# Nailbomb – Sketch:

## Part One is the Burden:

#### The aff burden is to prove there exists no right, privilege or entitlement to the private ownership of property, and the negative burden is to prove that there is – prefer:

#### 1. Grammar: The text of the resolution asks if the private ownership of handguns ought to be banned. The phrase “of handguns” is only a prepositional phrase so it is simply a subset of the things that can be privately owned. Therefore, grammatically, any offense back to the burden proves would resolution true because proving that all ownership is bad would also prove that guns ought not be owned. This means that even if I lose the burden you still affirm since the arguments still prove the truth of the resolution.

#### Grammar serves as a litmus test for other standards because it serves as an objective standard for fairness and educational impacts. While it can be debated whether one debater is entitled to forms of fairness, the rules of grammar through the text of the resolution are an independent voter since they are a precondition to every other standard because it’s the only access to the topic before the round.

#### And, we can only follow the constitutive rules of an activity, even if they interfere with the pragmatic or ultimate rules of the activity. NARDIN 92:

Nardin, Terry. “International Ethics and International Law”. Review of International Studies 18.1 (1992): 19–30. Web. http://www.jstor.org/stable/20097279

Terry Nardin 2. 1992 3. ”. Review of International Studies 4. International Ethics and International Law 5. 1/30/2016 6. http://[www.jstor.org/stable/20097279](http://www.jstor.org/stable/20097279) 7. Professor of Political Science at the University of Singapore [and] 8. 19-30

The first thing to observe in considering this objection is that **the 'purposes' of a practice are not necessarily the same as the purposes either of those who designed the practice** or of those who may participate in it. **From the standpoint of an umpire supervising a** particular **game of chess, the paramount consideration governing the play is** that it should be in conformity with **the rules of chess. If a player makes an illegal move, arguing that it will result in a more intellectually challenging game, the proper response is to ignore the argument and prohibit the move**. In other words, **the kinds of reasons that are valid within the game are different from those that might be considered by chess** federation **officials contemplating changes in the rules of the game.** From the internal perspective of the player or the umpire, **the authority of the rules is absolute. Players or umpires may disagree about the interpretation or proper application of the rules, but they may not take the position that a valid, authoritative rule should be set aside.**

#### The burden posits what the resolution means so it must come first as part of the constitutive part of defining what constitutes offense.

#### 2. Ground: best and most fair division of ground – any alternative burden that has the aff defend only banning of handguns makes the debate impossible for the aff since the neg can easily solve the harms by PICing out of a specific group and outweighing the aff harms. PICs are specifically bad on this topic since the aff since the aff solvency if very limited and there’s like 5 affs on the topic means they can coopt the little offense I have. This is compounded by the resolution being specific to handguns and not letting the aff claim offense from other firearms. Any marginal loss of ground on the handguns debate for the neg is exploded by the fact that the aff is giving the neg the ability to defend that property ownership is good, since that is the position held by most of the western world. That outweighs nibs bad – the aff needs to overcome those disadvantages by being slightly abusive – the neg has the ability to read nibs and up layer so it solves their abuse.

#### 3. Topic lit – Gun control debate revolves around property rights. ODAVC 16:

1. Open Reader 2. January 1 1970 3. Open [Reader.org](http://reader.org) 4. Open Discussions About Various Controversies The Controversy of Gun Control 5. 1/30/2016 6. <http://openreader.org/category/the-controversy-of-gun-control/> <%22> 7. They have a blog [and] 8. N/A

**Opponents of gun control laws** argue that Americans have the right to bear arms. They **say** that gun control laws **[they] would prevent individuals from defending themselves and their property** lawfully. They also support the rights of hunters, sport shooters and recreational gunmen. **One of the most common laws that these groups cite is the Second Amendment** of the U.S. Constitution. This 27-word passage includes the famous phrase “the right of the people to keep and bear arms shall not be infringed.” **The fundamental argument** that gun control opponents make **is that the right to own and use weapons is an undeniable personal freedom guaranteed by the Constitution.**

#### And, the scope of literature applicable to handguns is very narrow since most articles are either about firearms or are extra T, which completely kills aff and neg ground. The burden solves this because it allows us to question the validity of gun rights in general. Topic lit is key to education because the violation of topic lit decreases obtaining knowledge on the resolution.

