# SO21 – AC – TRIPs Plus

#### Definitions:

#### Intellectual property:

**WIPO 2020**; World Intellectual Property Organization. “What is Intellectual Property?” (2020) <https://www.wipo.int/about-ip/en/>

**“Intellectual property" refers to creations of the mind.**

#### TRIPS: Trade Related Aspects of International Property Rights

**Willis 13**; Willis, Ben. E-International Relations. “The Argument For and Against the TRIPS Agreement.” December 23, 2013. https://www.e-ir.info/2013/12/23/the-arguments-for-and-against-the-trips-agreement/

The standard line in support of TRIPS stems from recognition of the contemporary significance of the knowledge economy, and private intellectual property (IP) as a major component of international trade (WTO, 2008: 39). Disagreements over, and absence of, IPR protection constitute significant non-tariff barriers to trade, and TRIPS is the result of the need for a robust multilateral framework to replace what was an ineffective patchwork of pre-existing IPR agreements[i] (Matthews, 2002: 10-12). For the first time, therefore,. **TRIPS has put in place a global minimum standard of IP protection that all WTO members must adhere to** This **covers copyrights, trademarks, etc**, industrial designs, geographical indications, patents, integrated circuit designs, trade secrets, and anti-competitive contract restrictions. Like other WTO agreements, it **applies** the fundamental **principles** **of non-discrimination – most-favoured-nation treatment** (no discrimination between trading partners) **and national treatment** (giving foreigners the same treatment domestically as one’s own nationals).

#### Trips Plus: These are extra protections decided on a counry-to-country basis between member nations

**Jose 17**; Jose, Tojo. Indian Economy. “What is TRIPs Plus? What is Data Exclusivity?” March 12, 2017. <https://www.indianeconomy.net/splclassroom/what-is-trips-plus-what-is-data-exclusivity/#:~:text=TRIPs%20Plus%20are%20higher%20level,by%20the%20WTO's%20TRIPs%20regime.&text=Rather%2C%20the%20term%20is%20used,minimum%20standards%20imposed%20by%20TRIPs>.

**TRIPs Plus are higher level of protection norms demanded by the developed countries that are not prescribed by the WTO’s TRIPs regime.** Although they are named as ‘TRIPS-Plus,’ they are not formally related to TRIPs. Rather, the term is used to indicate that **these requirements go beyond the minimum standards imposed by TRIPs.** Many developing countries who are members of FTAs are under pressure to enact these tougher conditions in their patent laws.

to **calculate the utility** payoffs from **[of]**adopting each alternative possible **general rule**.

#### Thus, the value is morality and the standard is maximizing expected well-being. Its hedonistic act-util Independently prefer:

#### [1] Actor specificity A] governments must aggregate because their policies benefit some and harm others so the only non-arbitrary way to prioritize is by helping the most amount of people B] No act-omission distinction – governments have to yes/no policies which means that choosing to omit is an act itself so side constraints freeze action C] Actor specificity comes first because different agents have different obligations. Takes out calc indicts because they’re empirically denied.

#### [2] It’s a lexical pre-requisite. Threats to bodily security and life preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibit the ideal moral conditions which other theories presuppose.

#### [3] theory:

#### [A] Topic lit – most articles are written through the lens of util since they’re crafted for policymakers and the general public to understand who take consequences to be important, not philosophy majors. Fairness and education since it’s a lens through which we engage the res.

#### [4] Only pleasure and pain are intrinsically valuable – all other values can be explained with reference to pleasure.

