make sure that the someone is not you." And when someone observes, as someone surely will, that antiharassment codes chill speech, one could reply that since speech only becomes intelligible against the background of what isn't being said, the background of what has already been silenced, the only question is the political one of which speech is going to be chilled, and, all things considered, it seems a good thing to chill speech like "nigger,""cunt,""kike," and "faggot." And if someone then says, "But what happened to free-speech principles?" one could say what I have now said a dozen times, free-speech principles don't exist except as a component in a bad argument in which such principles are invoked to mask motives that would not withstand close scrutiny.

# A2 – Doesn’t Apply to Debate

**1. Our evidence is specific to debate –**

**A. Extend Mitchell ’00 – an open source model would greatly benefit the public sphere. Gives the example of Dr. Bill Keepin, Earth Day organizer, physicist, and consultant for energy and the environment, who went to the debate house with the Loyola team captain and saw the files about nuclear energy. He couldn’t believe the debate community kept all of this pertinent, collected research private. Only the open source model would allow us as a debate community to ACTUALLY influence public policy, academia, people who want to learn, etc.**

**B. Extend Antonucci 05 – this evidence says the open source model is the ONLY effective solution to entry level barriers and resource inequalities. Schools that have 40 coaches and have such huge research capacity ensure that smaller schools without money can never compete. Instead of restricting a school’s ability to hire coaches and produce evidence, which would decrease education, we ask that the produced evidence go public. Then schools have access to better arguments and can think of better answers to post.**

**2.** **Open source applies to any product that is currently developed and distributed, including debate evidence. Debate has a method of development and distribution about evidence now that is either partial source or no source.**

**Wikipedia.org ’09** [January 2, 2009. “Open Source.”]

Open source is an approach to design, development, and distribution offering practical accessibility to a product's source (goods and knowledge). Some consider open source as one of various possible design approaches, while others consider it a critical [strategic](http://en.wikipedia.org/wiki/Strategy) element of their [operations](http://en.wikipedia.org/wiki/Business_operations). Before open source became widely adopted, developers and producers used a variety of phrases to describe the concept; the term open source gained popularity with the rise of the [Internet](http://en.wikipedia.org/wiki/Internet), which provided access to diverse production models, communication paths, and interactive communities. The open source model of operation and [decision making](http://en.wikipedia.org/wiki/Decision_making) allows concurrent input of different agendas, approaches and priorities, and differs from the more closed, centralized models of development.[[1]](http://en.wikipedia.org/wiki/Open_source#cite_note-autogenerated1-0) The principles and practices are commonly applied to the [peer production](http://en.wikipedia.org/wiki/Peer_production) development of [source code](http://en.wikipedia.org/wiki/Source_code) for [software](http://en.wikipedia.org/wiki/Software) that is made available for public [collaboration](http://en.wikipedia.org/wiki/Collaboration). The result of this peer-based collaboration is usually released as [open-source software](http://en.wikipedia.org/wiki/Open-source_software), however open source methods are increasingly being applied in other fields of endeavor, such as [Biotechnology](http://en.wikipedia.org/wiki/Biotechnology).

**3. Open Law is very similar to debate and a reason why open source works in competitive environments –**

**A. Volunteer lawyers and law students, who are supposed to be in competition with each other, worked on a case that eventually made it to the Supreme Court. The more people working on an argument, motivated simply by interest and reputation, makes for the best argument – that’s Torvalds and Diamond ’01.**

**B. Open law replicates the debate process of developing arguments, drafting briefs, finding more sources. It thinks in terms of arguments.**

Nancy **Cohen,** staff, Open Mag, June 1, **2003**

(<http://www.open-mag.com/features/Vol_38/oslaw/>, date based on date of modification as listed in http://www.open-mag.com/features/Vol\_38/oslaw/ directory)

Seltzer recalls her generation’s learning experience: “I got to Harvard when there was already a lot of talk going on about advocating for Open Source; that software should not be locked up in binaries; preserving transparency in the law; and they were a natural fit.” Openlaw, she tells *Open*, actually builds on the model of Open Source software. “We’re working from the hypothesis,” says the site, “that an open development process best harnesses the distributed resources of the Internet community.” (Helping to enable the site’s collaboration process is the OpenSource TWiki sub-site which enables them to annotate documents and update drafts while comparing pages with earlier versions). We read the site’s welcome message: “Openlaw is an experiment in crafting legal argument in an open forum. With your assistance, we will develop arguments, draft pleadings, and edit briefs in public, online. Non-lawyers and lawyers alike are invited to join the process by adding thoughts to the “brainstorm” outlines, drafting and commenting on drafts in progress, and suggesting reference sources.” Non-lawyers and lawyers alike? What’s the point? Wouldn’t site visitors prefer instead to hear legal commentary solely from legal practitioners? “Hearing more viewpoints exposes us to ideas that lawyers alone may not come up with,” she says. “Legal training is primarily focused on thinking in terms of arguments, and sometimes that focus can lead us away from promising ways of looking at issues. In technology cases, it is especially helpful to hear from people who are untainted by that legal education, especially those who are intimately familiar with technology.”

# A2 – Doesn’t Apply to Debate

**C. Open law works in a competitive environment – proven by its case Eldred v. Reno.**

HEIDI **KRIZ**, STAFF, 4/26/**99** WIRED NEWS, <http://www.wired.com/news/print/0,1294,19253,00.html>

Lessig opted to apply the open-law project to *Eldred v. Reno* because the case touches on age-old intellectual-property issues, but also has wider constitutional implications. The outcome of the case could affect many Internet users, which makes it a good fit for the open-law project. "With a collaborative effort made possible by the medium of the Internet, experts in intellectual-property law can help us frame this case in a constitutional argument," said Lessig. These benefits work in the same way they do with the model for open-source software, according to J. Maynard Gelinas, a long-time open-source advocate. "The open software model and now the open-law model are the same principles that have been used forever in science -- [those of] scientific peer review," said Gelinas, a system administrator for BBN Technologies. "The quality of things that are reviewed by a large number of eyes is generally improved.”