#### 4. A. Interpretation: At the 2016 Tournament of Champions, If the aff justifies their burden, and the text of their burden is that the aff must prove there exists no right, privilege or entitlement to the private ownership of property, and the negative burden is to prove the opposite, then the neg must concede to that burden as it is contextualized in the AC and debate under it. They must link all their offense to the burden.

#### B. Violation: This is preemptive. Potential violations include reading theory on the burden or reading a separate mechanism to evaluate offense that function higher than the burden like a role of the ballot. To clarify, you can read a framework underneath the burden that proves a right to self-ownership.

#### Prefer since –

#### 1. Affirming is harder – (a) there’s a 5.8% neg side bias (vbriefly) from the 2014-2016 (b) there’s a 6-7-4 time skew (c) the aff has to extend offense twice due to the 1ar and 2ar while the neg only has to once (d) there’s a 5.2% neg side bias specifically on this topic (vbriefly). Prefer structural weighing since they apply to each round - most likely to establish communal norms, and best for competing interps so it also precludes meta-theory. And, burden choice is key to check the neg time skew and their ability to layer the debate by forcing the debate to one layer where I can weigh and frontline—else negs can spread me out on multiple layers and collapse to wherever I undercover. This also means that my burden can be as unfair as possible because of how hard it is to affirm.

#### 2. Strat Skew: allowing the neg to question the burden undermines the value of the AC because I have to restart in the 1AR – that’s bad for literally any standard; there’s less clash, the aff is screwed in the 1ar, etc. It’s especially bad since the 2NR can just dump on the restart and I have no args to leverage from the AC. Strat is key to forming a coherent ballot story.

#### Aff theory is a reason to drop the debater because a) the time crunched 1ar is insufficient to win both theory and substance, so aff has no ability to check abuse leading to infinite harm, and b) the 2nr can collapse on aff theory making it impossible for the aff to cover all of the arguments in the three minute 2ar if they split their time with substance and theory.

#### 1AR theory is legitimate and no neg RVI a) it would be impossible to check NC abuse since the 6 min NR could go all in on theory, disincentivizing 1AR theory. b) I solve reciprocity – neg has exclusive access to T so if they also got rvi’s there could never be reciprocity. c) no abuse – the 6 minute NR has ample time to win both theory and substance. It’s impossible for the aff to overwhelm the neg.

## Offense:

### Advocacy:

#### I defend the general resolution that in the United States, the private ownership of handguns ought to be banned. The burden reinterprets what it means to affirm that resolution but if you want to specify a reasonable enforcement mechanism, actor, etc. I will. No link to implementation args cause I’ll defend those – they aren’t relevant to affirming/negating the burden.

### Part One: Rights Don't Exist:

#### Humans construct all meaning and value. Two warrants:

#### A) There are no overarching moral doctrines to guide morality – only those we impose in the state of nature. PARRISH 04:

1. Rick Parrish 2.  2004  3.  The Johns Hopkins University Press  4. Derrida's Economy of Violence in Hobbes' Social Contract  5. 1/5/16 6. Pg 4-7. 7. Rick Parrish teaches at Loyola University New Orleans. His current research is focused on the play of violence and respect within justice. He can be reached at [parrish@loyno.edu](mailto:parrish@loyno.edu) <http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/theory_and_event/v007/7.4parrish.html>

Perhaps the single most telling quote from Hobbes on this point comes from *The Philosophical Rudiments Concerning Government and Society* (usually known by its Latin name, *De Cive*), in which he states that "to *know truth*, is the same thing as to *remember* that it was made by ourselves by the very usurpation of the words."24 "For Hobbes truth is a function of logic and language, not of the relation between language and some extralinguistic reality,"25 so the[se] "connections between names and objects are not natural."26 They are artificially constructed by persons, based on individual psychologies and desires. These individual desires [which] are for Hobbes the only measure of good and bad, because value terms "are **ever** used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves."27 Since "there are no authentical doctrines concerning right and wrong, good and evil,"28 these labels are placed upon things by humans in acts of creation rather than discovered as extrinsic facts.”

#### B) It is impossible to compare between normative claims since those claims start from functionally different claims, making it impossible to rationally debate between frameworks.JOYCE:

Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47.

