Define medicine in a way that excludes vaccines

## Property Rights NC (trad)

### FW

#### [Value] I value is morality as per the term ought in the resolution.

#### [Feser] Commitments to equal human freedom necessitates a minimal state that respects self- ownership

Professor of Philosophy Edward Feser writes in 2002

(Edward Feser, Robert Nozik (1938 – 2002) www.iep.utm.edu/nozick/)

Nozick takes his position to follow from a basic moral principle associated with Immanuel Kant and enshrined in Kant&#39;s second formulation of his famous Categorical Imperative: &quot;Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.&quot; The idea here is that a human being, as a rational agent endowed with self-awareness, free will, and the possibility of formulating a plan of life, has an inherent dignity and cannot properly be treated as a mere thing, or used against his will as an instrument or resource in the way an inanimate object might be. In line with this, Nozick also describes individual human beings as self-owners (though it isn&#39;t clear whether he regards this as a restatement of Kant’s principle, a consequence of it, or an entirely independent idea). The thesis of self-ownership, a notion that goes back in political philosophy at least to John Locke, is just the claim that individuals own themselves - their bodies, talents and abilities, labor, and by extension the fruits or products of their exercise of their talents, abilities and labor. They have all the prerogatives with respect to themselves that a slaveholder claims with respect to his slaves. But the thesis of self-ownership would in fact rule out slavery as illegitimate, since each individual, as a self-owner, cannot properly be owned by anyone else. (Indeed, many libertarians would argue that unless one accepts the thesis of self-ownership, one has no way of explaining why slavery is evil. After all, it cannot be merely because slaveholders often treat their slaves badly, since a kind-hearted slaveholder would still be a slaveholder, and thus morally blameworthy, for that. The reason slavery is immoral must be because it involves a kind of stealing - the stealing of a person from himself.) But if individuals are inviolable ends-in- themselves (as Kant describes them) and self-owners, it follows, Nozick says, that they have certain rights, in jmparticular (and here again following Locke) rights to their lives, liberty, and the fruits of their labor. To own something, after all, just is to have a right to it, or, more accurately, to possess the bundle of rights - rights to possess something, to dispose of it, to determine what may be done with it, etc. - that constitute ownership; and thus to own oneself is to have such rights to the various elements that make up one&#39;s self. These rights function, Nozick says, as side-constraints on the actions of others; they set limits on how others may, morally speaking, treat a person. So, for example, since you own yourself, and thus have a right to yourself, others are constrained morally not to kill or maim you (since this would involve destroying or damaging your property), or to kidnap you or forcibly remove one of your bodily organs for transplantation in someone else (since this would involve stealing your property). They are also constrained not to force you against your will to work for another&#39;s purposes, even if those purposes are good ones. For if you own yourself, it follows that you have a right to determine whether and how you will use your self-owned body and its powers, e.g. either to work or to refrain from working. So far this all might seem fairly uncontroversial. But what follows from it, in Nozick&#39;s view, is the surprising and radical conclusion that taxation, of the redistributive sort in which modern states engage in order to fund the various programs of the bureaucratic welfare state, is morally illegitimate. It amounts to a kind of forced labor, for the state so structures the tax system that any time you labor at all, a certain amount of your labor time - the amount that produces the wealth taken away from you forcibly via taxation - is time you involuntarily work, in effect, for the state. Indeed, such taxation amounts to partial slavery, for in giving every citizen an entitlement to certain benefits (welfare, social security, or whatever), the state in effect gives them an entitlement, a right, to a part of the proceeds of your labor, which produces the taxes that fund the benefits; every citizen, that is, becomes in such a system a partial owner of you (since they have a partial property right in part of you, i.e. in your labor). But this is flatly inconsistent with the principle of self-ownership. The various programs of the modern liberal welfare state are thus immoral, not only because they are inefficient and incompetently administered, but because they make slaves of the citizens of such a state. Indeed, the only sort of state that can be morally justified is what Nozick calls a minimal state or &quot;night-watchman&quot; state, a government which protects individuals, via police and military forces, from force, fraud, and theft, and administers courts of law, but does nothing else. In particular, such a state cannot regulate what citizens eat, drink, or smoke (since this would interfere with their right to use their self-owned bodies as they see fit), cannot control what they publish or read (since this would interfere with their right to use the property they&#39;ve acquired with their self-owned labor - e.g. printing presses and paper - as they wish), cannot administer mandatory social insurance schemes or public education (since this would interfere with citizens&#39; rights to use the fruits of their labor as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans), and cannot regulate economic life in general via minimum wage and rent control laws and the like (since such actions are not only economically suspect - tending to produce bad unintended consequences like unemployment and housing shortages - but violate citizens&#39; rights to charge whatever they want to for the use of their own property).

