# 1NC

## Framing

**1. Nothing can be assessed apriori – even concepts like reason require experience to understand. Their meta ethic presupposes a universal human subject that doesn’t exist – all humanity is culturally and historically contingent**

**2. The AC fails because of the rarity objection.**

Derek **Parfit 11**, [Professor of Philosophy at Oxford University], “On What Matters” 242

**Suppose that I wrongly steal some wallet from some woman dressed in white who is eating strawberries while reading the last page of Spinoza’s *Ethics*.** My maxim is to act in precisely this way, whenever I can. **I could rationally will it to be true that this maxim is universal, because it would be most unlikely that anyone else would ever be able to act in precisely this way, so this maxim’s being universal would be most unlikely to make any difference.** Since I could rationally will this maxim to be universal, Kant’s formulas mistakenly permit my act**.** Similar claims apply to other highly specific maxims. When wrong-doers act on such maxims, they could rationally will that their maxims be universal, because they would know that other such acts would be rare, and would therefore make little difference. Kant’s formulas would mistakenly permit these wrong acts. We can call this the *Rarity Objection*.

**3. There’s no intrinsic value in freedom without a positive obligation to protect wellbeing.**

Richard **Chappell 5** [PhD, Princeton University] Libertarian vs. Utilitarian Justice, Philosophy. June 2005.

Libertarians hold that each person owns themselves, and others may not make use of their property (i.e. them) without their consent.[28] Just as others have no right to shelter a homeless man in my house, so they have no right to tax the products of my labour and redistribute to the needy. But the free market requires ownership rights over both self and external resources,[29] and we have seen that the latter is problematic. Moreover, **self-ownership is a merely ‘formal’ notion that does not guarantee substantive freedom or power over one’s own life.** For suppose that natural resources are initially owned by everyone rather than no-one. On this view, a self-owning individual may not make use of the material world without others’ consent. But, as Kymlicka asks, “**how can I be said to own myself if I may do nothing without the permission of others**?”[30] Such merely **formal freedom has no worth**. Yet **this is the position of the poor and disadvantaged** within a libertarian capitalist society. **Once we recognize the importance of substantive rather than merely formal freedom, our aim becomes to enable people to live the lives they want to live**. This commits us to ensuring access to education, healthcare, and basic human needs like food and shelter, since all of these are essential prerequisites to any form of freedom worth having. If provision of these goods requires us to compromise self-ownership, so be it. **The latter has no value in the absence of the former in any case. We are thus led back in the direction of utilitarianism.**

**4. The causal structure of action is irrelevant, so there’s no intent foresight distinction.**

David **Enoch 7** (Professor of the Hebrew University at Jerusalem). Intending, Foreseeing, and the State. Legal Theory, Vol. 13, No. 2. 2007

Let us apply this test, then, in order to check whether causal order is morally significant. **Think**, then, **of our agent, deliberating whether to press the button** in front of her**. We give her information about the states of affairs that will obtain if she does** – and if she does not – press it. We tell her, for instance, that **if she presses the button certain good effects and also certain bad effects will follow** (and that they won’t follow if she doesn’t press the button), and we describe these effects in detail. **She then proceeds to ask whether the bad effect is on the causal way to the good effect.** Is her question appropriate? Is it more like the question about further effects on people’s well-being or more like the question about the distribution of hairs on someone’s head? To my ears, **her question sounds** weird, surprising, **indicative of rather disturbing facts about her moral character**. **Given a full description of the relevant consequences**, and without some further (for instance, instrumental) story explaining how the exact causal structure is morally significant, **the causal order seems** (to me) simply **morally irrelevant.** If you agree with me that **the question about the causal order is inappropriate**, you have strong reason to suspect that causal order in general, and in particular **the distinction between means and side-effects are simply** (intrinsically) **morally irrelevant**. Let me emphasize here – in case you are not yet convinced – that what is at issue is not any old way in which the causal structure may be normatively relevant. What is at issue – and what the appropriate question test is supposed to help us with finding out – is whether the causal structure is intrinsically morally relevant, whether, in other ways, it is morally relevant regardless of its relations to other factors. So **it will be no reply** to the line of thought in the previous paragraphs **to show that**, say, **causal-structure facts are correlated with other facts, themselves normatively significant, and can thus serve as reasonably good proxies for them. The question is**, rather, **whether** – holding all other things equal – **the causal structure itself makes a moral difference**. And here **the answer** that **seems** to me **overwhelmingly plausible is that it does not.**

Comparative Worlds

**The standard is maximizing expected well-being. To clarify, hedonistic act util. Prefer –**

**1] Pleasure and pain *are* intrinsic value and disvalue – everything else *regresses* – robust neuroscience.**

**Blum et al. 18**

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**Pleasure** is not only one of the three primary reward functions but it also **defines reward.** As homeostasis explains the functions of only a limited number of rewards, the principal reason why particular stimuli, objects, events, situations, and activities are rewarding may be due to pleasure. This applies first of all to sex and to the primary homeostatic rewards of food and liquid and extends to money, taste, beauty, social encounters and nonmaterial, internally set, and intrinsic rewards. Pleasure, as the primary effect of rewards, drives the prime reward functions of learning, approach behavior, and decision making and provides the **basis for hedonic theories** of reward function. We are attracted by most rewards and exert intense efforts to obtain them, just because they are enjoyable [10].

Pleasure is a passive reaction that derives from the experience or prediction of reward and may lead to a long-lasting state of happiness. The word happiness is difficult to define. In fact, just obtaining physical pleasure may not be enough. One key to happiness involves a network of good friends. However, it is not obvious how the higher forms of satisfaction and pleasure are related to an ice cream cone, or to your team winning a sporting event. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure [14].

