## Kant

### Should Means Anything/Everything – 2AC

**3. Their reading is just one use of “should.”**

Gilbert **Harman 75**, Professor, "Moral Relativism Defended," The Philosophical Review, vol. 84, no. 1, 01/01/1975, pp. 3-22, https://www.jstor.org/stable/2184078

The sentence "They ought not to go around killing people" is therefore multiply ambiguous. It can mean that one would not expect them to do so (the "ought" of expectation), that it is not in their interest to do so (the "ought" of rationality), that it is a bad thing that they do so (the normative "ought to be"), or that they are wrong to do so (the moral "ought to do"). For the most part I am here concerned only with the last of these interpre- tations.

The word "should" behaves very much like "ought to." There is a "should" of expectation ("They should be here soon"), a "should" of rationality ("He should go in by the back door"), a normative "should be" ("They shouldn't go around killing people like that"), and the moral "should do" ("You should keep that promise"). I am of course concerned mainly with the last sense of "should."

### Should Means Anything (Recuttings) - 1AR

#### Should also means our interp!

**1NC Collins Dictionary**, “When do you use 'should' in English?”, No Date, <https://grammar.collinsdictionary.com/us/easy-learning/when-do-you-use-should-in-english>) rose

The modal verb should is used in the following ways:

to talk about moral obligation.

They should do what you suggest.

People should report this sort of thing to the police.

She suggested we should visit Aunty Irene more often.

Rob insisted that we should think of others before ourselves.

[THEIR CARDS ENDS HERE]

to give advice or instructions.

You should undo the top screws first.

You should keep your credit card in a safe place.

to suggest that something follows on logically from what has just been said.

They left here at 6 o’clock, so they should be home now.

to show politeness in a conditional clause. This use is common in formal written communication.

If you should decide to go, please contact us.

Should you need more information, please call the manager.

Should can be used with the main verb after certain set expressions such as, it is a pity that, it is odd that, I am sorry/surprised that. This is a more formal use than the same expression without should.

It’s a pity that this should happen.

I was quite surprised that he should be doing a job like that.

Should + the perfect form of the main verb can be used to express regret about something that was done or not done. Compare with ought to.

He should have stopped at the red light.

You should have told me you were ill.

When changing sentences from direct to reported speech, should does not change.

Anna said that I should try to relax more.

In formal English, should can be used with I or we in conditional clauses, instead of the more common would. This form is usually, but not always, found together with an if clause.

I should love to visit Peru if I had the money.

I should be very cross if they didn’t give me a certificate.

We should hate to miss the play.

In this sense, would is more common in modern spoken English.

I would love to visit Peru.

I would be very cross if they didn’t give me a certificate.

We would hate to miss the play.

#### Ought has 5 meanings (Yellow referenced in 2AR)

Collins Dictionary no date, comprehensive print and online dictionary (“ought: in American English,” accessed 1/18/2026, https://www.collinsdictionary.com/us/dictionary/english/ought#google\_vignette) //Rock Chalk

ought in American English

(ɔt)

auxiliary verb

1.

(used to express duty or [moral](https://www.collinsdictionary.com/us/dictionary/english/moral) obligation)

Every citizen ought to help

2.

(used to express [justice](https://www.collinsdictionary.com/us/dictionary/english/justice), moral rightness, or the like)

He ought to be punished

You ought to be ashamed

3.

(used to express [propriety](https://www.collinsdictionary.com/us/dictionary/english/propriety), appropriateness, etc.)

You ought to be home early

We ought to bring her some flowers

4.

(used to express probability or [natural](https://www.collinsdictionary.com/us/dictionary/english/natural) [consequence](https://www.collinsdictionary.com/us/dictionary/english/consequence))

That ought to be our train now

noun

5.

duty or obligation

### Interp – Should – 2AC

**2. Should expresses desirability.**

**Cambridge ND**. Cambridge Dictionary. “Should.” https://dictionary.cambridge.org/us/dictionary/english/should

used to express that it is necessary, desirable, or important to perform the action of the following verb:

### AT: Determinism – 1AR

**Determinism is not true---multiple experiments.**

Michael **Egnor 19**. American Pediatric Neurosurgeon, Advocate of Intelligent Design, Discovery Institute. “But Is Determinism True?” Mind Matters. 2-20. https://mindmatters.ai/2019/02/but-is-determinism-true/

In 1964, Irish physicist John Bell (1928–1990) published a paper titled “On the Einstein Podolsky Rosen Paradox”. In it, he observed that there is a way to test determinism at the quantum level by measuring the ratio of quantum states of particles emitted by radioactive decay.1 Bell’s experiment has now been done many times, and the answer is unequivocal: determinism at the quantum level is not true. Nature is not deterministic.

