# 1AC

#### I Affirm the resolution resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines

## Framework

I value morality and the criterion is the categorical imperative.

#### Moral law must be universal—our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me – any non-universalizable norm justifies someone’s ability to impede on your ends.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) // LEX JB [brackets for gendered language]

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that **when a rational being makes a choice or undertakes an action, [they] supposes the object to be good, and its pursuit to be justified**. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). **In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness**. Kant considers what this might be**: it cannot be an object of inclination**, for those have only a conditional worth, "**for if the inclinations and the needs founded on them did not exist, their object would be without worth**" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, **the unconditionally valuable thing must be "humanity"** or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that **regarding your existence as a rational being as an end in itself is a "subjective principle of human action."** By this I understand him to mean that **we must regard ourselves as capable of** conferring **value upon the objects of our choice, the ends that we set, because we must regard our ends as good**. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), **we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves**. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize t hem. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Thus the criterion is consistency with the categorical imperative.

#### Prefer additionally –

#### [1] Kantian theory has the best tools for fighting oppression through combatting ethical egoism and abstraction

Farr 02 [Arnold (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32 // LEX JB]

**One of the most popular criticisms of Kant’s** moral philosophy is that it is too formalistic.13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that although a distinction between the **universal and the concrete is a valid distinction, the unity of the two is required** for an understanding of human agency. The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. The Kantian subject is an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. The very fact that **I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check by my intelligible character, which is the legislative activity of practical reason. **It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence.** What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also**.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. **The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation.** For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, the universalizability criterion is a principle of consistency and a principle of inclusion. That is, in choosing my maxims I attempt to include the perspective of other moral agents. … Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. **First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions.** It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. **To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings.** Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. **The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves.** Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. **What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.**

#### [2] An understanding of Kantianism is key to understanding the law in the real world because states abide by inviolable side-constraints in their constitutions

Otteson 09 [(James R., professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism,” The Independent Review, v. 13, n. 3, Winter, [2009](https://link.springer.com/article/10.1007/s10790-015-9506-9)] TDI Recut Lex VM

