### 1

#### The standard is maximizing expected well-being. Prefer it:

#### [2] Util is a lexical pre-requisite to any other framework-threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis that inhibit the ideal moral conditions which other theories presuppose – so, util comes first and my offense outweighs theirs under their own framework.

#### [3] Pleasure and pain are the starting point for moral reasoning—they’re our most baseline desires and the only things that explain the intrinsic value of objects or actions

Moen 16, Ole Martin (PhD, Research Fellow in Philosophy at University of Oslo). "An Argument for Hedonism." Journal of Value Inquiry 50.2 (2016): 267.

Let us start by observing, empirically, that **a widely shared judgment about intrinsic value** and disvalue **is that pleasure is intrinsically valuable and pain is intrinsically disvaluable**. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for **there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels**, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” **are** here **understood inclusively**, as encompassing anything hedonically positive and anything hedonically negative. 2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store**, I might ask: “What for**?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. **The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good**. 3 As Aristotle observes: “**We never ask** [a man] **what** his **end is in being pleased, because we assume that pleasure is choice worthy in itself**.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that **if something is painful, we have a sufficient explanation of why it is bad**. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value**. Although **pleasure and pain thus seem to be good candidates for intrinsic value and disvalue**, several objections have been raised against this suggestion: (1) that pleasure and pain have instrumental but not intrinsic value/disvalue; (2) that pleasure and pain gain their value/disvalue derivatively, in virtue of satisfying/frustrating our desires; (3) that there is a subset of pleasures that are not intrinsically valuable (so-called “evil pleasures”) and a subset of pains that are not intrinsically disvaluable (so-called “noble pains”), and (4) that pain asymbolia, masochism, and practices such as wiggling a loose tooth render it implausible that pain is intrinsically disvaluable. I shall argue that these objections fail. Though it is, of course, an open question whether other objections to P1 might be more successful, I shall assume that if (1)–(4) fail, we are justified in believing that P1 is true itself a paragon of freedom—there will always be some agents able to interfere substantially with one’s choices. The effective level of protection one enjoys, and hence one’s actual degree of freedom, will vary according to multiple factors: how powerful one is, how powerful individuals in one’s vicinity are, how frequent police patrols are, and so on. Now, we saw above that what makes a slave unfree on Pettit’s view is the fact that his master has the power to interfere arbitrarily with his choices; in other words, what makes the slave unfree is the power relation that obtains between his master and him. The difﬁculty is that, in light of the facts I just mentioned, there is no reason to think that this power relation will be unique. A similar relation could obtain between the master and someone other than the slave: absent perfect state control, the master may very well have enough power to interfere in the lives of countless individuals. Yet it would be wrong to infer that these individuals lack freedom in the way the slave does; if they lack anything, it seems to be security. A problematic power relation can also obtain between the slave and someone other than the master, since there may be citizens who are more powerful than the master and who can therefore interfere with the slave’s choices at their discretion. Once again, it would be wrong to infer that these individuals make the slave unfree in the same way that the master does. Something appears to be missing from Pettit’s view. If I live in a particularly nasty part of town, then it may turn out that, when all the relevant factors are taken into account, I am just as vulnerable to outside interference as are the slaves in the royal palace, yet it does not follow that our conditions are equivalent from the point of view of freedom. As a matter of fact, we may be equally vulnerable to outside interference, but as a matter of right, our standings could not be more different. I have legal recourse against anyone who interferes with my freedom; the recourse may not be very effective—presumably it is not, if my overall vulnerability to outside interference is comparable to that of a slave— but I still have full legal standing.68 By contrast, the slave lacks legal recourse against the interventions of one speciﬁc individual: his master. It is that fact, on a Kantian view—a fact about the legal relation in which a slave stands to his master—that sets slaves apart from freemen. The point may appear trivial, but it does get something right: whereas one cannot identify a power relation that obtains uniquely between a slave and his master, the legal relation between them is undeniably unique. A master’s right to interfere with respect to his slave does not extend to freemen, regardless of how vulnerable they might be as a matter of fact, and citizens other than the master do not have the right to order the slave around, regardless of how powerful they might be. This suggests that Kant is correct in thinking that the ideal of freedom is essentially linked to a person’s having full legal standing. More speciﬁcally, he is correct in holding that the importance of rights is not exhausted by their contribution to the level of protection that an individual enjoys, as it must be on an instrumental view like Pettit’s. Although it does matter that rights be enforced with reasonable effectiveness, the sheer fact that one has adequate legal rights is essential to one’s standing as a free citizen. In this respect, Kant stays faithful to the idea that freedom is primarily a matter of standing—a standing that the freeman has and that the slave lacks. Pettit himself frequently insists on the idea, but he fails to do it justice when he claims that freedom is simply a matter of being adequately (and reliably) shielded against the strength of others. As Kant recognizes, the standing of a free citizen is a more complex matter than that. One could perhaps worry that the idea of legal standing is something of a red herring here—that it must ultimately be reducible to a complex network of power relations and, hence, that the position I attribute to Kant differs only nominally from Pettit’s. That seems to me doubtful. Viewing legal standing as essential to freedom makes sense only if our conception of the former includes conceptions of what constitutes a fully adequate scheme of legal rights, appropriate legal recourse, justiﬁed punishment, and so on. Only if one believes that these notions all boil down to power relations will Kant’s position appear similar to Pettit’s. On any other view—and certainly that includes most views recently defended by philosophers—the notion of legal standing will outstrip the power relations that ground Pettit’s theory.