# A2 – Doesn’t Apply to Debate

**7. Open source directly applies to research. Other systems rely on horizontal methods of information collection, which means that if part of the argument is invalid or incorrect, the argument is still usable. Open source uses vertical integration which relies on cumulative dependence – i.e that the information prior to a submission must make sense. In other words, open source encourages fixing all weak spots in arguments before adding.**

**Garcia and Steinmueller ’03** [Applying the Open Source Development Model to Knowledge Work. Science and Technology Policy Research, The Freeman Centre, University of Sussex. Juan Mateos Garcia and W. Edward Steinmuller. June 2003.]

A second additional type of information creating activity that may be suitable for open source type methods is ‘research,’ represented iconographically in Figure 11. In the first instance, research involves the collection of findings, traditionally the domain of academic publishing, the compilation of scientific databases, and the interpersonal exchange of research data and communications. This facet of research publication closely resembles collaborative collection activities. The principal distinction is that there is likely to be a greater collective interest in quality control of submissions. One reason for this is the issue of ‘priority,’ the credit for first discovery of new scientific knowledge.18 Another is that a principal use of such collections of research results is as input into other scientific research. Faulty inputs will result in waste of time and resources in scientific research or in efforts to apply scientific knowledge to technological problems. Both of these issues suggest that the role of ‘editor’ and ‘system integrator’ will assume a larger function in efforts to organise collaborative research resources. In addition, the potential for using scientific findings to produce other scientific findings suggest that the contributors to such information collections are likely to delay their publication in the hopes that new ideas for exploiting the data will occur to them. With time, however, the recall of particulars necessary to understand and make use of the data will fade, making the contribution useless. Moreover, there is a bottleneck in the process of contributing scientific data and results in that researchers are likely to be paid to generate findings and disseminate them in traditional forms, but not to prepare and enter them in a collection. Some research funding authorities require deposition of data as a condition of funding, but there is unevenness in the funding for the costs of properly archiving data and very little professional reward for improving the quality of such submissions.19 These issues suggest that there will be significant problems in compiling scientific contributions in horizontal collections. As we will see in the next section, creating information assemblages comprising research results is not an activity that has, so far, achieved a high level of participation. This indicates a very important point that in our view offers considerable validation for the model suggested here. It is not that, as a general observation, scientific research databases are few in number or shallow in depth. These problems only arise with *horizontal* collections of scientific research results. The databases that are actively compiled in the *process* of scientific research are *vertical*, i.e. their outputs are expected to be inputs into further scientific research. These vertical information collections include the data from the human genome and other genetic sequencing efforts or streams of data from high-energy physics and atmospheric and oceanic studies. Because of the range of externalities offered by these data collections, researchers have an incentive to develop the social institutions necessary for validating data (the editing and system integration functions) before it is embedded or for distinguishing between preliminary and ‘confirmed’ data, features that we would expect to see in information assemblage activities with a high degree of cumulative dependency. This analytical conclusion has several important implications for the planning and implementation of future programmes for information assemblage that will be explored in the conclusion to this paper (Section 4) This sub-section has introduced collaborative collection and research as two additional activities that might lead to submissions to information assemblages. Collaborative collections may be expected in a large number of areas of human interest. The principal problem they appear to face is deriving a vision for a ‘horizontal’ structure that will be valued by users. Complementary dependency requires a collector to conform to a submission standard, whilst in the context of the global reach of the Internet, a collector may be as, or more, attracted by the opportunities the WWW offers for self-publication. Examples of collaborative horizontal assemblages that have enlisted significant participation are provided in the next section along with a partial analysis of the processes that support their collaborative character. Higher hurdles appear to be involved in horizontal compilations of scientific results due to concerns about quality control of such information when the ‘entry’ process is open. We would argue that the efforts required in validating and organising scientific data are most likely to be made when such databases are part of a *vertical* information assemblage process. A principal conclusion of this section is that vertical information good production provides the strongest motives for collaboration because the possibilities of sharing in the externalities generated by other participants are matched by incentives to edit and integrate contributions due to the cumulative dependency of contributions. Horizontal efforts, involving complementary dependence, are neither so well developed nor so likely to lure participants from the opportunities offered by self-publication and looser affiliation (e.g. links to other websites). It is not clear at this stage of development whether these shortcomings are the result of failure to develop compelling visions for structuring horizontal information assemblages that would raise the level of value derived from complementary dependency and ignite more widespread and intense participations. Alternatively, it may simply be that open source methods in software have been particularly intense because of the immediate value of these vertical information assemblages and the facility of the principal contributors in the use of the Internet as a communication and collaboration method. The next section provides some insights into these competing explanations as well as offering examples of open source methods employed for creating information goods that are not software code.

# A2 – Doesn’t Apply to Debate

**8. The principles of open source apply to a wide number of activities. Nearly everything can evolve into open source.**

**Garcia and Steinmueller ’03** [Applying the Open Source Development Model to Knowledge Work. Science and Technology Policy Research, The Freeman Centre, University of Sussex. Juan Mateos Garcia and W. Edward Steinmuller. June 2003.]

Finally, this paper suggests that open source principles are applicable to a wide variety of activities and that models for their application and adaptation are evolving as the experience in different projects is accumulated. This emerging experience provides a fertile ground for future research and a plethora of opportunities for new initiatives.

**9. Cross-x.com forums prove that open source relates to debate. People post a few cards and ask others for criticism and others offer advice, because they are either nice or want a good reputation.**

# A2 – Debate Isn’t Like Software – No Objective Way to Evaluate Systems

**1. All we have to prove is that debate is like OpenLaw or open source programming to prove that it will innovate arguments more than closed-source. We have five warrants for argument quality. If the open source evidence allows any of the following, then you know it is better than closed system (the status quo):**

**A. rapid improvements**

**B. egoless programming**

**C. debate-judge collaboration**

**D. cross-pollination**

**E. the public sphere.**

**2. Aff is no different -- it’s not like you can go test out the viability of the affirmative outside of the round. You must rely on the arguments presented in this round, and we are the only team giving empirical examples.**

**3. Software can just be run like debate arguments can be run. If the team loses on an argument, then they can attempt to make their file better. Also, there’s no clear standard for what evidence works best for what team; every team is different.**

