# 1n r5

## 1

### Syllogism

#### Presumption and Permissibility negate –

#### [1] ought implies an obligation but permissibility is a lack of one which means the neg met their burden of disproving an obligation

#### [2] there are infinite ways to prove a statement false which means it’s more likely to be false than true

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

#### The meta-ethic is ethical subjectivism, or that ethical statements are truth apt but moral truth varies across subjects.

#### Prefer:

#### [1] Rule-following paradox—the only way to interpret rules is to have more rules to explain them—that means other frameworks are infinitely regressive and collapse into the NC.

#### [2] Epistemology—the way we interpret the natural world is necessarily framed by social constructs—we don’t call trees trees because of some natural fact about trees. That means we can’t interpret facts independent of our social constructs.

#### [3] Externalism fails—even if a priori normative facts exist, they’re epistemically inaccessible because humans are products of their molecular biology—the mind can’t derive facts independent of material, external forces like gravity.

#### [4] Contestation – Ethical disagreement proves subjectivism because we can be set in our moral beliefs independently of others’ claims.

#### A relative conception of moral truth with no higher power devolves into infinite violence and only the state solves

Holcombe 04 RANDALL G. HOLCOMBE, published Winter 2004, THE INDEPENDENT REVIEW, “Government: Unnecessary but Inevitable”, accessed 7/24/2021, <https://www.independent.org/pdf/tir/tir_08_3_1_holcombe.pdf>, Holcombe is an American economist and the DeVoe Moore Professor of Economics at Florida State University, pg 329-330 //DrPhillipsAD

Without government, people would be vulnerable to predators and therefore would have to find ways to protect themselves. In the anarchy Hobbes described, life is a war of all against all—nasty, brutish, and short. The strong overpower the weak, taking everything the victims have, but the strong themselves do not prosper in Hobbesian anarchy because there is little for them to take. Nobody produces when the product will surely be taken away from them. Even under more orderly conditions than Hobbesian anarchy, predation has a limited payoff because people who have accumulated assets forcibly resist those who try to plunder them, and the ensuing battles consume both predators’ and victims’ resources.10 Disorganized banditry produces Hobbesian anarchy in which nobody prospers because nobody has an incentive to be productive. If the predators can organize, they may evolve into little mafias that can offer their clients some protection. This evolution will create a more productive society, with more income for both the predators and their prey, but the mafias will have to limit their take in order for this outcome to arise. If the mafia can assure its clients that in exchange for payment they will be protected from other predators and allowed to keep a substantial portion of what they produce, output will increase, and everybody’s income can rise. Losses from rivalries among mafias will continue to be borne, however, because competing mafias have an incentive to plunder individuals who do not contract with them. If the mafias become even better organized, they can establish themselves as a state. Predators have every incentive to move from operating as bandits to operating as states because bandits cannot guarantee themselves a long-term flow of income from predation and because if banditry is rampant, people have little incentive to produce wealth. States try to convince citizens that they will limit their take and that they will protect their citizens in order to provide an incentive for those citizens to produce. Governments receive more income than bandits because governments can remain in one place and receive a steady flow of income rather than snatching once and moving on (Usher 1992). In such a situation, citizens gain, too (Holcombe 1994). Nozick (1974) describes this process in more benign terms. Nozick’s protection agencies establish monopolies and evolve into a minimal state, but the evolutionary process is the same. The evolution of predatory bandits into mafias (protection firms) and thence into governments may be inevitable. If not inevitable, it is desirable because governments have an incentive to be less predatory than bandits or mafias. Citizens will be more productive, creating more for predators to take and more for citizens themselves to keep. The predators gain because they need only threaten to use force in order to induce the victims to surrender their property. Citizens benefit because they need not devote resources to using force in defense of their property— the government protects property, except for the share it takes for itself.11 Successful predation of this type requires a particular institutional arrangement in which government makes a credible promise to limit its take and to protect its citizens from other predators. Only then do citizens have an incentive to produce much. Government has an incentive to protect citizens in order to protect its own source of income. The contractarian literature of Rawls (1971), Buchanan (1975), and especially Tullock (1972, 1974) is related to the argument presented here, but it differs in a significant respect. Noting the problems that exist for citizens in Hobbesian anarchy, these writers argue that citizens can gain by forming a government to protect property rights and to enforce contracts. Government is a result of the contract, not a party to it. The argument here is not that government will be created because everyone’s welfare will be enhanced by an escape from anarchy, but rather that anarchy will not persist because those with the power to create a government will do so regardless of the desires of those outside of government. The creation of government may enhance everyone’s welfare because government has an incentive to protect the source of its income—its citizens’ productive capacity—but the “contract” that creates government is not made because everyone agrees to it or because everyone will benefit. Rather, it springs from the capacity of those in government to force their rule on others.