It is difficult to imagine a stronger defense of the “sacred” dignity of individual agency. Kantian individuality is premised on its rational nature and its entailed inherent dignity, and the rest of his moral philosophy arguably is built on this vision.1 Kant relies on a similarly robust conception of individuality in work other than his explicitly moral philosophy. The 1784 essay “An Answer to the Question: ‘What Is Enlightenment?’” (Kant 1991), for example, emphasizes in strong terms the threat that paternalism poses to one’s will. Kant argues that “enlightenment” (Aufklärung) involves a transition from moral and intellectual immaturity, wherein one depends on others to make one’s moral and intellectual decisions, to maturity, wherein one makes such decisions for oneself. One cannot effect this transition if one remains under another’s tutelage, and, as a corollary, one compromises another’s enlightenment if one undertakes to make such decisions for the other person—which, as Kant argues, is the case under a paternalistic government. Kant also writes in his 1786 essay “What Is Orientation in Thinking?” that “To think for oneself means to look within oneself (i.e. in one’s own reason) for the supreme touchstone of truth; and the maxim of thinking for oneself at all times is enlightenment” (1991, 249, italics and bold in the original). These passages are consistent with the position he takes in Grounding that a person who depends on others is acting heteronomously, not autonomously, and is to that extent not exercising a free moral will. These passages also help to clarify Kant’s notion of personhood and rational agency by indicating some of their practical implications. For example, on the basis of his argument, one would expect him to argue for setting severe limits on the authority that any group of people, including the state, may exercise over others: because individual freedom is necessary both to achieve enlightenment and to exercise one’s moral agency, Kant should argue that no group may impinge on that freedom without thereby acting immorally. Kant expressly draws this conclusion in his 1793 essay “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice’”: Right is the restriction of each individual’s freedom so that it harmonises with the freedom of everyone else (in so far as this is possible within the terms of a general law). And public right is the distinctive quality of the external laws which make this constant harmony possible. Since every restriction of freedom through the arbitrary will of another party is termed coercion, it follows that a civil constitution is a relationship among free men who are subject to coercive laws, while they retain their freedom within the general union with their fellows. (1991, 73, emphasis in original) Kant insists on the protection of a sphere of liberty for each individual to self-legislate under universalizable laws of rationality, consistent with the formulation of the categorical imperative requiring the treatment of others “always at the same time as an end and never simply as a means” (1981, 36). This formulation of the categorical imperative might even logically entail the position Kant articulates about “right,” “public right,” and “freedom.” Persons do not lose their personhood when they join a civil community, so they cannot rationally endorse a state that will be destructive of that personhood; on the contrary, according to Kant, a person enters civil society rationally willing that the society will protect both his own agency and that of others. Robert B. Pippen rightly says that for Kant “political duties are a subset of moral duties” (1985, 107–42), but the argument here puts it slightly differently: political rights, or “dignities,” derive from moral rights, which for Kant are determined by one’s moral agency. Thus, the only “coercive laws” to which individuals may rationally allow themselves to be subject in civil society are those that require respect for each others’ moral agency (and provide for the punishment of infractions thereof) (see Pippen 1985, 121). When Kant comes to state his own moral justification for the state in the 1797 Metaphysics of Morals, this claim is exactly the one he makes: the state is necessary for securing the conditions of “Right”—in other words, the conditions under which persons can exercise their autonomous agency (see 1991, 132–35). Consistent with this interpretation, Kant elsewhere endorses free trade and open markets on grounds that make his concern for “harmony” in the preceding passage reminiscent of Adam Smithian invisible-hand arguments. In his 1784 essay “Idea for a Universal History with a Cosmopolitan Purpose,” Kant writes: “Individual men and even entire nations little imagine that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature. They are unconsciously promoting an end which, even if they knew what it was, would scarcely arouse their interest” (1991, 41). This statement is similar to Smith’s statement of the invisible-hand argument.2 Kant proceeds to endorse some of the same laissez-faire economic policies that Smith advocated—for example, in his discussion in his 1786 work “Conjectures on the Beginning of Human History” of the benefits of “mutual exchange” and in his claim that “there can be no wealth-producing activity without freedom” (1991, 230–31, emphasis in original), as well as in his claim in the 1795 Perpetual Peace that “the spirit of commerce” is motivated by people’s “mutual self-interest” and thus “cannot exist side by side with war” (1991, 114, emphasis in original).3 Finally, although Kant argues that we cannot know exactly what direction human progress will take, he believes we can nevertheless be confident that mankind is progressing.4 Thus, in “Universal History” he writes: The highest purpose of nature—i.e. the development of all natural capacities—can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others. The highest task which nature has set for mankind must therefore be that of establishing a society in which freedom under external laws would be combined to the greatest possible extent with irresistible force, in other words of establishing a perfectly just civil constitution. (1991, 45–46, emphasis in original) Kant’s argument in this essay runs as follows: human progress is possible, but only in conditions of a civil society whose design allows this progress; because the progress is possible only as individuals become enlightened, and individual enlightenment is in turn possible only when individuals are free from improper coercion and paternalism, human progress is therefore possible only under a state that defends individual freedom. Kant believes that individuals have the best chance to be happy under a limited civil government, and he therefore argues that even such a laudable goal as increasing human happiness is not a justifiable role of the state: “But the whole concept of an external right is derived entirely from the concept of freedom in the mutual external relationships of human beings, and has nothing to do with the end which all men have by nature (i.e. the aim of achieving happiness) or with the recognized means of attaining this end. And thus the latter end must on no account interfere as a determinant with the laws governing external right” (“Theory and Practice,” 1991, 73, emphasis in original). The Kantian state is hence limited on the principled grounds of respecting agency; the fact that this limitation in his view provides the conditions enabling enlightenment, progress, and ultimately happiness is a great but ancillary benefit. Thus, the positions Kant takes on nonpolitical issues would seem to suggest a libertarian political position. And Kant explicitly avows such a state. In “Universal History,” he writes: Furthermore, civil freedom can no longer be so easily infringed without disadvantage to all trades and industries, and especially to commerce, in the event of which the state’s power in its external relations will also decline. . . . If the citizen is deterred from seeking his personal welfare in any way he chooses which is consistent with the freedom of others, the vitality of business in general and hence also the strength of the whole are held in check. For this reason, restrictions placed upon personal activities are increasingly relaxed, and general freedom of religion is granted. And thus, although folly and caprice creep in at times, enlightenment gradually arises. (1991, 50–51, emphasis in original) In “Theory and Practice,” Kant writes that “the public welfare which demands first consideration lies precisely in that legal constitution which guarantees everyone his freedom within the law, so that each remains free to seek his happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects at large” and that “[n]o-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law” (1991, 80, emphasis in original, and 74). In a crucial passage in Metaphysics of Morals, Kant writes that the “Universal Principle of Right” is “‘[e]very action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else in accordance with a universal law is right.’” He concludes, “Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law” (1991, 133, emphasis in original).5 This stipulation becomes for Kant the grounding justification for the existence of a state, its raison d’être, and the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others. Because this freedom must be complete, in the sense of being as full as possible given the existence of other persons who demand similar freedom, it entails that the state may—indeed, must—secure this condition of freedom, but undertake to do nothing else because any other state activities would compromise the very autonomy the state seeks to defend. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, individuals create a state to protect their moral agency, and in doing so they consent to coercion only insofar as it is required to prevent themselves or others from impinging on their own or others’ agency. In his argument, individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness. And except in cases of punishment for wrongdoing,6 this severe limitation on the scope of the state’s authority must always be respected: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.