#### [Boaz] Self-ownership provides the basis for action, making it the starting point of ethics.

Boaz 97, David Boaz (Executive vice president, Cato Institute). “Libertarianism: A Primer.” Simon & Schuster. pp 61-62. 1997.

Any theory of rights has to begin somewhere. Most libertarian philosophers would begin the argument earlier than Jefferson did. Humans, unlike animals, come into the world without an instinctive knowledge of what their needs are and how to fulfill them. As Aristotle said, man is a reasoning and deliberating animal; humans use the power of reason to understand their own needs, the world around them, and how to use the world to satisfy their needs. So they need a social system that allows them to use their reason, to act in the world, and to cooperate with others to achieve purposes that no one individual could accomplish. Every person is a unique individual. Humans are social animals—we like interacting with others, and we profit from it— but we think and act individually. Each individual owns [themselves]himself or herself. What other possibilities besides self—ownership are there? • Someone – a king or a master race – could own others. Plato and Aristotle did argue that there were different kinds of humans, some more competent than others and thus endowed with the right and responsibility to rule, just as adults guide children. Some forms of socialism and collectivism are—explicitly or im- plicirly—-based on the notion that many people are not compe- \_ tent to make decisions about their own lives, so that the more talented should make decisions for them. But that would mean there were no universal human rights, only rights that some have and others do not, denying the essential humanity of those who are deemed to be owned. • [If] Everyone owns everyone, a fully-fledged communist system. In such a system, before anyone could take an action, he [they] would need to get permission from everyone else. But how could each other person grant permission without consulting everyone else? You’d have an infinite regress, making any action at all logically impossible. ln practice, since such mutual ownership is impossible, this system would break down into the previous one: some- one, or some group, would own everyone else. That is what happened in the communist states: the party became a dictato- rial ruling elite. Thus, either communism or aristocratic rule would divide the world into factions or classes. The only possibility that is humane, logical, and suited to the nature of human beings is self-ownership. Obviously, this discussion has only scratched the surface of the question of self-ownership; in any event, I rather like Jefferson’s simple declaration: Natural rights are self-evident.

#### [Criterion] Thus, my value criterion is respecting self-ownership. It may be morally virtuous to help the poor but that doesn’t mean that you can steal money from someone else and give it to the poor so that you help them because that’s an act of coercion which violates someone else’s freedom.

### C1 – forced charity

#### [Bapanapalli] Forced charity hurts society & violates the right to pursue one’s own ends

**Bapanapalli 2020** (Why Forced ‘Charity’ Is Bad Economics, May 13 2020, Satish Bapanapalli, Foundation for Economic Education, <https://fee.org/articles/why-forced-charity-is-bad-economics/>) //neth

Fulfillment from Charity I couldn’t agree more. Just like freedom is a fundamental desire of every human being, so is the desire to help fellow humans. Individuals express charity in many other forms such as support towards animal welfare, nature conservancy, promotion of arts, incentivizing fundamental research, and environmental causes. Not to be a cynic, but the fulfillment that charity brings to people is just like any other service. We pay a price to watch a movie or have a great time at an amusement park like Universal Studios. In return, we get the satisfaction of great memories. In the case of charity, the price we pay brings us fulfillment. So, why is it important to view fulfillment derived from charity just like any other commodity? Because then economists can apply their theories and have fun! (\*huge economist grin\*) Let’s consider two thought experiments. First, how would you feel if your desire is to buy a Lexus sedan with your money, but you are forced to buy a Hyundai sedan instead for the same price, even though the Hyundai sedan is priced much lower in the market? Second, let’s say you get great satisfaction by donating your money to the Wounded Warrior Project. However, you are instead forced to donate that money to help with protection of Indian Rhinoceros’ habitat. How does that make you feel? Both thought experiments are similar. Buying a Lexus sedan and donating to Wounded Warrior Project are your personal choices. That is why charity is personal! If you are instead coerced to donate to charities that you do not relate to, then you do not derive equivalent fulfilment out of that donation.