**4. If closed-source teams are having trouble updating their evidence, they’ll know they need to switch to open source. One update process like open source would make arguments updated faster.**

# Kerner ’08 [Sean Michael, “Windows needs a Linux package manager.” December 12, 2008]

# From the "lessons Microsoft should learn from open source" files: Windows users have a real problem when it comes to updates. Sure they have Microsoft Update and certainly many applications include their own update mechanisms. Yet despite that, there [seems to be a problem](http://www.internetnews.com/security/article.php/3790691) with Windows users actually updating .So allow me to make a suggestion. Microsoft (or a really smart ISV) should build a full application manager for Windows, similar to what most Linux distributions do today. For the non-Linux users out there - what Linux distros typically do is have a package management utility of some sort that pulls updates from a package repository (or repositories). Those updates could be for the core operating system but also could include updates for any application package in a repository. So if for example Mozilla Firefox is updated, you don't necessary have to go to Mozilla to update. Instead if its in your Linux distro's repository when an update is issued you'll get an update as part of your existing unified update process.Small caveat though - there can sometimes be a delay between the time an application has an update upstream and the time an update actually appears in a particular Linux repository Overall though, the general idea of one unified approach through a master application package updating tool is one that in my view keeps Linux users (relatively speaking) up to date (and no pun intended on the old Red Hat Up2date command). Wouldn't that type of system be a good one for Windows too? Wouldn't you rather have one update process instead of many?

**5. You’ll know it’s working when you use it – you’ll instantly have greater depth of resources and breadth of argument.**

# A2 – This Doesn’t Map / Your Analogy Sucks

**The open source model applies to all organization and collaboration of creating and distributing information – in other words, applies to everything debate is.**

**Garcia and Steinmueller ’03** [Applying the Open Source Development Model to Knowledge Work. Science and Technology Policy Research, The Freeman Centre, University of Sussex. Juan Mateos Garcia and W. Edward Steinmuller. June 2003.]

The extensive recent attention given to the Open Source Movement (OSM) can be seen as a re- appraisal of the opportunities for collective action in the creation of knowledge aided by the new infrastructures offered by the Internet. In recent years, there has been a steady increase in the frequency and amplitude of claims that markets based upon voluntary exchange of commodities for money are a universal solution to the problems of social organisation. This chorus has obscured the growing significance of other forms of organisation in modern industrialised economies including the non-profit sector and the part of this sector based upon voluntary initiative for the common good.1 It also risks misleading conclusions being drawn about the commercial viability of market organisation of activities that, traditionally, were predominantly planned and financed by the public sector, such as education, scientific research, and public security. In this context, it is astonishing that one of the largest and most profitable industries of the ‘new economy’ may be disrupted by the appearance of communities of volunteers aiming to substitute public goods for proprietary commodities.2 Evaluation of the opportunities and limitations arising from the OSM is a most urgent task. On the one hand, the methods that this movement has established for collaborative endeavour suggest a new paradigm for the division of labour. At the extreme, this is a paradigm in which the modularisation of tasks is so profound that the spontaneous and voluntary contributions of individuals might create a common, collective, or public good that might rival of the efforts of hundreds or even thousands of employed software designers and engineers. On the other hand, there is substantial evidence that the coalescence of individuals in the communities or projects within this movement is an uncertain process, failing to ignite much more often than it captures and inflames the imagination and efforts of participants. The broader relevance of the OSM is the possibility that it might be a model that is applicable to a much broader range of activities involving the creation of common or public information goods. The implementation of a global information infrastructure through the Internet and the World Wide Web offers unprecedented capacities for assembling large virtual communities, supporting collaborative endeavour, and distributing the results of these endeavours. These endeavours need not be limited to software. A much broader array of collective or public information goods are candidates for production using the methods pioneered by the OSM. This paper examines the opportunities for extending the methods of organisation and collaboration utilised within the OSM to the production of a broader range of authoring and publishing, the creation and distribution of information. This examination is based upon a variety of evidence, conjecture, and reasoning that lead to an analytical or conceptual map that is partially validated using existing evidence from open source software communities and from other communities adopting ‘open’ methods for the creation of public or quasi-public information goods. It is argued that this conceptual map is useful for those planning to undertake or to fund virtual collaborations. Finally, the conceptual map introduced in this paper suggests several specific empirical investigations that may improve the value of this model in planning and implementing virtual collaborative communities.

**\_\_\_\_ MY ANALOGY IS SWEET. HACKER CULTURE IS INFORMATION INTENSIVE, HIGHLY COMPETITIVE, AND DRIVEN BY INTELLECTUAL OUTCASTS. FRANKLY, IF FREEMAN DIDN’T GET CAUGHT UP IN THE MIT AI LAB CULTURE, HE’D PROBABLY HAVE THE GBN JOB ALREADY.**

**Law students and programmers compete just like debaters compete. Programmers should not want to contribute code to a project they will get no credit for, but rather keep it secret so as to win in the market with the addition. But in an open source system, it’s be a race to the top, so people want to fix problems before others do in order to get credit for it.**

**\_\_\_\_\_ I HAVE AN ANALOGY CARD. THAT’S THE NEW SCIENTIST 2002 EVIDENCE. IT CITES THE EXAMPLE OF OPEN LAW PROJECT – THE THIRD PARAGRAPH DESCRIBES DEBATE LIKE WHOA! IF WE AREN’T ANALOGOUS TO COMPETITIVE LAW, I DON’T KNOW WHAT WE’RE ANALOGOUS TO.**

**\_\_\_ I HAVE SEVERAL OTHER ANALAOGIES. RAYMOND EXPLICITLY USES THE EXAMPLE OF GIFT CULTURES, AND TRAVIS COMPARES INFORMATION ENCLOSURE THE EVOLUTION OF BRITISH COMMON LAW. THE MAP FROM LINUX TO POLITICS IS A MUCH TIGHTER FIT.**

**\_\_\_\_ OUR ALTERNATIVES PROVIDE THE INTERNAL LINK – MOGLEN EXPLICITLY SAYS THAT INFO-SHARING DEMANDS THE INPUT OF DIVERSE DISCIPLINES – HE ANSWERS THIS ON POINT. ALSO, MARTIN SAYS THAT WE NEED TO RESIST GRAMSCIAN HEGEMONY OVER SMALL PRODUCERS SUCH AS ACADEMICS – THAT’S A CLEAR ANALOGUE.**