#### That’s empirically proven

Couttenier et al 13 Mathieu Couttenier (University of Lausanne), Pauline Grosjean (University of New South Wales), Marc Sangnier (Aix-Marseille University), published December 2013, Journal of the European Economic Association, “The Wild West is Wild: The Homicide Resource Curse”, accessed 7/24/2021, <https://www.aeaweb.org/conference/2014/retrieve.php?pdfid=298>, pg 2-5 //DrPhillipsAD

Why is the homicide rate in the United States more than four times higher than in Western Europe or other neo-Europes, such as Australia?1 Elias (1994)’s civilizing process roots the decline in homicide in the development of a Weberian state, which enforces agreed settlements and monopolizes violence, making violence both superfluous and ineffective. 2 In sharp contrast with this view, Anderson and Hill (1979, 2004) argue that self-interest suffices to sustain a peaceful order, even in anarchy. In the “Not So Wild Wild West”, they argue that the private enforcement of property rights in the West of the United States in the 19th century provides just the demonstration. A closer look at the evidence in this study reveals that while a private order of property rights order there was, peace there was not. The circumstances of mineral discoveries in the United States provide the ideal natural experiment to examine the relationship between state development and interpersonal violence. Mineral discoveries generally occurred after the state was established, but they preceded the state in more than a third of cases. Incorporation of large swathes of territory in the West occurred at the same time as an intense mineral rush, but for independent, geopolitical reasons according to Davis (1972). Motivated by the fact that in the United States, contrary to most countries, individuals own mineral rights, private prospectors flocked the country, irrespective of whether the state was already in place or not.3 It is therefore not farfetched to assume that mineral discovery was independent of the precise timing of state development in the very place of discovery. We take advantage of the respective timings of state development and mineral discovery in order to test the civilizing process hypothesis. We track more than 4, 500 mineral discoveries across counties and time, and we match discoveries with historical county formation from the Atlas of Historical County Boundaries. Our measure of state development consists of the territorial status of the place of discovery: colony or state, in which case we consider that discovery postdates the establishment of the state; territory or unorganized land, in which case we consider that the discovery predates the state. We regress measures of crime today on the presence of minerals and on our measure of whether formal state institutions were in place at the time of the discovery. Our analysis is at the county level and controls for state fixed effects throughout. We also study the historical relationship between violence and mineral discovery. Our results give unambiguous support to the civilizing process. Counties that experienced mineral discoveries before the state was established exhibit higher levels of homicide and assaults, to this day. Mineral discoveries are associated with about 200 additional assaults and murders per 100, 000 people in 2000 in these early mining counties – a 40% increase at the mean. By contrast, no effect is observed if discoveries occurred after the state was established. Our first difference approach rules out that our results are due to differences between mining and non mining areas. However, early and late mining counties may differ along characteristics that also affect crime, thereby jeopardizing our identification strategy. A particular concern is that late mining counties simply have older institutions and older institutions are associated with less crime. To address this concern, we control for the initial date of county creation as well as hisrorical population density, which was the main driver of county incorporation. We control for numerous other historical and contemporary county characteristics that may affect crime, such as income, education, ethnic fragmentation, population density, and the presence of women. Early and late mining counties do not differ from one another along any of these characteristics. In addition, the inclusion of state fixed effects remove the influence of any unobserved heterogeneity across states related to mineral discovery and to state incorporation. In robustness tests, we restrict our attention to discoveries that occur within 5 or 10 year windows of each other and avoid comparing older and more recent discoveries. We also restrict our analysis to counties within arbitrarily defined geographic areas, as well as to neighboring counties only. Moreover, even if the timing of incorporation was endogenous, this should work against our main result, as the state should be more likely to develop in resource-rich areas. Another potential concern is that territorial status may reflect not only political but also economic and social development of a county. The robustness to the inclusion of a battery of historical economic and social development indicators described above alleviates this concern. One last concern is that miners were negatively selected. To threaten our identification, miners