#### [5] Ethical frameworks must be theoretically legitimate. Any standard is an interpretation of the words of the resolution-thus framework is functionally a topicality argument about how to define the terms of the resolution. My framework interprets ought as maximizing happiness. Prefer this definition:

#### [A] Ground: Both debaters are guaranteed access to ground to engage under util – ie Aff gets plans and advantages, while Neg gets disads and counterplans. Additionally, anything can function as a util impact as long as an external benefit is articulated, so all your offense applies. Other frameworks deny 1 side the ability to engage the other on both the impact and link level. Their framework is exclusive – setcol literature is aff-biased and kills engagement which link turns their discourse offense.

#### [6] Extinction outweighs

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

### 2

**COVID vaccine debate will kill the WTO, but the aff reverses that instability.**

**Meyer 6-18-21** (David, Senior Writer, https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/)

The World Trade Organization **knows all about crises**. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the **fairness of the global trade rulebook**. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. However, **one crisis is more pressing than the others**: **the battle over COVID-19 vaccines**, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—**the WTO's future rests on what happens next.** "The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO. "Final nail in the coffin" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an **unprecedented and seismic event**. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It's a dispute between countries, but the result will be on the WTO as a whole, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, I think **it could be the final nail in the coffin**" for the organization, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. "If the TRIPS waiver is successful, and people see the WTO as being **part of the solution**—saving lives and livelihoods—it could **create** **goodwill and momentum to address what are still daunting structural problems**." Those problems are legion. Reform needs Top of the list is the WTO's Appellate Body, which hears appeals in members' trade disputes. It's a pivotal part of the international trade system, but Trump—incensed at decisions taken against the U.S. —blocked appointments to its seven-strong panel as judges retired. The body became completely paralyzed at the end of 2019, when two judges' terms ended and the panel no longer had the three-judge quorum it needs to rule on appeals. Anyone who hoped the advent of the Biden administration would change matters was disappointed earlier this year when the U.S. rejected a European proposal to fill the vacancies. "The United States continues to have systemic concerns with the appellate body," it said. "As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple U.S. administrations." At her confirmation hearing in February, current U.S. Trade Representative Katherine Tai reiterated those concerns—she said the appellate body had "overstepped its authority and erred in interpreting WTO agreements in a number of cases, to the detriment of the United States and other WTO members," and accused it of dragging its heels in settling disputes. "Reforms are needed to ensure that the underlying causes of such problems do not resurface," Tai said. "While the U.S. [has] been engaging [with the WTO] it hasn't indicated it would move quickly on allowing appointments to the Appellate Body," says Bryan Mercurio, an economic-law professor at the Chinese University of Hong Kong, who opposes the vaccine waiver. "This is not a good sign. In terms of WTO governance, it's a much more important step than supporting negotiations on an [intellectual property] waiver." It's not just the U.S. that wants to see reform at the WTO. In a major policy document published in February, the EU said negotiations had failed to modernize the organization's rules, the dispute-resolution system was broken, the monitoring of countries' trade policies was ineffective, and—crucially—"the trade relationship between the U.S. and China, two of the three largest WTO members, is currently largely managed outside WTO disciplines." China is one of the key problems here. It became a WTO member in 2001 but, although this entailed significant liberalization of the Chinese economy, it did not become a full market economy. As the European Commission put it in February: "The level at which China has opened its markets does not correspond to its weight in the global economy, and the state continues to exert a decisive influence on China's economic environment with consequent competitive distortions that cannot be sufficiently addressed by current WTO rules." "China is operating from what it sees as a position of strength, so it will not be bullied into agreeing to changes which it sees as not in its interests," says Mercurio. China is at loggerheads with the U.S., the EU and others over numerous trade-related issues. Its rivals don't like its policy of demanding that Chinese citizens' data is stored on Chinese soil, nor do they approve of how foreign investors often have to partner with Chinese firms to access the country's market, in a way that leads to the transfer of technological knowhow. They also oppose China's industrial subsidies. Mercurio thinks China may agree to reforms on some of these issues, particularly regarding subsidies, but "only if it is offered something in return." All these problems won't go away if the WTO manages to come up with a TRIPS waiver for COVID-19 vaccines and medical supplies, Wallach concedes. "But," she adds, "**the will and the good faith** to tackle these challenges is **increased enormously** if the WTO has the **experience of being part of the solution, not just an obstacle."** Wallach points to a statement released earlier this month by Asia Pacific Economic Cooperation (APEC) trade ministers, which called for urgent discussions on the waiver. "The WTO must **demonstrate that global trade rules can help address the human catastrophe** of the COVID-19 pandemic and facilitate the recovery," the statement read in its section about WTO reform. Okonjo-Iweala's role The WTO's new director general, whose route to the top was unblocked in early 2021 with the demise of the Trump administration, is certainly keen to fix the problems that contributed to the early departure of her predecessor, Brazil's Robert Azevedo. "We must act now to get all our ambassadors to the table to negotiate a text" on the issue of an IP waiver for COVID vaccines, Ngozi Okonjo-Iweala, director general of the World Trade Organization, has said. Dursun Aydemir—Anadolu/Bloomberg/Getty Images Earlier this week, when the U.S. and EU agreed a five-year ceasefire in a long-running dispute over Boeing and Airbus aircraft subsidies, Okonjo-Iweala tweeted: "With political will, we can solve even the most intractable problems." However, Mercurio is skeptical about her stewardship having much of an effect on the WTO's reform process. "Upon taking [over she] stated it was time for delegations to speak to each other and not simply past each other, but at the recent General Counsel meeting delegations simply read prepared statements in what some have described as the worst meeting ever," he says. "On the other hand, Ngozi is very much someone who will actively seek solutions to problems, and in this way different to her predecessor. If the role of mediator is welcomed, she could have an impact not in starting discussions but in getting deals over the finish line." A spokesperson for the WTO Secretariat declined to offer comment on Mlumbi-Peter and Wallach's suggestions that the organization's credibility rests on the vaccine patent waiver issue, but pointed to a May speech in which Okonjo-Iweala said the WTO could help tackle vaccine supply chain monitoring and transparency, helping manufacturers scale up production, and creating a more geographically diversified manufacturing base. In her speech, the WTO chief also said members "must address issues related to technology transfer, knowhow and intellectual property," including the waiver proposal. "We must act now to get all our ambassadors to the table to negotiate a text," she said.