#### [Bapanapalli] Forced charity encourages dependence

**Bapanapalli 2020** (Why Forced ‘Charity’ Is Bad Economics, May 13 2020, Satish Bapanapalli, Foundation for Economic Education, <https://fee.org/articles/why-forced-charity-is-bad-economics/>) //neth

And worst of all, people who are being forced by the government to perform this ‘charity’ do not even get the satisfaction of having helped fellow human beings in need due to the impersonal nature of charity via government welfare programs. And the welfare recipients don’t feel grateful, because politicians and activists have convinced them that welfare is a government-given right, not a charitable gift. In countries with highly homogenous populations like Scandinavian countries, charitable people still derive adequate satisfaction from government-enforced ‘charity’ because they can relate to the recipients of government ‘charity’. That is why a large welfare state in such countries does not lead to perceptible public dissatisfaction. As the countries become more non-homogenous, the dissatisfaction levels increase considerably. The US is a good example. Private charities are able to positively discriminate against people who are capable of standing up on their own feet but willfully refuse to do so versus people who are in genuine need of charity. As Jude Blanchette puts it, “aid given without nourishment of a man’s character would accomplish little except to demean him”. Government ‘charity’ has little room for such positive discrimination due to the bureaucratic nature of enforcement by rigid rules, and in fact encourages dependency due to bad incentives such as bigger welfare rolls leading to bigger welfare budgets for the bureaucrats. Here is a quirky way to summarize the ‘charity’ enforced by US federal and state governments. You want to buy a Lexus sedan for $50,000. But the government is instead taking away $150,000 from you and in return giving you a Hyundai sedan that is priced at $20,000. That is, you are being coerced to spend the difference of $130,000 without deriving any value from it. Bad economics! In free-market economic transactions, both the buyer and seller mutually benefit from a transaction. And that’s what happens in voluntary charity too. The charitable people (buyers) voluntarily give their preferred amount of money to causes they believe in. The recipients of charity (sellers) are grateful for the much-needed help. That’s good economics. In government-enforced ’charity’, the buyers (taxpayers) do not get fulfillment commensurate with their expenditure because they are forced to spend way more money than they intended to and on causes they don’t necessarily believe in. Even the sellers (welfare recipients) do not get proportionate satisfaction because they think they have a right to more welfare payments and that they are being short changed by the government and “the system”. That’s bad economics overall! Bad economic policies result in lackluster economic growth which leads to more poverty. The share of the US population in poverty was declining rapidly until Lyndon Johnson declared his ill-conceived “war on poverty” in the 1960s via a massive expansion of the welfare state. Since then the share of the US population in poverty has stalled around 14 percent. Forced

### C2 - property rights

#### [Mercurio] IPP was necessary to produce the vaccine – waiving property rights now will end cooperation for future diseases

**Mercurio 2021** (Bryan Mercurio, June 24 2021, “The IP Waiver for COVID-19: Bad Policy, Bad Precedent,” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/>) //neth