# A2 – This Doesn’t Map / Your Analogy Sucks

\_\_\_\_\_ OPEN SOURCE IDEOLOGY APPLIES GENERALLY – IT’S PART OF A LARGELY MOVEMENT, AND THE ONLY EFFECTIVE MEANS OF RESISTANCE

GRAHAM LAWTON, JOURNALIST, NEW SCIENTIST, JULY 1, 2002

<http://www.newscientist.com/hottopics/copyleft/copyleftart.jsp>,

OpenCola is the most prominent sign yet that a long-running battle between rival philosophies in software development has spilt over into the rest of the world. What started as a technical debate over the best way to debug computer programs is developing into a political battle over the ownership of knowledge and how it is used, between those who put their faith in the free circulation of ideas and those who prefer to designate them "intellectual property". No one knows what the outcome will be. But in a world of growing opposition to corporate power, restrictive intellectual property rights and globalisation, open source is emerging as a possible alternative, a potentially potent means of fighting back. And you're helping to test its value right now.

\_\_\_\_\_\_\_the open source model is applicable to almost every intellectual field. All MODS MUST BE REPOSTED to replicate LINUX solvency

Linus Torvalds, Linux guru, 05/16/01

<http://www.silicon.com/opinion/500008/1/1024356.html>

It's a wrinkle on how academic research has been conducted for years, but one that makes sense on a number of fronts. Think of how this approach could speed up the development of cures for diseases, for example. Or how, with the best minds on the task, international diplomacy could be strengthened. As the world becomes smaller, as the pace of life and business intensifies, and as the technology and information become available, people realise the tight-fisted approach is becoming increasingly outmoded.

The theory behind open source is simple. In the case of an operating system - is free. Anyone can improve it, change it, exploit it. But those improvements, changes and exploitations have to be made freely available. Think Zen. The project belongs to no one and everyone. When a project is opened up, there is rapid and continual improvement. With teams of contributors working in parallel, the results can happen far more speedily and successfully than if the work were being conducted behind closed doors.

# A2 – This Doesn’t Map / Your Analogy Sucks

\_\_\_\_\_\_\_\_The open source model maps incredibly well onto academia – and to intelligent high schoolers

Eric Steven Raymond, hacker, GNU contributor, co-developer of fetchmail, nethack, Emac’s VD and GUD modes, 2000

<http://catb.org/~esr/writings/cathedral-bazaar/homesteading/ar01s12.html>

Respondents to this essay too numerous to list have pointed out that hacker ownership customs seem intimately related to (and may derive directly from) the practices of the academic world, especially the scientific research commmunity. This research community has similar problems in mining a territory of potentially productive ideas, and exhibits very similar adaptive solutions to those problems in the ways it uses peer review and reputation.

Since many hackers have had formative exposure to academia (it's common to learn how to hack while in college) the extent to which academia shares adaptive patterns with the hacker culture is of more than casual interest in understanding how these customs are applied.

Obvious parallels with the hacker `gift culture' as I have characterized it abound in academia. Once a researcher achieves tenure, there is no need to worry about survival issues. (Indeed, the concept of tenure can probably be traced back to an earlier gift culture in which ``natural philosophers'' were primarily wealthy gentlemen with time on their hands to devote to research.) In the absence of survival issues, reputation enhancement becomes the driving goal, which encourages sharing of new ideas and research through journals and other media. This makes objective functional sense because scientific research, like the hacker culture, relies heavily on the idea of `standing upon the shoulders of giants', and not having to rediscover basic principles over and over again.

Some have gone so far as to suggest that hacker customs are merely a reflection of the research community's folkways and have actually (in most cases) been acquired there by individual hackers. This probably overstates the case, if only because hacker custom seems to be readily acquired by intelligent high-schoolers!

\_\_\_\_\_\_\_\_SOFTWARE IS SO SOCIALLY DOMINANT AS A METAPHOR THAT IT GOVERN EVERY ASPECT OF LIFE IN POSTINDUSTRIAL CAPITALISM. IT IS THE GOVERNING ANALOGY AND DEBATE OF OUR TIME

EBEN MOGLEN, Professor of Law & Legal History, Columbia Law School, 1999

(“ANARCHISM TRIUMPHANT: FREE SOFTWARE AND THE DEATH OF COPYRIGHT”, <http://firstmonday.org/issues/issue4_8/moglen/index.html>)

Technology based on the manipulation of digitally-encoded information is now socially dominant in most aspects of human culture in the "developed" societies [2]. The movement from analog to digital representation - in video, music, printing, telecommunications, and even choreography, religious worship, and sexual gratification - potentially turns all forms of human symbolic activity into software, that is, modifiable instructions for describing and controlling the behavior of machines. By a conceptual back-formation characteristic of Western scientistic thinking, the division between hardware and software is now being observed in the natural or social world, and has become a new way to express the conflict between ideas of determinism and free will, nature and nurture, or genes and culture. Our "hardware," genetically wired, is our nature, and determines us. Our nurture is "software," establishes our cultural programming, which is our comparative freedom. And so on, for those reckless of blather [3]. Thus "software" becomes a viable metaphor for all symbolic activity, apparently divorced from the technical context of the word's origin, despite the unease raised in the technically competent when the term is thus bandied about, eliding the conceptual significance of its derivation [4].