#### The 1AC evidence isolates that each of the problems they mention aren’t solely caused by IP, but rather expressions of the overarching system of capitalism – thus collapsing the whole system is key.

#### WTO collapse solves extinction

Hilary 15 John Hilary 2015 “Want to know how to really tackle climate change? Pull the plug on the World Trade Organisation” <http://www.independent.co.uk/voices/want-to-know-how-to-really-tackle-climate-change-pull-the-plug-on-the-world-trade-organisation-a6774391.html> (Executive Director, War on Want)//Elmer

Yet this grandiose plan soon fell victim to its own ambition. The WTO’s first summit after the launch of the Doha Round collapsed in acrimonious failure. The next was marked by pitched battles in the streets of Hong Kong as riot police fought Asian farmers desperately trying to save their livelihoods from the WTO’s free trade agenda. The WTO slipped into a coma. Government ministers must decide this week whether to turn off its life support. The answer is surely yes. It was the WTO’s poisonous cocktail of trade expansion and market deregulation that led to the economic crisis of 2008. Years of export-led growth resulted in a crisis of overproduction that could only be sustained with mountains of debt. The parallel deregulation of financial services meant that this debt soon turned out to be toxic, and the world’s banking system went into freefall. Nor is the WTO fit for purpose on ecological grounds. If last week’s climate talks in Paris taught us anything, it is that we must rethink the model of ever-expanding production and consumption in order to avoid planetary meltdown. Global capitalism may need limitless expansion in order to survive, but the planet is already at the very limits of what it can take. The choice is ours. Worst of all, it is the WTO’s ideology of unrestricted trade and corporate domination that lies behind all the bilateral trade deals that are proliferating at the moment, including the infamous Transatlantic Trade and Investment Partnership (TTIP). We need a radically different model of regulated trade and controlled investment if we are to have any chance of breaking the cycle of economic and ecological crisis. For the planet to survive, the WTO must die.