should have been able to self select on the basis of the precise timing of the first discovery relative to state incorporation, within a given state. This seems farfetched in the context of the mineral rush that was taking place. Moreover, according to Clay and Jones (2008), miners were positively selected; they more educated and more likely to be white collar workers compared with the rest of the population. We next turn to the mechanisms that underlie the persistence of violence, more than a hundred years after the state was established in most places. Violence and intimidation that are effective in early mining counties enable the violent party to accumulate rents. Rents then provide the incentives and the financial means to corrupt and shape the nascent political institutions .4 . We find direct evidence that the persistence of our homicide resource curse is partly explained by a political resource curse, namely by enduring lower quality of judicial institutions. Relying on Epstein et al. (2001)’s state panel of judicial quality indicators since the mid 19th century, we find that in states that were fully incorporated only after some minerals had been discovered, discoveries are associated, yearly, with a to reduction in between 2% and 5% decrease in various indicators of the independence of state judges. To the best of our knowledge, our findings document for the first time the existence of a homicide resource curse, which, like the other resource curses, is conditional on the quality of initial institutions. To our motivating question, we offer an answer that consists of a combination of the tardiness of the civilizing process in the United States compared to Europe, and of the shock due to natural resource discovery, which, as we show, further delayed the civilizing process.5 However, only violent crime as opposed to property crime is affected, historically and today. A private order of property rights did emerge even in the absence of the state, as documented in Anderson and Hill (1979, 2004) but also in Clay and Wright (2005). However, in the absence of third party enforcement, the security of property rights was enforced by high levels of interpersonal violence. The first contribution of the paper is to the literature on the resource curse and on how initial endowments shape institutions in the long run (Engerman and Sokoloff 1997, 2002 and Rajan and Zingales 2006). How natural resources affect development outcomes depends on the quality of institutions (Mehlum et al., 2006), and resources have further deleterious effects on institutional quality (Brollo et al. 2013).6,7 A sizeable literature also finds a positive relationship between natural resources, in particular oil, and civil conflict (see Ross 2006 for a partial review). We focus on privately rather than publicly owned resources and interpersonal rather than political violence. The most closely related paper is Buonanno et al. (2012), which shows that a resource windfall in the context of weak formal property right gave rise to the Sicilian mafia. Our work differs from theirs in two ways. First, we abstract from the organizational form that may have substituted for formal, state-based property rights enforcement. Second, and more importantly, we also study the counterfactual situation in which the resource windfall occurs in the presence of strong formal institutions. Our contribution to the literature on interpersonal violence is two-fold. We consider a rather encompassing definition of formal enforcement – whether there is state at all –, and confirm prior evidence that enforcement deters crime and particularly violent crime (Levitt 1997, Kessler and Levitt 1999, and Draca et al. 2011). Our interpretation is that the security of property rights is ensured even in the absence of the state, but by high levels of interpersonal violence. The second contribution is to highlight the importance of reputation as a driver of violence. We review the theoretical background on this in Section 2. A related paper is Grosjean (2013), which finds that the culture of violence among 18th century Scots-Irish immigrants only persisted in areas of the United States where the formal rule of law was weak. The underlying assumption is that this group was prone to violence because it came from lawless areas and relied on easily stolen resources (Nisbett and Cohen 1996). This paper precisely demonstrates how the combination of weak formal institutions and easily appropriable resources spurs violence in the first place. We also contribute to the economic history literature on violence during the Gold Rush. In contrast with the popular myth of a lawless and murderous Wild West, the conventional view in economics is that property rights were secure and violence rather limited in mining districts (Umbeck 1975, 1981, Zerbe and Anderson 2001, and Clay and Wright 2005, 2011). While our empirical result support the first part of this claim, they do not support the second. The remaining of the paper is organized as follows. The conceptual background on rule of law and violence is discussed in Section 2. Section 3 introduces mineral discoveries data and provides some historical information. Sections 4 and 5 provide historical and contemporary evidence. Section 6 discusses channels of persistence and institutional quality. Section 7 concludes.

