## 1

#### U.S dominance over biotech now BUT Misguided policy cedes control to China.

Gupta 6/11 [“As Washington Ties Pharma's Hands, China Is Leaping Ahead.”, Gaurav Gupta, Opinion | America Risks Ceding Its Biotech Dominance to China | Barron's, Barrons, 11 June 2021, [www.barrons.com/articles/as-washington-ties-pharmas-hands-china-is-leaping-ahead-51623438808](http://www.barrons.com/articles/as-washington-ties-pharmas-hands-china-is-leaping-ahead-51623438808)., Gaurav Gupta, a physician, is the founder of the biotechnology investment firm Ascendant BioCapital.]//Lex AKu

There should be no doubt that we are living at the dawn of a golden age of biomedical innovation. The American scientific engine that produced Covid-19 vaccines in record time was fueled by a convergence of advances in genomics, biomarkers, data science, and manufacturing years in the making. The first Food and Drug Administration approvals of a host of new product formats—oligonucleotide, bispecific, oncolytic virus, CAR-T, and lentivirus/AAV—all took place within the last decade. These represent an unprecedented expansion of the armamentarium that physicians have at their disposal to treat and cure disease. In the last few years, [47% of all new medicines](https://www.efpia.eu/media/554521/efpia_pharmafigures_2020_web.pdf) were invented by U.S. biopharma companies, with [homegrown startups](https://www.cbo.gov/publication/57126) driving the majority of innovation. The bulk of the remainder were developed by foreign companies specifically for the U.S. market. An indirect benefit of these trends is that most novel therapeutics undergo clinical development and early commercial launch here in the U.S. The rest of the world understands that the American patient has earlier and broader access to groundbreaking therapies via these mechanisms. Indeed, the past decade is filled with examples of medical “firsts” for American patients: the first cure for Hepatitis C, the first gene therapy for blindness, the first immunotherapy for cancer. Future rewards will be greater still if we preserve our current system of incentivizing and protecting The remarkable innovation capacity of our biopharmaceutical industry ought to be a source of national pride. Yet while “Made in America” is the global standard for medicines in development today, misguided policy risks ceding our scientific prowess to other countries in the future. This is particularly true in the case of China, where biotechnology has become a strategic pillar for the health of its people and economy. From 2016 to 2020, the market capitalization of all Chinese biopharma companies increased exponentially from [$1 billion to over $200 billion](https://www.bloomberg.com/news/articles/2021-03-01/xi-mobilizes-china-for-tech-revolution-to-cut-dependence-on-west). China saw over [$28 billion](https://www.bioworld.com/articles/506978-china-sees-five-year-highs-in-life-sciences-investments-and-partnering) invested in its life sciences sector in 2020, double the previous year’s amount. Returns on China’s investment are already arriving. The FDA approved a drug developed in China for the first time ever in 2019. While China’s innovation capacity currently remains behind America’s, my experiences as a biopharma professional make it clear they are doing everything they can to catch up and catch up fast. In fact, when I speak to Chinese biotechnology executives, they boast that they can run clinical trials faster than their U.S. counterparts. The danger of misguided policies that disincentivize pharmaceutical innovation in the U.S. is effectively driving that same innovation to China. If we close off the market in the U.S. at the same time that China is opening its market to innovative new products, then we will see companies choose to first launch impactful novel medicines in China, based on clinical trials conducted in China. Because the FDA rarely accepts data generated entirely outside the U.S., this relocation of research capacity will negatively affect Americans’ access to cutting-edge therapies. The biotechnology field is advancing rapidly. Promising technologies such as targeted protein degradation and gene editing are perhaps not far from being developed into impactful medicines, and the U.S. risks these technologies being mastered by Chinese companies.

#### The plan chills American biomed innovation, ceding control to China – also can’t solve future diseases

Paulsen 7/9 [ERIK PAULSEN: We can save the world with our vaccines — without surrendering our IP to China," Bakersfield Californian, [https://www.bakersfield.com/opinion/erik-paulsen-we-can-save-the-world-with-our-vaccines-without-surrendering-our-ip-to/article\_b0b87692-df61-11eb-9a13-d7fa02eefaee.html]//Lex](https://www.bakersfield.com/opinion/erik-paulsen-we-can-save-the-world-with-our-vaccines-without-surrendering-our-ip-to/article_b0b87692-df61-11eb-9a13-d7fa02eefaee.html%5d//Lex) AKu