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

I think several things should be said in response to Moore’s challenge to hedonists. First, I do not think the burden of proof lies on hedonists to explain why the additional values are not intrinsic values. If someone claims that X is intrinsically valuable, this is a substantive, positive claim, and it lies on him or her to explain why we should believe that X is in fact intrinsically valuable. Possibly, this could be done through thought experiments analogous to those employed in the previous section. Second, there is something peculiar about the list of **additional intrinsic values** that counts in hedonism’s favor: the listed values have a strong **tend**ency **to be** well **explained as things that** help **promote pleasure and avert pain.** To go through Frankena’s list, **life** and **consciousness** are necessary presuppositions for pleasure; **activity**, health, and strength **bring about pleasure;** and happiness, beatitude, and contentment are regarded by Frankena himself as “pleasures and satisfactions.” The same is arguably true of beauty, harmony, and “proportion in objects contemplated,” and also of affection, friendship, harmony, and proportion in life, experiences of achievement, adventure and novelty, self-expression, good reputation, honor and esteem. Other things on Frankena’s list, such as understanding, wisdom, freedom, peace, and security, although they are perhaps not themselves pleasurable, are important means to achieve a happy life, and as such, they are things that hedonists would value highly. Morally good dispositions and virtues, cooperation, and just distribution of goods and evils, moreover, are things that, on a collective level, contribute a happy society, and thus the traits that would be promoted and cultivated if this were something sought after. To a very large extent, the intrinsic values suggested by pluralists tend to be hedonic instrumental values. Indeed, pluralists’ suggested intrinsic values all point toward pleasure, for while the other values are reasonably explainable as a means toward pleasure, pleasure itself is not reasonably explainable as a means toward the other values. Some have noticed this. Moore himself, for example, writes that though his pluralistic theory of intrinsic value is opposed to hedonism, its application would, in practice, look very much like hedonism’s: “Hedonists,” he writes “do, in general, recommend a course of conduct which is very similar to that which I should recommend.”24 Ross writes that “[i]t is quite certain that by promoting virtue and knowledge we shall inevitably produce much more pleasant consciousness. These are, by general agreement, among the surest sources of happiness for their possessors.”25 Roger Crisp observes that “those goods cited by non-hedonists are goods we often, indeed usually, enjoy.”26 What Moore and Ross do not seem to notice is that their observations give rise to two reasons to reject pluralism and endorse hedonism. The first reason is that if the suggested non-hedonic intrinsic values are potentially explainable by appeal to just pleasure and pain (which, following my argument in the previous chapter, we should accept as intrinsically valuable and disvaluable), then—by appeal to Occam’s razor—we have at least a pro tanto reason to resist the introduction of any further intrinsic values and disvalues. **It is ontologically** more **costly to posit a plurality of intrinsic values and disvalues, so in case all values admit** of explanation by reference to a single **intrinsic value and** a single intrinsic **disvalue, we have reason to reject more complicated accounts.** The fact that suggested non-hedonic intrinsic values tend to be hedonistic instrumental values does not, however, count in favor of hedonism solely in virtue of being most elegantly explained by hedonism; it also does so in virtue of creating an explanatory challenge for pluralists. The challenge can be phrased as the following question: If the non-hedonic values suggested by pluralists are truly intrinsic values in their own right, then why do they tend to point toward pleasure and away from pain?27

#### Thus, maximizing general welfare is a prerequisite to any other value criterion

#### Thus the plan: I affirm: Member nations of the WTO should remove and reject “TRIPS-plus provisions” in free trade agreements

## Advantage: Access to medicine

### Subpoint A: Hierarchies

#### TRIPS-plus is root cause of increased intellectual property protections in free trade agreements

**U.S. Int’l Trade Commission 06/2021** The United States International Trade Commission is an independent, bipartisan, quasi-judicial, federal agency of the United States that provides trade expertise to both the legislative and executive branches. United States International Trade Commission, https://www.usitc.gov/publications/332/pub5199.pdf