### 3

#### Counterplan Text - Resolved: The member nations of the World Trade Organization ought to

#### eliminate intellectual property protections for medicines except for orphan drugs.

#### prioritize distribution of orphan drugs to the Global South.

#### Orphan drug legislation is specifically key to stimulate research into rare diseases

Horgan et. al 20 D, Moss B, Boccia S, Genuardi M, Gajewski M, Capurso G, Fenaux P, Gulbis B, Pellegrini M, Mañú Pereira M, M, Gutiérrez Valle V, Gutiérrez Ibarluzea I, Kent A, Cattaneo I, Jagielska B, Belina I, Tumiene B, Ward A, Papaluca M: Time for Change? The Why, What and How of Promoting Innovation to Tackle Rare Diseases – Is It Time to Update the EU’s Orphan Regulation? And if so, What Should be Changed? Biomed Hub 2020;5:1-11. doi: 10.1159/000509272 [https://www.karger.com/Article/Fulltext/509272#](https://www.karger.com/Article/Fulltext/509272) //sid

The European Union’s (EU) Regulation (EC) No. 141/2000 on orphan medicinal products (OMPs) (referred to as “the regulation” in this paper) states that “patients suffering from rare conditions should be entitled to the same quality of treatment as other patients,” and concludes that “it is therefore necessary to stimulate the research, development and bringing to the market of appropriate medications by the pharmaceutical industry” [[1](https://www.karger.com/Article/Fulltext/509272#ref1)]. Rare diseases had already been identified as a priority area for Community action within the framework for action in the field of public health [[2](https://www.karger.com/Article/Fulltext/509272#ref2)], and the regulation’s stated aim is – “to provide incentives for the research, development and placing on the market of designated orphan medicinal products.” It set up a mechanism to ensure that “orphan medicinal products eligible for incentives should be easily and unequivocally identified,” with the condition that “objective criteria for designation should be established” [[3](https://www.karger.com/Article/Fulltext/509272#ref3)]. The core incentive of the regulation is the granting of 10 years (+2 years for paediatric orphan medicines) of marketing exclusivity and a range of financial and scientific provisions granted via the European Medicines Agency to support product development and application for Marketing Authorisation. Nearly two decades later, the success of the measure has been demonstrated. Investment both from public research funders and from companies of all sizes in rare disease research has resulted in the approval of more than 150 orphan drugs – compared with just eight therapies for rare diseases available before the adoption of the regulation. That translates into a lot of patient benefit. With clinical research stimulated by the legislation, the EU sees some 2,000 clinical trials providing still more innovation or hope for treatments in the current R&D pipeline [[4](https://www.karger.com/Article/Fulltext/509272#ref4)]. But over the intervening years, the limitations in the functioning of the legislation have become apparent too, and these merit attention if the beneficial effects for patients and caregivers are to be maximised [[5](https://www.karger.com/Article/Fulltext/509272#ref5)]. This paper explores the successes and limitation of both the regulation and its implementation mechanisms in the current regulatory context, and suggests some improvements that could maximise its benefits and boost rare disease research even further. The discussion needs to be precise if it is to be effective. Review of the functioning of the regulation may coincide with a period of more intense scrutiny and concerns over containing the rise of expenditure to ensure sustainability of healthcare systems, with a particular focus on expensive innovation which are often developed within the orphan conditions. While there is undoubted importance in the wider but distinct debate over healthcare costs, it does not bear directly on reviewing the orphan medicines regulation [[6](https://www.karger.com/Article/Fulltext/509272#ref6)]. At the same time, economic questions do, however, have relevance to the debate on orphans, since patients’ access to the medicines that become available is conditioned by the national arrangements for reimbursement or listing of products: there is an increasing tension between the potential access to agents that can modify or even cure rare diseases, and the models for reimbursement available to European payers. Part of this hesitancy can be ascribed to the novelty of the challenges presented by many innovative treatments, which by their nature present unknowns to payers. Clearly, there is also a need to deal with uncertainty with regard to value demonstration, especially when value or values are perceived not to be sufficiently demonstrated. The risk is that such powerful economic reservations can have a cumulative negative impact on the motivation for pursuing research into rare disease treatments – thus running counter to the guiding principle of the legislation itself [[7](https://www.karger.com/Article/Fulltext/509272#ref7)]. Current value assessment rules across Europe for orphan drugs remain largely inadequate and can become a real fourth hurdle to effective patient access to those treatments [[8](https://www.karger.com/Article/Fulltext/509272#ref8)]. The regulation’s stimulation of new product development has also helped promote the development of EU biotech companies. The last two decades have witnessed the emergence of more than 150 small and medium enterprises (SMEs) focusing on rare diseases. No wonder that one of the prominent Members of the European Parliament over this period, Francoise Grossetête, emphasised the importance of the regulation in addressing “real medical needs” and generating “therapeutic breakthroughs” [[9](https://www.karger.com/Article/Fulltext/509272#ref9)]. The underlying strength of the concept of providing incentives for R&D in areas of unmet need is confirmed by the fact that Germany and other Member States are now exploring whether OMP-type incentives could contribute to solving the major risks of antimicrobial resistance (AMR), through promoting development of new anti-bacterials even where simple market economics do not provide sufficient motivation for investment [[10](https://www.karger.com/Article/Fulltext/509272#ref10)]. Thanks to increased investments and the associated efforts thus made possible, some rare diseases now benefit from effective treatments. There are leading examples in the area of haemophilia, paroxysmal nocturnal haemoglobinuria (PNH), and some lysosomal storage diseases such as Gaucher. The full list of conditions for which “orphans medicines” have been launched in Europe is too extensive to reproduce here, but by way of illustration it ranges from rare cancers to rare variants of common diseases (pulmonary hypertension, neonatal diabetes) and to rare congenital, mostly childhood-onset disorders (Gaucher, cystinosis, inherited hyperammonaemias) [[11](https://www.karger.com/Article/Fulltext/509272#ref11)]. However, these tales of success should not lead to any delusions that the process has been – or is becoming – easy. Successes in developing innovative treatments are hard-won. Without consistent and determined effort, innovation does not happen – and innovation in rare diseases is all the more challenging. The key elements of the innovation process are well documented, but the nature of the challenges is perhaps not always fully appreciated by those outside the healthcare sector, being seen as costs and not as investments. Rare diseases are categorized as “orphan diseases” because their occurrence in a small number of patients means that, despite apparent high unmet medical need, there is limited scientific understanding, making it difficult to justify the development risk and investment to develop new treatments. The OMP regulation was developed explicitly to support efforts in this field of innovation [[12](https://www.karger.com/Article/Fulltext/509272#ref12)].