### 1AC – Offense – 4:00

#### [1] IP rights prevent certain people from receiving the fruits of their mental labor.

Lindsey and Teles 17 [Ricketts, M. (2018). The Captured Economy: How the Powerful Enrich Themselves, Slow Down Growth, and Increase Inequality by Brink Lindsey and Steven M. Teles. Oxford University Press (2017), 221 pp. ISBN: 978-0190627768 (hb, £16.99). Economic Affairs, 38(2), 297–300. doi:10.1111/ecaf.12299]//Lex AKu recut Lex VM

In our opinion, the biggest problem with the moral case for patents and copyright laws is that those laws as currently constituted regularly violate the principle on which they are supposedly grounded—namely, entitlement to the fruits of one’s mental labor. The exclusive rights granted to copyright and patent holders aren’t just an additional premium layer of protection on top of the basic rights that all enjoy. Rather, copyright and patent laws extend premium rights to some in a way that frequently restricts the basic rights of others. Perversely, copyright and patent laws are regularly used to stop people from producing or selling their own original works. This was not always the case with copyright. Originally, US law prohibited only simple copying of full works as originally published. Thus, translations and even abridgments were not considered infringing. Gradually, the concept of infringement expanded to cover so-called derivative works—for example, a play based on a book, or a book that contains characters created by another author. This expansion was checked, to a limited and uncertain extent, by the concurrent rise of the doctrine of “fair use.” According to this doctrine, some derivative works—parodies, for example, and books that include brief quoted passages from other works—are not considered infringing. For everything else, including adaptations of an artistic work to a new format, new works using existing literary characters or settings, remixes or mashups of musical works, and so forth, the restrictions and penalties of copyright apply. In all these cases, artists can expend mental effort to create something new and original, but they are not allowed to publish or sell it.33 They are thus deprived of their basic rights to the fruits of their own mental labor. In the case of patent law, independent invention has never been a defense against claims of infringement. As a result, inventors who come in second in a patent race have no right at all to make use of and profit from their ideas. This is by no means an unusual occurrence, for nearly simultaneous and completely independent discovery of new technologies occurs with astonishing frequency.34 Indeed, patent infringement lawsuits only rarely involve intentional copying of someone else’s invention; in the clear majority of lawsuits, the alleged infringers developed their products on their own and weren’t even aware of the patent in question. In summary, the moral case for patents and copyright is supposedly based on the entitlement to enjoy the fruits of one’s mental labor. Yet under current law, the most basic and universal form that this entitlement can take, one whose general propriety is completely uncontroversial, is regularly traduced. We therefore find unconvincing the claim that copyright and patent holders are rightful property owners who are only receiving their just due. Yes, we can imagine intellectual property laws in which the moral claims for exclusive rights are much stronger. If copyright were limited to its original concern of preventing sales of full reproductions, and if patents were awarded to all independent co-inventors (or at least independent invention were a complete defense in any infringement action), then intellectual property rights would indeed provide additional protections for artists and inventors without impinging on the basic rights of other artists and inventors. But that is not the intellectual property law we have today, and to get there would require major statutory changes. The copyright and patent laws we have today therefore look more like intellectual monopoly than intellectual property. They do not simply give people their rightful due; on the contrary, they regularly deprive people of their rightful due. If there is a case to be made for the special privileges granted under these laws, it must be based on utilitarian grounds. As we have already seen, that case is surprisingly weak, and utterly incapable of justifying the radical expansion in IP protection that has occurred in recent years. Therefore, it is entirely appropriate to strip IP protection of its sheep’s clothing and to see it for the wolf it is, a major source of economic stagnation and a tool for unjust enrichment.