Pleasure as a hallmark of reward is sufficient for defining a reward, but it may not be necessary. A reward may generate positive learning and approach behavior simply because it contains substances that are essential for body function. When we are hungry, we may eat bad and unpleasant meals. A monkey who receives hundreds of small drops of water every morning in the laboratory is unlikely to feel a rush of pleasure every time it gets the 0.1 ml. Nevertheless, with these precautions in mind, we may define any stimulus, object, event, activity, or situation that has the potential to produce pleasure as a reward. In the context of reward deficiency or for disorders of addiction, homeostasis pursues pharmacological treatments: drugs to treat drug addiction, obesity, and other compulsive behaviors. The theory of allostasis suggests broader approaches - such as re-expanding the range of possible pleasures and providing opportunities to expend effort in their pursuit. [15]. It is noteworthy, the first animal studies eliciting approach behavior by electrical brain stimulation interpreted their findings as a discovery of the brain’s pleasure centers [16] which were later partly associated with midbrain dopamine neurons [17–19] despite the notorious difficulties of identifying emotions in animals.

Evolutionary theories of pleasure: The love connection BO:D

Charles Darwin and other biological scientists that have examined the biological evolution and its basic principles found various mechanisms that steer behavior and biological development. Besides their theory on natural selection, it was particularly the sexual selection process that gained significance in the latter context over the last century, especially when it comes to the question of what makes us “what we are,” i.e., human. However, the capacity to sexually select and evolve is not at all a human accomplishment alone or a sign of our uniqueness; yet, we humans, as it seems, are ingenious in fooling ourselves and others–when we are in love or desperately search for it.

It is well established that modern biological theory conjectures that **organisms are** the **result of evolutionary competition.** In fact, Richard Dawkins stresses gene survival and propagation as the basic mechanism of life [20]. Only genes that lead to the fittest phenotype will make it. It is noteworthy that the phenotype is selected based on behavior that maximizes gene propagation. To do so, the phenotype must survive and generate offspring, and be better at it than its competitors. Thus, the ultimate, distal function of rewards is to increase evolutionary fitness by ensuring the survival of the organism and reproduction. It is agreed that learning, approach, economic decisions, and positive emotions are the proximal functions through which phenotypes obtain other necessary nutrients for survival, mating, and care for offspring.

Behavioral reward functions have evolved to help individuals to survive and propagate their genes. Apparently, people need to live well and long enough to reproduce. Most would agree that homo-sapiens do so by ingesting the substances that make their bodies function properly. For this reason, foods and drinks are rewards. Additional rewards, including those used for economic exchanges, ensure sufficient palatable food and drink supply. Mating and gene propagation is supported by powerful sexual attraction. Additional properties, like body form, augment the chance to mate and nourish and defend offspring and are therefore also rewards. Care for offspring until they can reproduce themselves helps gene propagation and is rewarding; otherwise, many believe mating is useless. According to David E Comings, as any small edge will ultimately result in evolutionary advantage [21], additional reward mechanisms like novelty seeking and exploration widen the spectrum of available rewards and thus enhance the chance for survival, reproduction, and ultimate gene propagation. These functions may help us to obtain the benefits of distant rewards that are determined by our own interests and not immediately available in the environment. Thus the distal reward function in gene propagation and evolutionary fitness defines the proximal reward functions that we see in everyday behavior. That is why foods, drinks, mates, and offspring are rewarding.

There have been theories linking pleasure as a required component of health benefits salutogenesis, (salugenesis). In essence, under these terms, pleasure is described as a state or feeling of happiness and satisfaction resulting from an experience that one enjoys. Regarding pleasure, it is a double-edged sword, on the one hand, it promotes positive feelings (like mindfulness) and even better cognition, possibly through the release of dopamine [22]. But on the other hand, pleasure simultaneously encourages addiction and other negative behaviors, i.e., motivational toxicity. It is a complex neurobiological phenomenon, relying on reward circuitry or limbic activity. It is important to realize that through the “Brain Reward Cascade” (BRC) endorphin and endogenous morphinergic mechanisms may play a role [23]. While natural rewards are essential for survival and appetitive motivation leading to beneficial biological behaviors like eating, sex, and reproduction, crucial social interactions seem to further facilitate the positive effects exerted by pleasurable experiences. Indeed, experimentation with addictive drugs is capable of directly acting on reward pathways and causing deterioration of these systems promoting hypodopaminergia [24]. Most would agree that pleasurable activities can stimulate personal growth and may help to induce healthy behavioral changes, including stress management [25]. The work of Esch and Stefano [26] concerning the link between compassion and love implicate the brain reward system, and pleasure induction suggests that social contact in general, i.e., love, attachment, and compassion, can be highly effective in stress reduction, survival, and overall health.

Understanding the role of neurotransmission and pleasurable states both positive and negative have been adequately studied over many decades [26–37], but comparative anatomical and neurobiological function between animals and homo sapiens appear to be required and seem to be in an infancy stage.

Finding happiness is different between apes and humans

As stated earlier in this expert opinion one key to happiness involves a network of good friends [38]. However, it is not entirely clear exactly how the higher forms of satisfaction and pleasure are related to a sugar rush, winning a sports event or even sky diving, all of which augment dopamine release at the reward brain site. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure.

