## T

#### Interpretation: Reduce means permanent reduction – it’s distinct from “suspend”

**Reynolds 59** – Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13]  The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: They defend waivers only during pandemics

#### Vote neg for limits and ground – they cause a race to the bottom of unpredictable affs that reduce IP protections for a short period of time and don’t link to neg disads.

**1] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC**

**2] Use competing interps on T – topicality is a yes/no question, you can’t be reasonably topical**

#### 3] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly

## Util

#### The standard is maximizing expected well being. Prefer –

#### 1] Only pleasure and pain are intrinsically valuable – all other frameworks collapse.

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]

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.

#### 2] No act omission distinction –

#### A] Psychology -- choosing to omit is an act itself – people decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission

#### B] Actor specificity – governments are uniquely culpable for omissions cuz their purpose is to protect their constituency – otherwise they would have no obligation to make murder illegal – actor specificity outweighs cuz different actors have different moral obligations

#### That justifies util –

#### A] Only util can escape culpability in the instance of tradeoffs – eg only consequences could resolve the trolley problem because no matter your choice you’d be ethically responsible for killing under a deontological theory

#### B] It means we’re responsible for impacts like the aff if we let them happen

#### If they contest this arg, auto negate – omitting from an action would always be an ethical choice whereas there’s a risk that doing the aff is unethical

#### 3] Weighability – only consequentialism can explain the ethical difference in breaking a promise to take someone to the hospital and breaking a promise to take someone to lunch – that outweighs –

#### A] Resolvability – there’s no way to weigh between competing offense under their fw which means their fw can’t guide action – outweighs cuz it’s a pre req to deciding the debate

#### B] Intuitions – they’re a necessary side constraint on all ethics – if a very well justified, logical theory concluded "genocide good” you wouldn’t say “huh I guess genocide is good” you would abandon it because philosophy follows intuitions not the other way around

#### 4] No intent foresight distinction -- if we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen --

#### A] Proves util because we’re ethically culpable for the consequences of our actions

#### B] Means our offense operates under their FW – killing from bioterror is bad and not universalizable obviously

#### 5] Tradeoffs are inevitable -- governments are forced to make decide between tradeoffs ie welfare for the rich and welfare for the poor which means they’re forced to aggregate – we did actor spec ow above

#### 6] Preserving life is a pre requisite to the ideal conditions their theory assumes -- all value stems from experienced wellbeing.

#### 7] Substitutability—only consequentialism explains necessary enablers.

Sinnott-Armstrong 92 [Walter, professor of practical ethics. “An Argument for Consequentialism” Dartmouth College Philosophical Perspectives. 1992.]

A moral reason to do an act is consequential if and only if the reason depends only on the consequences of either doing the act or not doing the act. For example, a moral reason not to hit someone is that this will hurt her or him. A moral reason to turn your car to the left might be that, if you do not do so, you will run over and kill someone. A moral reason to feed a starving child is that the child will lose important mental or physical abilities if you do not feed it. All such reasons are consequential reasons. All other moral reasons are non-consequential. Thus, a moral reason to do an act is non-consequential if and only if the reason depends even partly on some property that the act has independently of its consequences. For example, an act can be a lie regardless of what happens as a result of the lie (since some lies are not believed), and some moral theories claim that that property of being a lie provides amoral reason not to tell a lie regardless of the consequences of this lie. Similarly, the fact that an act fulfills a promise is often seen as a moral reason to do the act, even though the act has that property of fulfilling a promise independently ofits consequences. All such moral reasons are non-consequential. In order to avoid so many negations, I will also call them 'deontological'. This distinction would not make sense if we did not restrict the notion of consequences. If I promise to mow the lawn, then one consequence of my mowing might seem to be that my promise is fulfilled. One way to avoid this problem is to specify that the consequences of an act must be distinct from the act itself. My act of fulfilling my promise and my act of mowing are not distinct, because they are done by the same bodily movements.10 Thus, my fulfilling my promise is not a consequence of my mowing. A consequence of an act need not be later in time than the act, since causation can be simultaneous, but the consequence must at least be different from the act. Even with this clarification, it is still hard to classify some moral reasons as consequential or deontological,11 but I will stick to examples that are clear. In accordance with this distinction between kinds of moral reasons, I can now distinguish different kinds of moral theories. I will say that a moral theory is consequentialist if and only if it implies that all basic moral reasons are consequential. A moral theory is then non-consequentialist or deontological if it includes any basic moral reasons which are not consequential. 5. Against Deontology So defined, the class of deontological moral theories is very large and diverse. This makes it hard to say anything in general about it. Nonetheless, I will argue that no deontological moral theory can explain why moral substitutability holds. My argument applies to all deontological theories because it depends only on what is common to them all, namely, the claim that some basic moral reasons are not consequential. Some deontological theories allow very many weighty moral reasons that are consequential, and these theories might be able to explain why moral substitutability holds for some of their moral reasons: the consequential ones. But even these theories cannot explain why moral substitutability holds for all moral reasons, including the non-consequential reasons that make the theory deontological. The failure of deontological moral theories to explain moral substitutability in the very cases that make them deontological is a reason to reject all deontological moral theories. I cannot discuss every deontological moral theory, so I will discuss only a few paradigm examples and show why they cannot explain moral substitutability. After this, I will argue that similar problems are bound to arise for all other deontological theories by their very nature. The simplest deontological theory is the pluralistic intuitionism of Prichard and Ross. Ross writes that, when someone promises to do something, 'This we consider obligatory in its own nature, just because it is a fulfillment of a promise, and not because of its consequences.'12 Such deontologists claim in effect that, if I promise to mow the grass, there is a moral reason for me to mow the grass, and this moral reason is constituted by the fact that mowing the grass fulfills my promise. This reason exists regardless of the consequences of mowing the grass, even though it might be overridden by certain bad consequences. However, if this is why I have a moral reason to mow the grass, then, even if I cannot mow the grass without starting my mower, and starting the mower would enable me to mow the grass, it still would not follow that I have any moral reason to start my mower, since I did not promise to start my mower, and starting my mower does not fulfill my promise. Thus, a moral theory cannot explain moral substitutability if it claims that properties like this provide moral reasons.