#### The state’s ability to create peace allows only it to reconcile different values by asserting a normative truth

Parrish 05 Rick Parrish, published 2005, Johns Hopkins University Press, “Derrida’s Economy of Violence in Hobbes’ Social Contract”, accessed 7/24/2021, http://muse.jhu.edu/article/244119#back, DOA:6-30-2018, Parrish teaches at Loyola University New Orleans //DrPhillipsAD

All of the foregoing points to the conclusion that in the commonwealth the sovereign's first and most fundamental job is to be the ultimate definer. Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes' theory of government, Richard Flathman claims that peace "is possible only if the ambiguity and disagreement that pervade general thinking and acting are eliminated by the stipulations of a sovereign."57 Pursuant to debunking the perennial misinterpretation of Hobbes' mention of people as wolves, Paul Johnson argues that "one of the primary functions of the sovereign is to provide the necessary unity of meaning and reference for the primary terms in which men try to conduct their social lives."58 "The whole raison d'être of sovereign helmsmanship lies squarely in the chronic defusing of interpretive clashes,"59 without which humans would "fly off in all directions"60 and fall inevitably into the violence of the natural condition. 26. It is not surprising that so many noted students of Hobbes have reached this conclusion, given how prominently he himself makes this claim. According to Hobbes, "in the state of nature, where every man is his own judge, and differeth from others concerning the names and appellations of things, and from those differences arise quarrels and breach of peace, it was necessary there should be a common measure of all things, that might fall in controversy."61 The main categories of the sovereign's tasks are "to make and abrogate laws, to determine war and peace, [and] to know and judge of all controversies,"62 but each of these duties is a subspecies of its ultimate duty to be the sole and ultimate definer in matters of public importance. It is only through the sovereign's effective continued accomplishment of this duty that the people of a commonwealth avoid the definitional problems that typify the state of nature. 27. Judging controversies, which Hobbes lists as the third main task of the sovereign, is the duty most obviously about being the ultimate definer. In fact, Hobbes declares it a law of nature that "in every controversy, the parties thereto ought mutually to agree upon an arbitrator, whom they both trust; and mutually to covenant to stand to the sentence he shall give therein."63 As I repeatedly alluded to above, this agreement to abide by the decision of a third party arbitrator, a sovereign in the commonwealth, is necessary because of the fundamentally perspectival and relative nature of persons' imputations of meaning and value into the situations they construct. Hobbes understands this problem, as evidenced by his claim that "seeing right reason is not existent, the reason of some man or men must supply the place thereof; and that man or men, is he or they, that have the sovereign power"64 to dictate meanings that will be followed by all. The sovereign is even protected from potential democratic impulses, by which a 'true' meaning would be that agreed upon by the greatest number of people. Because "no one man's reason, nor the reason of any one number of men, makes the certainty," they will still "come to blows . . . for want of a right reason constituted by nature"65 unless both the majority and the minority agree to abide by the meanings promulgated by the sovereign. 28. These meanings are usually created and promulgated by the sovereign in the form of laws, another of the tasks with which Hobbes charges it. In one of his clearest explanations of the law, Hobbes writes that "it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what honest, what dishonest, what good, what evil; that is summarily, what is to be done, what to be avoided in our common course of life."66 The civil law is the set of the sovereign's definitions for ownership, justice, good, evil, and all other concepts that are important for the maintenance of peace in the commonwealth. When everyone follows the law (that is, when everyone follows the sovereign's definitions) there are far fewer conflicts among persons because everyone appeals to the same meanings. This means that people know what meanings others will use to evaluate the actions of themselves and others, so the state of nature's security dilemmas and attempts to force one's own meanings upon others are overcome. 29. There is to be no question of the truth or falsity of the sovereign's definitions because "there are no authentical doctrines concerning right and wrong, good and evil, besides the constituted laws in each realm and government."67 In fact, Hobbes specifically says that one of the "diseases of a commonwealth" is that "every private man is judge of good and evil actions."68 Only when individual persons agree to follow the meanings promulgated by the sovereign, which of course includes refraining from trying to impose their own meanings on others, can persons live together in peace -- when they take it upon themselves to impose meaning on situations of public import, they descend into violence again.

