**I affirm the resolution Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. I will spec any definitions or anything else in CX when asked.**

**The value premise is morality because ought indicates a moral obligation.**

**The standard is consistency with the veil of ignorance. The veil of ignorance is where when we make decisions we forget who we are and the aspects of our lives like our social position in order to non-arbitrarily evaluate things.**

**All ethical theories must respect the equality of people regardless of the personal characteristics of individuals.**

1. **Motivation: No one would follow ethics if they were just arbitrarily treated differently. E.g. if they did everything perfectly but were condemned anyways because of their social status they would have no reason to be moral.**
2. **Logic: Every distinction between people is morally arbitrary. Things like racism are bad because there is no distinction between people that justifies different treatment since those distinctions are irrelevant.**

**If we make decisions behind the veil of ignorance, we remove the factors that allow for arbitrary treatment, therefore making discrimination impossible. Shelby:**

Tommie Shelby, Race and Ethnicity, Race and Social Justice: Rawlsian Considerations, 72 Fordham L. Rev. 1697 (2004). Available at: <http://ir.lawnet.fordham.edu/flr/vol72/iss5/15>

*https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3969&context=flr*

However, **Rawls's** two **principles**, understood within his wider theoretical framework, can accommodate these concerns without further complicating the two principles. As I have argued above, both de jure and de facto discriminatory treatment of citizens is already prohibited by the joint commitment to equal citizenship and formal justice, including the rule of law. **No citizen is to be subject to partial or arbitrary treatment by the institutions of the basic structure, but rather all are to be regarded as free and equal persons who are entitled to equal justice.** There will of course be specific forms of discrimination that will be prevalent in some societies, and thus those societies will want to take extra measures, perhaps even constitutional provisions, to deal effectively with these and other social problems that undermine the proper regulation of just institutions and that deny some citizens their equal basic liberties and fair opportunities. Apart from affirming equal protection and formal justice, or perhaps introducing historically contingent factors in order to apply the principles of justice in particular circumstances, it is not clear to me that we can give content to the idea of "general discriminatory treatment." Discrimination, as we have come to understand this thick concept, is not simply a matter of arbitrary or inconsistent treatment, regardless of whether such unfair treatment is intentional. Rather, **discrimination is at work when a characteristic** (or set of characteristics) **possessed by** or ascribed to the **members of a social group is widely but wrongly treated as a source of disvalue,incompetence, or inferiority.** **Thus** **discrimination is never discrimination in general, but discrimination based on** race, ethnicity, gender, religion, sexuality, or **some** other (real or merely ascribed) **human characteristic.** When prejudice against such groups is sufficiently widespread or entrenched, we will of course want to affirm publicly our collective commitment to the protection of citizens of these groups from unfair treatment, not only through constitutional and legislative means, but through more informal means as well, such as organized public protest and persistent moral criticism.

**The veil of ignorance is key for consensus - agreement can only be made as a basis for ethics if people make decisions with limited info. Rawls:**

Rawls, John [James Bryant Conant University Professor of Philosophy, Harvard University]. *A Theory of Justice*. Belknap, 1971

**The restrictions on particular information** in the original position **are**, then, **of fundamental importance. Without them** we would not be able to work out any definite theory of justice at all. **We would have to be content with a vague formula stating that justice is what would be agreed to without being able to say much, if anything, about the substance of the agreement itself.** The formal constraints of the concept of right, those applying to principles directly, are not sufficient for our purpose. **The veil of ignorance makes possible a unanimous choice of a particular conception of justice. Without these limitations on knowledge the bargaining problem of the original position would be hopelessly complicated**. Even if theoretically a solution were to exist, we would not, at present anyway, be able to determine it. The notion of the veil of ignorance is implicit, I think, in Kant’s ethics (§40). Nevertheless the problem of defining the knowledge of the parties and of characterizing the alternatives open to them has often been passed over, even by contract theories. Sometimes the situation definitive of moral deliberation is presented in such an indeterminate way that one cannot ascertain how it will turn out. Thus Perry’s doctrine is essentially contractarian: he holds that social and personal integration must proceed by entirely different principles, the latter by rational prudence, the former by the concurrence of persons of good will. He would appear to **reject utilitarianism on** much **the** same **grounds** suggested earlier: namely, **that it improperly extends the principle of choice for one person to choices facing society.** **The right course of action is characterized as that which best advances social aims as these would be formulated by reflective agreement, given that the parties have full knowledge of the circumstances and are moved by a benevolent concern for one another’s interests**. No effort is made, however, to specify in any precise way the possible outcomes of this sort of agreement. Indeed, without a far more elaborate account, no conclusions can be drawn. I do not wish here to criticize others; rather, I want to explain the necessity for what may seem at times like so many irrelevant details. Now the reasons for the veil of ignorance go beyond mere simplicity. **We want to define the original position so that we get the desired solution. If a knowledge of particulars is allowed, then the outcome is biased by arbitrary contingencies.** As already observed, to each according to his threat advantage is not a principle of justice. If the original position is to yield agreements that are just, the parties must be fairly situated and treated equally as moral persons. The arbitrariness of the world must be corrected for by adjusting the circumstances of the initial contractual situation. Moreover, if in choosing principles we required unanimity even when there is full information, only a few rather obvious cases could be decided. A conception of justice based on unanimity in these circumstances would indeed be weak and trivial. But once knowledge is excluded, the requirement of unanimity is not out of place and the fact that it can be satisfied is of great importance. It enables us to say of the preferred conception of justice that it represents a genuine reconciliation of interests.