The Biden administration gave Beijing a gift when it endorsed a petition before the World Trade Organization to force the American developers of Covid-19 vaccines and therapeutics to relinquish their intellectual property rights to these medicines. The Chinese government seeks to take over in biotech, a sector where U.S. innovators lead. Biotech is included in its “Made in China 2025” plan, which lists 10 sectors that China aims to dominate. The government intends to force anyone doing business in China in those spheres to hand over know-how. Surrendering IP protections on biomedical technology has dire consequences. Foremost, it guts the foundation of biomedical innovation, which takes huge investments spanning many years to bear fruit. IP protections assure innovators that they can recover those investments and make a profit. Losing IP protection would have a chilling effect on investments in the sector. Equally injurious to America, the IP waiver would allow China to become a biotech powerhouse by piggybacking on American innovation. A waiver on IP for Covid-19 vaccines would accelerate the timeline for “Made in China 2025**.**” The mRNA technology, which undergirds the Pfizer-BioNTech and Moderna vaccines has uses beyond this pandemic. It has the potential to take on cancers and other diseases. With the waiver, China and others will be emboldened to use the once-proprietary mRNA know-how for broader research and applications. Is this in America’s interest? Mark Cohen**,** an expert on Chinese IP theft**,** recentlytold the Washington Post that the waiver would deliver **“**a competitive advantage to countries that are increasingly viewed as our adversaries, at taxpayer expense.” Beyond the damage that an mRNA giveaway will inflict on US R&D investments, the waiver sends a signal that America could agree to force American innovators to part with trade secrets every time there’s a global crisis. That attitude will arrest biopharmaceutical innovation. Small biotech firms spearhead 70 percent of the R&D pipeline, relying heavily on private investors to fund that work. If investors know that innovators may have to give away their discoveries in a global crisis, they’ll deploy their money elsewhere. That’ll make it even harder to draw the R&D investments needed to address infectious diseases, including drug-resistant infections and viruses. America is benefitting greatly from the early access to COVID-19 treatments and vaccines, saving lives and speeding economic recovery. Preserving U.S. leadership in biomedical innovation includes preserving the incentives that helped make it the world’s leader. A final downside of the waiver is the ability for American firms to find a cure for the next pandemic. Among the greatest threats is bacteria resistant to our current arsenal of antibiotics that becomes a pandemic-inducing superbug. Already, the market for new antimicrobials is broken**.** Only a handful of biotechs have them in development, and many have gone bankrupt trying to commercialize one. “A lot of people have rightly said we need to start thinking about preparing for the next pandemic now,” noted Craig Garthwaite, a healthcare-business professor at Northwestern University. “Suspending IP for vaccine manufacturers would send exactly the wrong signal for the future.**”** For the sake of patients everywhere, American IP rights must stay protected. It’s the only way to keep China at bay and American innovators at work.

#### Biotech leadership key to future military primacy.

Moore 21 [(Scott Moore is a political scientist and administrator at the University of Pennsylvania and the author of a forthcoming book, “How China Shapes the Future,” on China’s role in public goods and emerging technologies.) 8-8-2021, "In Biotech, the Industry of the Future, the U.S. Is Way Ahead of China," Lawfare, https://www.lawfareblog.com/biotech-industry-future-us-way-ahead-china]//Lex AKu