# A2 – We Didn’t Know

**1. That’s the point. Now you do.**

**2. We posted our complete files to the wiki. It’s their own fault they didn’t check it. Maybe in losing they’ll realize Vermont LR is legit.**

**3. Turn – it’s exactly this kind of neglect of evidence before the round that makes for bad debates. This is an independent reason to vote them down to teach them to be more involved in the evidence process and argument knowledge. Only judges enforcing clear standards of unwaveringly voting teams down for not disclosing evidence, no matter the excuse, will make sure they do it in the future – that’s Sanchez ‘05.**

**4. Whining fails – complaining and making excuses during the judge’s explanation proves. Part of being a good debater is accepting responsibility, especially for the judge’s decision. Only losing the round ensures you’ll be damned sure to check what we run.**

**5. Not a real argument – no way to prove it, so it shouldn’t be evaluated.**

# A2 – You Haven’t Disclosed

**1. Yeah we did. You can find our entire negative files and affirmative files on the wiki. We printed off exactly how it looks on the wiki for verification purposes.**

**2. Our definition of full disclosure is “a requirement that the opposing team be made aware of all the evidence to be run before the round” – our analogy is full disclosure in law.**

**US Legal ’09** [“Full Disclosure Law & Legal Definition.” Accessed January 4, 2009. http://definitions.uslegal.com/f/full-disclosure/]

Full disclosure is a legal requirement in various situations, such as real estate transactions and prenuptial agreements, that seeks to balance the negotiating power of both parties to a transaction through equal possession of relevant information. It is a requirement that the whole truth must be told before a purchase is made or a contract is signed, so that the purchaser or signer is fully informed about the consequences of his/her decision.

3. Our standards for meeting disclosure are that the evidence must be:

A. Commonly accessible

B. On a frequented cite

C. Posted at a reasonable enough time before the round – people judge that already with the wiki, most do it a day or two before.

4. This does not mean that disclosures won’t take other forms in the future, but this lays the foundation of evidence disclosure that rallies more people to push for a more organized site.

# A2 – Theo de Raadt

**BSD being better on security does not mean anything – it’s the regular bugs that Linux finds faster that matter to users.**

**Kerner ’08** [Sean Michael Kerner. July 16, 2008. “What Linus Torvalds thinks about Open BSD”]

Linus Torvalds - the creator of the Linux kernel and its current maintainer - is by all accounts a brilliant human being. He can also be incredibly crass and rude. Case in point is [a post](http://article.gmane.org/gmane.linux.kernel/706950) he made to the Linux Kernel mailing list (LKML) yesterday, where he offered his opinion on security research and specifically the OpenBSD operating system (which is security centric).It's soo rude that it's 'funny' - that is if you're not an OpenBSD developer or have a particular affection for monkeys. Torvalds wrote: Security people are often the black-and-white kind of people that I can't  stand. I think the OpenBSD crowd is a bunch of masturbating monkeys, in that they make such a big deal about concentrating on security to the point where they pretty much admit that nothing else matters to them.The gist of Torvalds' longer argument is that there are more interesting bugs out there than just security bugs. On that topic I heartily agree with the God of Linux. While I am also a contributor to the security bug hype often focusing stories that I write on those issues, as a user I know full well that it's often the 'regular' bugs that are the issues that actually affect me the most.

# A2 – Fiat Good / Framework

\_\_\_\_ WHATEVER. FIAT CAN BE GREAT. WE’RE NOT ARGUING FOR AN ABOLITION OF FIAT, OR A SHIFT TO THE FUNNY PUPPETS OR THE TREE DANCE. THE NEGATIVE ARGUMENT SIMPLY IMPOSES AN ADDITIONAL GATEWAY REQUIREMENT, LIKE TOPICALITY. YOU DON’T ARGUE FIAT GOOD ON T OR O-SPEC – I THINK WE MADE IT CLEAR THAT WE’RE NOT A CONVENTIONAL K.

\_\_\_\_ COUNTERINTERP – USE FIAT WITH OPEN SOURCE EVIDENCE

\_\_\_\_ OUR ARGUMENTATIVE MODE OUTWEIGHS – TIMEFRAME – EDUCATION ON POLICY DOESN’T KICK IN UNTIL I’M 35 AND RUNNING FOR OFFICE, WHEREAS INFOTECH DEBATES ARE LARGELY DETERMINED BY PEOPLE UNDER 25.

\_\_\_\_ WE INTERNAL LINK TURN THE FIAT – THE ENDPOINT IMPLICATION OF FIAT IS ALWAYS SOME VERSION OF EDUCATION – EDUCATION CAN NO LONGER EXIST IN A SITUATION WHERE ALL INFORMATION IS UNDER PROPRIETARY CONTROL. OUR ACTIVITY DEBATES OPEN THE LIMITED OPEN SOURCING OF FAIR USE –WE EXTEND THE MODEL TO A BROADER COPYLEFT. THE FIRST TRAVIS CARD PROVIDES THE IMPACT

# A2 – Competing Interpretations Bad – General

**best for topic specific education: discussing definitions is key to determine what the topic should look like and key to determining which parts of it are key. This discussion is a prerequisite to meaningful and substantive debates about political implications.**

**most objective: checks judge intervention by making us debate T like other arguments**

**fairness: checks abuse by establishing which definitions are best for reciprocal ground**

**key to contextualizing evidence by forcing comparison, which allows more in-depth research**

**Vote on potential abuse-if we prove their interpretation is bad for debate, you vote them down. It's not what they do, it's what they justify.**

**they destroy debate for the rest of the year by encouraging people to run similar affs**

**potential abuse is functionally in-round abuse: it determines what we will run and skews our strategy. We're not going to waste time reading a disad they'll just link out of.**

# A2 – Competing Interpretations Bad – Race to the Bottom

**it's not a race to the bottom if you can prove that other standards o/w limits or that overlimiting is bad**

**it's no more a race to the bottom than other arguments. We're not necessarily looking for the most limiting definition but rather the one that's best for debate: perms of definitions are legit**

**The aff always has the advantage when it comes to T definitions. They can find specific evidence pertaining to their aff-competing interpretations is key to check infinite prep**

# A2 – Competing Interpretations Bad – Arbitrary

**Competing interpretations is about determining which world is best for debate; an arbitrary definition constructed to exclude the aff will never win the standards debate**

**And all you have to win to defeat arbitrary definitions is that overlimiting is bad**

**Author quals check. We have to have contextual literature written by someone in the field; the definition can't be arbitrary**

# A2 – Reasonability Good

**You are not even close to reasonable – your aff justifies ridiculous affs – this is in the o/v**

**It’s arbitrary – who could determine what is reasonable and what is not. This argument is honestly worse than time cube**

**Legitimizes abuse - any aff team can decide their personal connotation of the resolved on a given day, making it impossible for the neg to prepare, they’d have to disclose their ‘reasonable definitions’ along with the case**