**Thus, the aff burden is to show that individuals positioned behind the veil of ignorance would choose to reduce intellectual property protections. Prefer:**

**1. It’s most specific to the resolution: The veil of ignorance thrives to make everyone have an egalitarian society where everyone has liberty. This means a democratic body (such as the WTO) must act behind the veil of ignorance because otherwise it would cease to be a democracy.**

**2. Only the original position generates self-imposed obligations, which are key to compliance. Rawls 2:**

No society can, of course, be a scheme of cooperation which men [people] enter voluntarily in a literal sense;each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects. Yet **a society satisfying the principles of justice as fairness comes as close** as a society can **to being** a **voluntary** scheme, **for it meets the principles which free and equal persons would assent to** under circumstances that are fair. In this sense **its members are autonomous and the obligations they recognize self-imposed.** (11-2)

**3. Performativity: The judge has to use the veil of ignorance since their goal is to be as non-arbitrary as possible. If they just started voting on personal biases there would be no point to debate because they’d just vote for who they like more.**

**4. It also aligns with intuitions about proper and improper reasons for moral deliberation – promoting justice as fairness, the only method that allows us to mitigate the effectiveness of discrimination Shelby 2:**

Tommie Shelby, Race and Ethnicity, Race and Social Justice: Rawlsian Considerations, 72 Fordham L. Rev. 1697 (2004). Available at: http://ir.lawnet.fordham.edu/flr/vol72/iss5/15

Rawls's theory takes the basic structure as its primary subject, not just because he wants to limit the scope of his project to classical problems of social justice, but also because the basic structure [it] has a "profound and pervasive influence on the persons who live under its institutions. It is largely through the mediation of institutions that the social, natural, and fortuitous contingencies that mark differences between persons come to affect the overall life prospects of individuals in society. **Justice as fairness [—] seeks to insure that the** life **prospects of citizens are not unfairly limited by contingencies that are** morally **arbitrary.** As we have observed, the fact that a person is a member of a particular racial group is not a morally relevant distinction from the standpoint of basic justice, and thus no one's life prospects should be circumscribed because of his or her racial identity. Thus, **if the basic structure of a society is** well-ordered and **just, then** even if **racist beliefs** and attitudes continue to circulate in this society, these beliefs and attitudes [they] **should not inhibit any person,** regardless of race, **from** fully **participating in the society** as an equal citizen, with all the accompanying liberties and opportunities. Nor would the existence of individual racism be an obstacle to any person's effective choice and active pursuit of a rational plan of life under conditions of fair equality of opportunity. So, while the fact that some individuals harbor racist attitudes would still be a moral problem of some concern, were the overall system of social cooperation a just one or nearly so, this disturbing problem would not be such an urgent practical matter from the standpoint of disfavored racial groups. In this way, **justice as fairness,** if fully realized in a well-ordered society, **would sharply reduce the influence of individuals' racist misdeeds** and attitudes on the life prospects of other citizens. There is of course no way to realize such a well-ordered society without also sharply reducing the incidence of individual racism and containing the offensive activities of racist organizations. For as we have said, racial prejudice and bias, if not effectively combated, can lead to unjust forms of discrimination within the basic structure, even to institutional racism. But the establishment of a just and well-ordered society does not require that individual racism be altogether extinct, as desirable as that state of affairs would be. The complete eradication of all forms of racism, overt and covert, is probably more than a "realistic utopia" can hope to achieve, which is not of course to deny that this is a moral goal well worth striving, even fighting, for.

**Aggregation Fails:**

1. **We can’t predict the future which means we can’t predict the consequences of an action since things can happen during our actions that cause a completely different consequence.**
2. **Normativity: If people are held responsible for things they didn’t intend it means they have no control over their actions being immoral. This outweighs because people will give up on morality if they’re blamed for things they didn’t do.**
3. **Calculation freezes action: We have to calculate the results of every action yet calculation is itself an action, which means once we calculate we just keeping adding actions to calculate, and just spend our entire life calculating.**
4. **Trust Paradox: Consequentialism obligates changes in actions on a case by case basis which means every action is subject to calculation and thus people act sporadically, meaning we can’t predict what others will do. But consequentialism necessitates that we can make predictions which means it’s paradoxical and impossible to use.**