A [continuing refrain](https://phys.org/news/2020-10-america-edge-peril.html) from Washington in recent years has been that the United States is falling behind China in the development of critical emerging technologies. In some fields, this may be true. But not in biotechnology. To be sure, China’s biotech sector is growing at a torrid pace, and some of its firms are becoming leaders in [certain areas](https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_china_biotechnology_moore.pdf), such as cancer treatment. Yet the U.S. retains a dominant position in research, development and commercialization, accounting for [almost half](https://itif.org/publications/2018/03/26/how-ensure-americas-life-sciences-sector-remains-globally-competitive) of all biotech patents filed from 1999 to 2013. The triumph of its biotechnology industry during the coronavirus pandemic, producing two highly effective vaccines using an entirely new approach based on [messenger RNA](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/mrna.html), and in record time, shows that the U.S.’s competitive edge in biotechnology remains largely intact. And that has important implications as Washington gears up for a sustained period of geopolitical competition with Beijing. Biotech is such a critical area for technological competition between the U.S. and China because it is transforming fields from medicine to military power. The great advances of the 19th century, like chemical fertilizers, resulted from mastering chemistry. In the 20th century, mastery of physics led to nuclear energy—and, more ominously, nuclear weapons. In the 21st century, biology offers a similar mix of peril and promise. This was illustrated dramatically by the award of the 2020 Nobel Prize for the discovery of an enzyme system known as CRISPR-Cas9, which allows an organism’s genomes to be edited with high precision. It is a transformational breakthrough. But while CRISPR shows great promise in the development of [new cures](https://www.nature.com/articles/d41586-020-03476-x) for long-untreatable diseases, it could also lead to a whole new generation of [deadly bioweapons](https://foreignpolicy.com/2019/11/08/cloning-crispr-he-jiankui-china-biotech-boom-could-transform-lives-destroy-them/). That’s a prospect that increasingly alarms U.S. intelligence officials. In 2016, then-Director of National Intelligence James Clapper [warned Congress](https://www.technologyreview.com/s/600774/top-us-intelligence-official-calls-gene-editing-a-wmd-threat/) that “[r]esearch in genome editing conducted by countries with different regulatory or ethical standards than those of western countries probably increases the risk of the creation of potentially harmful biological agents or products.” Although Clapper didn’t name specific countries, it soon became clear that he was referring mainly to China. Four years later, his successor, John Ratcliffe, issued a far more [pointed warning](https://www.wsj.com/articles/china-is-national-security-threat-no-1-11607019599) that “China has even conducted human testing on members of the People’s Liberation Army in hope of developing soldiers with biologically enhanced capabilities. There are no ethical boundaries to Beijing’s pursuit of power.” Such capabilities are almost certainly only speculative—but they underscore why biotech leadership is so important for national security as well as economic competitiveness. Beijing has long envied the United States’s dominant position in biotechnology and spent heavily to overtake it. Biotech has been a priority sector for state investment since the 1980s, and by [one estimate](https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_china_biotechnology_moore.pdf) Beijing had poured some $100 billion into the sector by 2018. Nowhere did it lavish more attention or invest more of its propaganda power than in developing a coronavirus vaccine. State media have spent months [crowing](https://www.globaltimes.cn/content/1190615.shtml) that “China is working around the clock for breakthroughs in COVID-19 vaccines.” Yet despite this push, China’s vaccine program quickly took on a Potemkin air. In February 2020, barely two months after the onset of the pandemic and after a supposedly crash vaccine effort, a military doctor stood in front of a Chinese flag to receive what was billed as an experimental vaccine dose but was widely suspected to be a [staged photo op](https://www.sciencemag.org/news/2020/11/global-push-covid-19-vaccines-china-aims-win-friends-and-cut-deals). Now, having [spent months](https://www.nytimes.com/2021/01/13/business/chinese-vaccine-brazil-sinovac.html) talking up its two primary vaccine candidates to developing countries like Brazil and Indonesia, both of which have entered into purchase agreements with Chinese biotech firms, Chinese officials face [severe mistrust](https://www.nytimes.com/2021/01/13/business/chinese-vaccine-brazil-sinovac.html) among their nation’s overseas partners. For China’s leaders, the disappointing returns on their big bet on biotechnology look likely to cause them more headaches at home as well as abroad—there are [already signs](https://www.sciencemag.org/news/2020/11/global-push-covid-19-vaccines-china-aims-win-friends-and-cut-deals) that affluent Chinese place more trust in foreign-developed coronavirus vaccines than the homegrown ones produced at such great expense. For U.S. officials, though, China’s relative underperformance in vaccine development presents an opportunity to reassert the United States’s leadership in biotechnology and public health and bolster the nation’s depleted soft power in the process. The Biden administration has already signaled it will reengage in multilateral bodies such as the World Health Organization. Yet the U.S. shouldn’t stop there. Washington should begin thinking now about how to emulate the success of the President’s Emergency Plan for AIDS Relief (PEPFAR)—which, though imperfect, is widely regarded as one of the most successful single public health interventions in history—to address growing disparities in access to coronavirus vaccines between countries. At the moment, vaccine supplies are controlled largely by rich countries, creating the risk of moral and public health failure if the gap persists. While COVID-19, the respiratory disease caused by the novel coronavirus, differs in many respects from AIDS, PEPFAR combined research, prevention, and access to therapeutics. Developing a comparable institutional structure to close the coronavirus vaccine access gap is the right thing to do—but it would also go a long way to restoring America’s battered global reputation. At the same time, the United States can’t afford to rest on its laurels in biotechnology, or any other field. Aside from China, other nations like Singapore and Israel have also invested heavily to develop their biotechnology sectors, with Israel in particular giving rise to a thriving biotech industry. U.S. public investment in basic scientific research and development has meanwhile [been on the decline](https://www.wsj.com/articles/how-the-u-s-surrendered-to-china-on-scientific-research-11555666200) for decades, and there are worrying signs that America’s once world-beating innovation ecosystem is less productive, and less entrepreneurial, than it once was. Despite strengths in translational research, moreover, the frontiers of biology increasingly sit at the [intersection with other disciplines](https://www.startus-insights.com/innovators-guide/biotech-innovation-map-reveals-emerging-technologies-startups/) like computer science, meaning that funding agencies, universities and other organizations need to break down disciplinary silos. Boosting support for biotechnology research, while reforming how that money is used, will go a long way toward shoring up the United States’s leading position in the global biotech sector. The U.S. biotechnology sector also faces other threats, not least growing espionage and intellectual property theft by foreign actors, especially those linked to China. Several high-profile cases brought by the U.S. Department of Justice’s China Initiative have involved biotechnology researchers, and American biotech firms have been [top targets](https://www.jdsupra.com/legalnews/chinese-and-russian-hackers-targeting-78355/) for cyber theft and intrusion. Sustained outreach to researchers and research institutions is critical to preventing such theft. But efforts to clamp down on the threats posed by espionage and intellectual property theft can easily go too far and must preserve the researcher mobility and data-sharing that is essential to doing cutting-edge science. Beyond its shores, the United States should work with its partners and allies to enhance export controls on dual-use biotechnology—used for both peaceful and military gain—especially DNA templates. Many forms of genetic material and synthetic biology products are [already subject](https://www.bis.doc.gov/index.php/documents/regulations-docs/2332-category-1-materials-chemicals-microorganisms-and-toxins-4/file) to U.S. export controls, but gaps remain, and screening for genetic sequence orders relies primarily on voluntary regulation by biotech firms. Better coordinating export controls among major economies and U.S. allies can dramatically reduce the risk of sophisticated bioweapons development in the decades to come.

#### Heg solves arms races, land grabs, rogue states, and great power war.

Brands 18 [Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments." American Grand Strategy in the Age of Trump." Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6 From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep. This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance. Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate. American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap. Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled. THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors. First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony, contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment. Second, the international outlaws are no longer so weak. North Korea’s conventional forces have atrophied, but it has amassed a growing nuclear arsenal and is developing an intercontinental delivery capability that will soon allow it to threaten not just America’s regional allies but also the continental United States.12 Iran remains a nuclear threshold state, one that continues to develop ballistic missiles and A2/AD capabilities while employing sectarian and proxy forces across the Middle East. The Islamic State, for its part, is headed for defeat, but has displayed military capabilities unprecedented for any terrorist group, and shown that counterterrorism will continue to place significant operational demands on U.S. forces whether in this context or in others. Rogue actors have long preoccupied American planners, but the rogues are now more capable than at any time in decades. Third, the democratization of technology has allowed more actors to contest American superiority in dangerous ways. The spread of antisatellite and cyberwarfare capabilities; the proliferation of man-portable air defense systems and ballistic missiles; the increasing availability of key elements of the precision-strike complex— these phenomena have had a military leveling effect by giving weaker actors capabilities which were formerly unique to technologically advanced states. As such technologies “proliferate worldwide,” Air Force Chief of Staff General David Goldfein commented in 2016, “the technology and capability gaps between America and our adversaries are closing dangerously fast.”13 Indeed, as these capabilities spread, fourth-generation systems (such as F-15s and F-16s) may provide decreasing utility against even non-great-power competitors, and far more fifth-generation capabilities may be needed to perpetuate American overmatch. Finally, the number of challenges has multiplied. During the 1990s and early 2000s, Washington faced rogue states and jihadist extremism—but not intense great-power rivalry. America faced conflicts in the Middle East—but East Asia and Europe were comparatively secure. Now, the old threats still exist—but the more permissive conditions have vanished. The United States confronts rogue states, lethal jihadist organizations, and great-power competition; there are severe challenges in all three Eurasian theaters. “I don’t recall a time when we have been confronted with a more diverse array of threats, whether it’s the nation state threats posed by Russia and China and particularly their substantial nuclear capabilities, or non-nation states of the likes of ISIL, Al Qaida, etc.,” Director of National Intelligence James Clapper commented in 2016. Trends in the strategic landscape constituted a veritable “litany of doom.”14 The United States thus faces not just more significant, but also more numerous, challenges to its military dominance than it has for at least a quarter century.

