### **NEBEL T - Generic Spec**

**2:07**

**Interpretation: Medicines is a generic bare plural. The aff cannot defend a specific subset of medicines and thus affirm the resolution.**

**Violation: They defend a subset of drugs [insert plan mandate here]**

Jake **Nebel**, 8-12-20**19**, "Genericity on the Standardized Tests Resolution," VBriefly, <https://www.vbriefly.com/2019/08/12/genericity-on-the-standardized-tests-resolution/> [Jake Nebel is] an assistant professor of philosophy at USC. [He works] mostly on questions in normative ethics and the theory of value. //ear

“Colleges and universities,” “standardized tests,” and “undergraduate admissions decisions” are bare plural noun phrases**. A** [**bare plural**](https://en.wikipedia.org/wiki/Bare_nouns#English_Bare_Plurals) **is a noun phrase that lacks an overt determiner.** [**Determiners**](https://en.wikipedia.org/wiki/Determiner) **include** articles like the, possessives like my, demonstratives like these, and **quantifiers like some**. “Colleges and universities,” “standardized tests,” and “undergraduate admissions decisions” are plural, and they lack determiners, so they are bare plurals. (“Colleges” and “universities” are also bare plurals, but it doesn’t matter for our purposes whether we consider them separately or just consider the conjunctive noun phrase.) Bare plurals are typically used to express generic generalizations. Generic generalizations include sentences like, “Dogs bark,” “Bees sting,” and “Birds fly.” **It is helpful to understand generic generalizations by contrasting them with two other kinds of generalizations. Existential statements say that there exist some things that satisfy a certain property. For example, “Some bees don’t sting” is an existential statement. It is true because there are indeed some bees that don’t sting**. Existential statements can be affirmed by pointing to particular examples—e.g., mason bees. Universal statements say that all things satisfy a certain property. For example, “All bees sting” is a universal statement. It is false because, as we just saw, some bees don’t sting—so it’s not the case that all of them do. Universal statements cannot be affirmed by pointing to particular examples, but they can be negated by pointing to particular counterexamples—again, e.g., mason bees. **Generic generalizations are neither existential nor universal. Generics are distinct from existential statements because they cannot be affirmed by particular instances. For example, “Birds swim” is a generic. It’s false even though there are some birds that do swim:** namely, penguins. You can’t affirm that birds swim by observing that penguins swim. Generics are distinct from universal statements because they can tolerate exceptions. For example, “Birds fly” is a generic. It’s true even though there are some birds that don’t fly: namely, penguins. You can’t negate that birds fly by observing that penguins don’t. Both distinctions are important. **Generic resolutions can’t be affirmed by specifying particular instances.** But, since generics tolerate exceptions, plan-inclusive counterplans (PICs) do not negate generic resolutions. Bare plurals are typically used to express generic generalizations. But there are two important things to keep in mind. First, generic generalizations are also often expressed via other means (e.g., definite singulars, indefinite singulars, and bare singulars). Second, and more importantly for present purposes, bare plurals can also be used to express existential generalizations. For example, “Birds are singing outside my window” is true just in case there are some birds singing outside my window; it doesn’t require birds in general to be singing outside my window. So, what about “colleges and universities,” “standardized tests,” and “undergraduate admissions decisions”? Are they generic or existential bare plurals? On other topics I have taken great pains to point out that their bare plurals are generic—because, well, they are. On this topic, though, I think the answer is a bit more nuanced. Let’s see why. 1.1 “Colleges and Universities” “Colleges and universities” is a generic bare plural. I don’t think this claim should require any argument, when you think about it, but here are a few reasons. **First, ask yourself, honestly, whether the following speech sounds good to you: “Eight colleges and universities—namely, those in the Ivy League—ought not consider standardized tests in undergraduate admissions decisions**. **Maybe other colleges and universities ought to consider them, but not the Ivies**. **Therefore, in the United States, colleges and universities ought not consider standardized tests in undergraduate admissions decisions.” That is obviously not a valid argument: the conclusion does not follow.