**Unlimiting - when people assign meaning to words on their own, they quite ‘reasonably’ grant words broad definitions, but that explicitly undercuts our limits arguments, allowing alot more cases. Common use has no precisions**

**Legitimizes huge judge intervention - if the plan only has to be reasonably topical the neg will be in for a surprise when folks with a weird interpretation of reasonability give a disclosure no one could have predicted**

**No brightline - there’s no way to know what’s normal and reasonable versus what is quote too weird, i think their case is too weird, vote on that**

**Competing interpretation is the only objective way to evaluate topicality – this solves judge bias and predictably limits the topic**

# Open Source Good – Argument Quality – Rapid Improvement

**Open source evidence would expose arguments to scrutiny at the highest possible speed – this maximizes improvement to arguments and eliminates problems. Peer review from people debating against you is always preferable. Development of the Linux operating system proves our argument.**

**Raymond ‘99** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “The Cathedral and the Bazaar”; August 8; <http://www.cantonmaine.com/bazaar/cathedral-bazaar-4.html> //nick]

8. Given a large enough beta-tester and co-developer base, almost every problem will be characterized quickly and the fix obvious to someone.

Or, less formally, ``Given enough eyeballs, all bugs are shallow.'' I dub this: ``Linus's Law''.

My original formulation was that every problem ``will be transparent to somebody''. Linus demurred that the person who understands and fixes the problem is not necessarily or even usually the person who first characterizes it. ``Somebody finds the problem,'' he says, ``and somebody else understands it. And I'll go on record as saying that finding it is the bigger challenge.'' But the point is that both things tend to happen rapidly.

Here, I think, is the core difference underlying the cathedral-builder and bazaar styles. In the cathedral-builder view of programming, bugs and development problems are tricky, insidious, deep phenomena. It takes months of scrutiny by a dedicated few to develop confidence that you've winkled them all out. Thus the long release intervals, and the inevitable disappointment when long-awaited releases are not perfect.

In the bazaar view, on the other hand, you assume that bugs are generally shallow phenomena -- or, at least, that they turn shallow pretty quick when exposed to a thousand eager co-developers pounding on every single new release. Accordingly you release often in order to get more corrections, and as a beneficial side effect you have less to lose if an occasional botch gets out the door.

And that's it. That's enough. If ``Linus's Law'' is false, then any system as complex as the Linux kernel, being hacked over by as many hands as the Linux kernel, should at some point have collapsed under the weight of unforseen bad interactions and undiscovered ``deep'' bugs. If it's true, on the other hand, it is sufficient to explain Linux's relative lack of bugginess and its continuous uptimes spanning months or even years.

# Open Source Good – Argument Quality – OpenLaw Proves

**Empirically, open source argument creation creates winning arguments – the OpenLaw project at Harvard has had great success with open source briefs.**

**Lawton ‘2** [Graham (Journalist); “Open Source Cola”; New Scientist; July 1; http://www.pickbrains.com/articles/open-source-cola //nick]

Another experiment that's proved its worth is the OpenLaw project at the Berkman Center for Internet and Society at Harvard Law School. Berkman lawyers specialize in cyberlaw -- hacking, copyright, encryption and so on -- and the center has strong ties with the EFF and the open source software community. In 1998 faculty member Lawrence Lessig, now at Stanford Law School, was asked by online publisher Eldritch Press to mount a legal challenge to US copyright law. Eldritch takes books whose copyright has expired and publishes them on the Web, but new legislation to extend copyright from 50 to 70 years after the author's death was cutting off its supply of new material. Lessig invited law students at Harvard and elsewhere to help craft legal arguments challenging the new law on an online forum, which evolved into OpenLaw.  
Normal law firms write arguments the way commercial software companies write code. Lawyers discuss a case behind closed doors, and although their final product is released in court, the discussions or "source code" that produced it remain secret. In contrast, OpenLaw crafts its arguments in public and releases them under a copyleft. "We deliberately used free software as a model," says Wendy Selzer, who took over OpenLaw when Lessig moved to Stanford. Around 50 legal scholars now work on Eldritch's case, and OpenLaw has taken other cases, too.  
"The gains are much the same as for software," Selzer says. "Hundreds of people scrutinize the 'code' for bugs, and make suggestions how to fix it. And people will take underdeveloped parts of the argument, work on them, then patch them in."  
Armed with arguments crafted in this way, OpenLaw has taken Eldritch's case -- deemed unwinnable at the outset -- right through the system and is now seeking a hearing in the Supreme Court.

# Open Source Good – Argument Quality – Peer Review

**Argument quality – open source projects with full and constant peer review produce the best innovation and quality**

**Raymond 2000** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “Homesteading the Noosphere”; <http://library.n0i.net/advocacy/ho-mst/index.html> //nick]

One of these styles is what we've now learned to call `closed source' -- the traditional factory-production model of proprietary software, in which the customer gets a sealed block of bits which cannot be examined, modified, or evolved. The standard-bearer of this approach is Microsoft.

The other is `open source', the Internet engineering tradition, in which source code is generally available for inspection, independent peer review and rapid evolution. The standard-bearer of this approach is the Linux operating system.

The now-notorious Halloween Documents ratified in Microsoft's own words what has become increasingly clear in the last nine months -- that the open-source model is well on its way to obsolescing the closed-source one. But to understand why, and to think clearly about what this means for the future, we need to step back from the particularities of Microsoft and Linux and consider some qualitative, general issues about three things: reliability, total cost of ownership, and software risks.

Historically, the way we get high reliability of results in engineering and the sciences is by institutionalizing peer review. Physicists don't hide their experimental plans from each other; instead, they skeptically check each others' work. Engineers don't build dams or suspension bridges without having the blueprints vetted first by other engineers independent of the original design group.

In the software industry, our reliability has historically been terrible. Crashes, hangs, and lost data are still commonplace. Also, we don't as a rule do peer review. You might think these facts are unconnected, until you look at the infrastructure of the Internet. All of the Internet's core software is open-source -- and its reliability is extremely good. This is an even stronger demonstration because the Internet is multi-platform, heterogenous, international, and has remained essentially backward-compatible through thirty years and several generations of technology.