#### [2] IP Rights hand partial control of others property to IP Creators.

Kinsella 13 [Kinsella S. (2013) The Case Against Intellectual Property. In: Luetge C. (eds) Handbook of the Philosophical Foundations of Business Ethics. Springer, Dordrecht. https://doi.org/10.1007/978-94-007-1494-6\_99]//Lex AKu recut Lex VM \*\*\*Brackets for Gendered Language\*\*\*

Let us recall that IP rights give to pattern-creators partial rights of control – ownership – over the material property of everyone else. The pattern-creator has partial ownership of others’ property, by virtue of his [their] IP right, because he [they] can prohibit them from performing certain actions with their own property. Author X, for example, can prohibit a third party, Y, from inscribing a certain pattern of words on Y’s own blank pages with Y’s own ink. That is, by merely authoring an original expression of ideas, by merely thinking of and recording some original pattern of information, or by finding a new way to use his own property (recipe), the IP creator instantly, magically becomes a partial owner of others’ property. He [They] has some say over how third parties can use their property. He is granted, in effect, a type of “negative servitude” in others’ already owned property” (See [32]). IP rights change the status quo by redistributing property from individuals of one class (material-property owners) to individuals of another (authors and inventors). Prima facie, therefore, IP law trespasses against or “takes” the property of material-property owners, by transferring partial ownership to authors and inventors. It is this invasion and redistribution of property that must be justified in order for IP rights to be valid. We see, then, that utilitarian defenses do not do the trick. Further problems with natural-rights defenses are explored below.

#### [3] Justifying ownership based on creation is unjust.

Kinsella 13 [Kinsella S. (2013) The Case Against Intellectual Property. In: Luetge C. (eds) Handbook of the Philosophical Foundations of Business Ethics. Springer, Dordrecht. https://doi.org/10.1007/978-94-007-1494-6\_99]//Lex AKu recut Lex VM

One problem with the creation-based approach is that it almost invariably protects only certain types of creations – unless, i.e., every single useful idea one comes up with is subject to ownership (more on this below). But the distinction between the protectable and the unprotectable is necessarily arbitrary. For example, philosophical or mathematical or scientific truths cannot be protected under current law on the grounds that commerce and social intercourse would grind to a halt were every new phrase, philosophical truth, and the like considered the exclusive property of its creator. For this reason, patents can be obtained only for so-called practical applications of ideas, but not for more abstract or theoretical ideas. Rand agrees with this disparate treatment, in attempting to distinguish between an unpatentable discovery and a patentable invention. She argues that a “scientific or philosophical discovery, which identifies a law of nature, a principle, or a fact of reality not previously known” is not created by the discoverer. But the distinction between creation and discovery is not clear-cut or rigorous.31 Nor is it clear why such a distinction, even if clear, is ethically relevant in defining property rights. No one creates matter; they just manipulate and grapple with it according to physical laws. In this sense, no one really creates anything. They merely rearrange matter into new arrangements and patterns. An engineer who invents a new mousetrap has rearranged existing parts to provide a function not previously performed [90]. Others who learn of this new arrangement can now also make an improved mousetrap. Yet the mousetrap merely follows laws of nature. The inventor did not invent the matter out of which the mousetrap is made, nor the facts and laws exploited to make it work. Similarly, Einstein’s “discovery” of the relation E = mc2 , once known by others, allows them to manipulate matter in a more efficient way. Without Einstein’s, or the inventor’s, efforts, others would have been ignorant of certain causal laws, of ways matter can be manipulated and utilized. Both the inventor and the theoretical scientist engage in creative mental effort to produce useful, new ideas. Yet one is rewarded, and the other is not. In one recent case, the inventor of a new way to calculate a number representing the shortest path between two points – an extremely useful technique – was not given patent protection because this was “merely” a mathematical algorithm.32 But it is arbitrary and unfair to reward more practical inventors and entertainment providers, such as the engineer and songwriter, and to leave more theoretical science and math researchers and philosophers unrewarded. The distinction is inherently vague, arbitrary, and unjust.