#### Orphan diseases require time intensive care and affect millions.

**Lancet 19** [Lancet, 2-1-2019, accessed on 9-6-2021, The Lancet Diabetes & Endocrinology, "Spotlight on rare diseases", https://www.thelancet.com/journals/landia/article/PIIS2213-8587(19)30006-3/fulltext]//sid

Feb 28 is Rare Disease Day, the theme of which this year is “bridging health and social care”. This 12th annual [Rare Disease Day](https://www.rarediseaseday.org/page/news/theme-2019)highlights the need for better coordination of medical, social, and support services to lessen the burden that rare diseases—often complex, chronic, and disabling—have on the everyday lives of patients, their families, and carers. As a recent [Europe-wide survey](http://download2.eurordis.org.s3.amazonaws.com/rbv/2017_05_09_Social%20survey%20leaflet%20final.pdf)found that 80% of patients and carers had difficulty completing daily tasks, 70% found organising care time-consuming (with 60% finding it hard to manage), and 67% felt that health, social, and local services communicated poorly with each other, the theme of Rare Disease Day 2019 is timely. More than 6000 [rare diseases](https://globalgenes.org/rare-diseases-facts-statistics/) (80% with a genetic component) affect more than 300 million people worldwide. While an individual disease might be classed as rare (defined as affecting less than 1 in 2000 of the general population in the European Union or fewer than 200 000 people in the USA), the sheer number of rare diseases means that the overall numbers quickly stack up: 3·5 million people in the UK, 30 million across Europe, and 30 million in the USA are affected. Whether a single rare disease affects thousands or just one person, the impact on the affected individual and those around them can be devastating: 50% of rare diseases affect children, 30% of whom will die before age 5 years. Rare diseases present myriad challenges for patients, their families, and caregivers, including the time it takes to obtain a correct diagnosis for many patients. In a [survey](https://globalgenes.org/wp-content/uploads/2013/04/ShireReport-1.pdf) of patients and caregivers in the USA and UK, patients reported that it took on average 7·6 years in the USA and 5·6 years in the UK to get a proper diagnosis, during which time patients typically visited eight physicians (four primary care and four specialist) and received two to three misdiagnoses. As there is no approved treatment for 95% of rare diseases, a diagnosis can be a crushing reality check for patients and their families, rather than bringing hope and reassurance. As such, rare diseases impose a considerable emotional toll on patients and their caregivers. Other challenges include a lack of information and resources, the financial cost of care, and difficulty in accessing appropriate medical expertise, which is compounded by a lack of specialist training programmes for medical professionals. In this issue of The Lancet Diabetes & Endocrinology, we publish a call-to-action to address the [unmet need for subspecialty training](http://dx.doi.org/10.1016/S2213-8587(18)30369-3) in adult rare (inherited metabolic) diseases, which is crucial given that 50% of rare diseases present in adulthood and children surviving rare diseases eventually transition to adult care.