This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain **“linguistic frameworks”** (as Carnap calls them) **bring** with them **new** terms and **ways of talking**: accepting the language of “things” licenses making assertions like “The shirt is in the cupboard”; **accepting mathematics allows one to say “There is a prime number greater than one hundred”**; accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionally **philosophers have interest**ed themselves **in** the external question – **the** issue of the adequacy of **[from] the framework itself:** “Do objects exist?”, “Does the world exist?”, “A**re there numbers?**”, “Are the propositions?”, etc. Carnap’s argument is that **the** external **question,** as it has been typically construed, **does not make sense.** From a perspective that accepts mathematics, the answer to the question “Do numbers exist?” is just trivially “Yes.”From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness,etc., of the adoption. But the (traditional) **philosopher’s questions** – “But is mathematics true?”, “Are there really numbers?” – **are pseudo-questions.** By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space. **To** step out of the thing language and **ask “But does the world exist?” is a mistake,** Carnap thinks, **because the very notion of “existence”** is a term which belongs to the thing language, and **can be understood only within that framework**, “hence this concept cannot be meaningfully applied to the system itself.” 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: **persons who dispute** whether propositions exist, **whether properties exist,** etc., do not know what they are arguing over, thus they **are not arguing over the truth of a proposition, but over the practical value of their** respective **positions.** Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

#### This precludes any derivation of an argument since those arguments are functionally impossible to compare themselves, making debate impossible.

#### The conclusion is adherence to the sovereign: since the sovereign's role is to provide a common meaning to notions like morality, the question of morality is the SAME question as the nature of the sovereign. PARRISH 2:

1. Rick Parrish 2.  2004  3.  The Johns Hopkins University Press  4. Derrida's Economy of Violence in Hobbes' Social Contract  5. 1/5/16 6. Pg 4-7. 7. Rick Parrish teaches at Loyola University New Orleans. His current research is focused on the play of violence and respect within justice. He can be reached at [parrish@loyno.edu](mailto:parrish@loyno.edu) http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/theory\_and\_event/v007/7.4parrish.html

All of the foregoing points to the conclusion that in the commonwealth **the sovereign's first and most fundamental job is to be the ultimate definer**. Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes' theory of government, Richard Flathman claims that **peace "is possible only if the ambiguity and disagreement that pervade general thinking and acting are eliminated by the stipulations of a sovereign**."57 Pursuant to debunking the perennial misinterpretation of Hobbes' mention of people as wolves, Paul Johnson argues that **"one of the primary functions of the sovereign is to provide the necessary unity of meaning and reference for the primary terms in which men try to conduct their social lives."58 "The whole *raison d'être* of sovereign helmsmanship lies squarely in the** chronic **defusing of interpretive clashes,"59 without which humans would** "fly off in all directions"60 and **fall inevitably into the violence of the natural condition.**”

#### If there is no sovereign, we can’t understand any relevant assertions of language, so all assertions would be true that’s Parrish 1 – other things being false doesn’t negate that the res is true. And, means it doesn’t make sense for something to be non-topical – asserting its topicality is sufficient absent a sovereign to arbitrate between truth functions. This is because the truth-value of a definition is ultimately arbitrary. We may be able to bicker over technicalities, but the only real way to determine what a word means is an appeal to authority. Unless there is an ultimate authority in the form of a sovereign that can express its will, there is only interpretive chaos.

#### And if there is no sovereign, then we can’t understand who is right with competing claims. In the absence of way of determining the relative truth of two competing statements, presume aff because the aff is providing a statement of the resolution i.e. Resolved: in the united states, the private ownership ought to banend that is true and there is no converse of the resolution that the neg is asserting so the only statement in play is mine.

#### And, individuals don’t have rights against the state. FEINBURG 70:

Première publication dans The journal of Value Inquiry, Vol.4 (1970), pp.243-57; repris dans Joel Feinberg,

Rights, justice, and the bounds of Liberty, Priceton University Press, Priceton, 1980, pp.159-184. La version

originale de cet article contient des italiques omis par cette version numérique.