#### 9] Reject mind dependent ethics –

#### A] If morality doesn’t exist outside of how humans cohere of it, it collapses to moral relativism, which is repugnant cuz it denies objective moral truth

#### B] Governments aren’t individual people which means they don’t have minds or intents – outweighs on actor specificity

## Pharma

**Pharma profits are up from COVID vaccines in particular, patent waivers threaten this**

**Buchholz 5-17-21**

(Katharina, https://www.statista.com/chart/24829/net-income-profit-pharma-companies/)

The profitability of coronavirus vaccines has been in the spotlight since U.S. President Joe Biden come out in support of temporarily lifting vaccine patents to make the production of the life-saving inoculations more financially feasible for poorer countries. EU leaders meanwhile remain divided over such a move. Company financial reports show that COVID-19 vaccine makers and developers like Johnson & Johnson, Pfizer, Moderna, AstraZeneca and BioNTech have seen their profits increase since the vaccine rollout, at times majorly. In early May, stocks of several companies that benefit from COVID-19 vaccine sales **took a nosedive on the news of Biden’s reversal**. Moderna stocks, for example, were still down more than 6 percent at close on May 5, the day of the announcement. Stocks recovered somewhat as German chancellor Angela Merkel came out against patent waivers the following day. While fluctuations in the stock market price have hurt drug makers in the **short term**, patent waivers would diminish the bottom line of companies involved with the development and production of COVID-19 **vaccines in the long term**. Pharma giants like Johnson & Johnson and Pfizer bring in billions of dollars of income every quarter from diverse sources, so the COVID bump was smaller for them. In the case of Pfizer, which has been a bigger producer than J&J, the year-over-year profit increase was a handsome 44 percent, however. For smaller AstraZeneca, the COVID year meant that its profits doubled. In the case of Moderna, the past year has turned a Q1 loss into a profit. The case is similar for German company BioNTech, which collaborated with Pfizer on its COVID vaccine. While Q1 2021 brought in a profit of $1.1 billion, the company ran a deficit since its founding in 2008 up until Q4 2020, when it posted a profit for the first time. The $446 million earned stood in contrast to losses of almost $428 million accrued in the first nine months of the year.

**Strong IP protection spurs innovation by encouraging risk-taking and incentivizing knowledge sharing -- prefer statistical analysis of multiple studies**

**Ezell and Cory 19** [Stephen Ezell, vice president & global innovation policy @ ITIF, BS Georgetown School of Foreign Service. Nigel Cory, associate director covering trade policy @ ITIF, MA public policy @ Georgetown. "The Way Forward for Intellectual Property Internationally," Information Technology & Innovation Foundation, 4-25-2019, accessed 8-25-2021, https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally] HWIC

IPRs Strengthen Innovation

Intellectual property rights power innovation. For instance, analyzing the level of intellectual property protections (via the World Economic Forum’s Global Competitiveness reports) and creative outputs (via the Global Innovation Index) shows that counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development.46

IPR reforms also introduce strong incentives for domestic innovation. Sherwood, using case studies from 18 developing countries, concluded that poor provision of intellectual property rights deters local innovation and risk-taking.47 In contrast, IPR reform has been associated with increased innovative activity, as measured by domestic patent filings, albeit with some variation across countries and sectors.48 For example, Ryan, in a study of biomedical innovations and patent reform in Brazil, found that patents provided incentives for innovation investments and facilitated the functioning of technology markets.49 Park and Lippoldt also observed that the provision of adequate protection for IPRs can help to stimulate local innovation, in some cases building on the transfer of technologies that provide inputs and spillovers.50 In other words, local innovators are introduced to technologies first through the technology transfer that takes place in an environment wherein protection of IPRs is assured; then, they may build on those ideas to create an evolved product or develop alternate approaches (i.e., to innovate). Related research finds that trade in technology—through channels including imports, foreign direct investment, and technology licensing—improves the quality of developing-country innovation by increasing the pool of ideas and efficiency of innovation by encouraging the division of innovative labor and specialization.51 However, Maskus notes that without protection from potential abuse of their newly developed technologies, foreign enterprises may be less willing to reveal technical information associated with their innovations.52 The protection of patents and trade secrets provides necessary legal assurances for firms wishing to reveal proprietary characteristics of technologies to subsidiaries and licensees via contracts. Counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development. The relationship between IPR rights and innovation can also be seen in studies of how the introduction of stronger IPR laws, with regard to patents, copyrights, and trademarks, affect R&D activity in an economy. Studies by Varsakelis and by Kanwar and Evenson found that R&D to GDP ratios are positively related to the strength of patent rights,

and are conditional on other factors.53 Cavazos Cepeda et al. found a positive influence of IPRs on the level of R&D in an economy, with each 1 percent increase in the level of protection of IPRs in an economy (as measured by improvements to a country’s score in the Patent Rights Index) equating to, on average, a 0.7 percent increase in the domestic level of R&D.54 Likewise, a 1 percent increase in copyright protection was associated with a 3.3 percent increase in domestic R&D. Similarly, when trademark protection increased by 1 percent, there was an associated R&D increase of 1.4 percent. As the authors concluded, “Increases in the protection of the IPRs carried economic benefits in the form of higher inflows of FDI, and increases in the levels of both domestically conducted R&D and service imports as measured by licensing fees.”55 As Jackson summarized, regarding the relationship between IPR reform and both innovation and R&D, and FDI, “In addition to spurring domestic innovation, strong intellectual property rights can increase incentives for foreign direct investment which in turn also leads to economic growth.”56

**Biopharmaceutical innovation is key to prevent future pandemics and bioterror**

**Marjanovic and Feijao 20** [Sonja Marjanovic Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitative biology, Imperial College London; B.Sc. in biology, University of Lisbon. "How to Best Enable Pharma Innovation Beyond the COVID-19 Crisis," RAND Corporation, 05-2020, accessed 8-8-2021, https://www.rand.org/pubs/perspectives/PEA407-1.html] HWIC

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. 2 It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accelerate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing combination product that is being tested for therapeutic potential against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterrorism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contributions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innovation conditions.