### 1AC – Advocacy

#### Thus, the advocacy – Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. The neg should also have an advocacy text else it’s irresolvable and impossible to know what they defend.

#### The plan solves – reducing IP for medicine is consistent with democratic ideals, builds revolutionary movement against neoliberalism, and provides reparations to Global South

[Thomas **Hanna**, 9-21-20**20**, "Democratizing knowledge: Transforming intellectual property and research and development," Democracy Collaborative, [https://democracycollaborative.org/learn/publication/democratizing-knowledge-transforming-intellectual-property-and-research-and //](https://democracycollaborative.org/learn/publication/democratizing-knowledge-transforming-intellectual-property-and-research-and%20//) JB]

* Link turns cap Ks and setcol, read unhighlighted part
* R&D – research and development
* Specs patents

**As countries grapple with** the devastating **challenges of COVID-19** and **we**, hopefully, **move closer towards** the **development of a vaccine, the injustices and insufficiencies of the current approach to IP and R&D are becoming increasingly apparent. It is imperative that we quickly move away from the current system that prioritizes corporate profits sourced from monopoly rights to one that values and centers public health, social equality, and ecological sustainability**.

**The design**, implementation, and governance **of our IP and R&D systems are critically important**. However, the incredible rise of the intangible economy has dramatically altered these systems and our wider economic landscape. **Rather than stimulating and supporting the innovation needed to power the 21st-century digital economy**, the enclosure of **ownership of creations of the mind has been capitalized on to generate vast profits and considerably increase the power and control of a small group of large corporations and their owners. This** has **resulted in** a series of adverse **consequences, from** languishing **innovation to exacerbating racial, economic, gender, and geographic inequality**, to reducing competition, to abusive corporate practices related to workers’ rights, tax justice, and consumer protections. In sum, **it is becoming** increasingly **clear** to observers from **across the political spectrum that the current approach to IP and R&D is not fit for purpose.**

**Given** their inherently **political nature** and central role **in the economic system**, were **our IP and R&D systems to be transformed, they could be harnessed for the common good and to build an equitable, democratic, and environmentally sustainable future for all. Extending principles of democratic ownership is key to this transformation**. From the creation of a public knowledge commons, to substantially increasing public R&D funding, to embedding global solidarity and reparations, to challenging corporate power, to bolstering workers’ rights, we have the power to reimagine management of creations of the mind.

**Through increasing public R&D investment to 2% or more of national GDP, we can significantly boost innovation to address the many intersecting crises and challenges we now face** (and are likely to face as the century progresses), and **channel that investment to stimulate innovations that benefit society, promote equality, and create environmental reliance and an ecologically sustainable economy**. This investment would be supported by a new ecosystem of institutions, such as local, regional, and national publicly owned investment banks, as well as approaches to provide a foundation through which alternative models of ownership can flourish to challenge corporate power.

In place of inefficient tax giveaways, incentives, and subsidies, we should develop a mission-orientated approach to ensure that innovations are geared toward tackling today’s intersecting crises, safeguarded by strong regulations and the mandate for proactive public intervention and economic planning. At the heart of **this strategy** is the **need to significantly grow the public stake in IP**, by **reorienting the role of the state from a laissez-faire and crony capitalist approach to one inherently involved in shaping the production and distribution of innovations**. This should be done first and foremost through the development of a publicly owned and democratically governed IP commons to redirect revenue generated from patents back into the public purse (and back into further investments in innovation), rein in and reshape corporate behavior by safeguarding workers’ rights and preventing tax abuse and loopholes, stimulate innovation, and promote equality. This would be complemented by the creation of publicly owned, and democratically governed venture capital funds at various levels of governance to provide investment (in return for appropriate ownership stakes) in startup ventures and highly innovative enterprises.