While the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) represents a milestone in the development of international IPR norms, it **[TRIPS] specifically reserves discretion for its members to implement “more extensive protection” than required by the agreement**.938 Reflecting this discretion, U.S. **FTAs** have grown in breadth and scope to incorporate IPR standards that exceed those in TRIPS (known as TRIPS-plus provisions), as described in chapter 2. Similarly, IPR provisions in RTAs involving the European Union (EU), the European Free Trade Association countries (Switzerland, Norway, Liechtenstein, and Iceland), and others have **expanded to include more TRIPS-plus provisions.**939 The literature documents increasing levels of IPR protection as countries have implemented the requirements of TRIPS, U.S. FTAs and other RTAs, and their own reforms. As a rough proxy for IPR protection, much of the literature has relied on an index of legislative patent protection, the GP Index created by Ginarte and Park (1997), which covers nearly all countries on a five-year basis beginning in 1960.940 Although the GP Index does not explore the reasons why countries have changed their levels of patent protection, the items measured by the index (patentability of different types of inventions membership in international treaties, the length of patent terms, enforcement mechanisms, and limitations on patent rights) overlap with TRIPS requirements. GP Index data show substantial increases in countries’ patent protection levels after the implementation of TRIPS.941 In USITC 2016, the Commission found that **increases in patent protections from 1995 to 2010 were larger for TRIPS members than nonmembers** and that the average increase was greater for TRIPS members with a U.S. FTA than for those without. These facts suggested that patent reforms correlated with participation in trade agreements during this period, with the caveat that the United States entered into FTAs with countries that may have been reforming their patent systems for other reasons.942 Since USITC 2016, researchers have begun to catalog all IPR provisions in RTAs (not just patent provisions), including TRIPS-plus provisions.943 For example, Morin and Surbeck (2020) identify and code **TRIPS-plus provisions in 126 RTAs signed between 1991 and 2016.**944 They find that the **most frequent types of TRIPS-plus provisions in RTAs are those related to patents, copyrights, and trademarks**. U.S. FTAs cover these topics, as well as enforcement, the protection of undisclosed information (trade secrets), and other IPR issues. By contrast, TRIPS-plus provisions that cover geographical indications are highly prominent in EU RTAs but occur much less frequently in other RTAs. 945

#### TRIPS-plus kills access to medicines through removal of generic competition. This disproportionally effects developing countries:

**Reid 15** Jennifer Reid. Infojustice**.** June 18, 2025. THE EFFECTS OF TRIPS-PLUS IP PROVISIONS ON ACCESS TO AFFORDABLE MEDICINES. http://infojustice.org/archives/34601

The effects of patenting pharmaceutical products on access to medicines in developing countries are relatively recent as these countries have only been mandated by the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) rules to grant patents on pharmaceuticals since 2005. As a result there are a limited number of empirical studies documenting these effects. However, **patents grant** the **patent holder a monopoly on the market** that **allows the blocking of price-lowering generic competition and** the **raising of prices which restricts affordable access to medicines.** **Where** patent and otherintellectual property **(IP) barriers do not exist, generic competition has proven to lower prices of medicines.** The attached memo provides numerous examples where intellectual property rules stronger than those required by TRIPS have raised the cost of medicines. For example, the **US F**ood and **D**rug **A**dministration **reports** **that “on average, the cost of a generic drug is 80 to 85 percent lower than the brand name product.”** The experience of HIV medicines prices illustrates this. When first-line antiretroviral medicines were first introduced in developing countries, they were priced out of reach of millions at more than US $10,000 per patient, per year. Following the introduction of generic versions, prices fell dramatically. Today prices for first line regimens in developing countries are 99 percent lower – as low as $100 per person, per year. Evidence documenting the effect of TRIPS and patenting of pharmaceuticals on promoting innovation is similarly lacking, however some **reports have already documented the lack of impact patents have in promoting innovation targeting the specific needs of patients in developing countries.** **Implementation of** **stricter IP obligations** (referred to as **TRIPS-plus**) is even more recent for many countries, but increasingly these additional or expanded provisions that go beyond what is required by the TRIPS agreement and which limit TRIPS flexibilities **have been** pushed for or **implemented in developing countries through trade agreements** and other tools. These include patent term extensions, patent linkage, data exclusivity, lower patentability criteria and additional enforcement measures. Examples of TRIPS-plus provisions appearing in trade agreements include the Dominican Republic-Central America FTA (DR-CAFTA), the US-Jordan free trade agreement and the currently under negotiation Trans-Pacific Partnership Agreement (TPP) between 12 Pacific-Rim countries, including several developing countrie=s. The effects of TRIPS-plus provisions on access to affordable medicines and pricing are not yet well documented, particularly in developing countries. However, a review of existing literature indicates that a number of studies, reports and statements, have in fact documented, assessed and/or projected the effects of TRIPS-plus provisions on access to medicines, including at least 28 resources. Several of these are from countries like the US that have had a longer experience in the implementation of TRIPS-plus provisions in their national law.

#### An independent study by the Commission of Intellectual Property Rights proves that TRIPs plus provisions reduce access and should not be incorporated into free trade agreements.