The experiments showed that every quantum process entails some degree of “indeterminism”; that is, there are predictable probabilities but there is never certainty. If we knew the exact state of the universe at any given moment, we could still never know with certainty what would happen next. Technically, this means that there are no local “hidden variables” which really govern how things happen, as many determinists (including Albert Einstein) had hoped.

Determinism in nature has been shown, scientifically, to be false. There is no real debate about this among physicists. So the question as to whether determinism, if it really existed, would be compatible with free will is merely an academic question, an interesting bit of metaphysical speculation.

**Even if determinism is true---the epistemic and arbitrariness objections ensure free will.**

Matthew **Van Cleave 19**. Professor of Philosophy, Lansing Community College. “The Problem of Free Will and Determinism.” Introduction to Philosophy. 8-18. https://pressbooks.online.ucf.edu/introductiontophilosophy/chapter/the-problem-of-free-will-and-determinism/

Compatibilism

The best argument for compatibilism builds on a consideration of the difficulties with the incompatibilist definition of free will (which both the libertarian and the hard determinist accept). As defined above, compatibilists agree with the hard determinists that determinism is true, but reject the incompatibilist definition of free will that hard determinists accept. This allows compatbilists to claim that free will is compatible with determinism. Both libertarians and hard compatibilists tend to feel that this is somehow cheating, but the compatibilist attempts to convince us arguing that the strong incompatibilist definition of freedom is problematic and that only the weaker compatibilist definition of freedom—free actions are voluntary actions—will work. We will consider two objections that the compatibilist raises for the incompatibilist definition of freedom: the epistemic objection and the arbitrariness objection. Then we will consider the compatibilist’s own definition of free will and show how that definition fits better with some of our common sense intuitions about the nature of free actions.

The epistemic objection is that there is no way for us to ever know whether any one of our actions was free or not. Recall that the incompatibilist definition of freedom says that a decision is free if and only if I could have chosen otherwise than I in fact chose, given exactly all the same conditions. This means that if we were, so to speak, rewind the tape of time and be given that decision to make over again, we could have chosen differently. So suppose the question is whether my decision to make a cheese omelet for breakfast was free. To answer this question, we would have to know when I could have chosen differently. But how am I supposed to know that? It seems that I would have to answer a question about a strange counterfactual: if given that decision to make over again, would I choose the same way every time or not? How on earth am I supposed to know how to answer that question? I could say that it seems to me that I could make a different decision regarding making the cheese omelet (for example, I could have decided to eat cereal instead), but why should I think that that is the right answer? After all, how things seem regularly turn out to be not the case—especially in science. The problem is that I don’t seem to have any good way of answering this counterfactual question of what I would choose if given the same decision to make over again. Thus the epistemic objection[4] is that since I have no way of knowing whether I would/wouldn’t make the same decision again, I can never know whether any of my actions are free.

The arbitrariness objection is that it turns our free actions into arbitrary actions. And arbitrary actions are not free actions. To see why, consider that if the incompatibilist definition is true, then nothing determines our free choices, not even our own desires. For if our desires were determining our choices then if we were to rewind the tape of time and, so to speak, reset everything—including our desires—the same way, then given those same desires we would choose the same way every time. And that would mean our choice was not free, according to the incompatbilist. It is imperative to remember that incompatibilism says that if an action is not free if it is determined (including if it is determined by our own desires). But now the question is: if my desires are not causing my decision, what is? When I make a decision, where does that decision come from, if not from my desires and beliefs? Presumably it cannot come from nothing (ex nihilo nihil fit). The problem is that if the incompatibilist rejects that anything is causing my decisions, then how can my decisions be anything but arbitrary?

## Substantial

### AT: Violate Considerable – 2AC

#### c. GRAMMAR---generic statements are proven true by subsets.

Andrei Cimpian 10, Amanda C. Brandone, Susan A. Gelman, Generic statements require little evidence for acceptance but have powerful implications, Cogn Sci. 2010 Nov 1; 34(8): 1452–1482

Generic statements (e.g., “Birds lay eggs”) express generalizations about categories. In this paper, we hypothesized that there is a paradoxical asymmetry at the core of generic meaning, such that these sentences have extremely strong implications but require little evidence to be judged true. Four experiments confirmed the hypothesized asymmetry: Participants interpreted novel generics such as “Lorches have purple feathers” as referring to nearly all lorches, but they judged the same novel generics to be true given a wide range of prevalence levels (e.g., even when only 10% or 30% of lorches had purple feathers). A second hypothesis, also confirmed by the results, was that novel generic sentences about dangerous or distinctive properties would be more acceptable than generic sentences that were similar but did not have these connotations. In addition to clarifying important aspects of generics’ meaning, these findings are applicable to a range of real-world processes such as stereotyping and political discourse.

