# 1NC Round 3

## Util

**Pleasure and pain are intrinsic values. People consistently regard pleasure and pain as good reasons for action, despite the fact that pleasure doesn’t seem to be instrumentally valuable for anything.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues**.** This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values**.** If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable**.** You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes**:** “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### Thus the standard is maximizing expected well-being

#### Prefer -

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

#### 2] actor-specificity: government policies require aggregation to determine tradeoffs – outweighs since different actors have different obligations. Side-constraints can’t determine when to apply each framework. Smith assumes ppl are safe and living for virtue to exist & states this exists

#### 3] Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital. Only the consequences explain why the second is much worse than the first. Intuitions outweigh—they’re the foundational basis for any argument.

#### 4] Existential threats outweigh-

#### A] Forecloses future improvement – we can never improve society because our impact is irreversible which proves moral uncertainty & is a prereq to virtue – we can’t increase virtue if everyone is dead

#### 5] Our interpretation is that debater use a comparative worlds paradigm where the Affirmative must prove the plan is better than the status quo or a competitive policy option.

**Resolved denotes a proposal to be enacted by law**   
**Words and Phrases 1964** Permanent Edition   
Definition of the word “resolve,” given by Webster is “**to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;**” It is of **similar** force **to the word “enact,”** which is **defined** by Bouvier **as** meaning “**to establish by law**”.

#### Ought means should

Merriam Webster, No Date – Merriam Webster’s Learner’s Dictionary, “ought”, <http://www.learnersdictionary.com/definition/ought>  
ought /ˈɑːt/ verb  
Learner's definition of OUGHT [modal verb] 1 ◊ Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the same meaning as should and is used in the same ways, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to. — used to indicate what is expected They ought to be here by now. You ought to be able to read this book. There ought to be a gas station on the way. 2 — used to say or suggest what should be done You ought to get some rest. That leak ought to be fixed. You ought to do your homework.

#### Should requires legal effect

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record. [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### They didn’t justify truth testing and have agreed to a policy action

#### Net benefits:

#### Topic Education – Truth-testing moots topic education because it allows debaters to recycle generic arguments which deny the truth of everything. Outweighs other forms of education – we only have 2 months to debate the topic and can have discussions about other issues out of round.

## Pharma

#### Any IP reduction sets a precedent which destroys future innovation

Ossowski 5/10 Yaël Ossowski. [Yaël Ossowski (@YaelOss) is deputy director of the Consumer Choice Center, a global consumer advocacy group.] “We Don’t Need to Lift Patents to Make Vaccines More Accessible.” Thedispatch.com, The Dispatch, 10 May 2021, thedispatch.com/p/we-dont-need-to-lift-patents-to-make. Accessed 28 Aug. 2021.

A full 14 months into the pandemic, nearly half of Americans who are eligible have received at least one vaccine dose. The end is in sight, and we have innovation to thank. And so, as our economy reopens and restrictions are being lifted, attention is turning to hard-hit nations like India and Brazil, currently experiencing skyrocketing case numbers. The question, then, is how to boost vaccinations abroad. The New York Times notes that India’s outbreak is causing the country to restrict export of its own vaccines, which could hurt Africa in particular, since those nations are relying on Indian vaccines. In the face of pressure to use every tool available to boost vaccinations abroad, the Biden administration announced last week that it supported a proposal to waive patent protections on the COVID vaccines. This measure, which is called a TRIPS Waiver (Trade-Related Aspects of Intellectual Property Rights) and was put forth last fall at the World Trade Organization by India and South Africa, would be far more than just a temporary fix for more shots. If the waiver is triggered, it would ostensibly nullify IP protections on COVID vaccines, allowing countries and companies to copy the formulas developed by private vaccine firms in hopes of making their own, with no guarantee of success or safety. The coalition backing Biden’s pledge includes Doctors Without Borders, Human Rights Watch, and World Health Organization Secretary-General Tedros Adhanom Ghebreyesus, who first backed this effort in 2020 before any coronavirus vaccine was approved. Intellectual property rights are protections that help foster innovation and provide legal certainty to innovators so that they can profit from and fund their efforts. A weakening of IP rules would actively hurt the most vulnerable—the same people that groups who support the IP waiver are nominally trying to help. The power to issue the waiver comes from a section in the 1995 treaty that created the World Trade Organization, meant to protect intellectual property among global trade partners. While a COVID vaccine waiver would be the most substantial one to date, similar efforts have been attempted on both HIV/AIDS medicines and generic drugs, the latter the only other successful case. The **push for a waiver ignores that many companies have voluntarily pledged to sell their vaccines at cost** or even offered to share information with other firms. Moderna, for its part, has stated it will not enforce the IP rights on its mRNA vaccine during the pandemic and will hand over any research to those who can scale up production. The developers of the Oxford-AstraZeneca vaccine have pledged to sell it at cost until the pandemic is over. Further, this measure would have far-reaching implications. Supporters claim that because COVID represents such a global threat and because Western governments have poured billions in to securing and helping produce vaccines, low and middle-income countries should be relieved of the burden of purchasing them. But rich countries are already donating vaccines to the World Health Organization’s COVAX program, which gifts countries vaccines free of charge. There are a few reasons that a TRIPS waiver is unlikely to be the most efficient solution. The vaccines require specialized knowledge to develop and produce these vaccines, and the mRNA vaccines require cold storage. As economist Alex Tabarrok has pointed out, vaccine makers have been scouring the globe for adequate vaccine facilities but fallen short. It seems implausible that any of this could be achieved outside the traditional procurement contracts we’ve seen in the European Union and the U.S. What is more likely is an increase of botched and unsafe vaccines that would be risky for vulnerable populations, as philanthropist Bill Gates has claimed in his opposition to the waiver. If the cost of researching and producing a COVID vaccine is truly $1 billion as is claimed, with no guarantee of success, there are relatively few biotechnology or pharmaceutical companies that can stomach that cost. And distribution would be an entirely different story. If Biden’s administration wants to help vulnerable nations, there is an easier way: release the tens of millions of doses of AstraZeneca vaccines sitting dormant in warehouses, which the FDA has not yet approved, and begin exporting our vaccine surplus to the most hard-hit countries. That’s precisely why the COVAX initiative was created, and why the U.S. should support it. Meanwhile, let’s also look at the future implications of moving now to restrict IP protections for the very companies that have delivered the life-saving vaccines that will get us out of our current pandemic. BioNTech, the German company headed by the husband-wife team of Uğur Şahin and Özlem Türeci that partnered with Pfizer for trials and distribution of their mRNA vaccine, was originally founded to use mRNA to cure cancer. Before the pandemic, they took on massive debt and scrambled to fund their research. Once the pandemic began, they pivoted their operations and produced one of the first mRNA COVID vaccines, which hundreds of millions of people have received. With billions in sales to governments and millions in direct private investment, we can expect the now-flourishing BioNTech to be at the forefront of mRNA cancer research, which could give us a cure. The same is true of many orphan and rare diseases that do not otherwise receive major funding. Would this have been possible without intellectual property protections? If we want to be able to confront and end this pandemic, we will continue to need innovation from both the vaccine makers and producers who make this possible. Granting a one-time waiver will create a precedent of nullifying IP rights for a host of other medicines, which would greatly endanger future innovation and millions of potential patients. Especially in the face of morphing COVID variants, we need all incentives on the table to protect us against the next phase of the virus. Rather than seeking to tear down those who have delivered the miracle of quick, cheap, and effective vaccines, we need to support their innovations and provide supplies to countries who need them. Symbolic gestures that will have drastic consequences, especially on the most vulnerable, just aren’t up to the task.