## 2

#### The Standard is Maximizing Expected Wellbeing

#### [1] Extinction first –

#### a) Forecloses future improvement – we can never improve society because our impact is irreversible

#### b) Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities

#### c) Moral obligation – allowing people to die is unethical and should be prevented because it creates ethics towards other people

#### d) Objectivity – body count is the most objective way to calculate impacts because comparing suffering is unethical

#### [2] Util is a lexical pre-requisite to any other framework – Threats to bodily security preclude the ability for moral actors to act upon other theories since they are in a constant crisis that inhibits the moral conditions other theories presuppose.

#### [3] Pain provides an objective reason for why oppression is bad.

**Gray 09** [Gray, James W. "An Argument for Moral Realism." Ethical Realism. N.p., 07 Oct. 2009. Web. 04 Sept. 2015. <https://ethicalrealism.wordpress.com/2009/10/07/an-argument-for-moral-realism/>. MA in philosophy from San Jose State University (2008)]

**If we have evidence** that **anything** in particular **has intrinsic value**, then we also have evidence that **moral realism is true**. Our experiences of pleasure and pain are probably the most powerful evidence of intrinsic value because such experiences are tied to our belief that they have intrinsic value. My argument that pain has intrinsic disvalue is basically the following: We experience that pain is bad. We experience that pain is important. The disvalue of pain is irreducible. The disvalue of pain is real. If pain is bad in the sense of being important, irreducible, and real, then pain has intrinsic disvalue. Therefore, pain has intrinsic disvalue. I am not certain that the premises are true, but I currently find good reasons for accepting them. Therefore, we have reason for accepting the conclusion. The conclusion could be read saying, “We have reason to believe that pain has intrinsic disvalue.” If we accept that **pain has intrinsic disvalue**, then we will simultaneously accept moral realism.1 In order to examine the plausibility of my argument, I will examine each of the premises: We experience that pain is bad. We know pain is bad **because of our experience** of it. If someone described their pain as extremely wonderful, we would doubt they are feeling pain. Either the person is lying or doesn’t know what the word “pain” means. When a child decides not to touch fire because it causes pain, we understand the justification. **It would be strange to ask** the child, “So what? **What’s wrong with pain**?” We experience that pain is important. If pain is important in the relevant sense, then it can provide us reason to do something without merely helping us fulfill our desires. In other words, we must accept the following: The badness of pain isn’t just an instrumental value. The badness of **pain is a final end**. Pain’s badness isn’t an instrumental value – Pain’s disvalue is not an instrumental disvalue because pain can be quite useful to us. **Pain** can tell us when we are unhealthy or injured. We evolved pain because **i**t’**s** **essential** **to** our **survival**. Pain’s bad for a different kind of reason. Pain’s disvalue is found in our negative experience, and this is why pain is a candidate for having an intrinsic disvalue. Whenever someone claims that something has intrinsic value, we need to make sure that it’s not just good because it’s instrumentally valuable. If it’s merely useful at bringing about something else, then it’s not good in and of itself (as intrinsic values are). Pain is perhaps the perfect example of something that is useful but bad. If usefulness was the only kind of value, then pain would actually be good because it helps us in many ways. Pain’s badness isn’t just our dislike of pain – We dislike **pain** because it **feels bad**.2 If pain didn’t feel bad, then we wouldn’t have such a strong desire to avoid intense pain. Pain means “feels bad” and it **is manifested in various experiences**, such as touching fire. **We have to know the meaning of “bad”** in order to understand pain at all. **We attain an understanding of “bad” just by feeling pain**. If pain was only bad because we dislike it, then we couldn’t say that “pain really matters.” Instead, the badness of pain would just be a matter of taste. However, we don’t just say pain is bad because we dislike it. We also say pain is bad because of how it feels. Avoiding **pain is a final end** – A final end is a goal people recognize as being **worthy of being sought after for its own sake**. Money is not a final end **because** it is only valuable when used to do something else. Pleasure and pain-avoidance are final ends because they are taken t be worthy of being avoided for their own sake. We know that avoiding pain makes sense even when **it doesn’t lead to anything else** of value, so avoiding pain is a final end.3 If I want to take an aspirin, someone could ask, “Why did you do that?” I could answer, “I have a headache.” This should be the end of the story. We understand that avoiding pain makes sense. It would be absurd for someone to continue to question me and say, “What difference does having a headache make? That’s not a good reason to take an aspirin!”4 Both realists and anti-realists can agree that pain is bad, and they can both agree that pain is a final end. Our desire to avoid pain is non-instrumental and such a desire is experienced as justified. (However, the ant-realist might argue that it is only taken to be justified because of human psychology.) If pain is a final end, then we understand (a) that pain is important and (b) it makes sense to say that we ought to avoid pain. **Pain’s disvalue is irreducible**. **If the badness of pain was reducible to nonmoral properties, then we should be able to describe what** “bad” means **through a non-moral description**. **However**, **we** currently **have no** way of understanding pain’s badness as being something else. We can’t describe pain’s badness in non-moral terms. If someone needs to know what ” bad” means, they need to experience something bad. To say that some moral states are irreducible is just like saying that some mental states are irreducible. Pain itself can’t be described through a non-mental description. If we told people the mental states involved with pain, they would still not know what pain is because they need to know what it feels like. Someone could argue that **“bad” means the same thing as** something like **“pain,”** and then we would find out that the badness of pain could be reduced to something else. However, pain and the badness of pain are conceptually separable. For example, I could find out that something else is bad other than pain. They could then reply that “bad” means the same thing as a disjunction of various other bad things, such as “pain or malicious intent.” But people who disagree about what constitutes what is “bad” aren’t just arguing about the meaning of the word “bad.” They are arguing about what has the property “bad.”5 Additionally, the word “bad” would no longer have any importance. If “bad” just means “pain or malicious intent,” then why care about it? Why ought I refrain from causing pain or having a malicious intent? It could be that we can find out that “bad” and “pain” are identical, but then “bad” might not be entirely reducible to “pain” (or a disjunction of bad things). We might still think that there are two legitimate descriptions at work. The “pain” description and the “bad” description. (Some people think water is H2O through an identity relation similar to this.) This sort of irreducible identity relation require us to deny that pain is “important.” (If the identity theory did require us to deny that pain is “important,” then we would have a good reason to reject such an identity theory.) I have given reason to think the word “bad” is irreducible, but I haven’t proven it. If someone could prove that pain isn’t important, and we can reduce pain to something else, then I will be proven wrong. I just don’t see any reason to agree with that position at this time. I discuss the badness of pain as irreducible in more detail in my essays “Objection to Moral Realism Part 1: Is/Ought Gap” and “Objections to Moral Realism Part 3: Argument from Queerness.” The badness of pain is real. **If the badness of pain is real**, **then everyone’s pain is bad**. Pain isn’t bad just for me, but not for you. It states that **we don’t** all merely **share a subjective preference** in avoiding pain,