**WHO 10** World Health Organization. Regional Office for the Eastern Mediterranean. (‎2010)‎. Public health related TRIPS-plus provisions in bilateral trade agreements: a policy guide for negotiators and implementers in the WHO Eastern Mediterranean Region. <https://apps.who.int/iris/handle/10665/119913>

Within the context of this history of WHO’s involvement in these issues, and in the wake of many regional and bilateral trade agreements which were negotiated after 1995 and which further aim to strengthen and prolong patent regimes beyond the TRIPS standards, the CIPIH recommended tha**t “Bilateral trade agreements should not seek to incorporate TRIPS-plus protection in ways that may reduce access to medicines in developing countries”.** In making the recommendation the **Commission was fully conscious o**f the sensitive nature of bilateral relations between the countries and of their sovereignty and **right to agree mutually on what they consider important for them**. Yet it was also aware of **the growing number of bilateral trade agreements between countries** which were stipulating higher levels of patent protection than the TRIPS Agreement and which **could have negative effects on access to medicines in less resourceful partners** in these agreements. In the Eastern Mediterranean Region this trend became clear as one after another such agreement was finalized and, much later, came to public knowledge. The idea for this policy guide matured with this background. An additional and important concern was that ministries of health were hardly involved at all in these bilateral trade negotiations. Yet they have had, and will have, to deal with the implications of the TRIPS-plus provisions in terms of difficulties they will face in making available new and patent protected medicines and health technologies of public health importance to their populations. Not only were they generally not involved in these negotiations, but most ministries of health also lacked capacity to take part in these discussions, let alone analyze the implications and develop strategic responses.

#### Increased IP protections decrease accessibility and create monopolies, eliminating competition. This stops people from obtaining lifesaving medicines and vaccines and prevents economic stimulation. Islam et al 19

Islam, M.D., Kaplan, W.A., Trachtenberg, D. *et al.* Impacts of intellectual property provisions in trade treaties on access to medicine in low and middle income countries: a systematic review. *Global Health* **15,**88 (2019). https://doi.org/10.1186/s12992-019-0528-0

Our systematic literature review makes several contributions: First, the studies we have reviewed show that changes in IP policy due to the implementation of trade agreements are associated with changes in price, medicines expenditure and sales, consumer welfare, and ultimately the affordability, of medicines. The direction and magnitude of the effects differ between ex-ante and ex-post studies. Regarding prices and costs of medicines, ex-ante studies predict that prices and costs (primarily public expenditure) of medicines could increase several hundred percent due to the impact of various IP provisions such as increased patent enforcement, TRIP-plus and other provisions in various multilateral and bilateral agreements. These ex-ante studies confirm what the theory would say [35] i.e., that stronger IP monopoly rights would tend to eliminate competition and thus incur societal costs which are higher prices for IP products. On the other hand, empirical ex-post studies found at most a moderate increase in prices and costs of medicines due to the imposition of similarly heightened IP rules. There is, however, some consensus between ex-ante and ex-post studies that TRIPS-plus provisions relating to clinical data protection, rather than the imposition of more stringent patent rules, would cause a larger increase in prices and costs of medicines and lead to lower access to medicines. We note that extending the patent term may have an additionally important, but as-yet undifferentiated, impact since most data protection provisions are confined within the period of existing patent protection and are not additive to patent extensions. Second, the reported impacts of IP changes due to trade agreements on access to medicines seem clearly multifactorial. Duggan et al. [24] found an insignificant increase in medicine prices after patent law reform and argued that this might be because the existing generic producers are ‘grandfathered’ and continue to produce the generic medicines even after patent enforcement. This is because TRIPS does not require retroactive IP protection on pre-1994 medicines. Kyle and Qian [26] found that the existence of a patented molecule does not always block generic imitation, nor does the lack of patents always deter an originator from making a product available. They also pointed out that effects of IP may well be different depending on the size of the local generic sector, e.g., the impact in India with its large and robust generic medicine sector may be different as compared most other low and middle income countries. They asserted that the “... existence of IPs is neither necessary nor sufficient ...” for the launch of pharmaceutical innovations at the country level. This suggests substantial heterogeneity in the effects of IPs, both across countries and across medicines.