** Anyone who sincerely believes that it is valid argument is, to be charitable, deeply confused. But the inference above would be good if “colleges and universities” in the resolution were existential. By way of contrast: “Eight birds are singing outside my window. Maybe lots of birds aren’t singing outside my window, but eight birds are. Therefore, birds are singing outside my window.” Since the bare plural “birds” in the conclusion gets an existential reading, the conclusion follows from the premise that eight birds are singing outside my window: “eight” entails “some.” **If the resolution were existential with respect to “colleges and universities,” then the Ivy League argument above would be a valid inference. Since it’s not a valid inference, “colleges and universities” must be a generic bare plural**. Second, “colleges and universities” **fails the** [**upward-entailment test**](https://plato.stanford.edu/entries/generics/#IsolGeneInte) **for existential uses of bare plurals**. Consider the sentence, “Lima beans are on my plate.” This sentence expresses an existential statement that is true just in case there are some lima beans on my plate. One test of this is that it entails the more general sentence, “Beans are on my plate.” Now consider the sentence, “Colleges and universities ought not consider the SAT.” (To isolate “colleges and universities,” I’ve eliminated the other bare plurals in the resolution; **it cannot plausibly be generic in the isolated case but existential in the resolution**.) This sentence does not entail the more general statement that educational institutions ought not consider the SAT. This shows that “colleges and universities” is generic, because it fails the upward-entailment test for existential bare plurals. Third, “colleges and universities” fails the [adverb of quantification test](https://plato.stanford.edu/entries/generics/#IsolGeneInte) for existential bare plurals. Consider the sentence, “Dogs are barking outside my window.” This sentence expresses an existential statement that is true just in case there are some dogs barking outside my window. One test of this appeals to the drastic change of meaning caused by inserting any adverb of quantification (e.g., always, sometimes, generally, often, seldom, never, ever). You cannot add any such adverb into the sentence without drastically changing its meaning. To apply this test to the resolution, let’s again isolate the bare plural subject: “Colleges and universities ought not consider the SAT.” Adding generally (“Colleges and universities generally ought not consider the SAT”) or ever (“Colleges and universities ought not ever consider the SAT”) result in comparatively minor changes of meaning. (Note that this test doesn’t require there to be no change of meaning and doesn’t have to work for every adverb of quantification.) This strongly suggests what we already know: that “colleges and universities” is generic rather than existential in the resolution. Fourth, it is extremely unlikely that the topic committee would have written the resolution with the existential interpretation of “colleges and universities” in mind. If they intended the existential interpretation, they would have added explicit existential quantifiers like “some.” No such addition would be necessary or expected for the generic interpretation since generics lack explicit quantifiers by default. The topic committee’s likely intentions are not decisive, but they strongly suggest that the generic interpretation is correct, since it’s prima facie unlikely that a committee charged with writing a sentence to be debated would be so badly mistaken about what their sentence means (which they would be if they intended the existential interpretation). **The committee, moreover, does not write resolutions for the 0.1 percent of debaters who debate on the national circuit; they write resolutions, at least in large part, to be debated by the vast majority of students on the vast majority of circuits, who would take the resolution to be** (pretty obviously, I’d imagine) **generic** with respect to “colleges and universities,” given its face-value meaning and standard expectations about what LD resolutions tend to mean.