#### Thus the standard is consistency with the Hobbesian sovereign

#### Impact Calculus: Only evaluate impacts to structural purpose –what you justify through doing the action. We can control what we justify but we can’t control what we cause.

### Offense

#### Now negate-

#### The aff obligates states to act – this is incoherent because it implies an authority higher than the state to constrain the sovereign. Only sovereign entities can create moral obligations, so the state can’t have an obligation to act.

#### IP protections are key to sovereigns’ powers – China IP agenda proves

Ho 21 Matt Ho, published May 5 2021, South China Morning Post, “Why China’s Intellectual property protection matters to Beijing and Washington”, accessed 8/17/2021, <https://www.scmp.com/news/china/politics/article/3132363/why-chinas-intellectual-property-protection-matters-beijing-and>, Ho has covered the China’s changes since 2010 and is a former deputy Beijing bureau chief for Hong Kong Commercial Radio and a Hong Kong government international trade specialist //DrPhillipsAD

Why is China ramping up IP protections? Last November, Xi told the Communist Party Politburo that “IP is a core factor of international competitiveness and a focus of international dispute”. The president emphasised the importance of innovation as a driver of economic development and said that “protecting IP is protecting innovation”. He said IP protection was critical for China’s business environment, the opening up of its economy and the protection of critical technologies with national security implications. Experts have noted that China’s stake in IP has been growing as its economy moves up in the value chain and expands overseas. “China’s IP policy is part of the government’s overall development plan,” said Elizabeth Chien-Hale, a veteran China IP expert and a partner of international law firm Appleton Luff. “Patents and IP in general are just a way to bolster the transition from a manufacturing-based economy into a knowledge-based economy.” Elliot Papageorgiou, head of IP strategy for China at multinational law firm Gowling WLG and chairman of the IP rights working group of the European Union Chamber of Commerce in China, said that IP was the “most obvious way” for China to capture and retain as much as possible of the value added to products going to market internationally. “As Chinese companies are embarking on ever-growing numbers of foreign investments [under the Belt and Road Initiative], they will need to protect Chinese-developed innovations in the countries in which they invest,” Papageorgiou said. “It is expected that Chinese IP filing in belt and road countries will continue to grow steadily. “Growth of trade along the belt and road will see China project and export its IP methodology and strategies at an ever-increasing rate.”