The pattern is simple and compelling. Where we have open-source software, we have peer review and high reliability. Where we don't, reliability suffers terribly. This fact in itself is probably sufficient to marginalize closed-source development in the future.

# Open Source Good – Argument Quality – Free Software Proves

**Free software is pragmatically better for quality argument development**

**Yee 1999** [Danny (one of the Community Aid Abroad Webmasters, a board member of Electronic Frontiers Australia, and an employee of Sydney University); “Development, Ethical Trading and Free Software”; First Monday; Vol. 4, No. 12; December; <http://www.firstmonday.dk/issues/issue4_12/yee/index.html> //nick]

Some free software products are widely recognised as more reliable and robust, more powerful and more secure than their proprietary counterparts. A plausible argument can be made that this is not just accidental, but a consequence of their open development, implementation and testing.

Rob Bos puts it well in *32bitsonline*

"Free software is better than non-free software. It works better, it works faster, it works longer. Open source programs are tried and proven, they are constantly pressed from every direction to do specific tasks, and do them well; and for the simple reason that they are written to work, not simply to sell copies. Free software doesn't just work better, it works orders of magnitude better. Open sourcing an application gives the source code to a large number of developers, instead of a small, tight group. Free software projects have a pool of developers and an effective budget multiple times higher than an equivalent proprietary development project, and will, given all other equal things, advance at a rate many times faster because of their access to an much larger development team. Peer review of code isn't just a pipe dream, it is an essential means to writing superior applications, no matter where they are written."

# Open Source Good – Argument Quality – Group Work

**Working groups based on the net self-select for competence, maximizing both quantity and quality of evidence**

**Raymond 2000** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “Homesteading the Noosphere”; <http://library.n0i.net/advocacy/ho-mst/index.html> //nick]

Anyway, in a world of cheap PCs and fast Internet links, we find pretty consistently that the only really limiting resource is skilled attention. Open-source projects, when they founder, essentially never do so for want of machines or links or office space; they die only when the developers themselves lose interest.

That being the case, it's doubly important that open-source hackers organize themselves for maximum productivity by self-selection—and the social milieu selects ruthlessly for competence. My friend, familiar with both the open-source world and large closed projects, believes that open source has been successful partly because its culture only accepts the most talented 5% or so of the programming population. She spends most of her time organizing the deployment of the other 95%, and has thus observed first-hand the well-known variance of a factor of one hundred in productivity between the most able programmers and the merely competent.

# Open Source Good – Argument Quality – Ego-Boo Culture

**An open sourced system creates an effective market in ego-boo - Linux development empirically proves.**

**Raymond 1999** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “The Cathedral and the Bazaar”; August 8; <http://www.catb.org/~esr/writings/cathedral-bazaar/cathedral-bazaar/ar01s11.html> //nick]

We may view Linus's method as a way to create an efficient market in ``egoboo''—to connect the selfishness of individual hackers as firmly as possible to difficult ends that can only be achieved by sustained cooperation. With the fetchmail project I have shown (albeit on a smaller scale) that his methods can be duplicated with good results. Perhaps I have even done it a bit more consciously and systematically than he.

Many people (especially those who politically distrust free markets) would expect a culture of self-directed egoists to be fragmented, territorial, wasteful, secretive, and hostile. But this expectation is clearly falsified by (to give just one example) the stunning variety, quality, and depth of Linux documentation. It is a hallowed given that programmers hate documenting; how is it, then, that Linux hackers generate so much documentation? Evidently Linux's free market in egoboo works better to produce virtuous, other-directed behavior than the massively-funded documentation shops of commercial software producers.

Both the fetchmail and Linux kernel projects show that by properly rewarding the egos of many other hackers, a strong developer/coordinator can use the Internet to capture the benefits of having lots of co-developers without having a project collapse into a chaotic mess. So to Brooks's Law I counter-propose the following:

19: Provided the development coordinator has a communications medium at least as good as the Internet, and knows how to lead without coercion, many heads are inevitably better than one.

# Open Source Good – Argument Quality – Gift Culture

**We shift toward an alternate mode of social organization, in which competition is guided by a gift culture instead on an exchange economy. Our argument is a socially enforced potlatch.**

**Raymond 2000** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “Homesteading the Noosphere”; <http://library.n0i.net/advocacy/ho-mst/index.html> //nick]

Human beings have an innate drive to compete for social status; it's wired in by our evolutionary history. For the 90% of hominid history that ran before the invention of agriculture, our ancestors lived in small nomadic hunter-gatherer bands. High-status individuals (those most effective at informing coalitions and persuading others to cooperate with them) got the healthiest mates and access to the best food. This drive for status expresses itself in different ways, depending largely on the degree of scarcity of survival goods.

Most ways humans have of organizing are adaptations to scarcity and want. Each way carries with it different ways of gaining social status.

The simplest way is the command hierarchy. In command hierarchies, scarce goods are allocated by one central authority and backed up by force. Command hierarchies scale very poorly [Mal]; they become increasingly brutal and inefficient as they get larger. For this reason, command hierarchies above the size of an extended family are almost always parasites on a larger economy of a different type. In command hierarchies, social status is primarily determined by access to coercive power.

Our society is predominantly an exchange economy. This is a sophisticated adaptation to scarcity that, unlike the command model, scales quite well. Allocation of scarce goods is done in a decentralized way through trade and voluntary cooperation (and in fact, the dominating effect of competitive desire is to produce cooperative behavior). In an exchange economy, social status is primarily determined by having control of things (not necessarily material things) to use or trade.

Most people have implicit mental models for both of the above, and how they interact with each other. Government, the military, and organized crime (for example) are command hierarchies parasitic on the broader exchange economy we call `the free market'. There's a third model, however, that is radically different from either and not generally recognized except by anthropologists; the gift culture.

Gift cultures are adaptations not to scarcity but to abundance. They arise in populations that do not have significant material-scarcity problems with survival goods. We can observe gift cultures in action among aboriginal cultures living in ecozones with mild climates and abundant food. We can also observe them in certain strata of our own society, especially in show business and among the very wealthy.

Abundance makes command relationships difficult to sustain and exchange relationships an almost pointless game. In gift cultures, social status is determined not by what you control but by what you give away.