Remarkably, there are pathways for ordinary liking and pleasure, which are limited in scope as described above in this commentary. However, there are **many brain regions**, often termed hot and cold spots, that significantly **modulate** (increase or decrease) our **pleasure or** even produce **the opposite** of pleasure— that is disgust and fear [39]. One specific region of the nucleus accumbens is organized like a computer keyboard, with particular stimulus triggers in rows— producing an increase and decrease of pleasure and disgust. Moreover, the cortex has unique roles in the cognitive evaluation of our feelings of pleasure [40]. Importantly, the interplay of these multiple triggers and the higher brain centers in the prefrontal cortex are very intricate and are just being uncovered.

Desire and reward centers

It is surprising that many different sources of pleasure activate the same circuits between the mesocorticolimbic regions (Figure 1). Reward and desire are two aspects pleasure induction and have a very widespread, large circuit. Some part of this circuit distinguishes between desire and dread. The so-called pleasure circuitry called “REWARD” involves a well-known dopamine pathway in the mesolimbic system that can influence both pleasure and motivation.

In simplest terms, the well-established mesolimbic system is a dopamine circuit for reward. It starts in the ventral tegmental area (VTA) of the midbrain and travels to the nucleus accumbens (Figure 2). It is the cornerstone target to all addictions. The VTA is encompassed with neurons using glutamate, GABA, and dopamine. The nucleus accumbens (NAc) is located within the ventral striatum and is divided into two sub-regions—the motor and limbic regions associated with its core and shell, respectively. The NAc has spiny neurons that receive dopamine from the VTA and glutamate (a dopamine driver) from the hippocampus, amygdala and medial prefrontal cortex. Subsequently, the NAc projects GABA signals to an area termed the ventral pallidum (VP). The region is a relay station in the limbic loop of the basal ganglia, critical for motivation, behavior, emotions and the “Feel Good” response. This defined system of the brain is involved in all addictions –substance, and non –substance related. In 1995, our laboratory coined the term “Reward Deficiency Syndrome” (RDS) to describe genetic and epigenetic induced hypodopaminergia in the “Brain Reward Cascade” that contribute to addiction and compulsive behaviors [3,6,41].

Furthermore, ordinary “liking” of something, or pure pleasure, is represented by small regions mainly in the limbic system (old reptilian part of the brain). These may be part of larger neural circuits. In Latin, hedus is the term for “sweet”; and in Greek, hodone is the term for “pleasure.” Thus, the word Hedonic is now referring to various subcomponents of pleasure: some associated with purely sensory and others with more complex emotions involving morals, aesthetics, and social interactions. The capacity to have pleasure is part of being healthy and may even extend life, especially if linked to optimism as a dopaminergic response [42].

Psychiatric illness often includes symptoms of an abnormal inability to experience pleasure, referred to as anhedonia. A negative feeling state is called dysphoria, which can consist of many emotions such as pain, depression, anxiety, fear, and disgust. Previously many scientists used animal research to uncover the complex mechanisms of pleasure, liking, motivation and even emotions like panic and fear, as discussed above [43]. However, as a significant amount of related research about the specific brain regions of pleasure/reward circuitry has been derived from invasive studies of animals, these cannot be directly compared with subjective states experienced by humans.

In an attempt to resolve the controversy regarding the causal contributions of mesolimbic dopamine systems to reward, we have previously evaluated the three-main competing explanatory categories: “liking,” “learning,” and “wanting” [3]. That is, dopamine may mediate (a) liking: the hedonic impact of reward, (b) learning: learned predictions about rewarding effects, or (c) wanting: the pursuit of rewards by attributing incentive salience to reward-related stimuli [44]. We have evaluated these hypotheses, especially as they relate to the RDS, and we find that the incentive salience or “wanting” hypothesis of dopaminergic functioning is supported by a majority of the scientific evidence. Various neuroimaging studies have shown that anticipated behaviors such as sex and gaming, delicious foods and drugs of abuse all affect brain regions associated with reward networks, and may not be unidirectional. Drugs of abuse enhance dopamine signaling which sensitizes mesolimbic brain mechanisms that apparently evolved explicitly to attribute incentive salience to various rewards [45].

Addictive substances are voluntarily self-administered, and they enhance (directly or indirectly) dopaminergic synaptic function in the NAc. This activation of the brain reward networks (producing the ecstatic “high” that users seek). Although these circuits were initially thought to encode a set point of hedonic tone, it is now being considered to be far more complicated in function, also encoding attention, reward expectancy, disconfirmation of reward expectancy, and incentive motivation [46]. The argument about addiction as a disease may be confused with a predisposition to substance and nonsubstance rewards relative to the extreme effect of drugs of abuse on brain neurochemistry. The former sets up an individual to be at high risk through both genetic polymorphisms in reward genes as well as harmful epigenetic insult. Some Psychologists, even with all the data, still infer that addiction is not a disease [47]. Elevated stress levels, together with polymorphisms (genetic variations) of various dopaminergic genes and the genes related to other neurotransmitters (and their genetic variants), and may have an additive effect on vulnerability to various addictions [48]. In this regard, Vanyukov, et al. [48] suggested based on review that whereas the gateway hypothesis does not specify mechanistic connections between “stages,” and does not extend to the risks for addictions the concept of common liability to addictions may be more parsimonious. The latter theory is grounded in genetic theory and supported by data identifying common sources of variation in the risk for specific addictions (e.g., RDS). This commonality has identifiable neurobiological substrate and plausible evolutionary explanations.

Over many years the controversy of dopamine involvement in especially “pleasure” has led to confusion concerning separating motivation from actual pleasure (wanting versus liking) [49]. We take the position that animal studies cannot provide real clinical information as described by self-reports in humans. As mentioned earlier and in the abstract, on November 23rd, 2017, evidence for our concerns was discovered [50]

In essence, although nonhuman primate brains are similar to our own, the disparity between other primates and those of human cognitive abilities tells us that surface similarity is not the whole story. Sousa et al. [50] small case found various differentially expressed genes, to associate with pleasure related systems. Furthermore, the dopaminergic interneurons located in the human neocortex were absent from the neocortex of nonhuman African apes. Such differences in neuronal transcriptional programs may underlie a variety of neurodevelopmental disorders.

