# NC

#### Ethical Internalism is true:

#### 1. Epistemology – A) Equality – Externalism incorrectly assumes certain individuals have stronger epistemic access to moral truths which justifies the exclusion of those individuals from the creation of ethics and B) Inaccessibility – There is no universal character of moral judgements that is epistemically accessible since every argument for its existence presumes the correct normative starting point. Markovits 14, Markovits, Julia. Moral reason. Oxford University Press, 2014.//Scopa Relatedly, internalism about reasons seems less presumptive than externalism. We should not assume that some of us have special epistemic access to what matters, especially in the absence of any criterion for making such a judgment. It’s better to start from the assumption, as internalism does, that everyone’s ends are equally worthy of pursuit – and correct this assumption only by appealing to standards that are as uncontroversial as possible. According to externalism about reasons, what matters normatively – that is, what we have reason to do or pursue or protect or respect or promote – does not depend in any fundamental way on what in fact matters to us – that is, what we do do and pursue and protect and respect and promote. Some of us happen to be motivated by what actually matters, and some of us are “wrongly” motivated. But externalists can offer no explanation for this supposed difference in how well we respond to reasons – no explanation of why some of us have the right motivations and some of us the wrong ones – that doesn’t itself appeal to the views about what matters that they’re trying to justify. (They can explain why some people have the right motivations by saying, e.g., that they’re good people, but that assumes the truth of the normative views that are at issue.22) A comparison to the epistemic case helps bring out what is unsatisfactory in the externalist position. We sometimes attribute greater epistemic powers to some people than to others despite not being able to explain why they’re more likely to be right in their beliefs about a certain topic. Chicken-sexing is a popular example of this among philosophers. We think some people are more likely to form true beliefs about the sex of chickens than others even though we can’t explain why they are better at judging the sex of chickens. But in the case of chicken-sexing, we have independent means of determining the truth, and so we have independent verification that chicken-sexers usually get things right. Externalism seems to tell[s] us that some of us are better reasons- sensors than others, but without providing the independent means of determining which of us are in fact more reliably motivated by genuine normative reasons (or even that some of us are).

#### 2. Motivation – A) Externalist notions of ethics collapse to internal since the only reason agents follow external demands is those demands are consistent with their internal account of the good. Motivation is a necessary feature for ethics since normativity only matters insofar as agents follow through on the ethic that’s generated from it B) Empirics – there is no factual account of the good since each agents’ motivations are unique and there has been no conversion of differing beliefs into a unified ethic.