### Subpoint B: HIV

#### TRIPS plus provisions reduce access to HIV treatments in developing countries:

**Pigoni 20**; Pigoni, Alessandro. April, 19, 2020. “TRIPS-Plus Provisions and the Access to HIV Treatments in Developing Countries.” <https://www.e-ir.info/2020/04/19/trips-plus-provisions-and-the-access-to-hiv-treatments-in-developing-countries/>

Since its establishment a considerable body of literature has been published on the impact of the TRIPS agreement on public health, however, far too little attention has been paid to the fact that **TRIPS-Plus provisions have a much more negative impact on the affordability of treatments for spreadable diseases such as** thehuman immunodeficiency virus **(HIV) that affects the lives of 37.9 million people** (Unaids.org, 2019).

Furthermore, a point that is worth stressing is that **this exacerbating effect is disproportionally felt by the poorest communities living in developing countries** that are more vulnerable to HIV spreading. In fact, “the vast majority of people living with HIV are located in low- and middle-income countries, with an estimated 68% in living in sub-Saharan Africa”. (Carlson, 2019).

Therefore, in the first part, this essay will address the minimum global standard of intellectual property protection set by the 1995 TRIPS agreement with regards to patent regulations as well as theoretical arguments supporting the inclusion in recent trade agreements of stronger provisions on intellectual property. Subsequently, this essay will challenge these arguments by presenting evidence suggesting that **TRIPS-Plus provisions** are largely justified by profit-driven motives and that they **pose a serious threat to public health in developing countries because they reduce access to essential treatments for HIV** by delaying the entry of cheaper generics in domestic markets and causing significant price increases in medicines. This essay will conclude that the theoretical justifications in support of TRIPS-Plus provisions can be partially considered reasonable, however, once they are applied to the reality of international trade, they tend to disclose their shortcomings. Hence, the **inclusion of TRIPS-Plus provisions in recent trade negotiations serves** primarily as a strategic tool **in the hands of developed countries for avoiding competition** with cheaper generic drugs produced in developing countries**, however, this comes at the expense of developing countries’ ability to access affordable antiretroviral regimens for HIV treatments**.

#### The HIV disease is very serious, TRIPs-plus provisions put millions of lives at stake

**Global Affairs Canada**. “HIV/AIDS in developing countries.” June 8, 20**17**. <https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/global_health-sante_mondiale/hiv_aids-vih_sida.aspx?lang=eng>

HIV stands for human immunodeficiency virus. This virus breaks down the body’s immune system. **Without the protection against infection and disease, HIV causes people to become sick with infections that wouldn't normally affect them**. If it is left untreated HIV can lead to the disease AIDS (acquired immunodeficiency syndrome). Sub-Saharan Africa remains the most affected area. At the end of 2015, there were 36.7 million people worldwide living with HIV. Sub-Saharan Africa remains the most affected area with nearly 1 in every 25 adults living with HIV. In the hardest-hit countries, girls account for more than 80% of all new HIV infections among adolescents. Globally adolescent girls and young women (15-24 years) are twice as likely as males of the same age to be at risk of HIV**. Access to drugs and health services makes a difference** There is progress in the fight against HIV/AIDS. In 2016, 17.3 million people living with HIV had access to anti-retroviral therapy and fewer people are dying of AIDS-related illnesses. In 2015, 1.1 million people died from AIDS-related causes worldwide, compared to 2 million in 2005. There was a 45% decrease in new infections between 2000 and 2015.

This **progress** **is largely due to** advances such as **scaled-up access to new drugs and treatments**, improved access to health services through stronger health systems, and effective prevention programs and public awareness campaigns.

## Contention 2: TRIPs is good

#### TRIPS-plus provisions aren’t even effective in a vacuum, which means removing them would not hurt the economy – U.S. report proves

**U.S. Int’l Trade Commission 06/2021** The United States International Trade Commission is an independent, bipartisan, quasi-judicial, federal agency of the United States that provides trade expertise to both the legislative and executive branches. United States International Trade Commission,