**That causes extinction, which outweighs.**

**Millett & Snyder-Beattie ‘17**. Millett, Ph.D., Senior Research Fellow, Future of Humanity Institute, University of Oxford; and Snyder-Beattie, M.S., Director of Research, Future of Humanity Institute, University of Oxford. 08-01-2017. “Existential Risk and Cost-Effective Biosecurity,” Health Security, 15(4), PubMed

In the decades to come, advanced bioweapons could **threaten human existence**. Although the **probability** of human extinction from bioweapons **may** be low, the **expected value** of **reducing** the risk could **still** be **large**, since such risks jeopardize the existence of **all future generations**. We provide an overview of biotechnological extinction risk, make some rough initial estimates for how severe the risks might be, and compare the cost-effectiveness of reducing these extinction-level risks with existing biosecurity work. We find that reducing human extinction risk can be more cost-effective than reducing smaller-scale risks, even when using conservative estimates. This suggests that the risks are not low enough to ignore and that more ought to be done to prevent the worst-case scenarios. How worthwhile is it spending resources to study and mitigate the chance of human extinction from biological risks? The risks of such a catastrophe are presumably low, so a skeptic might argue that addressing such risks would be a waste of scarce resources. In this article, we investigate this position using a cost-effectiveness approach and ultimately conclude that the expected value of reducing these risks is large, especially since such risks jeopardize the existence of all future human lives. **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 the Western Abenaki (which suffered a staggering 98% loss of population).9 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 biotech**nology 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.19-21 Although these experiments had scientific merit and were not conducted with malicious intent, their implications are still worrying. This is especially true given that there is also a **long historical track record** of**state-run bioweapon research** applying cutting-edge science and technology to design agents not previously seen in nature. The Soviet bioweapons program developed agents with traits such as enhanced virulence, resistance to therapies, greater environmental resilience, increased difficulty to diagnose or treat, and which caused unexpected disease presentations and outcomes.22 Delivery capabilities have also been subject to the cutting edge of technical development, with Canadian, US, and UK bioweapon efforts playing a critical role in developing the discipline of aerobiology.23,24 While there is no evidence of state-run bioweapons programs directly attempting to develop or deploy bioweapons that would pose an existential risk, the logic of deterrence and **m**utually **a**ssured **d**estruction could create such incentives in more unstable political environments or following a breakdown of the Biological Weapons Convention.25 The **possibility of a war** between great powers could also increase the pressure to use such weapons—during the World Wars, bioweapons were used across multiple continents, with Germany targeting animals in WWI,26 and Japan using plague to cause an epidemic in China during WWII.27

## CP

#### Text: The World Trade Organization ought to be abolished. The states which are currently members of the World Trade Organization (listed in the speech doc) ought to independently and without influence from international government reduce intellectual property protections for medicines during pandemics.

Afghanistan Albania Angola Antigua and Barbuda Argentina Armenia Australia Austria Bahrain, Kingdom of Bangladesh Barbados Belgium Belize Benin Bolivia, Plurinational State of Botswana Brazil Brunei Darussalam Bulgaria Burkina Faso Burundi Cabo Verde Cambodia Cameroon Canada Central African Republic Chad Chile China Colombia Congo Costa Rica Côte d’Ivoire Croatia Cuba Cyprus Czech Republic Democratic Republic of the Congo Denmark Djibouti Dominica Dominican Republic Ecuador Egypt El Salvador Estonia Eswatini European Union (formerly EC) Fiji Finland France Gabon Gambia Georgia Germany Ghana Greece Grenada Guatemala Guinea Guinea-Bissau Guyana Haiti Honduras Hong Kong, China Hungary Iceland India Indonesia Ireland Israel Italy Jamaica Japan Jordan Kazakhstan Kenya Korea, Republic of Kuwait, the State of Kyrgyz Republic Lao People’s Democratic Republic Latvia Lesotho Liberia Liechtenstein Lithuania Luxembourg Macao, China Madagascar Malawi Malaysia Maldives Mali Malta Mauritania Mauritius Mexico Moldova, Republic of Mongolia Montenegro Morocco Mozambique Myanmar Namibia Nepal Netherlands New Zealand Nicaragua Niger Nigeria North Macedonia Norway Oman Pakistan Panama Papua New Guinea Paraguay Peru Philippines Poland Portugal Qatar Romania Russian Federation Rwanda Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Samoa Saudi Arabia, Kingdom of Senegal Seychelles Sierra Leone Singapore Slovak Republic Slovenia Solomon Islands South Africa Spain Sri Lanka Suriname Sweden Switzerland Chinese Taipei Tajikistan Tanzania Thailand Togo Tonga Trinidad and Tobago Tunisia Turkey Uganda Ukraine United Arab Emirates United Kingdom United States Uruguay Vanuatu Venezuela, Bolivarian Republic of Viet Nam Yemen Zambia Zimbabwe

**Hawley, senator, JD Yale, 20**

(Josh, 5-5, https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html)

The coronavirus emergency is not only a public health crisis. With [30 million Americans unemployed](https://www.cnbc.com/2020/04/30/us-weekly-jobless-claims.html), it is also an economic crisis. And it has exposed a hard truth about the modern global economy: it weakens American workers and has empowered China’s rise. That must change. The global economic system as we know it is a relic; it requires reform, top to bottom. We should begin with one of its leading institutions, **the World Trade Organization. We should abolish it.**

**That’s key to stopping China’s rise.**

**Hawley, senator, JD Yale, 20**

(Josh, 5-5, https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html)