**As** the **COVID-19** crisis has **demonstrated, we** particularly **need to explore pioneering ways to reverse the stagnation in the development of needed medical products, control drug prices, and bring about universal access to medicines, clawing back the power and control exerted over this vital sector from big pharmaceutical companies. In place of corporate capture and control over life-saving and life-prolonging medicines, we need publicly directed, accountable, and owned pharmaceutical development, manufacturing, and distribution entities to not only regulate pricing in the US and UK but provide access to medicines throughout the world through technological transfers.**

Indeed, from COVID-19 to the climate crisis to rampant social and economic inequality, the interwoven crises we face today are international in their nature. Moreover, the **US and UK** in particular **must acknowledge** and actively redress **the incredible harm they have wrought on much of the rest of the world, especially the Global South, through colonialism, enslavement, imperialism, and the ongoing process of wealth and knowledge extraction. A reparative approach** in general, and technological transfers in particular, **must** **thus go far beyond** simply **making prices more affordable and products more available in the Global South. Instead, any new approach to IP and R&D must center a comprehensive shifting of rights and control by transferring certain IP, removing IP restrictions on various critical innovations** and making them available to all, and overhauling the pro-corporate, pro-enclosure IP rules and systems that predominate in international free trade agreements and international institutions.

IP and R&D systems and approaches are critical to the functioning of any economic system, and despite decades of privatization, enclosure, and corporate capture, they are still, largely, within our ability to reimagine and redesign. **By applying principles of democratic public ownership and control, we can, and must, turn these systems into engines that power an equitable, democratic, and sustainable 21st-century economy.**

### 1AC – Adv

#### The Advantage is Democracy.

#### Global democracy is collapsing now

Freedom House 3/3 [Freedom House. Freedom House works to defend human rights and promote democratic change, with a focus on political rights and civil liberties. We act as a catalyst for freedom through a combination of analysis, advocacy, and action. Our analysis, focused on 13 central issues, is underpinned by our international program work. “New Report: The global decline in democracy has accelerated”. 3-3-2021. . https://freedomhouse.org/article/new-report-global-decline-democracy-has-accelerated.]