In simpler terms, the system controls the production of dopamine, a chemical messenger that plays a significant role in pleasure and rewards. The senior author, Dr. Nenad Sestan from Yale, stated: “Humans have evolved a dopamine system that is different than the one in chimpanzees.” This may explain why the behavior of humans is so unique from that of non-human primates, even though our brains are so surprisingly similar, Sestan said: “It might also shed light on why people are vulnerable to mental disorders such as autism (possibly even addiction).” Remarkably, this research finding emerged from an extensive, multicenter collaboration to compare the brains across several species. These researchers examined 247 specimens of neural tissue from six humans, five chimpanzees, and five macaque monkeys. Moreover, these investigators analyzed which genes were turned on or off in 16 regions of the brain. While the differences among species were subtle, **there was** a **remarkable contrast in** the **neocortices**, specifically in an area of the brain that is much more developed in humans than in chimpanzees. In fact, these researchers found that a gene called tyrosine hydroxylase (TH) for the enzyme, responsible for the production of dopamine, was expressed in the neocortex of humans, but not chimpanzees. As discussed earlier, dopamine is best known for its essential role within the brain’s reward system; the very system that responds to everything from sex, to gambling, to food, and to addictive drugs. However, dopamine also assists in regulating emotional responses, memory, and movement. Notably, abnormal dopamine levels have been linked to disorders including Parkinson’s, schizophrenia and spectrum disorders such as autism and addiction or RDS.

Nora Volkow, the director of NIDA, pointed out that one alluring possibility is that the neurotransmitter dopamine plays a substantial role in humans’ ability to pursue various rewards that are perhaps months or even years away in the future. This same idea has been suggested by Dr. Robert Sapolsky, a professor of biology and neurology at Stanford University. Dr. Sapolsky cited evidence that dopamine levels rise dramatically in humans when we anticipate potential rewards that are uncertain and even far off in our futures, such as retirement or even the possible alterlife. This may explain what often motivates people to work for things that have no apparent short-term benefit [51]. In similar work, Volkow and Bale [52] proposed a model in which dopamine can favor NOW processes through phasic signaling in reward circuits or LATER processes through tonic signaling in control circuits. Specifically, they suggest that through its modulation of the orbitofrontal cortex, which processes salience attribution, dopamine also enables shilting from NOW to LATER, while its modulation of the insula, which processes interoceptive information, influences the probability of selecting NOW versus LATER actions based on an individual’s physiological state. This hypothesis further supports the concept that disruptions along these circuits contribute to diverse pathologies, including obesity and addiction or RDS.