Thus the Kwakiutl chieftain's potlach party. Thus the multi-millionaire's elaborate and usually public acts of philanthropy. And thus the hacker's long hours of effort to produce high-quality open-source code.

For examined in this way, it is quite clear that the society of open-source hackers is in fact a gift culture. Within it, there is no serious shortage of the `survival necessities'—disk space, network bandwidth, computing power. Software is freely shared. This abundance creates a situation in which the only available measure of competitive success is reputation among one's peers.

# Open Source Good – Argument Quality – Gift Culture

**Gift culture structures in multiple rewards outside of a proprietary model, a. pure prestige, b. soft power reinforcement for free form projects**

**Raymond 2000** [Eric S. (Hacker, GNU Contributor, Co-Developer of Fetchmail, Nethack, Emac’s VD and GUD modes); “Homesteading the Noosphere”; <http://library.n0i.net/advocacy/ho-mst/index.html> //nick]

There are reasons general to every gift culture why peer repute (prestige) is worth playing for:

First and most obviously, good reputation among one's peers is a primary reward. We're wired to experience it that way for evolutionary reasons touched on earlier. (Many people learn to redirect their drive for prestige into various sublimations that have no obvious connection to a visible peer group, such as ``honor'', ``ethical integrity'', ``piety'' etc.; this does not change the underlying mechanism.)

Secondly, prestige is a good way (and in a pure gift economy, the only way) to attract attention and cooperation from others. If one is well known for generosity, intelligence, fair dealing, leadership ability, or other good qualities, it becomes much easier to persuade other people that they will gain by association with you.

# Open Source Good – Argument Quality – Intrinsic Motivation

**The desire to produce quality work comes from intrinsic motivation, the current debate structure destroys this by relying on a reward system that fails.**

**Martin 1995** [Brian (Professor of Science, Technology and Society); “Against intellectual property”; University of Wollongong; Philosophy and Social Action; Vol. 21, No. 3; July-September; p. 7-22; <http://www.uow.edu.au/arts/sts/bmartin/pubs/95psa.html> //nick]

But what about the incentive to create? Without the possibility of wealth and fame, what would stimulate creative individuals to produce works of genius? Actually, most creators and innovators are motivated by their own intrinsic interest, not by rewards. There is a large body of evidence showing, contrary to popular opinion, that rewards actually reduce the quality of work (Kohn 1993). If the goal is better and more creative work, paying creators on a piecework basis, such as through royalties, is counterproductive.

In a society without intellectual property, creativity is likely to thrive. Most of the problems that are imagined to occur if there is no intellectual property--such as the exploitation of a small publisher that renounces copyright--are due to economic arrangements that maintain inequality. The soundest foundation for a society without intellectual property is greater economic and political equality. This means not just equality of opportunity, but equality of outcomes. This does not mean uniformity and does not mean levelling imposed from the top: it means freedom and diversity and a situation where people can get what they need. There is not space to deal fully with this issue here, but suffice it to say that there are strong social and psychological arguments in favour of equality (Baker 1987; Deutsch 1985; Ryan 1981).

# Open Source Good – Fairness – Ends Ev Exchange Economy

**This ends the evidence exchange economy overnight – cards lose their economic value**

**Antonucci ‘5** [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] open source? resp to Morris”; December 8; http://www.ndtceda.com/pipermail/edebate/2005-December/064806.html //nick]

This system isn't just a revaluation. This system would set money on fire. Cards (and new arguments) lose all of their economic value overnight. Employing a card cutter would obviously be a ridiculous investment, although employing (a) debate teacher(s) would still make a lot of sense.

# Open Source Good – Fairness – Helps Small Schools

**Open source would create an evolving backfile system that solves entry barriers for small programs\**

**Antonucci ‘5** [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] Open Source: Response to Sherwood”; December 11; http://www.ndtceda.com/pipermail/edebate/2005-December/064832.html //nick]

At the same time, I have personally known debaters from large programs who keep debating because they don't have to cut too many cards. They can get a fairly decent brief set from internal sharing, roll into a fair number of tournaments, and sustain participation. I have also spoken with debaters from smaller programs who quit because of the frustrations inherent in shouldering such a large cardcutting workload just to imagine catching up.   
I graduated a debater last year with some interest in starting a policy team at some school in Connecticut. He decided that assembling all the cards himself in addition to pushing for admin startup would be too much of a pain in the ass. He's doing parli now.   
I feel confident that Open Source would create an evolving backfile system for new teams that would appreciably reduce entry barriers. Defensive questions about the precise scope of this reduction don't really matter in the absence of a DA.

# Open Source Good – Fairness – Equity Key to Marketplace of Ideas

**Establishing a true marketplace of ideas rests on genuine equity. Thus, if we prove that they perpetuate inequities, their arguments about laziness and innovation are all turned back.**

Brian **Martin**, Department of Science and Technology Studies,University of Wollongong. **1995**

(“AGAINST INTELLECTUAL PROPERTY”, <http://www.eff.org/IP//against_ip.article>)

Demonstrably, good ideas do not always win out in the marketplace of ideas. To take one example, it can hardly be argued that the point of view of workers is inherently less worthy than that of employers. Yet there is an enormous imbalance in the presentation of their respective viewpoints in the media. One result is that quite a few ideas that happen to serve the interests of employers at the expense of workers -- such as that the reason people don't have jobs is because they aren't trying hard enough to find them -- are widely accepted although they are rejected by virtually all informed analysts. There is a simple and fundamental reason for the failure of the marketplace of ideas: inequality, especially economic inequality (Baker 1989; Hanson 1981). Perhaps in a group of people sitting in a room discussing an issue, there is some prospect of a measured assessment of different ideas. But if these same people are isolated in front of their television sets, and one of them owns the television station, it is obvious that there is little basis for testing of ideas. The reality is that powerful and rich groups can promote their ideas with little chance of rebuttal from those with different perspectives. Large corporations pay for advertisements and other forms of marketing. Governments shape media agendas as well as directly regulating the media. The mass media themselves are powerful enterprises -- whether owned by government or industry -- that promote their own interests as well as those of their advertisers (Bagdikian 1993).