## Framing

#### The starting point of morality is practical reason.

#### 1] Bindingness: A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. Bindingness ow a) its meta-ethical, so it determines what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations b) Absent a binding starting point frameworks would all share equal value. Weighing between them would be infinitely regressive as it presupposes there is a higher metric to determine who has the better justifications. That would make contestation vacuous as any locus of moral duty is sufficient since it would have an uncontested obligatory power.

#### 2] Action theory: only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### 3] Empirical uncertainty – Evil demon deceiving us or inability to know others’ experience make empiricism/induction an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### And, reason must be universal – a reason for one agent is a reason for another agent. I can’t say 2+2=4 is true for me but not for you – that’s incoherent. any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others, key for following rules since rules are arbitrary since the agent can form a unique interpretation and understanding which makes it impossible to verify a violation. Only universality solves since universalizing a violation of freedom entails a violation of your own freedom, thus a recognizable violation appears also means universalizability acts as a side constraint on all other frameworks.

#### The standard is consistency with a libertarian state of non-interference.

#### Prefer:

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the neg arguments/standard without first willing that we can pursue ends free from others.

#### [2] Resolvability: Clarity of weighing under our framework: perfect duties above imperfect duties. Duties in right. Explicit categories that supersede other categories. All other FWs are consequentialist that use unquantifiable prob, mag, or prob x mag.

#### [3] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [C] Aggregation Fails – suffering is not additive can’t compare between one migraine and 10 headaches [D] Predictions are impossible because anything could lead to a butterfly effect of unexpected consequences i.e. sneezing becoming a tornado and killing thousands

#### [4] There is an intent-foresight distinction. Multiple people can intend the same action looking for different consequences i.e. going home to avoid work vs to see family

#### [5] What the neg reads doesn’t prove the resolution false but challenges an assumption of it. Statements which make assumptions like the resolution should be read as a tacit conditional which is an if p then q statement. For all conditionals, if the antecedent is false, then the conditional as a whole is true.

## Offense

#### I affirm the resolution as a general principle, that the member nations of the World Trade Organization ought to reduce intellectual property for medicines. CPs, Spec, and PICs don’t negate since they do not disprove my general thesis.

#### Now Affirm:

#### [1]Intellectual property is coercive by restricting what people can do with their property

Krawisz 9 [Krawisz, Daniel. “The Fallacy of Intellectual Property.” Mises Institute, 8 Aug. 2009, mises.org/library/fallacy-intellectual-property.//dhs NJ]

Intellectual property is the principle that the creator of an idea has a right to certain controls over all the physical forms in which his idea is recorded. The extent of this control may be different depending on whether the idea is considered copyrighted, patented, or trademarked, but the essential principle is the same in all cases.[1] This presumed right of the creator of an idea is often believed to be similar to the right that a homesteader has to land he has settled, but the analogy is false. Intellectual property is necessarily a statist doctrine. The Nature of Property People cannot be expected to agree unanimously on what the world ought to be like and what each person should do, nor are people necessarily coordinated and patient enough to arrive at a consensus through deliberation. Instead they will tend to be apart from one another, desiring immediate action and lacking established procedures of efficiently coming to decisions. When people disagree and are unwilling to deliberate, one person's decision must prevail without regard to the others' desires. Whose decision prevails may be determined in two ways: physical conflict, or deferral to a system of property. With a system of property in place, it is necessary only to ask who owns a thing, rather than to endure the costs of deliberation or to resort to violence. Without the possibility of two persons attempting to control any one thing, defining property rights would be a mere psychological game without any consequences for human action. If persons were bodiless ghosts able to pass through one another without interacting, or if everyone lived in his own universe without being able to move from one to another, all disagreements about what to do with the world would be irrelevant. The purpose of property rights is the prevention of physical conflict. An essential characteristic of property is exclusivity, meaning that the use of an object by one person prevents it from being used by another.[2] In addition to property rights, political theorists have proposed many other kinds of rights. All such rights must resolve into rights over physical things. When we speak of a right to free speech or a right to one's labor, for example, we really mean a right over one's own physical body. All rights, therefore, are ultimately property rights. Ultimately, though we might speak of ownership over abstract things, it is only physical things, which can actually be fought over, that are owned. This we must keep in mind, for it is possible to sound reasonable and humane when discussing in abstract terms rights that would sound monstrous if they were described in terms of property. Libertarians have often noted, for example, that the "right" to health care, a job, or a minimum income implies a property right over the people capable of providing such things and is therefore really a form of slavery. Similarly, the right to a vote is really a joint ownership between all citizens over the people, land, and everything else within a particular jurisdiction. Libertarians themselves are at times confused over this issue. For example, they sometimes claim that in a free market broadcast industry, broadcasters would own certain frequencies in a given region and would therefore have the right to broadcast without interference by a pirate radio station on the same frequency. Yet it is clearly not the frequency that is owned, because a frequency is not a physical object but rather an abstract property of all waves. It is the land over which that frequency is broadcast that is owned, albeit only for the purposes of broadcasting that frequency. Ownership of a radio frequency is ultimately a property right over a region of space, which allows someone to broadcast at a given frequency over it.[3] This example demonstrates that ownership is not necessarily over entire objects but rather over decisions to be made with regard to them. An object can be owned by many different people because there are many kinds of decisions that can be made about it. Since different frequencies of radio waves can pass through one another without interfering, the same territory can be owned separately for the purposes of broadcasting at each frequency without leading to a conflict.[4] Ideas cannot themselves be controlled with physical force, but instead must be controlled by way of other things — paper, printing presses, computers, and people. It is therefore in these things that intellectual property consists. To own a patent in a given invention is to have rights over everything in the universe that might be used to replicate that invention. This ownership is limited; one only owns things to the extent of being able to prevent others from arranging them in a particular way. Similarly, to have a copyright in a song or a book is to have a property right over all paper, printing presses, computers — even over all people — everywhere. The owner may prevent the copying or public performance of his work by them all. Intellectual property is, like socialism, a kind of slavery, albeit a limited kind. Unlike socialism, however, intellectual property does not limit itself to the people and property in a given town or nation, or even the entire world. Since most matter in the universe could be used to encode an idea, intellectual property is a claim over the entire universe. "Intellectual property is necessarily a statist doctrine." Rather than seeing intellectual property as a particularly expansive kind of physical property, many people see it as a separate, analogous, and equally fundamental construction. To copy an intellectual work is therefore a form of theft analogous to burglary; however, I insist that there is no analogy. Intellectual property and physical property cannot exist side-by-side as logically independent legal constructions. Anything that gives control over physical things necessarily limits others' control of those things, and therefore acts exactly like a physical property right. If you have an intellectual property right to your monograph, you may prevent me from copying it, thereby limiting the physical property right I have in my ink, pen, and paper.