Feinberg, Joel (a political and social philosopher who did groundbreaking work in the fields of individual rights and the authority of the state), and Jan Narveson. "The nature and value of rights." The Journal of Value Inquiry 4.4 (1970): pg 247. URL: <http://link.springer.com/article/10.1007%2FBF00137935> Date Accessed: Feb 13 2016

Surely, one might ask, rights have to come in somewhere, if we are to have even moderately complex forms of social organization. Without rules that confer rights and impose obligations, how canwe [can] have ownership of property, bargains and deals, promises and contracts, appointments and loans, marriages and partnerships? Very well, let us introduce all of these social and economic practices into Nowheresville, but with one big twist. With them I should like to introduce the curious notion of a "sovereign right-monopoly." You will recall that the subjects in Hobbes's Leviathan had no rights whatever against their sovereign. He could do as he liked with them, even gratuitously harm them, but this gave them no valid grievance against him. The sovereign, to be sure, had a certain duty to treat his subjects well, but this duty was owed not to the subjects directly, but to God, just as we might have a duty to a person to treat his property well, but of course no duty to the property itself but only to its owner. Thus, while the sovereign was quite capable of harming his subjects, he could commit no wrong against them that they could complain about, since they had no prior claims against his conduct. The only party wronged by the sovereign’s mistreatment of his subjects was God, the supreme lawmaker. Thus, in repenting cruelty to his subjects, the sovereign might say to God, as David did after killing Uriah, "to Thee only have I sinned."4 Even in the Leviathan, however, ordinary people had ordinary rights against one another. They played roles, occupied offices, made agreements, and signed contracts. In a genuine "sovereign right-monopoly," as I shall be using that phrase. they will do all those things too, and thus incur genuine obligations toward one another; but the obligations (here is the twist) will not be owed directly to promises, creditors, parents, and the like, but rather to God alone, or to the members of some elite, or to a single sovereign under God. Hence, the rights correlative to the obligations that derive from these transactions are all owned by some "outside" authority. As far as I know, no philosopher has ever suggested that even our role and contract obligations (in this, our actual world) are all owed directly to a divine intermediary, but some theologians have approached such extreme moral occasionalism. I have in mind the familiar phrase in certain widely distributed religious tracts that "it takes three to marry." which suggests that marital vows are not made between bride and groom directly but between each spouse and God, so that if one breaks his vow, the other cannot rightly complain of being wronged, since only God could have claimed performance of the marital duties as his own due; and hence God alone had a claimright violated by nonperformance. If John breaks his vow to God, he might then properly repent in the words of David: "To Thee only have I sinned."

#### States define moral force, so, conditions that restrict sovereign choice are bad by definition since whenever they would come up they would be defined as wrong. But that’s just what rights are, so my framework means we can’t have rights.

### Part Two: Absolute Property Rights Fail:

#### Absolute property rights are inconsistent with the pursuit of any moral values as they render maxims incoherent. JULIUS 15:

Julius, A.J. “Independent People In Kisilevsky And Stone”. (Eds.). *Freedom And Force: Essays On Kant’s Legal Philosophy,* Forthcoming.

1. Julius, A.J. 2. 2015 3. Kisilevsky and Stone, forthcoming 4. Independent people 5. 2/2/16 6. <http://www.ajjulius.net/papers/independent%20people.pdf> 7. Professor of Philosophy at UCLA [and] 8. Still forthcoming 1-18