#### [4] Ground – Both debaters have ground to engage under util – Aff gets plans, while Neg gets DAs and counterplans. AND anything can function under util if it has an external benefit. Other fwrks deny 1 side engagement on link and impact level.  Hyper-specific theories mean people have little prep on the issue. TJFs OW because concerns fairness – OW all args concede valid of fairness.

#### The role of the ballot is to vote for the debater that produces the best material consequences based on the fiated implications of the plan –

#### [1] No performative or methodological offense – It’s extra-T which is a voter for limits, spiking out of neg ground making any discussion worse.

#### [2] Strat Skew – the resolution is the only stasis point and adding other factors to the round decks predictable limits which guts pre round prep.

#### [3] Inclusion – Novices and Lay debaters all use the material consequences in the plan – proven by every lay tournament outside the circuit – by increasing the burden to your model you exclude them from the space.

## 3

#### Interpretation—the aff must disclose the plan text, framework, and advantage area before the round. To clarify, disclosure can occur on the wiki or over message.

#### Violation—they didn’t

#### Vote neg for prep and clash—two internal links—a) neg prep—4 minutes of prep is not enough to put together a coherent 1nc or update generics—30 minutes is necessary to learn a little about the affirmative and piece together what 1nc positions apply and cut and research their applications to the affirmative b) aff quality—plan text disclosure discourages cheap shot affs. If the aff isn’t inherent or easily defeated by 20 minutes of research, it should lose—this will answer the 1ar’s claim about innovation—with 30 minutes of prep, there’s still an incentive to find a new strategic, well justified aff, but no incentive to cut a horrible, incoherent aff that the neg can’t check against the broader literature. Fairness is a voter—judge’s constitutive role is to evaluate the better debater which is impossible if the round’s skewed.

Fairness- gateway issue- debate is a game which cant evaluate if unfair-need rules to eval objectively constitutive- all args presuppose validity

#### Education – voter only portable skill and reason why schools fund debate

#### disclosure is DTD – their abusive advocacy skewed the debate from the start B~ DTA is incoherent because we indict their advocacy

#### Use competing interps – (a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, (b) collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVIs— (a) logic (b) baiting (c) topic education

## 4

#### CP text: The member nations of the world trade organization should

#### ---eliminate patent protections except for indigenous patents.

#### ---establish an international legal instrument to protect indigenous intellectual property

#### That is in line with indigenous demands.

**WIPO no date** WIPO, xx-xx-xxxx, "Traditional Knowledge and Intellectual Property – Background Brief," No Publication, <https://www.wipo.int/pressroom/en/briefs/tk_ip.html?fbclid=IwAR2iLd8fJ4lNl_fhhwQBHvCdoFEfB44H5GHIWBBb0xGPVBt1fRJT-uzUXDU> SJ//DA