#### Empirics prove lower profit margins harms future innovation – R&D investments solve the aff by supplying drugs globally

Roberts 6-25 [James M. Roberts, Research Fellow For Economic Freedom and Growth at the Heritage Foundation with a master’s degree in international and development economics from Yale University, 6-25-2021, "Biden’s OK of Global Theft of America’s Intellectual Property Is Wrong, Dangerous," Heritage Foundation, <https://www.heritage.org/public-health/commentary/bidens-ok-global-theft-americas-intellectual-property-wrong-dangerous>]/Kankee

Mr. Biden wants to waive the World Trade Organization’s “Trade-Related Aspects of Intellectual Property Rights” (TRIPS) agreement for U.S. vaccines and let foreign countries issue “compulsory licenses“ allowing their domestic pharmaceutical companies to manufacture the medicines without adequately compensating the companies that invented them. Practically speaking, countries such as India and South Africa are unlikely to manufacture the vaccines. They lack an advanced infrastructure for cold supply-chain distribution and many other crucial resources required by these products’ capital-intensive, state-of-the-art manufacturing process. But the Biden policy is bad for many other reasons. Developing breakthrough medications takes tremendous ingenuity and immense financial investments. It’s an extraordinarily high-risk endeavor, and the prospect of making a profit is what convinces private companies to undertake those risks. Signaling that the United States will not fight to defend their intellectual property rights actively undermines innovation and manufacturing in American health care and medicines. It also erodes patient protections by undermining quality control. Foreign companies may take the president’s policy as a green light to produce reverse-engineered, counterfeit substitutes. Already there are reports of ineffective and even dangerous counterfeit COVID-19 vaccines being sold around the world. Those pushing to break U.S. pharmaceutical patents say they want to do so for altruistic reasons. Consequently, they also insist that the prices for the medications be set far below their actual value. But history shows us that forcing private companies to provide vaccines at an “affordable price,” regardless of the cost to the companies, actually impedes the manufacture of high-quality vaccines. Moreover, it inhibits the future development of vaccines needed to meet as-yet-unknown diseases. Washington first imposed vaccine price controls as part of Hillary Clinton’s 1993 healthcare-for-all crusade. As the Wall Street Journal later noted, it was a body blow to the U.S. vaccine industry. Ironically, government-decreed prices left the companies unable to produce enough vaccines to meet Mrs. Clinton’s admittedly admirable goal of universal immunization of children. Since then, U.S. firms have largely eschewed the vaccine market because they could not recoup their R&D and manufacturing costs and earn enough profit to fund future innovation. Ultimately, compulsory licensing legalizes the theft of intellectual property. Recognizing this, senators from both sides of the aisle have joined with other government officials and industry leaders to call on the administration to reverse this bad decision. The U.S. patent protection system has served the nation well since its founding. It is and has been a bulwark of American prosperity, but the strength of that protection has been weakening in the past few decades. Compulsory licensing contributes to the erosion of that protection. As the U.S. and the rest of the world emerge from the pandemic, it is clear that more innovative medicines and vaccines will be needed for future protection from viruses and other emerging biological threats. The best way to prevent and treat those new diseases is to ensure that private American pharmaceutical companies continue their innovative research and vaccine production. That way, U.S.-manufactured vaccines can be made available to all Americans quickly. And governments can subsidize their export and sale to other countries far more effectively and less expensively than through compulsory licensing schemes. Meanwhile, let’s hope Mr. Biden listens to the more reasonable and less-agenda driven voices in this debate and reverses course on the TRIPS waiver.

#### Disease causes extinction — defense is wrong

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), <http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028>

Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world’s population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization. A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity’s favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6 While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and theWestern Abenaki (which suffered a staggering 98% loss of population). In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-2