Whatever its force against usufruct this argument from independence is no reason to settle for property. Property draws the same objection. Suppose that I can come to own a thing by claiming or receiving a title to it that I enjoy independently of any actual or planned use of the thing. Suppose that I don’t in this way own any mushrooms and that I can’t grow [any] mushrooms using only what’s mine. It may be that I can now take up the purpose of making a mushroom omelette. I can [only make an omelette] do that if I see the task as falling in my power. The task is in my power if I have some way of inducing the inputs’ current owners to hand them over to me. Or if I can grab the ingredients and cook them up before anyone grabs them back. But of course I lack any right against others that they fall in with this plan. No one wrongs me, under property, by declining to pass me the mushrooms she owns. A mushroom owner is in her rights to hide or lock her stuff away, to drive me off when I try to use it, to recover it by force if I succeed briefly in taking it over. She is entitled to do what hinders my use of the mushrooms. But I can set the omelette as an end only if she won’t hinder my use of the mushrooms. So I who own no mushrooms lack an entitlement against others that I set myself the end of a mushroom omelette. In the supermarket aisles of our actual property society you will presumably encounter persons who have set particular suppers as their ends although they do not yet own the ingredients. “Why you are putting those mushrooms in that cart?” “I’m making a mushroom omelette tonight.” A shopper like this has managed to set out after her gastronomic end because she could see it as falling within her power. She was thinking that an offer of cash for the ingredients would move the grocer to give them up. When a shopper purchases the ingredients, the onetime owners relinquish their rights to interfere with her cooking. She finally enjoys against them a right that they not withhold the means to her purpose. She has the makings not only of an omelette but of the right to set herself the omelette-making end. But again that right has come too late. If the means were bought for the sake of the end, the end was set before she had a right against others to set it. Perhaps the new owner of the ingredients enjoys a right to affirm the end she’s already pursuing and to carry on with it. But if this is true it’s true thanks to the accommodating particular choices of farmers and merchants. She owes her achievement of her right to do what she was already doing to the forbearance of persons who, after she’d set the end but before she’d bought the means, were entitled to act in ways that would have shut her project down. A[n] typical putative end-affirming right in the property society bears a strong resemblance to the would-be **end-affirming right that’s characteristic of usufruct. The right takes hold only once I’ve bought the things my purposes demand, and so it typically follows and depends on rather than preceding or protecting my initial pursuit of the purpose. And I only ever achieve the right if and because the others choose to part with their goods despite their entitlements to hold on to them**. If like **me and perhaps like** Ripstein you think **th**at a right to set ends has got to come[s] first and that it’s necessarily invulnerable to other persons’ particular choices, then like me you should worry that property puts such independence out of reach. Independence will

#### A restriction of property rights is instrumental to pursuing agent’s ends because absolute property rights restrict agents’ ability to set and pursue their own ends. Instead, there cannot be an inherent right to property and we must look to other systems.

#### The solution is a system of usufructuary rights, a system of rights in which property is leased for individuals use, but becomes freely available when agents don't use it. Prefer this since the state cannot arbitrate property disputes through innate systems of self-owned right. Rather, property rules must maximize labor while checking excess privilege. CARSON 12:

In Defense — Such As It Is — Of Usufructory Land Ownership. [Kevin Carson](http://bleedingheartlibertarians.com/author/kevin-carson/). April 26, 2012. Bleeding Heart Libertarians.

1. Kevin Carson 2. April 26, 2012 3. Bleeding Heart Libertarians 4. In Defense — Such As It Is — Of Usufructory Land Ownership 5. 1/30/2106  6. <<http://bleedingheartlibertarians.com/author/kevin-carson/%22%20%5Co%20%22Posts%20by%20Kevin%20Carson>>.  7. Prominent and well respected libertarian philosophy 8. N/A website

I still agree with Bill Orton’s argument, stated about ten years ago, that **no particular set of property rules can be** logically **deduced from self-ownership and nonaggression**. (His arguments were set forth on several now-defunct libertarian message boards, but you can find his website here.) Orton argued that the basic principles of self-ownership and nonaggression were compatible with any number of different property rules systems. **Those principles had to be applied to a particular** property rights **template to determine who the “aggressor” and “victim” were in any instance**. In a mutualist, occupancy-and-use system, a self-styled landlord attempting to collect rent would be the aggressor, invading the property rights of the occupant-user. But in an identical instance, in a non-Proviso Lockean system, the occupant – or squatter – might well be considered the aggressor. Since no particular set of land **[thus] property rules** can be deduced from fundamental moral axioms, they **must be evaluated on** utilitarian or practical grounds: i.e., **the extent to which they maximize other**, fundamental **moral principles**. The chief normative values I believe **a property rights regime should optimize** are to guarantee to the greatest extent possible the ability of the owner to recoup her **labor input** (in the form of buildings and improvements) from the land, **and** to **minimize** the amount of **overall privilege** and rent extraction. All the principled systems of land Property rules – occupancy-and-use, non-Proviso Lockeanism, and Georgism – are designed to **[to] take into account**, in one way or another, a unique characteristic of land: **the immobility [of labor]. The occupant** of a piece of land **cannot pick up** the **labor** she has embedded in it, in the form of buildings and improvements, **and take it with her when she decides to quit** it.