#### Thus, agents justify their actions based on individual moral preferences and deal with ethical dilemmas by prioritizing certain beliefs. It’s a constitutive feature of humanity to rationally maximize value under a particular index of the good. Gauthier 98, David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998, ///AHS PB //Recut by Scopa Fortunately, I do not have to defend normative foundationalism. One problem with accepting moral justification as part of our ongoing practice is that, as I have suggested, we no longer accept the world view on which it depends. But perhaps a more immediately pressing problem is that we have, ready to hand, an alternative mode for justifying our choices and actions. In its more austere and, in my view, more defensible form, this is to show that choices and actions maximize the agent ’s expected utility, where utility is a measure of considered preference. In its less austere version, this is to show that choices and actions satisfy, not a subjectively defined requirement such as utility, but meet the agent ’ s objective interests. Since I do not believe that we have objective interests, I shall ignore this latter. But it will not matter. For the idea is clear; we have a mode of justification that does not require the introduction of moral considerations. 11 Let me call this alternative nonmoral mode of justification, neutrally, deliberative justification. Now moral and deliberative justification are directed at the same objects – our choices and actions. What if they conflict? And what do we say to the person who offers a deliberative justification of his choices and actions and refuses to offer any other? We can say, of course, that his behavior lacks moral justification, but this seems to lack any hold, unless he chooses to enter the moral framework. And such entry, he may insist, lacks any deliberative justification, at least for him. If morality perishes, the justificatory enterprise, in relation to choice and action, does not perish with it. Rather, one mode of justification perishes, a mode that, it may seem, now hangs unsupported. But not only unsupported, for it is difficult to deny that deliberative justification is more clearly basic, that it cannot be avoided insofar as we are rational agents, so that if moral justification conflicts with it, morality seems not only unsupported but opposed by what is rationally more fundamental. Deliberative justification relates to our deep sense of self. What distinguishes human beings from other animals, and provides the basis for rationality, is the capacity for semantic representation. You can, as your dog on the whole cannot, represent a state of affairs to yourself, and consider in particular whether or not it is the case, and whether or not you would want it to be the case. You can represent to yourself the contents of your beliefs, and your desires or preferences. But in representing them, you bring them into relation with one another. You represent to yourself that the Blue Jays will win the World Series, and that a National League team will win the World Series, and that the Blue Jays are not a National League team. And in recognizing a conflict among those beliefs, you find  rationality thrust upon you. Note that the first two beliefs could be replaced by preferences, with the same effect. Since in representing our preferences we become aware of conflict among them, the step from representation to choice becomes complicated. We must, somehow, bring our conflicting desires and preferences into some sort of coherence. And there is only one plausible candidate for a principle of coherence – a maximizing principle. We order our preferences, in relation to decision and action, so that we may choose in a way that maximizes our expectation of preference fulfillment. And in so doing, we show ourselves to be rational agents, engaged in deliberation and deliberative justification. There is simply nothing else for practical rationality to be. The foundational crisis of morality thus cannot be avoided by pointing to the existence of a practice of justification within the moral framework, and denying that any extramoral foundation is relevant. For an extramoral mode of justification is already present, existing not side by side with moral justification, but in a manner tied to the way in which we unify our beliefs and preferences and so acquire our deep sense of self. We need not suppose that this deliberative justification is itself to be understood foundationally. All that we need suppose is that moral justification does not plausibly survive conflict with it.

**Since agents take their own ability to act as intrinsically valuable, permissibility is avoided through a system of mutual self restraint where agents refrain from impeding upon the actions of other agents, under the expectation that others will do the same out of rational self interest. This is achieved through a system of contracts which both parties’ consent to in order to regulate behavior.**

#### Thus, the standard is consistency with Contractarianism. And, the framework outweighs on actor specificity: States are not physical actors, but derive authority from contracts that allow them to constrain action.

#### Prefer additionally –

#### 1. Flexibility – Contracts are key to a) Encompassing all other ethical calculus into our decision since we process the consistency of those frameworks with our self interest and b) Value pluralism – recognizing a singular ethic fails to account for the complexity of moral problems and genuine moral disagreement. My framework solves since we can recognize multiple legitimate values while allowing individuals to exclude ones that are bad.

#### 2. Bindingness – A) Arising of Ethics – Every interaction with another agent is mediated by consent to participate in that interaction since otherwise agents could simply leave, which means there is an implicit social contract formed in every ethical interaction and B) Culpability – Only contracts can ensure agents are held to their agreements since there is a verifiable basis for judging their action as wrong as well as a pre-established punishment for breaking it.

#### Neg gets framework choice – a) aff speaks first and last which means they control the direction of the round b) infinite pre-round prep means they’re prepared for any debate – prep controls quality of arguments c) they get one more speech to contextualize arguments in different ways.

#### I contend that the member nations of the World Trade Organization ought not reduce intellectual property protections for medicines.

#### [1] Stronger IPRs help equalize the bargaining field for developing countries to check western coercion which would diminish their place as world enforcer. Therefore, it’s not in mutual self-interest for them to remove IPs because they want to keep their own economies ahead of others.

**Hassan et al 10** “Intellectual Property and Developing Countries: A review of the literature: by Emmanuel Hassan, Ohid Yaqub, Stephanie Diepeveen. RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. [https://www.rand.org/content/dam/rand/pubs/technical\_reports/2010/RAND\_TR804.pdf] // ahs emi