#### Rare diseases disproportionately affect people of color

**RDDC, No Date** (RDDC, No Date, accessed on 9-6-2021, Rare Disease Diversity Coalition, "Charting thePath Forwardfor Equity inRare Diseases", <https://3hqwxl1mqiah5r73r2q7zll1-wpengine.netdna-ssl.com/wp-content/uploads/2021/03/RDDC_Path_Forward_Final.pdf>)//sid

While the rare disease community continues to face hurdles generally, people of color face additional hurdles in their quest for care . Barriers to diagnosis and treatment for people of color often have deadly consequences . Flaws across the entire system have a compounding effect on the care that Black, Native American, Hispanic, Asian, and Pacific Islander Americans with rare diseases receive . Americans of color continue to be underrepresented in genome-wide association studies and clinical research trials, leading to a lack of understanding about effective treatments, particularly in diverse populations . Despite making up more than 38 percent of the U .S . population, people of color comprise only 16 percent of research study participants .20 On the patient side, people of color are less likely to have affordable access to health care and rare disease experts .21 To make matters worse, some rare diseases disproportionately impact people of color . For instance, sarcoidosis, sickle cell anemia, thalassemia, and some forms of lupus are known to affect minority populations at higher rates than the general population .22 And implicit bias particularly harms people of color with rare diseases .23

### 4

**Pharma profits are up from COVID vaccines in particular, patent waivers threaten this**

**Buchholz 5-17-21**

(Katharina, https://www.statista.com/chart/24829/net-income-profit-pharma-companies/)

The profitability of coronavirus vaccines has been in the spotlight since U.S. President Joe Biden come out in support of temporarily lifting vaccine patents to make the production of the life-saving inoculations more financially feasible for poorer countries. EU leaders meanwhile remain divided over such a move. Company financial reports show that COVID-19 vaccine makers and developers like Johnson & Johnson, Pfizer, Moderna, AstraZeneca and BioNTech have seen their profits increase since the vaccine rollout, at times majorly. In early May, stocks of several companies that benefit from COVID-19 vaccine sales **took a nosedive on the news of Biden’s reversal**. Moderna stocks, for example, were still down more than 6 percent at close on May 5, the day of the announcement. Stocks recovered somewhat as German chancellor Angela Merkel came out against patent waivers the following day. While fluctuations in the stock market price have hurt drug makers in the **short term**, patent waivers would diminish the bottom line of companies involved with the development and production of COVID-19 **vaccines in the long term**. Pharma giants like Johnson & Johnson and Pfizer bring in billions of dollars of income every quarter from diverse sources, so the COVID bump was smaller for them. In the case of Pfizer, which has been a bigger producer than J&J, the year-over-year profit increase was a handsome 44 percent, however. For smaller AstraZeneca, the COVID year meant that its profits doubled. In the case of Moderna, the past year has turned a Q1 loss into a profit. The case is similar for German company BioNTech, which collaborated with Pfizer on its COVID vaccine. While Q1 2021 brought in a profit of $1.1 billion, the company ran a deficit since its founding in 2008 up until Q4 2020, when it posted a profit for the first time. The $446 million earned stood in contrast to losses of almost $428 million accrued in the first nine months of the year.

**Strong IP protection spurs innovation by encouraging risk-taking and incentivizing knowledge sharing -- prefer statistical analysis of multiple studies**

**Ezell and Cory 19** [Stephen Ezell, vice president & global innovation policy @ ITIF, BS Georgetown School of Foreign Service. Nigel Cory, associate director covering trade policy @ ITIF, MA public policy @ Georgetown. "The Way Forward for Intellectual Property Internationally," Information Technology & Innovation Foundation, 4-25-2019, accessed 8-25-2021, https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally] HWIC

IPRs Strengthen Innovation

Intellectual property rights power innovation. For instance, analyzing the level of intellectual property protections (via the World Economic Forum’s Global Competitiveness reports) and creative outputs (via the Global Innovation Index) shows that counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development.46