**2] No act omission distinction – outweighs on actor specificity because different actors have different obligations.**

**Shwartz 19** Schwartz, Gregory. (2019). THE ETHICS OF OMISSION. Think, 18(51), 117–121. doi:10.1017/s1477175618000404

A trolley worker in Victoria London is near the tracks when he sees a runaway trolley barrelling down. On its current path, it will kill three people tied to the tracks. Seeing a lever, the worker can deviate the trolley’s path to one where only one person is tied down. The worker must make a decision, to kill a person or to let three people die. This thought experiment is a classic opener to the field of Normative Ethics, which focuses on determining the morality of decisions. This is because the trolley problem highlights the difference between the two main ethical theories, Deontology and Utilitarianism, which are best known in the form championed by Immanuel Kant and John Stuart Mill, respectively. Kant’s Deontology, which focuses on inviolable, categorical rules, argues against pulling the lever because killing is always wrong. Under this theory, the three people who would die do so as a result of the worker’s omission and are consequently not the worker’s fault. However, if the worker pulls the lever then that one person’s death would have been the worker’s fault because that death was a direct result of the worker’s action.Alternatively, Mill’s Utilitarianism, which focuses on maximizing good, argues that the worker should pull the lever so that one person dies instead of three. Under this theory, each life is regarded as equal regardless of whether it is ended by act or omission. Thus, the validity of Deontology is contingent on there being an Act–Omission Distinction. If the Act–Omission Distinction doesn’t exist, then there would be no difference between killing one person and letting one person die, meaning that Deontology achieves nothing in the Trolley problem except three times more death than Utilitarianism. This Act–Omission Distinction, whether having the power to act is the moral equivalent of acting, was first assimilated into popular culture in 1962 when comic writer Stan Lee wrote that ‘with great power comes great responsibility’. In the comic, Spider-man learns this lesson when a burglar, whom Spider-man chose not to stop earlier that day, kills his Uncle Ben. Afterwards, Spider-man feels that he killed his Uncle Ben by refusing to act, and the fact that he killed Uncle Ben by omission brings Spider-man no solace. This sounds plausible. But suppose that Spider-man had not received his powers by chance. Rather, the citizens of New York held an election to appoint their protector. After receiving the same power as the randomly selected Spiderman, the Elected Spider-man chooses to let the burglar escape. It seems that this Elected Spider-man would be more blameworthy for omitting to stop a burglar than the randomly selected Spider-man, suggesting that power alone is not a direct contributor to responsibility. Additionally, suppose that someone is driving a car when a pedestrian appears in front of her. Failure to hit the brakes would be an omission; however, it seems odd not to hold the driver accountable for hitting the pedestrian. This Schwartz The Ethics of Omission † 118 https://doi.org/10.1017/S1477175618000404 21 Feb 2019 at 13:32:32, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. Downloaded from https://www.cambridge.org/core. Eugene McDermott Library, University of Texas at Dallas, on is where intuition seems to contradict itself, as in the Elected Spider-man and Crashing Car scenarios the omitter seems more culpable than the randomly selected Spider-man, despite committing the same omission; suggesting that there is something wrong with Spider-man’s plausible-sounding argument after all. Normative Ethics tends to be abstract and difficult to conceptualize, so an easier way to explore this conflict further is by examining the application of these moral concepts in the real world. This application of Normative Ethics is commonly known as a separate field, Applied Ethics. One area of application for the Act–Omission Distinction is Law, where it is referred to as the Actus Reus–Omission Distinction. In this, ‘Actus Reus’ refers to a physical action, opposed to ‘Mens Rea’, or mental action. Legally, Actus Reus does not equate to Omission except in three types of situations. The first situation is when the defendant had assumed responsibility for the care of dependents. This was seen in R v Stone & Dobinson, when Stone and Dobinson had agreed to care for Stone’s anorexic sister. They were convicted of manslaughter because they had assumed responsibility for her. The second situation is when the defendant has created the danger. This solves the Crashing Car dilemma. Despite not hitting the brakes constituting an omission, the driver is still responsible for stopping because the driver is the one who caused the situation in the first place. The third is when the defendant is required under contract to act. Should a bodyguard agree to protect someone, then by omitting to do so that bodyguard may be held legally culpable. Having secured this understanding of the Actus Reus– Omission Distinction in Applied Ethics, its implications can be translated back over to Normative Ethics. However, while deriving the underlying, driving moral concepts from rules, it is important to note situational differences. Law, for example, is also bound by governmental constraints, Think Spring 2019 † 119 https://doi.org/10.1017/S1477175618000404 21 Feb 2019 at 13:32:32, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. Downloaded from https://www.cambridge.org/core. Eugene McDermott Library, University of Texas at Dallas, on whereas the goal of this article is to establish a more universal ideal rather than something to be enforced by a specific actor. This becomes relevant as universal ideals can call upon someone to be a Good Samaritan, someone who goes out of their way, at some cost to themselves, to help those in need. However, it would be highly coercive should a government demand that people help others at a cost to themselves. Now peering beyond these actor-related constraints to find the underlying ethic, it is apparent that omission doesn’t default to omission except in the three scenarios described above, so the question is what makes those circumstances special. One common trait is that each omission was preceded by an act. Before Stone and Dobinson’s omission to care for Stone’s sister, there came the act of accepting responsibility for her. Before the omission to hit the brakes the driver had to take the action of pressing the accelerator. Before the bodyguard’s omission to protect his client, there came the act of accepting to protect the client. However, the issue with equating omissions preceded by an act with acts is that every omission is preceded by an act. Since birth, people take actions and those actions determine where and when they are, meaning that every time a person is in a position to engage in omission their presence there can be traced back to an action. Thus, it becomes necessary to look at the second common trait in the three scenarios, that there is a connection between the victim and the omitter. This connection can be contractual, such as with the bodyguard, it could be verbal, such as with Stone and Dobinson, or it could be physical, such as with the driver, but there must be a connection. So Spider-man’s great power doesn’t come with great responsibility at the time of Uncle Ben’s death as there was no connection between Spider-man and the burglar that he let escape. It was only afterwards, when Spider-man made a commitment to protect New York, that he became obligated to help when he is able. Thus, should the exact scenario occur, now that Spider-man has declared himself Schwartz The Ethics of Omission † 120 https://doi.org/10.1017/S1477175618000404 21 Feb 2019 at 13:32:32, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. Downloaded from https://www.cambridge.org/core. Eugene McDermott Library, University of Texas at Dallas, on New York’s protector he would be morally responsible for omitting to stop the burglar. This interpretation of the Act–Omission Distinction does not absolve groups such as the government from the obligation to act. Just like the Elected Spider-Man, governments only have great power for the purpose of aiding their citizens. Thus, when policymakers (or elected spider-men) accept their position, they accept responsibility to use that power for the public’s benefit. This means that they are responsible for their omissions to do so. Great responsibility doesn’t inherently come with great power. But when power allocation is purposeful, great power is given for a great purpose. Whether this takes the form of being a caretaker, policymaker, or elected spiderman, accepting that power means accepting the responsibility to fulfil that purpose. Spider-man’s premise is an easy one to accept, because power comes with responsibility so often that it’s hard not to correlate the two. But it is important to recognize that power doesn’t spawn responsibility. Rather, power and responsibility come from the same source: consent. Ultimately, the root of responsibility is consent.

**3] Weighability – only consequentialism can explain the ethical difference in breaking a promise to take someone to the hospital and to lunch – that outweighs – a] resolvability – deontological fws can't weigh between violations so they can’t guide action b] intuitions – they’re a necessary side constraint on all ethics**

#### 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**.

## Innovation DA

### NC

#### L: Pharma industry innovation is up but profit margins are razor thin

Young 9-14-21

(Peter, CEO and President of Young & Partners, and a member of Pharm Exec’s Editorial Advisory Board. https://www.pharmexec.com/view/fishawack-health-appoints-new-ceo-jonathan-koch)

Business. The business outlook for pharma manufacturers is positive with regard to drug development and the volume and quality of promising drugs in the pipeline. The industry’s innovations in drug development and productivity have improved. Combined with indirect R&D pursuits through the biotech industry, overall development activity has been strong and should continue to be strong. There has been a shift in emphasis toward orphan drugs, oncology therapies, new innovations such as mRNA, gene therapy, CAR-T, immune system solutions, CRISPR, etc. The current pandemic has been a plus for the reputation of the industry, but a negative with regard to the ability to execute clinical trials and to maintain industry supply chains. Generic pharma companies are under severe profit pressures and will continue to consolidate, cut costs, and try to push selectively into higher value and more protected product areas. They are under intense pricing and competitive pressure.