Commonly, FDI and trade are seen as key determinants for economic development and poverty reduction in developing countries. Inward FDI can generate important spillovers for developing economies, resulting in the upgrading of domestic innovative capacity, increased R&D employment, better training and support to education. For most developing countries, international trade allows them to acquire high value-added goods through importation that are necessary for economic development, but which are not produced domestically. In turn, exports allow developing countries to transform underutilised natural resources and surplus labour into foreign exchange, in order to pay for imports to support economic growth. Consequently, a central aim of the literature has been to examine how stronger IPRs in developing countries can give incentives to firms in developed countries to undertake cross-border investment in, and to export their goods to, these countries. Recalling the ambiguous relationship between IPRs and the individual strategies of single firms from a theoretical point of view, researchers have investigated empirically the effects of stronger IPRs on inward FDI in developing countries and exports from developed to developing countries. The empirical evidence suggests that stronger IPRs may positively affect the volume of FDI and exports, particularly in countries with strong technical absorptive capabilities where the risk of imitation is high. When such risk is weak, particularly in the poorest countries, firms in developed countries do not seem to be sensitive to the level of protection in developing countries. Using disaggregated data on FDI and trade, the empirical literature also shows that stronger IPRs impact on the composition of FDI and trade. First, stronger IPRs seem to encourage FDI in production and R&D rather than in sales and distribution. Second – and more surprisingly – stronger IPRs do not have any effect on the exports of hightechnology products. There are at least two explanations for this somewhat surprising result. Many high-tech products are difficult to imitate, thereby international trade for these products is less sensitive to the level of protection than for other products. Furthermore, firms in developed countries may choose to distribute their high-tech products through FDI or licensing, instead of exporting them directly. Intellectual property rights, international technology transfer and domestic innovation Increasingly, harnessing technological progress is viewed by policymakers as a key priority to boost economic growth and improve living standards. In an open economy, technological progress can be driven either by technology diffusion or technology creation. In less advanced economies, technology absorption can drive economic growth because countries at the forefront of technology act as a driver for growth by expanding the stock of scientific and technological knowledge, pulling other countries through a ‘catch-up’ effect. However, the strength of this ‘catch-up’ effect at the technology frontier decreases with the level of technological development, to the benefit of technology creation. Indeed, technology creation by domestic firms becomes progressively more important as a country moves closer to the technology frontier, because catching up with the frontier translates into increasingly smaller technological improvement. The empirical literature has examined the effects of IPRs on technological progress through these two main channels: technology absorption (i.e. international technology transfer) and technology creation (i.e. domestic innovation). The empirical evidence suggests that stronger IPRs in developing countries may encourage international technology transfer through market-based channels,1 particularly licensing, at least in countries with strong technical absorptive capacities. In the context of strong IPRs, firms in developed countries are more inclined to transfer their technologies to developing countries through licensing rather than through exports and FDI, since such rights allow them to retain control over their technologies. In the presence of weak IPRs, multinationals in developed countries seem to prefer to retain control over their technologies through intra-firm trade with their foreign affiliates in developing countries or FDI. Nevertheless, the historical evidence shows that many developing countries have benefited from international technology transfer through non-market-based channels, especially reverse engineering and imitation, thanks to weak IPR regimes. The empirical literature also shows that stronger IPRs can encourage domestic innovation, at least in emerging industrialised economies. Nevertheless, the empirical literature suggests the existence of a non-linear function (i.e. a U-shaped curve) between IPRs and economic development, which initially falls as income rises, then increases after that.

#### [2] IP rights are included in multiple international contracts – the aff violates that.

**Franklin 13** - “International Intellectual Property Law” by Jonathan Franklin\* He earned his A.B., A.M. Anthropology and J.D. degrees from Stanford University and M.Libr. with a Certificate in Law Librarianship from the University of Washington. Prior to the University of Washington, he spent five years as an reference librarian and foreign law selector at the University of Michigan Law Library. In law school, he was a Senior Editor of the Stanford Environmental Law Journal and a Note Editor for the Stanford Law Review. He is a member of the American Association of Law Libraries. [https://www.asil.org/sites/default/files/ERG\_IP.pdf] // ahs emi