#### **Medicines is a generic bare plural**

#### **Saying that you reduce IPR for one medicine doesn’t mean you reduce IPR for all medicines**

#### **Standards**

1. **Infinitely Regressive:** There is no threshold for how much the aff can specify. It would kill limits and predictability because there are an infinite number of case combinations available.
2. **Time-Skew**: The spec lets the aff co-opt out of the negative offense, which moots 7-minute 1AR. Kills fairness since they have more time to get the ballot. Also outweighs since time is the prerequisite to making any arguments.
3. **Predictability/Limits**: There are an infinite number of mechanisms they can sever out, which makes for an unreasonable aff case list. Kills fairness since there’s no way for us to get mutual pre-round prep. Limits are key to education since they incentivize topical research.
4. **Ground**: There’s only a sliver of offensive arguments that I can garner from their advocacy, whereas they can generate offense from everywhere. Key to fairness and education since equal ground means equal access to offense.
5. **Real World Education:** Single issue affs are uniquely bad- kills policy education because policymakers in the real world don’t spec out of specific groups. It promotes cost-benefit analysis, argument development, and topic-specific education.

**TVA: Defend the whole resolution and read your plan as an advantage to the aff.**

**Voters**

1. **Fairness**: Fairness is a voter because debate is an activity that results in winners and losers. Equal access to the ballot is key to generate activism and ultimately gain educational benefits exclusive to debate. Fairness controls the I/L to education because if we don’t have equal access, we can’t debate.
2. **Education**: Education is a voter because debate is an educational activity, but fairness outweighs education because we can gain it in other forums.

#### **Paradigm Issues**

1. **Drop the Arg**
   1. **Aff reasos.**
2. **No RVIs**
   1. The opponent shouldn’t win for being fair; Illogical to turn defensive counterinterps intro offensive voters
   2. Encourages debaters to be abusive and prep for T
   3. Because of the chilling effect, I wouldn’t initiate theory against abuse if I could lose
   4. Enables a return to substantive debate
3. **Competing Interps**
   1. Any brightline for reasonability is arbitrary, which forces unclear intervention
   2. Fosters a race to the top by promoting better norms
   3. Builds advocacy skills in theory debate

# **Substandard Drugs DA**

#### **Brink: 10% of all drugs in developing countries are substandard; Breman 19**

Breman, Joel (C. Dr. Breman was educated at the University of California, Los Angeles; Keck School of Medicine, University of Southern California (USC); and the London School of Hygiene and Tropical Medicine. He trained in internal medicine at the USC-Los Angeles County Medical Center, infectious diseases at the Channing Laboratory, Harvard Medical School, and epidemiology at CDC. He is Senior Scientist Emeritus, NIH and President-Elect, the American Society of Tropical Medicine and Hygiene. Dr. Breman worked on smallpox eradication, measles control, and disease surveillance as a CDC assignee to Guinea, Burkina Faso (Upper Volta), and WHO, Geneva. Following the eradication of smallpox, Breman returned to CDC where he worked on malaria treatment, epidemiology and control in Africa. In 1995, he followed his wife, an environmental lawyer, to Washington, DC, to become Director, Program in Emerging Infectious Diseases, Fogarty International Center, NIH.)**. “**It's time to stop murder by counterfeit medicine.” *STAT*, 2019, May 7,  <https://www.statnews.com/2019/05/07/stopping-murder-counterfeit-medicine/> Accessed 30 Aug. 2021.

**Each year, more than 250,000 children with malaria and pneumonia, common illnesses in poor countries, do not survive after treatment with fake and substandard drugs.** While poor quality drugs targeting older individuals are also entering global markets, the World Health Organization says “it is very difficult to quantify [their] impact.” Such useless or harmful drugs once went by the confusing designation “substandard/spurious/falsely labeled/falsified/counterfeit medical products.” A recent move by the WHO aims to simplify this by separating them into three categories: falsified medical products deliberately misrepresent their identity and are distributed with criminal intent substandard medical products fail to meet quality standards unregistered or unlicensed medical products have not been assessed or approved **According to the WHO, 1 in 10 medical products in developing countries is falsified or substandard. The personal and public health tolls are huge, as is the economic burden — up to $200 billion annually.** **Poor-quality antimicrobials are most often found in low-income countries.** In addition to failing to treat infection, **they also contribute to the evolution of antimicrobial resistance, which British researchers have estimated could kill up to 10 million people a year by 2050.** But counterfeit medications in virtually every therapeutic class, from blood pressure pills to treatments for cancer and vaccines, are made and distributed by unscrupulous criminals. **In countries with poor pharmaceutical control systems, such drugs can be made in illicit facilities inside or outside the country and enter the supply stream because no FDA-like system exists for inspection or approval. Expensive analytic equipment generally isn’t available, while simple, accurate, and inexpensive testing systems for use in the field, at pharmacies, and at the point of care remain out of reach in virtually all poor countries. To make matters worse, many countries do not have laws to define and enforce regulations addressing crimes related to counterfeit or substandard medicines, nor do the have well-defined judicial actions once criminals are suspected or identified.**