#### This affirms, because no one truly owns property as it is simply leased to them by the state according to their need. This means that if there are rights and that guns are good, that we solve for all neg harms because it’s better to lease them than to give actual ownership.

#### And, to create a conception of any idea – we need constantly destruct and reconstruct of rules in order to adapt to any situation. DERRIDA 02:

Derrida, Jacques. 2002. “Force of Law: The ‘Mystical Foundation of Authority’.” Cardozo Law Review 11 (919): pg 961 <http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=12487&sr=TITLE(%22Force%20of%20law%20the%20mystical%20foundation%20of%20authority%27%22)%20and%20date%20is%202002> date accessed feb 14 2016 Jacques Derrida is the prominent recognizable philosopher for post structuralism

**To be just, the decision** of a judge, for example**, must not only follow a rule** of law or a general law **but must also** assume it, approve it, **confirm its value, by a** reinstituting act of interpretation, as if ultimately nothing previously existed of the law, as if the judge himself invented the law in every case. No exercise of justice as law can be just unless there is a “fresh judgment” (I borrow this English expression from Stanley Fish’s article, “Force,” in doing what comes naturally). This “fresh judgment” can very well- must very well- conform to a preexisting law, but the reinstituting, reinventive and freely decisive interpretation, the responsible interpretation of the judge requires that his “justice” not just consist in conformity, in the conservative and reproductive activity of judgment. In short, **for a decision to be just** and responsible, **it must**, in its proper moment if there is one, be both regulated and without regulation: it must **conserve the law and also destroy it** or suspend it enough to have reinvent it if the reaffirmation and the new and free confirmation of its principle Each case is other, each decision is different and requires an absolutely unique interpretation, **which no existing, coded rule can or ought to guarantee absolutely.** At least, if **the rule guarantees it in no uncertain terms,** so that the judge is a calculating machine, which happens, and **we will not say that he is just,** free and responsible, **But we also won’t say if he doesn’t refer to any** law, to any **rule** or if, because he doesn’t take any rule for granted beyond his own interpretation**, he suspends his decision,** stops short before the undecidable or if he improvises and leaves aside all rules, all principles.It follows from this paradox that **there is never a moment that we can say in the present that a decision is just** (that is, free and responsible), **or that someone is just a [hu]man-** even less,“ I am with a state of law, with the rules and conventions that authorize calculation but whose founding origin only defers the problem of justice. For in the founding of law or its institution, the same problem of justice will have been posed and violently resolved, that is to say buried, dissimulated, repressed. Here the best paradigm is the founding of the nation states, or the institutive act of a constitution that establishes what one calls in French l’et at de droit.

Two impacts: A) We can’t think of property rights as inviolable because that would imply a stable law prior to the decision of a judge. Justice only occurs in the moment of decision, it is not reliant on a property right existing separate from the decision. B) Attempts to make rules extend beyond specific instances is incoherent; we cannot make decisions about individual moments on the basis of future moments. This means the project of debate theory is incoherent because it is reliant on the idea of creating norms.

### Part Three: Property Rights are Unjust:

#### 1. Ownership requires us to believe an individual has some absolute authority over an object, but that authority is unjustified. They only received it from someone else, which didn’t have the authority in the first place. This is true because individuals don't have determinative claims for the disposition of property. Rose[[1]](#footnote-1) 85

1. Carol Rose 2. Winter 1985 3. The University of Chicago Law Review 4. Possession as the Origin of Property 5. 1/30/2016  6. http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2829&context=fss\_papers 7. Prominent Legal theorist at the university of chicago [and] 8. 73-88