The most important international agreements in intellectual property law are listed here. Many of them are available in multiple formats, including Microsoft Word, PDF, and HTML. In addition, This page was last updated February 8, 2013. 5 the links below link to the main pages for those treaties, rather than the HTML texts so that the reader can also find related protocols, notifications and signatories. ● Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS")(http://www.wto.org/english/docs\_e/legal\_e/legal\_e.htm#TRIPs) ● Berne Convention for the Protection of Literary and Artistic Works (http://www.wipo.int/treaties/en/ip/berne/index.html) ● Hague Agreement Concerning the Deposit of Industrial Designs (http://www.wipo.int/hague/en/legal\_texts/) ● International Convention for the Protection of New Varieties of Plants(http://www.upov.int/en/publications/conventions/index.html) ● Madrid Agreement Concerning the International Registration of Trademark (http://www.wipo.int/madrid/en/legal\_texts/) ● Paris Convention for the Protection of Industrial Property (http://www.wipo.int/treaties/en/ip/paris/index.html) ● Patent Cooperation Treaty (http://www.wipo.int/pct/en/texts/index.htm) ● Trademark Law Treaty (http://www.wipo.int/treaties/en/ip/tlt/index.html) ● Universal Copyright Convention (http://portal.unesco.org/en/) For other substantive, registration and classification treaties, see the treaty sections at the World Intellectual Property Organization (WIPO) (http://www.wipo.int/clea/en/index.jsp), IPRsonline (http://www.iprsonline.org/legalinstruments/international.htm), the Compleat World Copyright Web site (http://www.compilerpress.ca/CW/multi\_i.htm) and the intellectual property page at the Electronic Information System for International Law (EISIL) (http://www.eisil.org/). For bilateral treaties, one of the best sources is IPRsonline(http://www.iprsonline.org/legalinstruments/bilateral.htm). The focus of this Chapter is international law. Although it includes references to national domestic law (foreign law) and comparative law sources, other sites comprehensively cover national domestic law, such as WIPO’s Collection of Laws for Electronic Access (CLEA)(http://www.wipo.int/clea/en/index.jsp) (which is also referred to as WIPO Lex) or UNESCO’s Collection of National Copyright Laws(http://portal.unesco.org/culture/en/). For additional web sites that compile national intellectual property laws and decisions, see the relevant 6 section below. Practical Law Company’s Cross-border: Intellectual Property & Technology (http://us.practicallaw.com/about/cross-border-intellectual-property-technology) provides a substantial list of country comparisons touching on intellectual property law.

#### [3] Forecloses the ability for future contracts.

Hilty et al 21 [Reto Hilty Director at the Max Planck Institute for Innovation and Competition and a professor at the University of Zurich Pedro Henrique D. Batista Doctoral student and Junior Research Fellow at the Max Planck Institute for Innovation and Competition Suelen Carls Senior Research Fellow at the Max Planck Institute for Innovation and Competition Daria Kim Senior Research Fellow at the Max Planck Institute for Innovation and Competition Matthias Lamping Senior Research Fellow at the Max Planck Institute for Innovation and Competition Peter R. Slowinski Doctoral student and Junior Research Fellow at the Max Planck Institute for Innovation and Competition; “10 Arguments against a Waiver of Intellectual Property Rights,” Oxford Law; 6/29/21; <https://www.law.ox.ac.uk/business-law-blog/blog/2021/06/10-arguments-against-waiver-intellectual-property-rights>] Justin

2. Intellectual property rights are the **basis for collaborations and contracts** The development cycle of the new mRNA and vector vaccines—from the provision of the technological basis to safety studies and marketing authorisation—is tremendously multifaceted. Nevertheless, throughout the development, production and distribution of vaccines against Covid-19, cooperation has reached an **unprecedented** level—despite the typically fierce competition in the biopharmaceutical sector. Intellectual property rights and particularly patents are normally the basis for such cooperation; they provide assurance that contracts will be **fulfilled. Even a temporary waiver** of these rights may therefore have **detrimental consequences for the willingness to cooperate**.

# Aff

## UV

#### Permissibility negates

#### [] Semantics – Ought is defined as expressing obligation[[1]](#footnote-1) which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two. Semantics o/w – a) it’s key to predictability since we prep based on the wording of the res and b) it’s constitutive to the rules of debate since the judge is obligated to vote on the resolutional text.

#### [] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

1. <https://www.merriam-webster.com/dictionary/ought> [↑](#footnote-ref-1)