#### **Link: IP protections are a essential barrier to fight counterfeit medicine and substandard drugs; Lybecker, 16**

Lybecker, Kristina M (C. Dr. Kristina M. Lybecker is an Associate Professor of Economics at Colorado College in Colorado Springs, where she is also the Associate Chair of the Department of Economics and Business and the Gerald L. Schlessman Professor of Economics. She has testified numerous times on the economics of the importation of Canadian drugs and the risks of pharmaceutical counterfeiting. Dr. Lybecker has also worked with US Food and Drug Administration, PhRMA, and the World Bank, on a variety of issues relating to the economics of innovation and international trade policies.) “Counterfeit Medicines and the Role of IP in Patient Safety.” IPWatchdog.com | Patents &amp; Patent Law, IPWatchdog, 27 June 2016, [www.ipwatchdog.com/2016/06/27/counterfeit-medicines-ip-patient-safety/id=70397/](http://www.ipwatchdog.com/2016/06/27/counterfeit-medicines-ip-patient-safety/id=70397/).

As the author of the chapter on illicit trade in counterfeit medicines within the OECD report, I worry that global policymakers may be working against each other when it comes to battling counterfeit drugs, especially in the context of intellectual property rights. While the Senate Hearing and **the OECD report highlight the importance of strong IP protection in combating the growing threat of counterfeit goods, their efforts coincide with an initiative by the UN Secretary-General that has the potential to greatly worsen the problems of counterfeit pharmaceuticals.** UN Secretary General Ban Ki Moon’s High Level Panel on Access to Medicines proposes “to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies.”[2] **The High Level Panel is a thinly veiled attempt to undermine the intellectual property rights architecture that incentivizes pharmaceutical innovation and protects patients from counterfeit medicines.** While **patents and other forms of intellectual property rights are widely recognized as fostering pharmaceutical innovation, they also serve to inhibit** **counterfeiting. The World Health Organization has determined that counterfeiting is facilitated where “there is weak drug regulatory control and enforcement; there is a scarcity and/or erratic supply of basic medicines; there are extended, relatively unregulated markets and distribution chains, both in developing and developed country systems; price differentials create an incentive for drug diversion within and between established channels; there is lack of effective intellectual property protection; due regard is not paid to quality assurance”.**

#### **Internal Link: Lack of IP floods markets with dangerous products; Mercurio, 21**

Mercurio, Bryan (C.Bryan Mercurio is the Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law.) “The IP Waiver for COVID-19: Bad Policy, Bad Precedent.” *IIC; international review of industrial property and copyright law*, 1-6. 24 Jun. 2021, doi:10.1007/s40319-021-01083-5 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/>

Alan Beattie, writing in the *Financial Times*, believes that even the proponents of the waiver desire this outcome: “having talked to the proponents, [the original proposal] was always a tactical position designed to start a debate, identify possible support and flush out opponents rather than a likely outcome. To that end, it seems to have worked rather well.”[19](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn19) India’s negotiator to the TRIPS Agreement and longtime WTO staffer, Jayashree Watal, agrees, stating the proposal is an “indirect attempt to put pressure on the original manufacturers to cooperate [and license production to companies in their countries]”.[20](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn20) This view makes sense, as the proponents (and their supporters) have not even pointed to one credible instance where IPRs have blocked the production of a COVID-19 vaccine. Moreover, it is well known that the **leading vaccines** using mRNA **are difficult to reproduce and having the “blueprints” does not guarantee safe and effective production.** Simply stated, if a pastry chef provides instructions on how to bake a cake, the cake they bake is still going to be better than cakes baked by novices using the exact same recipe. **The know-how** and trade secrets **are the key ingredient to the manufacture of quality, safe and effective pharmaceuticals** or vaccines, and not only is it not transferred through compulsory licenses but it is hard to imagine how any government would force the transfer of such information even under a waiver. For this reason, **instead of encouraging production everywhere – including in locations where safety and efficacy standards are virtually nonexistent – and accepting that there will be a flood of substandard vaccines coming onto the world market (with devastating effects) it is much more sensible to find out where potential manufacturing capabilities exist and find ways to exploit them and scale them up.**