#### [2] The intention of intellectual property is to discriminate and help preserve rights for only a select few.

#### Kanning 12

[Kanning, Michael A., "A Philosophical Analysis of Intellectual Property: In Defense of Instrumentalism" (2012). Graduate Theses and Dissertations. [http://scholarcommons.usf.edu/etd/4094]//](http://scholarcommons.usf.edu/etd/4094%5d//) RaZ

Drahos has other reservations with proprietarianism. The historical origin of intellectual property, he argues, is in attempts by government to grant beneficial privileges to a few at the cost of “common disadvantage” (213). This general idea continues today, when the cost of the overall system is justified through an appeal to its incentivizing effects. But the contemporary couching of IP in the language of property and of rights obscures the historical origin of these practices as public privilege.

#### [3] Property rights prohibit freedom to make advancement on technologies; people are given exclusive ownership which hinder progress.

#### Kanning 12

[Kanning, Michael A., "A Philosophical Analysis of Intellectual Property: In Defense of Instrumentalism" (2012). Graduate Theses and Dissertations. [http://scholarcommons.usf.edu/etd/4094]//](http://scholarcommons.usf.edu/etd/4094%5d//) RaZ

But such a narrow focus on the autonomy of the individual creator hides the extent of the costs imposed by exclusive property rights on the autonomy of other potential creators. Property rights, by their nature, inhibit the freedom of 15 others by disallowing them from accessing or using the things covered by property rights. While Merges’ focus on enabling the highest degree of freedom for individual creators can plausibly be seen to help achieve the highest degree of freedom, it also at the same time inhibits the freedom of creators. Merges’ frequent example is that of the sculptor Michelangelo and a piece of stone. In order to realize his freedom as an artist, he needs to have control over the stone so that he may fully realize the project of turning that stone into a finished sculpture. This also requires the need to prevent others from altering or destroying the stone. In this example, prohibiting other creators from messing with Michelangelo’s stone is a reasonable infringement on the freedom of others. But intellectual property rights represent a more significant impact on the freedom of others because they are not limited to particular entities. Copyrights and patents involve exclusive ownership of broad categories of things, and can result in severe restrictions on the freedoms of creators who engage in transformative works. This objection will be covered in more depth in Chapter 2.

#### [4] Hindering a hindrance

#### [a] You can only restrict the freedoms of inventors when the invention being withheld is life saving. Death kills freedoms and autonomy.