The current international system for protecting intellectual property was fashioned during the age of industrialization in the West and developed subsequently in line with the perceived needs of technologically advanced societies. However**, in recent years, indigenous peoples, local communities, and governments, mainly in developing countries, have demanded equivalent protection for traditional knowledge systems. In 2000, WIPO members established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and in 2009 they agreed to develop an international legal instrument (or instruments) that would give traditional knowledge, genetic resources and traditional cultural expressions (folklore) effective protection. Such an instrument could range from a recommendation to WIPO members to a formal treaty that would bind countries choosing to ratify it.** Traditional knowledge is not so-called because of its antiquity. It is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. As such, it is not easily protected by the current intellectual property system, which typically grants protection for a limited period to inventions and original works by named individuals or companies. Its living nature also means that “traditional” knowledge is not easy to define. **Recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.** This would make it possible, for example, to protect traditional remedies and indigenous art and music against misappropriation, and enable communities to control and benefit collectively from their commercial exploitation. Although the negotiations underway in WIPO have been initiated and propelled mainly by developing countries, the discussions are not neatly divided along “North-South” lines. Communities and governments do not necessarily share the same views, and some developed country governments, especially those with indigenous populations, are also active. Two types of intellectual property protection are being sought: **Defensive protection aims to stop people outside the community from acquiring intellectual property rights over traditional knowledge. India, for example, has compiled a searchable database of traditional medicine that can be used as evidence of prior art by patent examiners when assessing patent applications. This followed a well-known case in which the US Patent and Trademark Office granted a patent (later revoked) for the use of turmeric to treat wounds, a property well known to traditional communities in India and documented in ancient Sanskrit texts. Defensive strategies might also be used to protect sacred cultural manifestations, such as sacred symbols or words from being registered as trademarks.** Positive protection is the granting of rights that empower communities to promote their traditional knowledge, control its uses and benefit from its commercial exploitation. Some uses of traditional knowledge can be protected through the existing intellectual property system, and a number of countries have also developed specific legislation. However, any specific protection afforded under national law may not hold for other countries, one reason why many indigenous and local communities as well as governments are pressing for an international legal instrument. WIPO’s work on traditional knowledge addresses three distinct yet related areas: traditional knowledge in the strict sense (technical know-how, practices, skills, and innovations related to, say, biodiversity, agriculture or health); traditional cultural expressions/expressions of folklore (cultural manifestations such as music, art, designs, symbols and performances); and genetic resources (genetic material of actual or potential value found in plants, animals and micro-organisms). Although for many communities traditional knowledge, genetic resources and traditional cultural expressions form part of a single integrated heritage, from an intellectual property standpoint they raise different issues and may require different sets of solutions. In all three areas, in addition to work on an international legal instrument, WIPO is responding to requests from communities and governments for practical assistance and technical advice to enable communities to make more effective use of existing intellectual property systems and participate more effectively in the IGC’s negotiations. WIPO’s work includes assistance to develop and strengthen national and regional systems for the protection of traditional knowledge (policies, laws, information systems and practical tools) and the Creative Heritage Project which provides hands-on training for managing intellectual property rights and interests when documenting cultural heritage. Traditional knowledge When community members innovate within the traditional knowledge framework, they may use the patent system to protect their innovations. However, traditional knowledge as such - knowledge that has ancient roots and is often informal and oral - is not protected by conventional intellectual property systems. This has prompted some countries to develop their own sui generis (specific, special) systems for protecting traditional knowledge. There are also many initiatives underway to document traditional knowledge. In most cases the motive is to preserve or disseminate it, or to use it, for example, in environmental management, rather than for the purpose of legal protection. There are nevertheless concerns that if documentation makes traditional knowledge more widely available to the general public, especially if it can be accessed on the Internet, this could lead to misappropriation and use in ways that were not anticipated or intended by traditional knowledge holders. At the same time, documentation can help protect traditional knowledge, for example, by providing a confidential or secret record of traditional knowledge reserved for the relevant community only. **Some formal documentation and registries of traditional knowledge support sui generis protection systems, while traditional knowledge databases - such as India’s database on traditional medicine - play a role in defensive protection within the existing IP system. These examples demonstrate the importance of ensuring that documentation of traditional knowledge is linked to an intellectual property strategy and does not take place in a policy or legal vacuum.** In the WIPO talks, many argue that use of traditional knowledge ought to be subject to free, prior and informed consent, especially for sacred and secret materials. However, others fear that granting exclusive control over traditional cultures could stifle innovation, diminish the public domain and be difficult to implement in practice. Genetic resources Genetic resources themselves are not intellectual property (they are not creations of the human mind) and thus cannot be directly protected as intellectual property. However, inventions based on or developed using genetic resources (associated with traditional knowledge or not) may be patentable or protected by plant breeders’ rights. In considering intellectual property aspects of use of genetic resources, WIPO’s work complements the international legal and policy framework defined by the Convention on Biological Diversity (CBD), and its Nagoya Protocol, and the International Treaty on Genetic Resources for Food and Agriculture of the United Nations Food and Agriculture Organization. Issues under discussion at WIPO include: Defensive protection of genetic resources: This strand of the work aims at preventing patents being granted over genetic resources (and associated traditional knowledge) which do not fulfil the existing requirements of novelty and inventiveness. In this context, to help patent examiners find relevant prior art, proposals have been made that genetic resources and traditional knowledge databases could help patent examiners avoid erroneous patents and WIPO has improved its own search tools and patent classification systems. The other, more controversial, strand concerns the possible disqualification of patent applications that do not comply with CBD obligations on prior informed consent, mutually agreed terms, fair and equitable benefit-sharing, and disclosure of origin. “Biopiracy” is a term sometimes used loosely to describe biodiversity-related patents that do not meet patentability criteria or that do not comply with the CBD’s obligations – but this term has no precise or agreed meaning. Disclosure requirements: A number of countries have enacted domestic legislation putting into effect the CBD obligations that access to a country’s genetic resources should depend on securing that country’s prior informed consent and agreeing to fair and equitable benefit sharing. WIPO members are considering whether, and to what extent, the intellectual property system should be used to support and implement these obligations. Many, but not all, WIPO members want to make it mandatory for patent applications to show the source or origin of genetic resources, as well as evidence of prior informed consent and a benefit sharing agreement. Parallel discussions are also taking place in the World Trade Organization’s Council on Trade Related Aspects of Intellectual Property (TRIPS). WIPO also deals with the intellectual property aspects of mutually agreed terms for fair and equitable benefit-sharing. It has developed, and regularly updates, an online database of relevant contractual practices, and has prepared draft guidelines on intellectual property clauses in access and benefit-sharing agreements. Traditional cultural expressions Traditional cultural expressions (folklore) are seen as integral to the cultural and social identities of indigenous and local communities, embodying know-how and skills, and transmitting core values and beliefs. Protecting folklore contributes to economic development, encourages cultural diversity and helps preserve cultural heritage. Traditional cultural expressions can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin, trademarks and certification marks. For example, contemporary adaptations of folklore are copyrightable, while performances of traditional songs and music may come under the WIPO Performances and Phonograms Treaty. Trademarks can be used to identify authentic indigenous arts, as the Maori Arts Board in New Zealand, Te Waka Toi, has done. Some countries also have special legislation for the protection of folklore. Panama has established a registration system for traditional cultural expressions, while the Pacific Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture gives “traditional owners” the right to authorize or prevent use of protected folklore and receive a share of the benefits from any commercial exploitation. Developing an international legal instrument Because the existing international intellectual property system does not fully protect traditional knowledge and traditional cultural expressions, many communities and governments have called for an international legal instrument providing sui generis protection. **An international legal instrument would define what is meant by traditional knowledge and traditional cultural expressions, who the rights holders would be, how competing claims by communities would be resolved, and what rights and exceptions ought to apply. Working out the details is complex and there are divergent views on the best ways forward, including whether intellectual property-type rights are appropriate for protecting traditional forms of innovation and creativity. To take just one example, communities may wish to control all uses of their traditional cultural expressions, including works inspired by them, even if they are not direct copies. Copyright law, on the other hand, permits building on the work of others, provided there is sufficient originality. The text of the legal instrument will have to define where the line is to be drawn between legitimate borrowing and unauthorized appropriation.** On genetic resources, countries agree that intellectual property protection and the conservation of biodiversity should be mutually supportive, but differ on how this should be achieved and whether any changes to current intellectual property rules are necessary. **Representatives of indigenous and local communities are assisted by the WIPO Voluntary Fund to attend the WIPO talks, and their active participation will continue to be crucial for a successful outcome**. WIPO members have agreed to expedite their work so as to decide in late 2012 whether to convene a diplomatic conference for final adoption of one or more international instruments.