#### The US furthers – IP protection is forefront of trade agreements

CRS 21 Congressional Research Service, published January 25 2021, “Intellectual Property Rights (IPR) and International Trade”, accessed 8/17/2021, <https://crsreports.congress.gov/product/pdf/IF/IF10033>, The CRS is the public policy research institute of the United States Congress. //DrPhillipsAD

Background What is intellectual property (IP), and how is it protected? IP is a creation of the mind embodied in physical and digital objects. Intellectual property rights (IPR) are legal, private, enforceable rights that governments grant to inventors and artists. IPR generally provide time-limited monopolies to right holders to use, commercialize, and market their creations and to prevent others from doing the same without their permission (acts referred to as infringements). IPR are intended to encourage innovation and creative output. After these rights expire, other inventors, artists, and society at large can build on them. Examples of IPR Patents protect new innovations and inventions, such as pharmaceutical products, chemical processes, new business technologies, and computer software. Copyrights protect artistic and literary works, such as books, music, and movies. Trademarks protect distinctive commercial names, marks, and symbols. Trade secrets protect confidential business information that is commercially valuable because it is secret, including formulas, manufacturing techniques, and customer lists. Geographical indications (GIs) protect distinctive products from a certain region, applying primarily to agricultural products. What is the congressional interest? The congressional role in IPR and international trade stems from the U.S. Constitution. Congress has legislative, oversight, and appropriations responsibilities in addressing IPR and trade policy. Since 1988, Congress has included IPR as a principal trade negotiating objective in trade promotion authority (TPA), a time-limited authority that Congress uses to establish trade negotiating objectives and procedures to consider implementing legislation for trade agreements. “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries” and “To regulate Commerce with foreign Nations” - U.S. Constitution, Article 1, Section 8, stipulating powers of Congress The context for congressional interest may include policy concerns such as: the role of IPR in the U.S. economy; the impact of IPR infringement on U.S. commercial, health, safety, and security interests; and the balance between protecting IPR to stimulate innovation and advancing other public policy goals.

## 2

#### In 1951, white doctors cultured infinitely self-replicating cells from a black woman dying of cancer named Henrietta Lacks. Since then, medical companies have used her cells to generate billions of dollars of revenue without any compensation to her family. The current state of intellectual property protection gives them no recourse.

Christina Bostick, founder and managing director of Bostick Law Firm, and Kai Ryssdal, American radio journalist and the host of Marketplace, Who owns Henrietta Lacks’ cells?, Jul 9, 2018, <https://www.marketplace.org/2018/07/09/who-owns-henrietta-lacks-disembodied-cells/> //BA PB Brackets in original card