“How do things come to be **owne[rship]**d? This **is a fundamental puzzle**for anyone who thinks about property. One buys things from other owners, to be sure, but how did the other owners get those things? **Any chain of**ownership or **title must have a first link. [and] [s]omeone had to do something to anchor that link.**The law tells us what steps we must follow to obtain ownership of things, but we need a theory that tells us why these steps should do the job. John Locke’s view, once described as ‘**[T]he standard**bourgeois **theory,**’ **is**probably the one most familiar to American students. Locke argued **that an original owner is one who mixes**his or her**labor with a thing and**, by commingling that labor with the thing, **[thereby] establishes ownership of it.**This labor theory is appealing because it appears to rest on ‘desert,’ **[B]ut it has some problems.** First, without a prior theory of ownership, it is not self-evident that one owns even the labor that is mixed with something else. Second, even if one does own the labor that one performs, the labor theory provides no guidance in determining the scope of the right that one establishes by mixing one’s labor with something else. Robert Nozick illustrates this problem with a clever hypothetical. **Suppose I pour a can of tomato juice into the ocean: do I now own the seas?”**

#### 2. Original acquisition – the act of claiming an unowned object as yours for the first time leads to a double bind either A) acquisition is unjust so anyone who does so is wrong and they have no property right that must be respected or B) the taking is just, which means taking property that doesn’t yet belong to you is permissible which also eliminates the notion of property rights.

#### 3. Inheritance is an inevitable feature of property rights since people give up their property rights. But inheritance is inherently unfair since people are granted more or less based on their social position and their birthright, which is random and not an individual’s choice, so property rights are unjust.

#### 4. Property rights result in infinite regress since things you won have been rightfully owned by people before you, and will be owned by someone after you. Thus there’s never a single thing that belongs to you yourself. Additionally, since every person’s identity is defined by their experiences, which constantly fluctuates as memories are altered or added, individuals are not even capable of bearing unique property rights since each individual exists in their current state for only moments.

## Underview:

#### 1. Don’t evaluate embedded clash, new interaction between 1nc arguments in the 2nr, and new arguments in the 2nr. The brightline for embedded clash is whether the judge has an argument on their flow next to the extended arguments. There’s infinite ways that the 1nc can interact their arguments – kills predictability because I can’t predict all applications to arguments.

#### 2. The role of the judge and ballot is to vote for the debater who best defends the truth or falsity of the resolution on a post fiat level on the flow. The aff burden is to prove the resolution true; the neg’s burden is to prove its falsity.

#### Text: Dictionary.com[[2]](#footnote-2) define to negate as to deny the truth of which means the sole judge obligation is to vote on the resolution’s truth or falsity. This outweighs on common usage – it is abundantly clear that our roles are verified. As per the resolution, only post-fiat offense is relevant. Only arguments that link to this burden are relevant so it’s the only distributions we have coming in the round.

#### 3. The neg must not question the validity of the affs theory arguments with fairness or education implications in the AC, to clarify this means no shells that indict my theory arguments in the aff. Key to aff strat because the way the LD community has evolved forces the aff to invest a significant amount of time into precluding certain NC positions and strategies, otherwise they are always subject to infinite abuse coming out of the 1N with no arguments they can possibly leverage against them. AC theory spikes are key to checking back infinite NC abuse because they either A) discourage the neg from running blatantly abusive positions in the first place or B) allows the aff to leverage theory arguments in the 1AR to combat the skew. Strat skew is key to fairness because one debater having strategic advantages over the other arbitrarily skews the round in their favor.

#### 4. Presume aff:

#### A. Since we intuitively assume statements to be true than false – if I told you my name you’d assume that statement true unless there was some counter evidence to prove otherwise. Prefer substantive reasons to presume over theoretical since if I win that we ought to see the resolution as true then the debate isn’t a tie.

#### B. To affirm is defined by Dictionary.com[[3]](#footnote-3) as “to express agreement with or commitment to uphold; support” meaning that we affirm if there is no negative offense because it can still be upheld.

#### C. The neg has the strategic advantage of being able to mold its advocacy based on the AC, while the aff comes into their first speech essentially blind and can open new layers of the debate such as theory that make the AC irrelevant and take away 6 minutes of aff speech time.

1. Rose 85 [Carol, "Possession as the Origin of Property," The University of Chicago Law Review 52.1, p. 73-88, Winter 1985] [↑](#footnote-ref-1)
2. 1. No author 2. No publication date 3. Dictionary.com 4 negate 5. Accessed: 2/14/16 6. http://dictionary.reference.com/browse/negate 7. No author – one of the most leading dictionaries 8. No page numbers [↑](#footnote-ref-2)
3. http://dictionary.reference.com/browse/affirm?s=t [↑](#footnote-ref-3)