The coronavirus emergency is not only a public health crisis. With [30 million Americans unemployed](https://www.cnbc.com/2020/04/30/us-weekly-jobless-claims.html), it is also an economic crisis. And it has exposed a hard truth about the modern global economy: it weakens American workers and **has empowered China’s rise**. That must change. The global economic system as we know it is a relic; it requires reform, top to bottom. We should begin with one of its leading institutions, **the World Trade Organization. We should abolish it.** The W.T.O. was created in 1995 as the crown jewel of a new global market, a system designed by ambitious Western policymakers after the fall of the Soviet Union. Their aim was to create one giant, liberal international economy to support a new liberal international order. The reformers wanted all the world to follow the same economic rules, so that capital, products, and people could move easily across national boundaries. Nation-states themselves would become less important in setting economic policy and new, multilateral institutions, like the W.T.O., would take on the role of managing the global economy. It was a bold vision, and a major departure. The economic system it replaced had been created by America and its allies at the close of the Second World War and pursued more modest aims. The Cold War system sought to build up the free nations’ economies and to contain the Soviet Union. It took the independent nation-state as its basic building block, and encouraged trade and investment between nations as equal sovereigns. This system allowed each country to set its own internal economic policy and control its borders and trade. But in the early 1990s, with America’s principal adversary gone, Western policymakers were in a messianic frame of mind. President George H.W. Bush [promised](https://www.presidency.ucsb.edu/documents/address-before-the-45th-session-the-united-nations-general-assembly-new-york-new-york) a “new world order” of “open borders, open trade … and open minds,” a new international system based on liberal values to bring peace to the world. He and other internationalists wanted a new economic system to match. That new order’s universal peace never quite arrived. Instead, **the internationalists embroiled America in one foreign war after another**. And their liberal economic order fared little better. It sent American production overseas, compromised American supply chains, and cost American jobs, all **while enriching Communist China.** Take the World Trade Organization. Its mandate was to promote free trade, but the organization instead allowed some nations to maintain trade barriers and protectionist workarounds, like China, while preventing others from defending themselves, like the United States. Foreign agriculture won concession after concession, while American farmers struggled to get fair access to markets. Meanwhile, the W.T.O. required American workers to compete against Chinese [forced labor](https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Staff%20Report%20March%202020%20-%20Global%20Supply%20Chains%2C%20Forced%20Labor%2C%20and%20the%20Xinjiang%20Uyghur%20Autonomous%20Region.pdf) but did next to nothing to stop Chinese theft of American intellectual property and products. Under the W.T.O.’s auspices, capital and goods moved across borders easier than before, no doubt, but so did jobs. And too many jobs left America’s borders for elsewhere. As factories closed, workers suffered, from small towns to the urban core. Inflation adjusted, working wages stagnated and upward mobility flatlined. Enough is enough. The W.T.O. should be abolished, and along with it, the new model global economy. The quest to turn the world into a liberal order of democracies was always misguided. It always depended on unsustainable American sacrifice and force of arms. And its companion economic order has, in similar vein, succeeded mostly in weakening American workers and industry. We must face facts. The only sure way to confront **the single greatest threat to American security** in the 21st century, **Chinese imperialism**, is to rebuild the U.S. economy and to build up the American worker. And that means reforming the global economic system. Abandoning the W.T.O. is a start. The United States must seek new arrangements and new rules, in concert with other free nations, to restore America’s economic sovereignty and allow this country to practice again the capitalism that made it strong. History can be our guide. For nearly 50 years before the W.T.O.’s founding, the United States and its allies maintained a network of reciprocal trade that protected our national interests and the nation’s workers. **We can do it again, for the 21st century**. That means returning production to this country, securing our critical supply chains and encouraging domestic innovation and manufacturing. It means striking trade deals that are truly mutual and truly beneficial for America and walking away when they are not. It means building **a new network of trusted friends and partners to resist Chinese economic imperialism.**

**China is a revisionist power and rise triggers war with the U.S. – history, rhetoric, and values**

**Choi, PhD, 18**

(Ji Young, IR@Purdue, DirectorEastAsianStudies+AssocProfInternationalStudies@OhioWesleyan, Historical and Theoretical Perspectives on the Rise of China: Long Cycles, Power Transitions, and China’s Ascent, Asian Perspective, 42(1), 61–84)