You’ve probably heard the story of Henrietta Lacks’ cells, which spawned more than 17,000 patents, a bestselling book and a made-for-TV movie starring Oprah. The cancer cells were harvested from Lacks’ cervix without her consent in 1951. According to Johns Hopkins, where doctors took the cells, the resulting “immortal” cell line, known as HeLa, has contributed to medical breakthroughs from research on the effects of zero gravity in outer space and the development of the polio vaccine, to the study of leukemia and the AIDS virus. Conspicuously missing from some of the stories about the legacy of Lacks’ cells, however, is the story of what has happened to her descendants. Many of them, including Lacks’ grandsons, haven’t seen any compensation or recognition as their grandmother’s cells rack up accolades and scientific discoveries. Now, they’re working with Christina Bostick, founder and managing director of Bostick Law Firm, who is trying to change the way we think about the cells’ autonomy by helping the cells sue for their own rights. She calls it creative litigation, and Marketplace host Kai Ryssdal discussed with her how it raises questions about what constitutes life. The following is an edited transcript of their conversation. Kai Ryssdal: Why does this case matter to you? Christina Bostick: You know, I am concerned about the exploitation of disenfranchised people in this country and how the law functions to disempower them from having a voice and from pursuing any concerns about their case. That’s not the way America’s supposed to work. You’re supposed to be able to utilize the legal system to find justice. And so, this was sort of right up my alley. It kind of just came to me that I should reach out to Ron Lacks, who is the grandson of Henrietta Lacks and see if there was anything I could do to help. Ryssdal: We should say here, because it’s important: you, on behalf of the family, don’t seek ownership of these cells and this cell line but rather guardianship … explain that to me. Bostick: Yes, there is some legal background that says you can’t really own a cell or something that has been disposed of from your body. So I think it’s more of an uphill battle to look at ownership of the cells or to try and patent a cell. And so a guardianship of the cell really says that the cell owns itself, that the cell has rights. This is a question that’s really unique: is a cell, in it of itself, life? Ryssdal: Not to get cold blooded about this, but there’s millions — probably billions — of dollars in patents and intellectual property and all kinds of things that have come from this cell line. Bostick: That’s right. There are many steps to this process, this is a big case. It’s very technical, very medical and scientific, and so some of those scientific aspects of things are going to have to be dealt with by experts. But my main concern is how do we get this case into court. Because so far, it hasn’t had a day in court. Right? And that’s primarily because there’s this thing called statute of limitations in the law, so you only get somewhere between one and maybe 10 years, depending on what the claim is, to file a lawsuit. Ryssdal: If you prevail, and this goes the way you hope it goes for your clients, what does that look like? Bostick: Well, right now, like I said, we are pursuing a guardianship petition. So the first step is, how can I get the cells themselves to pursue a claim? Then the next step is to sue Johns Hopkins in particular. Ryssdal: Which is where Henrietta Lacks went in 1950-ish, right? To get this original treatment from which this cell line was derived. Bostick: That’s exactly right. When her cells were taken and studied, the communications back and forth between her, the treatments … all of those things need to be legally investigated. And so the next step is sort of going through what we call the discovery process to figure out what information is out there and if there are any other litigants that we need to pursue. Ryssdal: Hopkins, we should say, denies culpability here. Bostick: Yes, that is my understanding. [They say] that the statute of limitations has run, there should be no ability to file a claim against them and that they did not take out a patent, which they weren’t legally authorized to do on the cells so they haven’t reaped a benefit. I think that that’s a little black and white and whether or not there has been a profit here is something that needs some investigating.

#### Thus the Counterplan: The United States and all other WTO member nations ought to reduce intellectual property protections for medicines in all cases except for Henrietta Lacks’ cells. Instead, they should give Henrietta Lacks’ family intellectual property rights over the use of her cells. It competes, cells can’t be owned in the status qou so we strengthen protections, and cells count as medicine for the purpose of the debate.

U.S. National Library of Medicine, Doctor of medicine profession (MD), No Date, <https://medlineplus.gov/ency/article/001936.htm> //BA PB

The practice of medicine includes the diagnosis, treatment, correction, advisement, or prescription for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary.

#### The counterplan prevents pharmaceutical companies from unjustly profiting off of black life, and provides retributive justice for Henrietta’s family, that weighs under util because the CP stops additional suffering.

Donna M. Owens, Award-winning digital, print and broadcast journalist, Family of Henrietta Lacks Plans to Sue Pharmaceutical Companies They Say Profited from Her Cancer Cells, AUGUST 5, 2021, <https://www.essence.com/news/henrietta-lacks-family-retains-ben-crump/> //BA PB