When asked if a waiver would improve vaccine availability and equity, Watal responded: “No. It won’t. That’s clear.”21 I share Watal’s view and do not support a TRIPS waiver for IPRs or even a limited waiver for patents. With evidence mounting that “what the proposal … will definitely not achieve is speeding up the Covid-19 vaccination rate in India or other parts of the Global South”22 I refuse to sacrifice academic integrity by supporting a proposal simply because it is gaining traction in some circles.23 IPRs played a key role in delivering vaccines within a year of the discovery of a new pathogen; it seems inexplicable that the world would abandon the system without any evidence that IPRs are limiting during the current crisis.24 Moreover, innovators have been generous in licensing technology transfer and production and one would be hard-pressed to find credible reports of qualified generic producers being refused a license. This is not surprising, since multiple competing vaccines are on the market it simply does not make economic sense for innovators to refuse a license – the generic manufacturer would simply obtain a license (and market share) and pay royalties to a competitor. Instead, I support efforts to enable prompt and effective use of existing flexibilities in the TRIPS Agreement and concerted and coordinated efforts involving governments and the private sector to ensure all qualified generic producers willing and capable of manufacturing vaccines are doing so and to create supply by working to bring more facilities up to standard. Cooperation will not only lead us out of this pandemic but also put us in a better position to deal with the next one. Killing the goose that laid the golden egg may seem appealing to some in the short term but will only ensure that no eggs are delivered in the next pandemic.

#### [PRI] Waiving IPP brings multiple problems – counterfeits, production issues, and lack of innovation, to name a few

**PRI 2021** (Pacific Research Institute, June 21 2021, “Waiving Covid-19 Vaccine Patents Is a Bad Idea and Sets a Dangerous Precedent,” WAYNE WINEGARDEN, ROBERT POPOVIAN, PETER PITTS, TOWNHALL.COM, <https://medecon.org/waiving-covid-19-vaccine-patents-is-a-bad-idea-and-sets-a-dangerous-precedent/>) //neth

The production of these breakthrough Covid-19 vaccines requires sophisticated processes, procedures, staff training, material, and manufacturing. Under typical patent-protected arrangements for new global production facilities, patent-holders voluntarily license their product information to qualified third party-manufacturers. The patent-owners work closely with the licensees to stand up facilities that meet rigorous technological specifications and standards for safety. Even under ideal conditions, it can take a year or longer to build out this infrastructure the right way. The WTO waiver blows up this careful process by allowing pretty much anyone to go into the business of producing Covid-19 vaccines. Suddenly, it’s the wild west out there, with legitimate producers trying to compete with aggressive cost and corner-cutters, to say nothing of the outright fraud that has long driven the lucrative counterfeit drug trade. All the research demonstrating the safety and efficacy of the Covid-19 vaccines goes out the window under such conditions. Nor is such a process going to produce faster results. Historically, under compulsory rather than voluntary licensing arrangements, it has taken even legitimate generic manufacturers years to receive the formulas, work out logistical challenges, and scale up production. In one case of compulsory licensing, it took over four years to bring a generic AIDS drug to Rwanda. The World Health Organization regularly publishes a list of “essential” medications, the vast majority of which patent protections have long expired. Any generic manufacturer can therefore set itself up producing them. Yet the WHO reports that availability of these medicines in many parts of the developing world remains spotty, at best. The quality of many of these essential medicines is also questionable. Yet none of the drugs on the WHO list are in the same universe of complexity as the Covid-19 vaccines. The patent system is not the problem here. But, some ask, why should private companies enjoy the property rights to innovation driven by government funding? This question likewise misses the mark. In a study of 478 drugs less than 10 percent had a public-sector patent associated with it. While providing no gain, compulsory licensing promises lots of pain. Shunting aside patent and intellectual property rights sends a dangerous signal to innovative biopharmaceutical companies and their investors. Biopharmaceutical research is risky. It costs almost $3 billion, on average, to bring a single medicine to pharmacy shelves. Biotech investors take these risks because of strong patent protection like those in the United States. Scientists in America now develop over half of all new drugs worldwide. It’s important to understand the current advocacy for a “temporary” IP waiver. A small but vocal and influential public health policy cohort believes that IP protections are the most significant cause of global healthcare disparities. Their philosophies repeat and reinforce many misconceptions about the problem of improving global access to medicines. The reality is that, in order to save the world, we must all work together as partners. A free-market healthcare paradigm for drug development, although far from perfect, works. A well-appointed armamentarium of Covid-19 diagnostic tools, therapeutics, and vaccines – all invented in under one year, speaks to the power of today’s innovation ecosystem. That ecosystem is built on IP protections. Right now, under voluntary licensing, global production capacity for Covid vaccines and treatments is expanding and accelerating. A move to nullify IP will not result in a single resident of the developing world getting vaccinated one minute sooner.