**L: 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 countries 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.

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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

**I: 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.

**I: 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

#### Weakening IP discourage mRNA research into curing cancer and other deadly diseases that could cause future pandemics

Spiegel 10-4-21

(Andrew Spiegel, Esquire is the executive director of the Global Colon Cancer Association. https://www.thecentersquare.com/national/op-ed-how-the-covid-ip-waiver-could-sabotage-crucial-cancer-research/article\_a177e6d0-2517-11ec-8327-3f88179d2343.html)

President Joe Biden craves a cure for cancer. In a speech to Congress this spring, he vowed to "end cancer as we know it." And as vice president, he helped start the Cancer Moonshot initiative. Yet by giving his backing to a global waiver of intellectual property (IP) rights for COVID-19 vaccines, President Biden may have endangered millions of Americans living with cancer. The Biden administration has said that it would join a World Trade Organization move to suspend IP safeguards for the vaccines. Its intentions are no doubt sincere, founded in the belief that a waiver will help rid the world of COVID-19. Yet the setting aside of IP protections has consequences that the administration seems to have overlooked. If adopted, the waiver won't galvanize the supply of vaccines bound for the developing world – certainly not in the immediate term. What it will do is threaten scientific innovation that could lead to cures for cancer and other diseases. I'll explain why. Technically, the waiver supported by the United States would only apply to IP on COVID-19 vaccines. So what has this got to do with cancer? There are two consequences. First, intellectual property underpins scientists' incentives to make discoveries. Without proprietary "armor" to protect research, rivals could blithely – and lawfully – use scientists' know-how, data, or manufacturing processes. Second, waiving IP on underlying vaccine technology has ramifications for drug innovation. Since the same technologies are used for potential treatments for other diseases, vaccine-makers would have to give up IP on those projects too. Consider the Pfizer-BioNTech and Moderna vaccines. They use "mRNA" to promote an immune response to COVID-19, a technology that took decades to develop. With the successful rollout of mRNA COVID-19 vaccines, researchers in the United States and Germany now hope they can use mRNA to fight other viruses. Moderna has active trials for mRNA vaccines for Zika, HIV, and the flu. Cancer doctors and patients pray that mRNA is the key to a cure. Moderna, in fact, has two mRNA vaccine candidates for cancer. Researchers hope that mRNA could instruct the body to combat cancerous tumors like it fights a virus. With the IP waiver, Moderna's mRNA technology could end up with rivals, leaving the company with greatly diminished incentives – and greatly diminished investment dollars – to continue with mRNA clinical trials, including ones for cancer. Advanced drug innovation could come to a halt. What investor would fund biotech startups if copycats can swoop in? This scenario is made especially distressing by the fact that the upsides of the IP waiver are negligible. Manufacturers need specialized facilities and hundreds of ingredients to make vaccines. Vaccine-makers have struck licensing deals to scale up production. Every facility on earth that can safely produce effective vaccines is already doing so. Getting rid of IP won't make the scale-up go any faster. It could, however, unleash millions of shoddy copycats and event counterfeit vaccine doses.

#### Contagious cancer is a serious possibility and threatens the existence of our species which outweighs case

Johnson 16 – George Johnson, columnist and science journalist for the New York Times, M.A. in Journalism and Public Affairs, American University (“Scientists Ponder the Prospect of Contagious Cancer,” *New York Times*, February 22nd, https://www.nytimes.com/2016/02/23/science/scientists-ponder-the-prospect-of-contagious-cancer.html?mcubz=0)