#### Merges 11

[ROBERT P. MERGES; “JUSTIFYING INTELLECTUAL PROPERTY” HARVARD UNIVERSITY PRESS Cambridge, Massachusetts London, England 2011]//RaZ

Under Kant’s Universal Principle of Right (UPR), “laws secure our right to external freedom of choice to the extent that this freedom is compatible with everyone else’s freedom of choice under a universal law.”8 As I explained in Chapter 3, Kant’s theory of property rights expresses a special instance of this general principle: property is widely available, yet denied when individual appropriation interferes with the freedom of others. Kant says that although the need for robust property drives the formation of civil society, property rights are nonetheless subject to this “universalizing” principle. Under the operation of the UPR, property rights are constrained: they must not be so broad that they interfere with the freedom of fellow citizens. In a Kantian state, individual property is both necessary— to promote autonomy and self- development; see Chapter 3— and necessarily restricted under the UPR.9

Death is the ultimate restraint on autonomy; there is no more “self” to guide after a person dies. So when a claim to property by person A leads to the death of person B, Kant’s Universal Principle would seem to rebut that claim. As with other issues, however, Kant’s views in this regard are not so simple. In par tic u lar, he expressed complex views on the legal defense of “necessity,” which bears a close resemblance to the property- limiting principle I am attributing to him here.10 Kant says, in effect, that in at least one important example of necessity— where A kills B, or at least puts B in immediate grave danger, to save A’s own life— one who commits a necessary act is culpable but not punishable.11 As with so much in the Kantian canon, there is a great deal of debate over just what Kant was trying to say about necessity. One view— at least as plausible as most others, and more plausible than some— holds that Kant thought of necessity as something like an excuse or defense: a wrong act is not made right by necessity, but it is insulated from formal legal liability.12 This view, well described by among others the Kant scholar Arthur Ripstein, depends on the distinction between formal, positive law (“external,” in Kant’s terminology; see Chapter 3) and “internal” morality. Property for Kant is an absolute right, and taking it without permission is always objectively wrong. But at the same time, some takings are not punishable by the state because they fall outside the proper bounds of legitimate lawmaking Because Kant did not explicitly discuss the necessity defense as it pertains to property rights, any application of his thinking to the case of pharmaceutical patents can only be speculation. Even so, there is one point to make. As I explained in some detail in Chapter 3, there is generally a high degree of symmetry between Kant’s thinking on law and his theory of property. The UPR is a good example; as I explained in Chapter 3, the idea that property can extend only up to the point that it interferes with the freedom of others is simply one specific application of the general Kantian take on law and freedom. Thus, the analysis of the pharmaceutical patents problem would turn on the issue of property’s effect on the freedom of those suffering from treatable diseases. To put it simply, it is difficult to be sure of the exact conclusion Kant would reach with regard to the issue, but I am sure that the analysis would turn on the freedom- restricting qualities of pharmaceutical patents. It is hard to know the right answer, but not hard to pose the right question: should property extend so far as to cut off or restrain the freedom of those who might be treated? In my view, the freedom of disease sufferers is so constrained that the property rights in pharmaceutical patents must give way. As I said, this is not the only plausible reading of Kant’s Universal Principle with respect to the problem at hand. But I think it is the best reading, and it is certainly the best I can do, given Kant’s text and the problem of pharmaceutical patents as I understand it.

#### [b] Medicines are created with the intention of saving lives.

#### Nemours

[TeensHealth from Nemours ;Understanding Medicines and What They Do; https://kidshealth.org/en/teens/meds.html]//RaZ

Medicines are chemicals or compounds used to cure, halt, or prevent disease; ease symptoms; or help in the diagnosis of illnesses. Advances in medicines have enabled doctors to cure many diseases and save lives.

## Underview

#### 1] AFF theory is no RVI, Drop the debater, competing interps, and the highest layer of the round under an interp that aff theory is legit regardless of voters a) infinite abuse since otherwise it would be impossible to check NC abuse b) it would justify the aff never getting to read theory which is a reciprocity issue c) Time crunched 1ar means it becomes impossible to justify paradigm issues and win the shell. d) the 2n can dump on a script to a CI and go for RVI’s making it impossible to check abuse e) The 1ar is too short to win theory and substance f) The 2n can always create infinite reasonability arguments the 2ar can’t get through

#### 2] AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched b) Sets up an invincible 2n since there are a million of unfair things you can collapse to to win every round.

#### 3] No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n.

#### 4] The role of the ballot is to determine the truth or falsity of the resolution [a]–reject their framing on inclusion – they exclude all offense except what follows from their specific fwk which shuts out those without the resources to prepare [b] the ballot says vote aff or neg based on a topic and five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means it’s constitutive and jurisdictional. Text comes first – a) Controls the internal link to fairness since it’s the basis of things like predictability and prep b) Key to jurisdiction since the judge can only endorse what is within their burden c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

#### 5] Permissibility affirms- Freezes action – requiring pro-active justification for all our actions would make it impossible to make morally neutral claims like ‘I ought to drink water’ which means we always assume we can take an action absent a proactive reason not to.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)