I have explored in light of historical and theoretical perspectives whether China is a candidate to become a global hegemonic power. The next question I will address is whether the ascent of China will lead to a hegemonic war or not. As mentioned previously, **historical and theoretical lessons** reveal that a rising great power tends to challenge a system leader when the former’s economic and other major capabilities come too close to those of the latter and the former is dissatisfied with the latter’s leadership and the international rules it created. This means that **the rise of China could produce intense hegemonic competition** and even a **global hegemonic war**. The **preventive motivation** by an old declining power can cause a major war with a newly emerging power when it is combined with other variables (Levy 1987). While a preventive war by a system leader is historically rare, a newly emerging yet even relatively weak rising power at times challenges a much more powerful system leader, as in the case of Japan’s attack on Pearl Harbor in 1941 (Schweller 1999). A **historical lesson** is that “incomplete catch-ups are **inherently conflict-prone**” (Thompson 2006, 19). This implies that **even though it falls short of surpassing the system leader**, the rise of a new great power can produce **significant instability** in the interstate system when it develops into a revisionist power. Moreover, the United States and China are deeply involved in major security issues in East Asia (including the North Korean nuclear crisis, the Taiwan issue, and the South China Sea disputes), and we cannot rule out the possibility that one of these **regional conflicts will develop into a much bigger global war** in which the two superpowers are entangled. According to Allison (2017), who studied **sixteen historical cases** in which a rising power confronted an existing power, a war between the United States and China is not unavoidable, but escaping it will require enormous efforts by both sides. Some Chinese scholars (Jia 2009; Wang and Zhu 2015), who emphasize the transformation of China’s domestic politics and the pragmatism of Beijing’s diplomacy, have a more or less optimistic view of the future of US-China relations. Yet my reading of the situation is that since 2009 there has been an increasing gap between this optimistic view and what has really happened. It is premature to conclude that China is a revisionist state, but in what follows I will suggest some important signs that show China has revisionist aims at least in the Asia Pacific and could develop into a **revisionist power** in the future. Beijing has concentrated on economic modernization since the start of pro-market reforms in the late 1970s and made efforts to keep a low profile in international security issues for several decades. It followed Deng Xiaoping’s doctrine: “hide one’s capabilities, bide one’s time, and seek the right opportunity.” Since 2003, China’s motto has been “Peaceful Rise” or “Peaceful Development,” and Chinese leadership has emphasized that the rise of China would not threaten any other countries. Recently, however, Beijing has adopted increasingly assertive or even aggressive foreign policies in international security affairs. In particular, China has been adamant about territorial issues in the East and South China Seas and is increasingly considered as a **severe threat** by other nations in the Asia Pacific region. Since 2009, for example, Beijing has increased naval activities on a large scale in the area of the Diaoyu/Senkaku Islands in the East China Sea. In 2010, Beijing announced that just like Tibet and Taiwan, the South China Sea is considered a core national interest. We can identify drastic rhetorical changes as well. In 2010, China’s foreign minister publicly stated, “China is a big country . . . and other countries are small countries and that is just a fact” (Economist 2012). In October 2013, Chinese leader Xi Jinping also used the words “struggle and achieve results,” emphasizing the importance of China’s territorial integrity (Waldron 2014, 166-167). Furthermore, China has constructed man-made islands in the South China Sea to seek “de facto control over the resource rich waters and islets” claimed as well by its neighboring countries (Los Angeles Times 2015). As of now, China’s strategy is to delay a direct military conflict with the United States as long as possible and use its economic and political prowess to pressure smaller neighbors to give up their territorial claims (Doran 2012). These **new developments** and rhetorical signals reflect significant changes in China’s foreign policies and signify that **China’s peaceful rise seems to be over**. A rising great power’s consistent and determined policies to increase military buildups can be read as one of the **significant signs** of the rising power’s dissatisfaction with the existing order and its **willingness to do battle** if it is really necessary. In the words of Rapkin and Thompson (2003, 318), “arms buildups and arms races . . . reflect substantial dissatisfaction on the part of the challenger and an attempt to accelerate the pace of military catchup and the development of a relative power advantage.” Werner and Kugler (1996) also posit that if an emerging challenger’s military expenditures are increasing faster than those of a system leader, parity can be **very dangerous** to the international political order. China’s GDP is currently around 60 percent of that of the United States, so parity has not been reached yet. China’s military budget, however, has grown enormously for the past two decades (double-digit growth nearly every year), which is creating concerns among neighboring nations and a system leader, the United States. In addition to its air force, China’s strengthening navy or sea power has been one of the main goals in its military modernization program. Beijing has invested large financial resources in constructing new naval vessels, submarines, and aircraft carriers {Economist 2012). Furthermore, in its new defense white paper in 2015, Beijing made clear a vision to expand the global role for its military, particularly its naval force, to protect its overseas economic and strategic interests (Tiezzi 2015). Sea power has special importance for an emerging great power. As Mahan (1987 [1890]) explained cogently in one of his classic books on naval strategy, Great Britain was able to emerge as a new hegemonic power because of the superiority of its naval capacity and technology and its effective control of main international sealanes. Naval power has a special significance for China, a newly emerging power, as well as for both economic and strategic reasons. First, its economy’s rapid growth requires external expansion to ensure raw materials and the foreign markets to sell its products. Therefore, naval power becomes crucial in protecting its overseas business interests and activities. Second, securing major sea-lanes becomes increasingly important as they will be crucial lifelines for the supply of energy, raw materials, and other essential goods should China become involved in a hegemonic war or any other major military conflict (Friedberg 2011). In light of this, it is understandable why China is so stubborn over territorial issues in the South China and East China Seas. In fact, history tells us that many rising powers invested in sea power to expand their global influence, and indeed all the global hegemons including Great Britain and the United States were predominant naval powers. Another important aspect is that Beijing is beginning to voice its dissatisfaction with the existing international economic order and take actions that could potentially **change this order**. The Chinese economy has overall benefited from the post-World War II international liberal order, but the Bretton Woods institutions like the IMF and the World Bank have been dominated by the United States and its allies and China does not have much power or voice in these institutions. Both institutions are based in Washington, DC, and the United States has enjoyed the largest voting shares with its veto power. Along with other emerging economies, China has called for significant reforms, especially in the governing system of the IMF, but reform plans to give more power to China and other emerging economies have been delayed by the opposition of the US Congress (Choi 2013). In response to this, Beijing recently took the initiative to create new international financial institutions including the AIIB. At this moment, it is premature to say that these new institutions would be able to replace the Bretton Woods institutions. Nonetheless, this new development can be read as a **starting point for significant changes** in global economic and financial governance that has been dominated by the United States since the end of World War II (Subacchi 2015). China’s **historical legacies** reinforce the view that China has a willingness to become a global hegemon. From the Ming dynasty in the late fourteenth century to the start of the first Opium War in 1839, China enjoyed its undisputed hegemonic position in East Asia. “Sino-centrism” that is related to this historical reality has long governed the mentality of Chinese people. According to this hierarchical world view, China, as the most advanced civilization, is at the center