For all its peculiar horror, cancer comes with a saving grace. If nothing else can stop a tumor’s mad evolution, the cancer ultimately dies with its host. Everything the malignant cells have learned about outwitting the patient’s defenses — and those of the oncologists — is erased. The next case of cancer, in another victim, must start anew. Imagine if instead, cancer cells had the ability to press on to another body. A cancer like that would have the power to metastasize not just from organ to organ, but from person to person, evolving deadly new skills along the way. While there is no sign of an imminent threat, several recent papers suggest that the eventual emergence of a contagious human cancer is in the realm of medical possibility. This would not be a disease, like cervical cancer, that is set off by the spread of viruses, but rather one in which cancer cells actually travel from one person to another and thrive in their new location. So far this is known to have happened only under the most unusual circumstances. A 19-year-old laboratory worker who pricked herself with a syringe of colon cancer cells developed a tumor in her hand. A surgeon acquired a cancer from his patient after accidentally cutting himself during an operation. There are also cases of malignant cells being transferred from one person to another through an organ transplant or from a woman to her fetus. On each of these occasions, the malignancy went no further. The only known cancers that continue to move from body to body, evading the immune system, have been found in other animals. In laboratory experiments, for instance, cancer cells have been transferred by mosquitoes from one hamster to another. And so far, three kinds of contagious cancers have been discovered in the wild — in dogs, Tasmanian devils and, most recently, in soft shell clams. The oldest known example is a cancer that spreads between dogs during sexual intercourse — not as a side effect of a viral or bacterial infection, but rather through direct conveyance of cancer cells. The state of the research is described in a review, “The Cancer Which Survived,” published last year by Andrea Strakova and Elizabeth P. Murchison of the University of Cambridge. The condition, canine transmissible venereal tumor disease, is believed to have sprung into existence 11,000 years ago — as a single cell in a single dog — and has been circulating ever since. (Why did this happen in dogs and not, say, cats? Perhaps because of what the authors demurely call the dogs’ “long-lasting coital tie” — the half an hour or so that a male and female are locked in intercourse, tearing genital tissues and providing the cancer cells with a leisurely crossing.) Normally a cancer evolves in a single body over the course of years or decades, accumulating the mutations that drive it to power. But to have survived for millenniums, researchers have proposed, canine cancer cells may have developed mechanisms — like those in healthy cells — to repair and stabilize their own malignant genomes. Early on, cancer cells typically flourish by disabling DNA repair and ramping up the mutational frenzy. Somewhere along the way, the age-old canine cells may have reinvented the device to extend their own longevity. There is also speculation that this cancer may have learned to somehow modify canine sexual behavior in ways that promote the disease’s spread and survival. The second kind of contagious cancer was discovered in the mid-1990s in Tasmanian devils, which spread malignant cells as they try to tear off one another’s faces. Though it may be hard to sympathize, devil facial tumor disease threatens the creatures with extinction. With so few examples, transmissible cancer has been easy to dismiss as an aberration. But in December, scientists at the Universities of Tasmania and Cambridge reported in Proceedings of the National Academy of Sciences that Tasmanian devils are passing around another kind of cancer — genetically distinct from the first. It’s weird enough that one such cancer would arise in the species. What are the chances that there would be two? One theory is that the animals are unusually vulnerable. Driven so close to extinction — by climate change, perhaps, or human predators — the species is lacking in genetic diversity. The cells of another devil injected through a vicious wound may seem so familiar that they are ignored by the recipient’s immune system. If some of the cells carry the mutations for the facial cancer, they might be free to flourish and develop into a new tumor. But the scientists also proposed a more disturbing explanation: that the emergence of contagious cancer may not be so rare after all. “The possibility,” they wrote, “warrants further investigation of the risk that such diseases could arise in humans.” Cancer has probably existed ever since our first multicellular ancestors appeared on Earth hundreds of millions of years ago. The life spans of even the longest-lived animals may be just too brief for cancers to easily evolve the ability to leap to another body. Otherwise, contagious cancer would be everywhere.

# Case

### 1NC Kant IP don’t exist

#### Rejecting patents can’t be universalized- IP protections are a categorical imperative

Van Dyke, JD, 18

(Raymond Van Dyke has been an intellectual and technology attorney and consultant for over 25 years <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/>, 7-17)

But there was another philosopher, contemporaneous with the Founders, that bears notice, Immanuel Kant, who had a different take on moral and political philosophy, including the Categorical Imperative. Kant spent his life trying to distill the issues of morality into a logical framework. Just as the natural scientists of the Enlightenment were forming logical arguments concerning the physical world, e.g., physics, natural science and other disciplines, Kant tried to do the same with human morality: systematize it. In his Categorical Imperative, Kant simplifies a moral argument position for an individual by asking a question: if you thought that your position or Statement would be Universal, i.e., applicable to all people, it would have the stance of a Categorical Imperative and thus you must do it. For example, a Statement that I should try to save a person that is drowning can be considered a Categorical Imperative since this would be a betterment of humanity. [[Advertisement]] However, the proposition or Statement that it should be ok for me to steal another’s car is not a betterment at all. Applying this as a universal law would lead to societal chaos and possible collapse since thievery would reign, and anarchy would result. Since the entire purpose of government is the protection of people (and their possessions), this Statement fails, and you are NOT compelled to act in that manner. This Statement does not rise to the level of a categorical Imperative. Intellectual property has been attacked of late on various grounds, including being less than property, and thus not entitled to the protections of the Constitution, despite the evidence to the contrary. This attitude is most recently, and most troublingly, exemplified by the U.S. Supreme Court in Oil States, where the Court equated patent rights to taxicab medallion rights. Freeriding is also being touted, subverting copyright law. Information must be free is the mantra. As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies.