“The American pharmaceutical community has a shameful history of profiting off research at the expense of Black people without their knowledge, consent, or benefit, leading to mass profits for pharmaceutical companies from our illnesses and our very bodies,” said Crump. “There is no clearer example of this than Henrietta Lacks and the seemingly endless manipulation of her genetic material.” Born in Virginia, Lacks was a farmer who’d migrated to Maryland. The wife and mother of five was treated for cervical cancer at The Johns Hopkins Hospital in Baltimore, dying of the disease in 1951 at age 31. Prior to her death, a sample of Lacks’s cancer cells retrieved during a biopsy were sent to the lab of a cancer researcher. Those cells, now commonly known as HeLa (using her initials), were discovered to have an amazing property not seen before: while other cells would perish, Lacks’s cells survived and would double. Because they could be grown continuously in laboratory conditions, HeLa cells have since been used for medical and other research. Breakthroughs range from development of the polio vaccine, to treatments for cancer, HIV/AIDS, Parkinson’s disease, and in vitro fertilization. Lacks’s cells have also been used in cosmetics testing, and they were even sent to space to study the impact of zero gravity. More recently, they have reportedly been used in COVID-19 research. Yet Crump contends, “the pharmaceutical companies have been unjustly enriched by this unethical taking of her cells, while Henrietta Lacks’s family has never been afforded any equity.” Billions of dollars have been made, he said. Seeger added that Lacks’s cells have been “monetized by big pharmaceutical companies for decades…these companies have profited from the ill-gotten genetic material of Mrs. Lacks, taken without her permission. It’s simply not right and we intend to hold them accountable.” Speaking at last week’s press conference, Kim Lacks called what happened to her grandmother a “theft.” Lacks’s story garnered national and international attention following the 2010 publication of “The Immortal Life of Henrietta Lacks,” by author and journalist Rebecca Skloot. The award-winning nonfiction book became a bestseller and later an Emmy-nominated HBO film starring Oprah Winfrey as daughter Deborah Lacks, and Renee Elise Goldsberry as Henrietta Lacks. Crump told ESSENCE in an interview that he and his legal team are “researching all aspects of getting equity and relief for the descendants of Henrietta Lacks.” A lawsuit is expected to be filed on October 4, the anniversary of her death. He said hundreds of pharmaceutical companies as well as others could potentially be sued. ESSENCE contacted Johns Hopkins for comment and was directed by a spokeswoman to a website. It states that Johns Hopkins “has never sold or profited from the discovery or distribution of HeLa cells and does not own the rights to the HeLa cell line.” The website further notes that in the 1950s, when Lacks was hospitalized, there were no established practices for informing or obtaining consent from patients when retrieving cell or tissue samples for research purposes, nor were there any regulations on the use of patients’ cells in research. “It was common practice at Hopkins for extra samples to be collected from cervical cancer patients during biopsies to be used for research purposes, regardless of race or socio-economic status.” The Lacks case influenced an update to the Common Rule, an ethical standard for informed patient consent in the medical community. It requires doctors to inform patients if any aspect of their medical case will be used for research and to assign them a code number to establish anonymity. Crump, who has represented the families of George Floyd, Breonna Taylor, and others in lawsuits related to fatal policing, said he believes the Lacks case ties into larger issues revolving around race. “We have to make America respect the value of Black life.”

# Case

#### Reject 1AR Theory They have 7-6 time skew They have two speeches on theory and I have one which is def irreciporcal Its not inf abuse because I only have 7 mins If you don’t buy that, Reasonability on 1AR shells – 1AR theory is crazy aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing crazy abusive 1NCs while still giving the 2N a chance. DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it. No new 1ar theory paradigm issues- A~ the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B~ introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

#### Overview on util

#### [1] Crossap our meta-ethic, ethical subjectivism is the root of ethics. Masochists prove even pain is subjective, they’ll tell you that’s for pleasure but double bind either a) The person feels chemical reactions of pain which disproves pleasure as intrinsically good or b) The person feels pleasure pain which means their ethic can’t formulate a concrete good

#### [2] The state of nature o/w extinction – that means util collapses to my ethic a) Infinite suffering: Extinction ends pleasure and pain but the state of nature is only pain which lasts eternity b)The unborn would never know lack of pleasure from extinction but people would feel endless pain in the state of nature c) Reversibility: They’ll tell you the state of nature is reversible but that’s through the state which concedes the necessity of my framework

#### [3] Util is an independent voting issue, it would justify issues like slavery so long as they benefit the majority

#### Line by line-