of East Asia and the world, and all China’s neighbors are vassal states (Kang 2010). This mentality was openly revealed by the Chinese foreign minister’s recent public statement that I quoted previously: “China is a big country . . . and other countries are small countries and that is just a fact” (Economist 2012). This view is related to Chinese people’s ancient superiority complex that developed from the long history and rich cultural heritage of Chinese civilization (Jacques 2012). In a sense, China has always been a superpower regardless of its economic standing at least in most Chinese people’s mind-set. The strong national or civilizational pride of Chinese people, however, was severely damaged by “the Century of Humiliation,” a period between the first Opium War (1839) and the end of the Chinese Civil War (1949). During this period, China was encroached on by the West and invaded by Japan, experienced prolonged civil conflicts, and finally became a semicolony of Great Britain while its northern territory was occupied by Japan. China’s economic modernization is viewed as a national project to lay an economic foundation to overcome this bitter experience of subjugation and shame and **recover its traditional position and old glory** (Choi 2015). Viewed from this perspective, economic modernization or the accumulation of wealth is not an ultimate objective of China. Rather, **its final goal is to return to its traditional status** by expanding its global political and military as well as economic influence. What it ultimately desires is recognition (Anerkennung), respect (Respekt), and status (Stellung). These are important concepts for constructivists who see ideational motives as the main driving forces behind interstate conflicts (Lebow 2008). This reveals that constructivist elements can be combined with long cycle and power transition theories in explaining the rise and fall of great powers, although further systematic studies on it are needed. Considering all this, China has always been a territorial power rather than a trading state. China does not seem to be satisfied only with the global expansion of international trade and the conquest of foreign markets. It also wants to broaden its (particularly maritime) territories and spheres of influence to recover its traditional political status as the Middle Kingdom. As emphasized previously, the type or nature and goals or ideologies of a rising power matter. Nazi Germany and Imperial Japan (territorial powers) experienced rapid economic expansion and sought to expand their territories and influence in the first half of the twentieth century. For example, during this period Japan’s goal was to create the Japanese empire in East Asia under the motto of the East Asian Co-prosperity Sphere. On the other hand, democratized Germany and Japan (trading powers) that enjoyed a second economic expansion did not pursue the expansion of their territories and spheres of influence in the post-World War II era. Twentieth century history suggests that political regimes predicated upon nondemocratic or nonliberal values and cultures (for instance, Nazism in Germany and militarism in Japan before the mid-twentieth century, and communism in the Soviet Union during the Cold War) can pose **significant challenges** to democratic and liberal regimes. The empirical studies of Lemke and Reed (1996) show that the democratic peace thesis can be used as a subset of power transition theory. According to their studies, states organized similarly to the dominant powers politically and economically (liberal democracy) are generally satisfied with the existing international rules and order and they tend to be status quo states. Another historical lesson is that **economic interdependence alone cannot prevent a war for hegemony**. Germany was one of the main trade partners of Great Britain before World War I (Friedberg 2011), and Japan was the number three importer of American products before its attack on Pearl Harbor (Keylor 2011), A relatively peaceful relationship or transition is possible when economic interdependence is supported by a solid democratic alliance between a rising great power and an existing or declining one. Some scholars such as Ikenberry (2008) emphasize nuclear deterrence and the high costs of a nuclear war. Power transition theorists agree that the high costs of a nuclear war can constrain a war among great powers but do not view them as “a perfect deterrent” to war (Kugler and Zagare 1990; Tammen et al. 2000). The idea of nuclear deterrence is based upon the assumption of the rationality of actors (states): as long as the costs of a (nuclear) war are higher than its benefits, an actor (state) will not initiate the war. However, even some rationalists admit that certain actors (such as exceedingly ambitious risk-taking states) do not behave rationally and engage in unexpected military actions or pursue military overexpansion beyond its capacity (Glaser 2010). The state’s behaviors are driven by its values, perceptions, and political ambitions as well as its rational calculations of costs and benefits. Especially, national pride, historical memories, and territorial disputes can make states behave emotionally. The possibility of a war between a democratic nation and a nondemocratic regime increases because they do not share the same values and beliefs and, therefore, the level of mistrust between them tends to be very high. China and the United States have enhanced their cooperation to address various global issues like global warming, international terrorism, energy issues, and global economic stability. But these **issues are not strong enough to bring them together** to overcome their mistrust that stems from their **different values**, beliefs, and perceptions (Friedberg 2011). What is more important is whether they can set mutually agreeable international rules on traditional security issues including territorial disputes.

## Case

### Word K

#### Reject arguments about out of round stuff--encourages race to the bottom where debaters look through conversations and encourage people to say offensive stuff for strategic benefit--makes judges the arbiters of peoples morality

#### The ROB is to determine whether or not the plan is a good idea thru evaluation of fiated consequences – any other FW moots the 1AC and forces a 1AR restart which is unfair and moots aff ground necessary to rigorously contest the K

#### Words in context--change meaning

### FW

#### A priori stuff-- Science proves non util ethics are impossible and our version of util solves all aff offense

Greene 10 – Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University

(The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings, accessed: www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

**What turn-of-the-millennium science** **is telling us is that human moral judgment is not a pristine rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural**. **Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions**. Moreover, **anyone who claims to have such a theory**, or even part of one, **almost certainly doesn't**. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that **rationalist deontologists will remain unmoved by the arguments presented here**. Instead, I suspect, **they** **will insist that I have simply misunderstood what** Kant and like-minded **deontologists are all about**. **Deontology, they will say, isn't about this intuition or that intuition**. It's not defined by its normative differences with consequentialism. **Rather, deontology is about taking humanity seriously**. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). **This is, no doubt, how many deontologists see deontology. But this insider's view**, as I've suggested, **may be misleading**. **The problem**, more specifically, **is that it defines deontology in terms of values that are not distinctively deontological**, though they may appear to be from the inside. **Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love**, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." **This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things**. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of **the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics**. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that **consequentialists**, as much as anyone else, **have respect for persons**, **are against treating people as mere objects,** **wish to act for reasons that rational creatures can share, etc**. **A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process**. **Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. **If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get** characteristically deontological **answers**. Some **will be tautological**: **"Because it's murder!"** **Others will be more sophisticated: "The ends don't justify the means**." "You have to respect people's rights." **But**, as we know, **these answers don't really explain anything**, because **if you give the same people** (on different occasions) **the trolley case** or the loop case (See above), **they'll make the opposite judgment**, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. **Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism**. Although these explanations are inevitably incomplete, **there seems to be "something deeply right" about them because they give voice to powerful moral emotions**. **But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question**.