IPR reforms also introduce strong incentives for domestic innovation. Sherwood, using case studies from 18 developing countries, concluded that poor provision of intellectual property rights deters local innovation and risk-taking.47 In contrast, IPR reform has been associated with increased innovative activity, as measured by domestic patent filings, albeit with some variation across countries and sectors.48 For example, Ryan, in a study of biomedical innovations and patent reform in Brazil, found that patents provided incentives for innovation investments and facilitated the functioning of technology markets.49 Park and Lippoldt also observed that the provision of adequate protection for IPRs can help to stimulate local innovation, in some cases building on the transfer of technologies that provide inputs and spillovers.50 In other words, local innovators are introduced to technologies first through the technology transfer that takes place in an environment wherein protection of IPRs is assured; then, they may build on those ideas to create an evolved product or develop alternate approaches (i.e., to innovate). Related research finds that trade in technology—through channels including imports, foreign direct investment, and technology licensing—improves the quality of developing-country innovation by increasing the pool of ideas and efficiency of innovation by encouraging the division of innovative labor and specialization.51 However, Maskus notes that without protection from potential abuse of their newly developed technologies, foreign enterprises may be less willing to reveal technical information associated with their innovations.52 The protection of patents and trade secrets provides necessary legal assurances for firms wishing to reveal proprietary characteristics of technologies to subsidiaries and licensees via contracts. Counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development. The relationship between IPR rights and innovation can also be seen in studies of how the introduction of stronger IPR laws, with regard to patents, copyrights, and trademarks, affect R&D activity in an economy. Studies by Varsakelis and by Kanwar and Evenson found that R&D to GDP ratios are positively related to the strength of patent rights, and are conditional on other factors.53 Cavazos Cepeda et al. found a positive influence of IPRs on the level of R&D in an economy, with each 1 percent increase in the level of protection of IPRs in an economy (as measured by improvements to a country’s score in the Patent Rights Index) equating to, on average, a 0.7 percent increase in the domestic level of R&D.54 Likewise, a 1 percent increase in copyright protection was associated with a 3.3 percent increase in domestic R&D. Similarly, when trademark protection increased by 1 percent, there was an associated R&D increase of 1.4 percent. As the authors concluded, “Increases in the protection of the IPRs carried economic benefits in the form of higher inflows of FDI, and increases in the levels of both domestically conducted R&D and service imports as measured by licensing fees.”55 As Jackson summarized, regarding the relationship between IPR reform and both innovation and R&D, and FDI, “In addition to spurring domestic innovation, strong intellectual property rights can increase incentives for foreign direct investment which in turn also leads to economic growth.”56

**Biopharmaceutical innovation is key to prevent future pandemics and bioterror**

**Marjanovic and Feijao 20** [Sonja Marjanovic Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitative biology, Imperial College London; B.Sc. in biology, University of Lisbon. "How to Best Enable Pharma Innovation Beyond the COVID-19 Crisis," RAND Corporation, 05-2020, accessed 8-8-2021, https://www.rand.org/pubs/perspectives/PEA407-1.html] HWIC

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. 2 It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accelerate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing combination product that is being tested for therapeutic potential against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterrorism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contributions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innovation conditions.

**That causes extinction, which outweighs.**

**Millett & Snyder-Beattie ‘17**. Millett, Ph.D., Senior Research Fellow, Future of Humanity Institute, University of Oxford; and Snyder-Beattie, M.S., Director of Research, Future of Humanity Institute, University of Oxford. 08-01-2017. “Existential Risk and Cost-Effective Biosecurity,” Health Security, 15(4), PubMed

In the decades to come, advanced bioweapons could **threaten human existence**. Although the **probability** of human extinction from bioweapons **may** be low, the **expected value** of **reducing** the risk could **still** be **large**, since such risks jeopardize the existence of **all future generations**. We provide an overview of biotechnological extinction risk, make some rough initial estimates for how severe the risks might be, and compare the cost-effectiveness of reducing these extinction-level risks with existing biosecurity work. We find that reducing human extinction risk can be more cost-effective than reducing smaller-scale risks, even when using conservative estimates. This suggests that the risks are not low enough to ignore and that more ought to be done to prevent the worst-case scenarios. How worthwhile is it spending resources to study and mitigate the chance of human extinction from biological risks? The risks of such a catastrophe are presumably low, so a skeptic might argue that addressing such risks would be a waste of scarce resources. In this article, we investigate this position using a cost-effectiveness approach and ultimately conclude that the expected value of reducing these risks is large, especially since such risks jeopardize the existence of all future human lives. **Historically, disease events have been responsible for the greatest death tolls** on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world's population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization. A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to **remote populations**, overcome **rare genetic resistances**, and **evade detection**, cures, and **countermeasures**. Even evolution itself may work in humanity's favor: **Virulence and transmission is often a trade-off**, and so **evolutionary pressures** could push against maximally lethal wild-type pathogens.5,6 While these arguments point to a very small risk of human extinction, they **do not rule** the possibility **out** entirely. Although rare, there are recorded instances of **species going extinct due to disease**—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also **historical examples of large human populations being almost entirely wiped out** by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include **native American tribes** exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and the Western Abenaki (which suffered a staggering 98% loss of population).9 In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But **many diseases are proof** of principle that **each worst-case attribute can be realized independently**. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, **natural evolution** would be an **unlikely** source for pathogens with the **highest possible levels of transmissibility, virulence, and global reach**. But **advances in biotech**nology might allow the creation of diseases that **combine such traits**. Recent controversy has **already emerged** over a number of **scientific experiments** that resulted in viruses with enhanced **transmissibility**, **lethality**, and/or the ability to overcome **therapeutics**.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-21 Although these experiments had scientific merit and were not conducted with malicious intent, their implications are still worrying. This is especially true given that there is also a **long historical track record** of**state-run bioweapon research** applying cutting-edge science and technology to design agents not previously seen in nature. The Soviet bioweapons program developed agents with traits such as enhanced virulence, resistance to therapies, greater environmental resilience, increased difficulty to diagnose or treat, and which caused unexpected disease presentations and outcomes.22 Delivery capabilities have also been subject to the cutting edge of technical development, with Canadian, US, and UK bioweapon efforts playing a critical role in developing the discipline of aerobiology.23,24 While there is no evidence of state-run bioweapons programs directly attempting to develop or deploy bioweapons that would pose an existential risk, the logic of deterrence and **m**utually **a**ssured **d**estruction could create such incentives in more unstable political environments or following a breakdown of the Biological Weapons Convention.25 The **possibility of a war** between great powers could also increase the pressure to use such weapons—during the World Wars, bioweapons were used across multiple continents, with Germany targeting animals in WWI,26 and Japan using plague to cause an epidemic in China during WWII.27