#### Preserving native sovereignty is key to cultural diversity and preserves global survival

Barsh 93 Russel Lawrence Barsh 1993 “Native American Sovereignty” University of Michigan Journal of Law Reform, Winter, 1993, 25 U. MICH. J. L. REF. 671 (Professor of Native American Studies at the University of Lethbridge)//Elmer

There no longer seems to be much difference in the Westernization of the Third World and of the indigenous world. Indigenous societies are usually more isolated geographically, so the process of convergence is understandably slower. But they are catching up. While world leaders lament the loss of biological diversity, which holds the key to the renewal and survival of ecosystems, our planet rapidly is losing its **cultural diversity**, which holds the key to the renewal and survival of human societies. Scientists and scholars search for an alternative in their theories while real alternative cultures disappear. It will be a real struggle to reassert an **indigenous perspective** on social justice, democracy, and environmental security. The hardest part of the struggle will be converting words to action, going beyond the familiar, empty rhetoric of sovereignty and cultural superiority. The struggle will be hardest here in the United States, where the gaps between rhetoric and reality have grown greater than anywhere on earth. This is the best place to begin, however, because this is the illusory "demonstration" that is studied by the rest of the world, including the indigenous peoples of other regions. Are American Indians ready to accept this global responsibility? The current generation of tribal leadership appears unwilling to try. It is firmly committed by its actions to the materialist path, and it is neutralized by its dependence on a continuing financial relationship with the national government and developers. The next generation of American Indians may be another matter. Disillusioned and critical, they may yet find a voice of their own that is both modern and truly indigenous, and they may have the courage to practice the ideals that their parents merely sloganize. Let us hope so. There is no alternative for Indian survival or for global survival.

## Case

#### **Their solvency breaks down at the level of accessibility---any conversation that begins outside of the development of a concrete praxis for engagement plays into the interests of established, White political interests and enables the vampiristic consumption of bodies of color.**

Kim 17 (Kristian Kim, Peace and Conflict Studies at UC Berkeley, “Stealing from the Ivory Tower: Weaponizing Knowledge and Resistance as Radical Affirmation”, <https://abolitionjournal.org/stealing-from-the-ivory-tower/>, 2017) CJun