#### Calc indicts-- Reject calc indicts and util triggers permissibility arguments --

#### A] Empirically denied—both individuals and policymakers carry out effective cost-benefit analysis which means even if decisions aren’t always perfect it’s still better than not acting at all

#### B] Theory—they’re functionally NIBs that everyone knows are silly but skew the aff and move the debate away from the topic and actual philosophical debate, killing valuable education

#### C] Morally abhorrent – the idea that we can’t make consequential predictions allows people to wash their hands of the racist nature of their actions, like when people say “whoops I didn’t know that criminalizing drugs would increase black incarceration”

#### D] Their args just prove util is hard not util is false – if we can calculate in the context of the aff, that’s enough to affirm

#### E] Perfcon – they also rely on induction via assumptions such as them winning the round means you vote aff which proves predictions are both possible and inevitable

#### TJF-- Theory first – determines the validity of substance. Prefer util:

#### A. Ground – every impact functions under util whereas other ethics flow to one side exclusively. Kills fairness since we both need arguments to win

#### B. Topic lit – most articles are written through the lens of util because they’re crafted for policymakers and the general public who take consequences to be important, not philosophy majors. Key to fairness and education – the lit is where we do research and determines how we engage in the round.

#### Resource disparities wrong--lone wolves doing well disproves + people can pay elmer slave wages for tons of prep + this is literally a debate between strake and hw I know justin cuts u larp prep

#### AFC is silly u get 6 min to justify the fw and read offense so not skewed--justifies racism good fw

### Kant

#### Individual possession can constiutite intangibles which requires the application of Kantian property rights to IPR – this evidence answers his writings on copyright law

Merges 11 MERGES, ROBERT P. Justifying Intellectual Property. Harvard University Press, 2011. JSTOR, www.jstor.org/stable/j.ctt24hgdd. Accessed 11 Aug. 2021. mvp

Our earlier example of Michelangelo showed how stable possession is required for a creator to fully work his will on a found object— in that case, a block of marble. The same basic logic applies in all sorts of cases. Individual farmers and landowners generate and then bring to life a vision for the lands they work on;28 inventors transform off- the- shelf materials into prototypes, rough designs, and fi nished products; and artists work in media such as paint and canvas, paper and pen, textiles and wood, keyboard and iPad, and so on, to give life to a concept or mental image. Wherever personal skill and judgment are brought to bear on things that people inherit or fi nd, we see evidence of the Kantian pro cess of will imprinting itself on objects.   
It even happens when the objects at hand are themselves intangible. A composer working out a new instance of a traditional form— a fugue or symphony, blues song or tone poem— is working on found objects just as surely as the farmer or inventor. Even in our earlier example, some of the objects that Michelangelo works on in the course of carving his sculpture are intangible: received conventions about how to depict an emotion; traditional groupings of fi gures in a religious set piece, such as the Pieta; or accepted norms about how to depict athletic grace or youthful energy. He Kant p 77 may take these pieces of the cultural tableau and refi ne them, or he may subtly resist or transform them. However he handles them, these conventions are just as much objects in his hands as the marble itself.29

As with found physical objects, extended possession of these objects- intransformation is required to fully apply the creator’s skill and judgment. And because of this, Kantian property rights come into play with intangible objects as well.

Let me say a word about this complex, and perhaps controversial, possession of intangible objects. It has often been argued that this feature of IP, the control of copies of an intangible work, constitutes a form of “artifi cial scarcity,”30 that it runs counter to an ethically superior regime where information is shared freely— and is maybe even counter to the nature of information, which, some say, “wants to be free.”31

According to Kant, all property rights have this element of artifi ce, because they defi ne a conceptual type of possession. Property is not just a matter of physical contact between person and object; it describes a relationship that is deeper and goes well beyond the basic acts of grasping and holding.

I can hear one objection to this right away. Yes, Kant speaks of legal own ership as a special relation between a person and an object. But, the objection might run, in his writings he refers only to physical objects, for example, an apple (à la Locke). So maybe the own ership relation is limited to that sort of thing?

No. I give no weight to the fact that Kant uses only examples of tangible, physical property in most of the sections of the Doctrine of Right (DOR).32 Kant describes an additional type of possession that makes it crystal clear that the idea is not in any way limited to physical things—the expectation of future performance under a contract. He posits that one could not properly be said to “possess” a right to per for mance under an executory contract (one that has been signed or agreed to, but not yet performed) unless “I can maintain that I would have possession . . . even if the time of the per for mance is yet to come.”33 With that legal relation established, however, “[t]he promise of the [promisor] accordingly belongs among my worldly goods . . . , and I can include it under what is mine.”34 The synonymous use of “possession,” “object,” “belonging,” and “mine” in the case of a tangible, physical thing such as an apple and an intangible thing such as a promise of future contractual per for mance is too clear to require much comment. “Object” is very abstract for Kant, and can of course therefore include IPRs.35

Kant’s ideas about own ership and intangibles are sometimes called into question by virtue of an essay he wrote about the rights of authors and Foundations p 78 book publishers.36 In this essay, he defends the right of an author to prevent counterfeiting of his books by unauthorized publishers. Near the beginning he states: “For the author’s property in his thought (even if one grants that there is such a thing in terms of external rights) is left to him regardless of the unauthorized publication . . .”37 The main body of the essay is taken up with a sort of agency argument, whereby Kant contends that a counterfeiter who buys a copy of a book cannot copy it and sell copies, because to do so implicitly (and falsely) represents that the author has authorized the new copies. Kant in this essay closely identifi es the author’s interests with those of his publisher, and characterizes the author’s core right as the right to authorize a single, chosen publisher of a work.38