#### [Burger & Nebehay] Open Licensing misses the problem – trade bottlenecks are causing the vaccine delays, not IPP

**Burger & Nebehay 2021** (Ludwig Burger and Stephanie Nebehay, May 6 2021, “Drugmakers say Biden misguided over vaccine patent waiver,” Reuters, ) //neth

GENEVA, May 6 (Reuters) - Drugmakers on Thursday said U.S. President Joe Biden's support for waiving patents of COVID-19 vaccines could disrupt a fragile supply chain and that rich countries should instead share more generously with the developing world. Biden on Wednesday threw his support behind waiving intellectual property rights for COVID-19 vaccines, angering research-based pharmaceutical companies. read more If adopted by the World Trade Organisation, the proposal would invite new manufacturers that lack essential know-how and oversight from the inventors to crowd out established contractors, the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) said. "I have heard many (vaccine makers) talking about 'our resources are stretched, our technicians are stretched'," IFPMA Director General Thomas Cueni told Reuters. He warned of a possible free for all if "sort of rogue companies" were allowed to become involved. Vaccine developers echoed his comments that waiving intellectual property rights was not a solution. "Patents are not the limiting factor for the production or supply of our vaccine. They would not increase the global production and supply of vaccine doses in the short and middle term," said Germany's BioNTech, which aims to supply up 3 billion doses together with Pfizer (PFE.N) this year. read more BioNTech said it took more than a decade to develop its vaccines manufacturing process and replicating it required experienced personnel and a meticulous technology transfer, among several other factors beyond patents. Another German company CureVac (5CV.DE), which hopes to release trial results on its messenger ribonucleic acid (mRNA) vaccine as early as this month, said patents were not to blame for supply bottlenecks. "Since mRNA technology has emerged as the key technology in the fight against COVID-19, the world now needs the same raw materials in unfathomable amounts. The biggest problem is how to coordinate this," a spokeswoman said. IFPMA's Cueni said the real bottlenecks were trade barriers, in particular the U.S. Defense Production Act (DPA). The DPA is a decades-old U.S. law that prioritised procurement orders related to U.S. national defence, but it has been widely used in non-military crises, such as natural disasters. Cueni said the way to kickstart low-income countries' vaccination campaigns was for rich countries to donate vaccine, rather than widen eligibility to young and healthy people at home. Moderna (MRNA.O), which on Thursday reported quarterly results, said waiving intellectual property rights would not help to increase supply of its vaccines in 2021 and 2022. The U.S. drugmaker said last year it would not enforce its vaccine patents. CureVac said on Thursday it would also not enforce its patents during the pandemic and that it knew of no other developer that would. Italy's ReiThera which is in late-stage tests on an experimental COVID-19 vaccine, was also critical of patent waivers. "There is proprietary know-how that has to be transferred by the owner. And then there is the problem with process materials, which at the moment have delivery times of almost a year," ReiThera's chief of technology Stefano Colloca said. In contrast to the industry reaction, the GAVI vaccine alliance, which co-leads the COVAX dose-sharing programme with the WHO and faces major supply constraints, welcomed Biden's support for waiving intellectual property rights.

## Case

Speaking for others - some indigenous people want patents in exchange for compensation and using the settler state is bad, nonindigenous people shouldn't be advocating for what they want.

Indigenous people can patent their own stuff, which means it goes both ways.

Fill in - evergreen and other stuff mean its doomed to fail. Getting rid of patents means more anti-indigenous ways to do stuff, they take over indigenous schooling and stuff to grant them against the will, choke up the supply chain.

Getting rid of IPP harms indigenous people. Patent returns PIC get rid of these patents except for indigenous people- allow indigenous people to patent and then sell them to companies at higher prices if they want to.