### Case

**Util before Rawls bc life precedes the ability to weigh ethically**

1. The idea of an ideal agent is a metaphysical construction since there is no empirical basis for such an agent. Thus, individuals will all have different conception of what an ideal agent looks like based on their preconceived metaphysical notions. There is no way to choose between which ideal agent is more ideal since that would already be appealing to an already existing notion of what ideality is which is itself a value judgment.
2. Knowledge only exists within conceptual schemes. I cannot have metaphysical knowledge about whether or not the world exists without first accepting a metaphysical framework that makes claims about that aspect. It is impossible to make judgments about anything absent our conceptual frameworks. Since the aff abstracts individuals from their individual epistemological frameworks, they remove any possibility of individuals making claims about anything.
3. The mandates of the ideal agent in the hypothetical pre-empirical world cannot form reasons for us to act in the empirical world. I can always ask why I should follow what the idealized agent says I ought to do and nothing can answer that except that it appeals to my fundamental interests. But that is a prudential reason, not a moral one. **Joyce**[[1]](#footnote-1)**:**

Moral inescapability is an elusive notion. **Imagine the child asking why he mustn’t pinch his play mate. The parent replies “Because it’s wrong.” The child continues “But why mustn’t I do what’s wrong?”** The parent might give an exasperated “Because you mustn’t!” It is the attempt to clarify the inadequate parental response that is the task of this chapter. Of course, **there are all sorts of kinds of reasons that the parent might give: “If you pinch** Violet Elizabeth **[Jane], then she might pinch you back” or “... then she won’t play with you” or “... then you’ll be sent to your room.” All good** (and possibly effective) **prudential reasons. But prudence,** I shall argue, **is not what underwrites moral prescriptivity. Regarding any type of prescription which can be justified on prudential grounds, we can always imagine an unusually situated or unusually constituted agent who “escapes” the prescription. Perhaps the child doesn’t want** Violet Elizabeth **[Jane] as his friend, perhaps he doesn’t mind being pinched or being sent to his room.** Or perhaps these costly consequences are things he has the power to avoid. **In such a case what becomes of the injunction against pinching? On prudential grounds, it must evaporate. But moral proscriptions do not evaporate, regardless of how we imagine the agent situated. If it is** not pinching, but **torturing that is at stake, then there is no escaping. But the thought that torturing is always proscribed on prudential grounds is just silly.** That it always is as a matter of fact is a case that might be made – but that it must be, even in situations where the philosopher gets to stipulate the costs and benefits (let’s say without breaking any laws of nature) is nothing but groundless optimism. (Morality as a kind of prudence is discussed further in later chapters:

1. There is no such thing as a reason without a desire so the veil of ignorance is impossible. For something to be a reason requires that it adheres to our desires, otherwise it is merely a descriptive sentence, not a normative reason. **Joyce**[[2]](#footnote-2)**:** *[tapu is a translation of term used by certain African tribes to denote something similar to a taboo]*

Back to the external reason. **Suppose** it were claimed, instead, **that I have a reason to refrain from drinking the coffee because it is tapu** and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. **Regardless of my desires** (it is claimed) **I ought not drink – I have a reason not to drink. But how could that reason ever explain any action of mine?** Could the external reason even explain my refraining from drinking? Clearly, **in order to explain it the external reason must have some causally efficacious role among the antecedents of the action** (in this case, an omission) – **I must have,** in some manner, **“internalized” it.** The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason claim: I believe that the coffee is tapu. There’s no doubting that such a belief can play a role in explaining actions – including my refraining from drinking the coffee. The question is whether the belief alone can produce action, to which the correct answer is “No.” A very familiar and eminently sensible view says **that in order to explain an action the belief must couple with desires** (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: **if I believe that the coffee is tapu but really just don’t care about that, then I will not refrain from drinking it. So in order for the belief to explain action it must couple with desiderative elements – but in that case the putative external reason collapses into an internal one**

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1. Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 31. [↑](#footnote-ref-1)
2. Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 109-110. [↑](#footnote-ref-2)