#### The affirmative uses isolated cases to argue against patents universally- this breaks down logically

Van Dyke, JD, 18

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Turning to issues facing us today, despite the categorical imperative nature of an intellectual property system, some powerful naysayers object to intellectual property per se, but on more fundamental grounds, pecuniary. A large amount of the condemnation of the intellectual property laws over the last decades has been from the big tech companies that would like to use new innovations for their own profit at the expense of the individual inventor. Ignoring the small entrepreneur or inventor is even de rigueur, i.e., most tech companies now have a “sue me” approach to patent infringement, which means openly taking patented technology knowing that a patentee is not likely to have the means to bring a costly litigation. To further undermine small inventors, the big tech companies, at the behest of Congress, instigated onerous administrative proceedings at the Patent Office, where the odds were stacked against patentees, proceedings often called “death squads” due to the very high percentage of patent invalidations. Indeed, these patent-hostile, monopolistic companies lavishly fund lobbyists to further influence Congress on their behalf to diminish patents, thereby undermining the patent system and the value of patents, and increasing their profit margins with the freeriding. With all of the denunciation of the Chinese for freeloading our IP, we should perhaps look within first to make America great again. To add insult to grave injury these same companies have also supported numerous Supreme Court challenges to further undermine the patent and copyright systems. The recent appointment of Andrei Iancu as the new Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trdemark Office is a harbinger of a possible turning point toward a more positive patent system. As a result of all of the big tech efforts to destabilize the patent system, the engine of innovation has suffered. To further harm the patent system, the press labels all inventors de facto trolls and thus unworthy. This demonization of inventors by the press has been profound. Gone are the days of an inventor being celebrated for building a better mouse trap or developing a nifty app. Now, even the Wright Brothers and Edison have been brought low, equated to trolls and not respected American innovators. Immanuel Kant’s dream of systematizing morality is, of course, imprecise, but the meaning is quite clear and analogous to another famous maxim: do unto others as they would do unto you. Kant’s Categorical Imperative and the Bible extort us to be better people and form a better society. If, however, you feel that innovation is trivial and content should be free, then a Categorical Imperative for freeriding may be sane for you, but it fails at the societal level, i.e., universal application would undercut society. It is also wrong to steal. In the balance, society wants new ideas, new stories, new ways of doing things, and newness itself. All of this takes effort and expense, along with ingenuity and creativity, which should be strongly encouraged and not punished. A Kantian Categorical Imperative to encourage, support and defend the creations protected by intellectual property is manifest. We should not be swayed by the arguments of corporate monoliths desirous of their own wellbeing and not society’s. In connection with his categorical imperative, Kant also believed that we should all “always recognize that human individuals are ends, and do not use them as a means to your end.” In other words, we should value and respect each human being and their contribution to the world. By deliberately or wantonly stealing patented technology from individual inventors, big tech companies treat them as a means to the corporate end, diminishing and dehumanizing the inventor. Our Founders well knew that human beings create, and that the stuff of that creation has value. The patent and copyright clause, embodied within the Constitution itself, recognizes this need to encourage, facilitate and support the creativity embodied in us all.

### 1NC Profit Immoral

#### Ethical critiques of profit prioritize “intent” over outcome- its pathological altruism

Tracinski 5-25-21

(Robert Tracinski is editor of Symposium, a journal of liberalism, and writes additional commentary at The Tracinski Letter. https://www.discoursemagazine.com/economics/2021/05/25/an-age-old-hatred-of-profits-drives-the-campaign-to-seize-vaccine-patents/)

The argument about government subsidies for research is just a rationalization for an attack on profits. Just as there are puritans who can’t stand that someone, somewhere might be having fun, there are economic puritans who can’t stand that someone, somewhere might be making money. This economic puritanism is motivated by pathological altruism. We tend to think of altruism as merely concern for the welfare of others, but to the hardcore altruist, it doesn’t matter whether you’ve done something that benefits others. What matters is that you don’t benefit from it yourself. The 18th-century philosopher Immanuel Kant famously posited that an action is moral only if you do it “from duty,” that is, purely from a disinterested, impersonal motive. The moment you consider or welcome any benefit to yourself, the action is immoral, no matter what its consequences or who else benefits from it. A few decades later, the man who coined the term “altruism,” Auguste Comte, declared that the rule of morality is “to live for others”—and he meant it in this puritanical way. As J. S. Mill summed up Comte’s philosophy, “To do as we would be done by, and to love our neighbor as ourself, are not sufficient for him…. We should endeavor not to love ourselves at all.” Mill noted that Comte sought to turn this creed into a secular religion. Yet every previous religion has promised us a reward for our good deeds and punishment for our bad deeds, if not on earth, then in an afterlife. Kant and Comte created a completely inverted moral system in which we are punished for our good deeds—and any deed for which we are rewarded is automatically a sin. If you are asking why I bring up the fevered notions of long-dead philosophers, it is because their ideas are not dead. The proposal to seize vaccine patents is the principles of Kant and Comte put into action. It may not help anyone, and in the long run it will probably hurt people by making a pharmaceutical company less likely to stick its neck out to develop another urgently needed medicine. But it will satisfy the puritanical longings of the moralists by punishing anyone who seeks a benefit for themselves in return for benefiting others.

#### Social benefits justify profit- from great responsibility earn great monies is a good moral basis

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In fact, in this outlook the more you benefit others, the more they need what you produce, the less right you have to derive any benefit yourself. While you and I might think that the enormous value liberated by a coronavirus vaccine more than justifies the reward of a profit, to the pathological altruist, the exact opposite is true. The government gets the right to seize a patent precisely because it’s valuable; otherwise we would be “leaving a life-saving industry in the hands of a profiteering monopoly.” The very fact that a product is life-saving, that it offers an enormous value to the world, is the reason why its creators are not entitled to any compensation. Look at the same attitude applied to another issue: a proposal floated in New York City to levy a $3 surcharge on the delivery of packages during the pandemic—exactly the time when everyone was flocking to online retail to reduce contact with other people and suppress the spread of the virus. Yet even some of those who spoke out against the surcharge complained only that the tax was aimed at the wrong people, that we should be levying it instead on “those who have profited billions from a global pandemic,” which in this context points to Amazon. Or consider a Washington Post article that complained about big companies posting profits in a pandemic while people are suffering. What are its main examples? PayPal, which benefited from increased online commerce, and NVIDIA, which was boosted by more people staying at home and using their gaming computers. So the companies that have made it easier for us to endure the pandemic are the ones singled out for attack and targeted with new taxes because we need them so much. We see this same upside-down moral logic at work everywhere. The more value we get out of a good or service, the more it is seen as a necessity of life—food, housing, healthcare, education—the more it is considered an outrage that anyone should profit by providing it. No good deed goes unpunished, and the better the deed in terms of its value to our lives, the more strictly some people want to make sure no one gets rewarded for it. The arrival of the COVID vaccines and the speed with which they are ending the pandemic ought to throw a little light on this kind of perverse economic puritanism because it provides such an obvious example of the opposite moral logic. Pfizer, Moderna and other companies have done a very good deed in saving lives and helping us to return to normal life. We should gratefully reward them with a healthy profit.