**Contention 1)**

**Behind the veil of ignorance people choose to help the least well off in society.**

1. **Egoism-Altruism Paradox: If people are altruistic they help the least well off behind the veil because their altruistic. If they’re self interested they would still help the least well off behind the veil because they don’t know their social status. This means they help the least well off because if society is on average doing better it benefits them.**
2. **Lottery of Birth: People behind the veil don’t know if they’re well off or not which means they would choose to help the least fortunate because there’s a chance they could be the least fortunate.**
3. **Logic: The only people who would prefer the most well off to benefit the most are the well off. However, behind the veil no one knows if they’re the well off which means no one is choosing to benefit the well off.**

**IP protections for medicines stifles competition and keeps the prices of medicines high, hurting the poor and marginalized groups. Oxfam:**

**This trade-off underpins patent systems everywhere. Governments need to maintain an appropriate balance between incentivizing innovation, on the one hand, and, on the other, ensuring that new products are widely available. High levels of IP protection** in developing countries **exacerbate, rather than help solve, the problem of access to affordable medicines. Extensive patent protection for new medicines delays the onset of generic competition**. And because **generic competition is the only proven method of reducing medicine prices in a sustainable way, such high levels of IP protection are extremely damaging to public health outcomes.** A word on background: The 1994 TRIPS Agreement represented the single greatest expansion of IP protection in history, but it also includes a range of public health safeguards and flexibilities, which were reinforced by the 2001 Doha Declaration on the TRIPS Agreement and Public Health. Yet US trade agreements over the past decade have sought to redefine and even undermine the Doha Declaration, as FTAs have included provisions that curb governments’ ability to use the health safeguards in TRIPS and have mandated higher levels of IP protection. **These provisions block or delay the onset of generic competition, keeping medicine prices high. Higher treatment costs are devastating to poor people, and they undermine the sustainability of public health programs—particularly in low- and middle-income countries, where public finance for health care is limited and most patients pay for medicines out of pocket.**

*“Intellectual Property and Access to Medicine.” Oxfamamerica.org, 2020, www.oxfamamerica.org/explore/issues/economic-well-being/intellectual-property-and-access-to-medicine/. Accessed 12 Aug. 2021.*

**Contention 2)**

**The lack of access to medicine is an infringement on a human right. Which is an injustice that ought to be fixed. Health And Human Rights:**

**For individuals and communities living in relative poverty**, recasting **their lack of access to health care and essential medicines** not as a failure of government policy, but as **[is] a denial of their rights,** is tremendously empowering. **When the needs essential to a life lived in dignity are elevated to the rank of legal entitlements, they have** the **power** to change political discourse and the horizon of social expectations.[20] Reframing **health as a human right** is not simply to appear in court; it is to expand the bounds of what is possible, to mobilize neglected communities, to raise public awareness and trigger activism and education.

*“Access to Medicines and Human Rights.” Health and Human Rights, 9 June 2017, www.hhrguide.org/2017/06/09/access-to-medicines-and-human-rights/. Accessed 1 Sept. 2021.*

**Contention 3)**

**Underview**

1. **1Presumption affirms. A) we presume things true until proven otherwise, I.e. you believed me when I said my name was Spencer. B) It’s impossible to presume things false because then we presume that presumption is false but that also leads to a falsity, and it’s infinitely regressive.**
2. **Permissibility affirms, A) it’s better for us to take okay actions than bad ones, and B) Otherwise we would need a proactive justification to do things like drink water.**
3. **I get 1ar theory because otherwise the neg can be infinitely abusive which outwieghs everything because that makes it impossible for the aff to win.**
4. **Paradigm Issues: Drop the debater a) to deter future abuse, b) if I prove abuse it means substance has already been skewed. No RVIs, a) debaters don’t win for just being fair or educational, b) it would encourage good theory debaters to be abusive so they can bait theory and win off an RVI. Competing interps because a) reasonability is arbitrary and requires judge intervention b) it encourages getting as close to the brightline as possible and**
5. **Fairness is a voter because the ballot makes debate a game and without fairness you’re voting for the better cheater not the better debater.**
6. **No 2N theory because that allows the neg to just go for 6 minutes of new game over issues which is impossible for a 3 minute 2ar to deal with.**
7. **The negative must not contest the affirmative framework if the affirmative reads Rawls. Standard:**

**Time Skew: When the neg can just outframe the aff it moots the 6 minute AC since my aff link back to my framework, creating a 7 to 13 skew. Time Skew controls the internal link to everything because I can’t do things like clash if I have no time to do so.**

1. **Interpretation: The negative must defend the status quo. Standard:**

**Predictability: There are infinite parts of my aff for the neg to create competition with which makes it impossible to have prep for them. I.e. I can’t prep out every k alt, word pic, process counterplan etc. on every sentence of aff. Predictability controls the internal link to ground and strategy because we can’t do either if we have no prep.**

1. **Interpretation: The negative debtor must not read Necessary but Insufficient Burdens. Standard: Time Skew: The neg can just read 7 minutes of NIBs and the 4 minute 1ar couldn’t respond to them all, this controls the internal link to ground, clash, and strategy because I can’t do any of these if they just blitz out 7 minutes of NIBs**