<https://www.usitc.gov/publications/332/pub5199.pdf>

The Commission finds that the **effects of membership in RTAs with TRIPS-plus provisions are ambiguous**. On the one hand, RTAs with TRIPS-plus provisions have a positive and statistically significant effect on members’ total trade across all sectors. However, such RTAs typically include other substantial tariff and nontariff commitments which can also increase trade. To further explore this issue, the Commission examined the effects of RTAs with TRIPS-plus provisions separately on trade in IPR-intensive sectors and non-IPR-intensive sectors. While RTAs with TRIPS-plus provisions are found to have a positive and statistically significant effect on trade in IPR-intensive sectors, they have a larger effect on non-IPRintensive sectors than on IPR-intensive sectors. 494 Thus, **there is limited evidence of TRIPS-plus provisions actually increasing trade in IPR-intensive sectors,** as other commitments in RTAs may be driving the positive effects on trade for both IPR-intensive and non-IPR-intensive sectors. As reflected in the literature**, TRIPS has already increased trade in IPR-intensive sectors such that the additional effects of TRIPS-plus provisions** may be **relatively small.**

#### TRIPs Plus only has negative impacts, passing the plan reduces the provisions to the regular TRIPS agreement.

#### The TRIPS agreement is sufficient to solve for trade and economic development amongst WTO member nations

**Willis 13**; Willis, Ben. E-International Relations. “The Argument For and Against the TRIPS Agreement.” December 23, 2013. https://www.e-ir.info/2013/12/23/the-arguments-for-and-against-the-trips-agreement/

Various wider benefits to society are said to accrue from the imposition of temporary monopolies and other limitations that result from private IPRs (WTO, 2008: 39; CIPR, 2002: 14-18). **By instituting legal protection – tackling piracy and counterfeiting – the disclosure of new knowledge and creativity is encouraged, and the significant costs associated with the creative process** (such as with research and development) **can therefore be recouped and remuneration earned.** **Innovation is thus both rewarded and further promoted.** The scope and reliability offered by a global IPR regime should not only stimulate domestic innovation, but the security offered to developed world patent holders and others can also encourage foreign direct investment, technology transfer and licensing, and the diffusion of knowledge to the developing world (Matthews, 2002: 108-111). **TRIPS is therefore able to play a significant role in the overall promotion of trade and economic development.**

Crucially, **TRIPS also represents a significant improvement on previous IPR agreements in having considerable monitoring, enforcement, and dispute settlement capabilities** (Matthews, 2002: 79-95). A TRIPS Council – comprising all WTO members – reviews national legislation and implementation of the agreement. Should serious disputes occur, any member may ultimately bring a case to the WTO’s Dispute Settlement Body, which has the power to issue punitive trade sanctions to ensure compliance. Successful cases launched by Ecuador and Brazil show that the dispute resolution mechanism works for both developed and developing countries alike (MIP, 2010). TRIPS is therefore seen by its supporters as representing an enforceable global system of IPR protection that plays an essential role in the modern global information society. **By rewarding and encouraging innovation, it facilitates international trade, spurs economic growth, and enables technological progress and the dissemination of knowledge, ultimately benefiting both producers and users throughout the developed and developing world**

**The TRIPS agreement is positive, it sets a good ground and should be kept, TRIPS is good, but the IP protection on medicine that should be removed is TRIPS-plus because it decreases access to medicine and has devastating impacts on developing countries, so we urge the judge to vote aff.**

## Underview:

#### Aff gets 1ar theory: there needs to be some sort of check on neg abuse

#### AFF theory is drop the debater-- [1] It encourages them to not be abusive in the future. [2] The abuse has already been done, and I am already at a disadvantage, so it would be unfair to still allow them to win

#### 2. Competing interps—

#### a. we must vote for whoever has the best model of debate

#### b. reasonalibity is arbitrary

#### 3. No rvis—:

#### a. you shouldn’t win just for being fair, it is an expectation to follow the rules

#### b. RVIs encourage theory debaters to be abusive so that people will read theory against them, and then they win on the RVI

#### c. Because RVI puts a focus on theory, you won't have focus on the substance on the round, which leads to a loss of education

#### 4. Counterplans and PICs affirm—The aff is saying we have to make a change to squo while neg’s only job is to defend the squo, meaning if neg proposes a change it should be considered an aff argument

#### 5. AFC—aff gets fw choice because its harder to affirm

#### 6. Extinction comes first under any framework

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it **is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe,** such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – **whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world**. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how **reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillion**s. There are so many possible future people that **reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people**. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)