Though much has been made of the structure of this argument, with some scholars fi nding in it evidence of Kant’s rejection of a property claim to authorial works, the introductory passage cited earlier seems clear enough to me. Eliminating the parenthetical, it says, plainly enough, “For the author’s property in his thought or sentiments . . . is left to him regardless of the unauthorized publication.” Some see in this essay a normative statement that property rights ought not be granted over authorial works.39 But for my part, the only hint of a qualifi cation is the parenthetical in the passage cited above, which says “even if one grants that there is such a thing in terms of external rights.” This is not much of a problem for my interpretation, however. Kant appears to be saying “even though” external (positive) law does not provide for copyright, the author’s property remains, that is, it survives the act of counterfeiting. Not every country had true copyright protection when Kant was writing, and a lively debate was raging throughout Eu rope on the desirability of adopting strong copyright protection for books. Kant was saying, in effect, “even if copyright is not in force in a given jurisdiction, counterfeiting is still wrong.” And it is wrong, he says, by virtue of the “author’s property in his thought.”

#### Recut--read yellow--only important if right to life

**Hale 18** (Zachary Hale, 4-4-2018, accessed on 8-22-2021, The Arkansas Journal of Social Change and Public Service, "Patently Unfair: The Tensions Between Human Rights and Intellectual Property Protection - The Arkansas Journal of Social Change and Public Service", <https://ualr.edu/socialchange/2018/04/04/patently-unfair/>) BHHS AK

Although the right to the protection of “moral and material interests resulting from any scientific, literary, or artistic production,”[32] is a human right as defined in the UDHR and the ICESCR, the current system of intellectual property protection conflicts with and even violates rights that are considered to be fundamental to human life. Although intellectual property instruments are certainly used to violate essential civil and political freedoms like the freedom of expression, and economic and social freedoms like the freedom to share in the scientific advancements of society, the most blatant violations of human rights caused by intellectual property protection occur in the fields of nutrition, healthcare, and culture.[33] Of these essential entitlements, the rights to food and health are made even more significant by their relationship to the most fundamental of all human rights: the right to life.

### UV

#### Permiss and presumption negate--negating an obligation doesn’t require proving a prohibition, the resolution says ought so they have the burden of proof for obligations and thinking about our actions is good esp in the context of debate b/c decisionmaking skills

#### Yes 1AR theory but not DTD or highest layer--we’re only abusive in response and subst ed ow

#### No reasonability--they get infinite prep and should write a topical aff

#### The squo is goldilocks--COVAX and licensing agreements ensure vaccine access now, but patent waiver causes unsafe vaccines and decks innovation.

Crosby et al. 21 (Daniel Crosby [Lawyer specializing in international trade/law], Evan Diamond [Lawyer specializing in pharmaceutical and biotechnology patent litigation], Isabel Fernandez de la Cuesta [Lawyer specializing in international treaty arbitration], Jamieson Greer [Lawyer specializing in international trade], Jeffrey Telep [Lawyer specializing in international trade litigation], Brian White [Lawyer specializing in international arbitration], Group of Nearly 60 WTO Members Seek Unprecedented Waiver from WTO Intellectual Property Protection for COVID-related Medical Products, JD Supra, 3/5/2021, <https://www.jdsupra.com/legalnews/group-of-nearly-60-wto-members-seek-2523821/>) hwof

Efforts to develop, produce, and equitably distribute medical products. WTO Members recognize that unprecedented demand for medical products used in the fight against COVID-19 has far outstripped supply of required supplies. Several WTO Members have pointed out that intellectual property protections have not limited production of vaccines and other medical products. Rather, these Members have argued that intellectual property protection has incentivized the research, development and production of the necessary vaccines, treatments and products. Moreover, the international community is coordinating and funding equitable COVID-19 vaccine distribution globally through COVAX, which is organized by Gavi, the Vaccine Alliance, the World Health Organization and the Coalition for Epidemic Preparedness Innovations. Despite these facts, less developed countries continue to push for a waiver of all intellectual property protection for medical products related to the pandemic. Waiver risks uncontrolled use of patented technologies, without improving vaccine access. Pharmaceutical companies can provide, and have provided, licenses to distribute or scale-up production of COVID-19 vaccines and therapies at reduced cost. Such license agreements allow for expanded access in low- and middle-income countries, while also setting reasonable parameters so that patents and other IP rights are used to address the specific medical needs of the COVID-19 pandemic at hand, and not for other purposes. License agreements also allow for orderly technology transfer, including of unpatented “trade secret” information and other critical “know-how,” that may be essential to efficiently producing and scaling-up safe and effective versions of technologically complex vaccines and biologic drug products. Under the present TRIPS waiver proposal, however, member countries could try to exploit an extraordinarily broad scope of IP and copy patented technologies

so long as they are “in relation to prevention, containment or treatment of COVID-19.” For example, under an expansive reading of the proposed waiver language, a member country could try to produce patented pharmaceutical compounds that have other indicated uses predating COVID-19, if such compounds had later been studied or experimentally used for potential symptomatic relief or antiviral activity in COVID-19 patients. The same risks may be faced by manufacturers of patented materials or devices that have multiple uses predating COVID-19, but also may be used as “personal protective equipment” or components thereof, or in other measures arguably relating to COVID-19 “prevention” or “containment.” At the same time, it is unclear how the proposed TRIPS waiver could provide the technology transfer and know-how critical for making the complex molecules and formulations constituting the various COVID-19 vaccines. Vaccine manufacture undertaken by an unauthorized party without the proper processes and controls could result in a different product that is potentially ineffective or results in unwanted health consequences. And even if an unauthorized manufacturer could overcome those substantial hurdles to reverse-engineer and scale up a safe and effective vaccine copy, it would likely take substantial time and a series of failures to do so. Notably, several of the original COVID-19 vaccine developers have recently faced low product yield and other manufacturing challenges during pre-commercial scale-up efforts and the initial months of commercial production.