1. Introduction

A statement is generic if it expresses a generalization about the members of a kind, as in “Mosquitoes carry the West Nile virus” or “Birds lay eggs” (e.g., Carlson, 1977; Carlson & Pelletier, 1995; Leslie, 2008). Such generalizations are commonplace in everyday conversation and child-directed speech (Gelman, Coley, Rosengren, Hartman, & Pappas, 1998; Gelman, Taylor, & Nguyen, 2004; Gelman, Goetz, Sarnecka, & Flukes, 2008), and are likely to foster the growth of children’s conceptual knowledge (Cimpian & Markman, 2009; Gelman, 2004, 2009). Here, however, we explore the semantics of generic sentences—and, in particular, the relationship between generic meaning and the statistical prevalence of the relevant properties (e.g., what proportion of birds lay eggs).

Consider, first, generics’ truth conditions: Generic sentences are often judged true despite weak statistical evidence. Few people would dispute the truth of “Mosquitoes carry the West Nile virus”, yet only about 1% of mosquitoes are actually carriers (Cox, 2004). Similarly, only a minority of birds lays eggs (the healthy, mature females), but “Birds lay eggs” is uncontroversial. This loose, almost negligible relationship between the prevalence of a property within a category and the acceptance of the corresponding generic sentence has long puzzled linguists and philosophers, and has led to many attempts to describe the truth conditions of generic statements (for reviews, see Carlson, 1995; Leslie, 2008).

### Substantial Interp – 2AC

#### 4. Substantial is considerable.

Shannon Prost 4, Judge at the United States Court of Appeals of the Federal Circuit, "Committee for Fairly Traded Venezuelan Cement, Plaintiff-Appellant, v. United States, Defendant-Appellee, and Cemex Venezuela, S.A.C.A. ('Vencemos'), Defendant-Appellee," 06/18/2004, http://www.ll.georgetown.edu/federal/judicial/fed/opinions/04opinions/04-1016.html

The URAA and the SAA neither amend nor refine the language of § 1677(4)(C). In fact, they merely suggest, without disqualifying other alternatives, a “clearly higher/substantial proportion” approach. Indeed, the SAA specifically mentions that no “precise mathematical formula” or “‘benchmark’ proportion” is to be used for a dumping concentration analysis. SAA at 860 (citations omitted); see also Venez. Cement, 279 F. Supp. 2d at 1329-30. Furthermore, as the Court of International Trade noted, the SAA emphasizes that the Commission retains the discretion to determine concentration of imports on a “case-by-case basis.” SAA at 860. Finally, the definition of the word “substantial” undercuts the CFTVC’s argument. The word “substantial” generally means “considerable in amount, value or worth.” Webster’s Third New International Dictionary 2280 (1993). It does not imply a specific number or cut-off. What may be substantial in one situation may not be in another situation. The very breadth of the term “substantial” undercuts the CFTVC’s argument that Congress spoke clearly in establishing a standard for the Commission’s regional antidumping and countervailing duty analyses. It therefore supports the conclusion that the Commission is owed deference in its interpretation of “substantial proportion.” The Commission clearly embarked on its analysis having been given considerable leeway to interpret a particularly broad term.

**Substantial is meaningless.**

Jeffrey **Lehrberg 19**, Ph.D., University of California--Irvine; J.D., Wayne State University Law School, "One is the Loneliest Number That You'll Ever Do: Determining a Substantial Number of Components Under 35 U.S.C. § 271(f)(1) After Life Technologies Corp. v. Promega Corp.," Wayne Law Review, vol. 64, Winter 2019, pp. 503-519, Lexis

A. The Problem of "Substantial"

In lamenting his so-called mental disease, the protagonist of Edgar Allen Poe's "Berenice," describes one of his afflictions as having "to repeat, monotonously, some common word, until the sound, by dint of frequent repetition, ceased to convey any idea whatever to the mind . . . " 109 Here, Poe's protagonist might as well have been describing the word "substantial" as it is used in the legal profession, for the term has become ubiquitous notwithstanding a lack of consensus on its meaning. Indeed, a search for the term "definition of substantial" on the legal website Westlaw returns 110,637 hits. 110 And, as one scholar has put it, the term [\*517] "substantial" has no permanent definition, but instead "signifies a rancorous philosophical debate that has raged since ancient Greece." 111