Our sense of uncertainty about the future is compounded by a sense of uncertainty about our own courses of action. And we can tackle at least one of those things. To that end, let’s move away from universalizing and abstraction: away from “what is to be done” to “what are we – you and me – going to do:” grounding ourselves in the fact that oppression is not theoretical. Violence is not abstract; it is intimate, visceral and material. And the ways in which we resist that violence need to likewise be intimate, visceral and material. For those of us at universities, it’s especially critical to think about this, given that we often conceptualize our power in the form of abstraction. Freedom and power are given to us in the form of imperial mobility: the ability to go where and when we please and to do what we want to whomever we choose. And among other more sinister things, this lends itself to rootlessness: this sense of “shit, there’s so much to be done, and I have no idea what I’m supposed to do.” So, let’s move away from that abstraction towards a critical study of what our position, specifically within this university, both empowers us to do and therefore makes us responsible for doing. Let’s start with the fact that we here at the university are not sitting on salvation in the form of theses and theories and capstone projects. How ridiculous is it that the knowledge and the resources to which we have access – which we might like to think of as inherently revolutionary – are directly derived, and often violently extracted, from the people who are now denied access to them. And these are the most precarious people: the people who are going to be the most vulnerable under Trump, those who work two or three jobs and take on massive debts so that their children can go learn “revolutionary theories” that function to alienate them further from their families and communities. Nothing is inherently revolutionary. Anything that does not engage people’s material needs in the service of radically transforming the world they inhabit is not revolutionary. Our task is to take the abstract knowledge that we have, and weaponize it. Because sitting here, in libraries and archives, it has no transformative value. Our job is to steal it – from academia, from jargon, from the confines of these halls literally named after colonizers – to take everything we have access to here, and weaponize it in the service of those we love. The university is an imperial institution. It is fundamentally counterrevolutionary. And as Fred Moten and Stefano Harney contend: that means that the only ethical relationship to this university is one of theft.[i] And that doesn’t necessarily mean one of opposition. It is our job to study and understand what we, specifically, are positioned within this counterrevolutionary institution to do. To ask: what are the resources, what are the connections, what are the kinds of access – to mobility and security and time – that I have here, and how might I act as a leak, a channel, a bridge to my community, and how might I transform these things to speak directly to their visceral, material needs. Because resistance is fundamentally a work of deep affirmation. Whether it’s creation, whether it’s reaction, whether it looks like free breakfast programs or armed self-defense, resistance is the work of affirming our collective rights to self-determination, to enjoying the fruits of our own labor, to avoiding premature death at the hands of the police; it’s affirming our rights to health, to dignity, to the sanctity of our own bodies, to maintaining familial bonds across arbitrary national borders…! Resistance needs always to emerge out of affirmation for our deservingness of these things. And everything we’re feeling right now: the fear, the pain, the uncertainty, the anxiety, the sadness, they serve the purpose of illuminating for us those needs. And so part of the work we need to do is learn to be guided by those feelings in ourselves and in each other, and through them trace and map the violence that produces them, so that we can develop the capacity to collectively imagine and then create a world that is responsive to those deep, material, visceral, intimate needs that are currently not being met. And we are not discovering fire here. To paraphrase Dylan Rodríguez: there is so much beautifully-imagined, well-thought-out, wildly creative work that has been going on for years, both inside and outside of the US.[ii] Much of it done to prefigure the world people desire: in the construction of mutual aid networks, in building functioning alternatives to the police and to unaffordable healthcare, in creating access to childcare, to healthy food, to housing, to land rights… People have long been building what they need, to replace what does not serve them. And we have so much to draw from as we develop and expand our own capacities to desire and imagine and actually create a more livable world. Nikhil Singh recently described Republican Congressional action as “the expansion of pathways to premature death.”[iii] And I think that’s a really useful descriptor, in that it reminds us that what we now face is, yes, terrifying expansion, frightening acceleration – but we are not strangers to this violence. This violence is not strange, and neither is resistance to it. We are not starting from square one, and we are not alone. And in that is rooted my hope. Let’s think of hope less as a kind of optimism, and more as a kind of humility. Joy James, a radical Black intellectual, locates hope in what she calls “comprehension of the unity of the oppressed.”[iv] This unity exceeds the unbearably painful here and now, and acknowledges the struggles, the resilience, the resistance, the existence of all those who precede us and exceed us and will proceed us. We are not alone. And now is the time to double down. Now is not the time for Cal-exit, for moving to Canada, for escape – especially for those of us with the latitude for escape, because that means we also have access to power and leverage that those who cannot escape do not. Now is the time to root down and critically examine what we have the power and therefore the responsibility to do. To be guided by everything that we’re feeling, and through it to trace and to name visceral violence, and then to build resistance that affirms our collective rights to have our deepest needs met. And, standing on the shoulders of giants, to think and dream and build towards a world that we actually want to inhabit.

#### Colonialism is an analytically useless category – fails to explain violence – focus on the nation-state’s policies is more productive

Ribeiro 11 – (2011, Gustavo Lins, PhD in Anthropology, Ángel Palerm Chair of the Autonomous Metropolitan University of Iztapalapa (Mexico City) and is a Distinguished Scholar at the Iberoamericana University, “Why (post)colonialism and (de)coloniality are not enough: a postimperialist perspective,” Postcolonial Studies, 14:3, 285-297)

The stress on colonialism, neo-colonialism, internal colonialism, postcolonialism and the coloniality of power is welcome. No one doubts the power of structuration of colonialism. However, I would like to explore the idea that we cannot think of the ‘structural power’ of colonialism as a lasting force that always overruns others, especially those that are unleashed by what might be called ‘the nationality of power’. 21 For me, postcolonialism and the coloniality of power coexist in different forms and intensities, in different national scenarios, with the nationality of power as well as with the globality of power. On the one hand, however strong transnational forces may be, we cannot diffuse the power of nation-states in global entities such as the world system, nor can we reduce them to mechanic responses to supranational dynamics. On the other hand, colonialism cannot become an interpretive panacea, nor the latest example of historical determinism. The fact that peripheral countries are the privileged scenario for postcolonial and decolonial interpretations becomes a problem when we realize that the most powerful nation-state of current times, the United States, is a former British colony. If the explanation for this exception is that there are different colonial experiences that may result in different postcolonial and decolonial experiences then subalternity within the world system is not a necessary result of the colonial experience or an intrinsic quality of postcoloniality and decoloniality. What I am saying is that an overemphasis on colonialism and on coloniality can curiously (re)generate precisely what needs to be criticized and surpassed: an explanation that accepts subalternity as a destiny of former colonies. My argument calls for a sharper consideration of the ‘causal hierarchies’ among colonialism and other historical processes in diverse concrete scenarios.22 I am implying that by transforming colonialism and not capitalism into the primordial focus of analysis we underestimate the current importance of nation-states and their elites, as well as deviate from understanding the particular characteristics of the power relations of the