The Oxford English Dictionary 112 defines substantial as (1) "[o]f considerable importance, size, or worth;" (2) "[c]oncerning the essentials of something;" (3) "[r]eal and tangible rather than imaginary." 113 In his analysis of the use of the word substantial, Michael Malaguti proposed that the word traces its roots to the classics, and those philosophers' attempts to define the meaning of "substance." 114 Here, Malaguti argues that both Plato and Aristotle focus on essence and "what lies beneath," as opposed to size. 115

One of the major issues of Life Technologies--whether "substantial" carries a qualitative or quantitative meaning--is reflected in the Oxford Dictionary definitions, with the first definition pertaining to quantity (e.g., size), and the second definition pertaining to quality (e.g., "the essentials of something"). 116

In Life Technologies, Promega argued that the term "substantial" as it applied to § 271(f)(1) required a "case-specific factual analysis, [and] not a rigid numerical threshold." 117 Promega reiterated the Federal Circuit's holding, namely, that "'there are circumstances in which a party may be liable under § 271(f)(1) for supplying . . . a single component for combination outside the United States,' and that 'based on the facts of this particular case,' a reasonable jury could have found Life Technologies liable." 118 In addition to providing a slew of favorable dictionary definitions, Promega put forth examples wherein courts had used a case-specific assessment to determine a substantial portion or [\*518] significant portion. 119 For example, Promega pointed to the use of a case-by-case analysis to determine whether "a substantial portion of a [tax] return" had been prepared by an individual for purposes of determining a "tax return preparer," and the case-by-case analysis regarding whether "all or a significant portion of [an endangered species'] range" was threatened for purposes of determining whether said species was endangered. 120 Promega certainly made a compelling argument for imbuing "substantial" with a qualitative meaning in some circumstances, not only by citing persuasive examples, but in an intuitive sense as well: for isn't a delicious meat-patty the substantial portion of a hamburger?

Promega--along with the Federal Circuit, and several random people on the street when surveyed 121 --endorsed the Aristotelian view of substantial that "with respect to any substance, [people] can typically distinguish between properties that are essential for the thing to be the kind of thing it is and properties that are inessential." 122

The Court rejected Promega's argument, and, in a clever procedural twist, removed even the possibility of future courts taking a case-by-case or fact-specific approach to whether a single item constitutes a "substantial portion" under § 271(f)(1). 123 In its analysis, the Court took a methodical approach, "turn[ing] to [the] ordinary meaning" of the word substantial, because the "Patent Act itself [did] not define the term." 124 Despite looking to the ordinary or common meaning, the Court found that there was no agreement when it came to the term "substantial," and that when "taken in isolation, [the term] might refer to an important portion or to a large portion." 125 The Court next turned to the use of the [\*519] term in the statute, which it held connotes a quantitative meaning based on the neighboring terms, and the way in which the statute was written. 126 Here, the Court commented on how § 271(f)(1) "consistently refers to 'components' in the plural," and moreover, that §§ 271(f)(1) and (f)(2) "work in tandem . . . [w]hereas § 271(f)(1) refers to 'components,' plural, § 271(f)(2) refers to 'any component,' singular." 127

Upon deciding that "'substantial portion' refers to a quantitative measurement" the Court proceeded to analyze the facts of the case under its newfound rubric, namely, "whether, as a matter of law, a single component can ever constitute a 'substantial portion' so as to trigger liability under § 271(f)(1)." 128 Here, by holding "as a matter of law," the Court made the question of whether a single component counts as substantial, a legal question, subject to de novo review, with no deference below; in other words, the Court removed single-component analysis out of the fact-finding realm, or "case-specific" realm (as Promega would have it, e.g., with the finder-of-fact deciding whether a single component is substantial), and made it a "purely legal exercise--always decided by the judge as a matter of law and never raising a question of fact." 129

One of the Court's problems with Promega's argument was that a case-specific test would provide no clear line for courts "to determine the relative importance of the components of an invention" or "for that matter, market participants attempting to avoid liability." 130 However, as the holding of Life Technologies did not "define how close to 'all' of the components 'a substantial portion' must be," a new problem has arisen: how many after a single component is substantial? 131 Since the holding of Deepsouth, and the subsequent passage of § 271(f), commentators have attempted to answer this question. 132