**Washington - March 3, 2021 — Authoritarian actors grew bolder during 2020 as major democracies turned inward, contributing to the 15th consecutive year of decline in global freedom**, according to [***Freedom in the World 2021***](https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege), the annual country-by-country assessment of political rights and civil liberties released today by Freedom House. **The report found that the share of countries designated Not Free has reached its highest level since the deterioration of democracy began in 2006, and that countries with declines in political rights and civil liberties outnumbered those with gains by the largest margin recorded during the 15-year period.** The report downgraded the freedom scores of 73 countries, representing 75 percent of the global population. Those affected include not just authoritarian states like China, Belarus, and Venezuela, but also troubled democracies like the United States and India. **In one of the year’s most significant developments, India’s status changed from Free to Partly Free, meaning less than 20 percent of the world’s people now live in a Free country—the smallest proportion since 1995. Indians’ political rights and civil liberties have been eroding since Narendra Modi became prime minister in 2014.** His Hindu nationalist government has presided over increased pressure on human rights organizations, rising intimidation of academics and journalists, and a spate of bigoted attacks—including lynchings—aimed at Muslims. The decline deepened following Modi’s reelection in 2019, and the government’s response to the coronavirus pandemic in 2020 featured further abuses of fundamental rights. **The changes in India formed part of a broader shift in the international balance between democracy and authoritarianism, with authoritarians generally enjoying impunity for their abuses and seizing new opportunities to consolidate power or crush dissent.** In many cases, promising democratic movements faced major setbacks as a result. **In Belarus and Hong Kong, for example, massive prodemocracy protests met with brutal crackdowns by governments that largely disregarded international criticism. The Azerbaijani regime’s military offensive in Nagorno-Karabakh indirectly threatened recent democratic gains in Armenia, while the armed conflict in Ethiopia’s Tigray Region dashed hopes for the tentative political opening in that country since 2018.** All four of these cases notably featured some degree of intervention by an autocratic neighbor: Moscow provided a backstop for the regime in Belarus, Beijing propelled the repression in Hong Kong, Turkey’s government aided its Azerbaijani counterpart, and Ethiopia’s leader called in support from Eritrea. **The malign influence of the regime in China, the world’s most populous dictatorship, ranged far beyond Hong Kong in 2020. Beijing ramped up its global disinformation and censorship campaign to counter the fallout from its cover-up of the initial coronavirus outbreak**, which severely hampered a rapid global response in the pandemic’s early days. Its efforts also featured increased meddling in the domestic political discourse of foreign democracies, as well as transnational extensions of rights abuses common in mainland China. The Chinese regime has gained clout in multilateral institutions such as the UN Human Rights Council, which the United States abandoned in 2018, as Beijing pushed a vision of so-called noninterference that allows abuses of democratic principles and human rights standards to go unpunished while the formation of autocratic alliances is promoted. **“This year’s findings make it abundantly clear that we have not yet stemmed the authoritarian tide,” said Sarah Repucci, vice president of research and analysis at Freedom House. “Democratic governments will have to work in solidarity with one another, and with democracy advocates and human rights defenders in more repressive settings, if we are to reverse 15 years of accumulated declines and build a more free and peaceful world.” A need for reform in the United States** While still considered Free, the United States experienced further democratic decline during the final year of the Trump presidency. The US score in [Freedom in the World](https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege) has dropped by 11 points over the past decade, and fell by three points in 2020 alone. The changes have moved the country out of a cohort that included other leading democracies, such as France and Germany, and brought it into the company of states with weaker democratic institutions, such as Romania and Panama. **Several developments in 2020 contributed to the United States’ current score. The Trump administration undermined government transparency by dismissing inspectors general, punishing or firing whistleblowers, and attempting to control or manipulate information on COVID-19. The year also featured mass protests that, while mostly peaceful, were accompanied by high-profile cases of violence, police brutality, and deadly confrontations with counterprotesters or armed vigilantes. There was a significant increase in the number of journalists arrested and physically assaulted, most often as they covered demonstrations. Finally, the outgoing president’s shocking attempts to overturn his election loss—culminating in his incitement of rioters who stormed the Capitol as Congress met to confirm the results in January 2021—put electoral institutions under severe pressure.** In addition, the crisis further damaged the United States’ credibility abroad and underscored the menace of political polarization and extremism in the country. ”January 6 should be a wake-up call for many Americans about the fragility of American democracy,” said Michael J. Abramowitz, president of Freedom House. **“Authoritarian powers, especially China, are advancing their interests around the world, while democracies have been divided and consumed by internal problems. For freedom to prevail on a global scale, the United States and its partners must band together and work harder to strengthen democracy at home and abroad. President Biden has pledged to restore America’s international role as a leading supporter of democracy and human rights, but to rebuild its leadership credentials, the country must simultaneously address the weaknesses within its own political system.”** “Americans should feel gratified that the courts and other important institutions held firm during the postelection crisis, and that the country escaped the worst possible outcomes,” said Abramowitz. “But the Biden administration, the new Congress, and American civil society must fortify US democracy by strengthening and expanding political rights and civil liberties for all. People everywhere benefit when the United States serves as a positive model, and the country itself reaps ample returns from a more democratic world.” **The effects of COVID-19** Government responses to the COVID-19 pandemic exacerbated the global democratic decline. Repressive regimes and populist leaders worked to reduce transparency, promote false or misleading information, and crack down on the sharing of unfavorable data or critical views. Many of those who voiced objections to their government’s handling of the pandemic faced harassment or criminal charges. Lockdowns were sometimes excessive, politicized, or brutally enforced by security agencies. And antidemocratic leaders worldwide used the pandemic as cover to weaken the political opposition and consolidate power. In fact, many of the year’s negative developments will likely have lasting effects, meaning the eventual end of the pandemic will not necessarily trigger an immediate revitalization of democracy. In Hungary, for example, the government of Prime Minister Viktor Orbán took on emergency powers during the health crisis and misused them to withdraw financial assistance from municipalities led by opposition parties. In Sri Lanka, President Gotabaya Rajapaksa dissolved Parliament in early March and, with new elections repeatedly delayed due to COVID-19, ruled without a legislature for several months. Later in the year, both Hungary and Sri Lanka passed constitutional amendments that further strengthened executive power. **The resilience of democracy** **Despite the many losses for freedom recorded by** [Freedom in the World](https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege) **during 2020, people around the globe remained committed to fighting for their rights, and democracy continued to demonstrate its remarkable resilience. A number of countries held successful elections, independent courts provided checks on executive overreach, journalists in even the most repressive environments investigated government transgressions, and activists persisted in calling out undemocratic practices.**

#### India is in a democracy crisis now which has caused the second wave.

Singh 7/5 [Prerna Singh, July 5, 2021 at 5:00 a.m., “India has become an ‘electoral autocracy.’ Its covid-19 catastrophe is no surprise”, [https://www.washingtonpost.com/politics/2021/07/05/india-has-become-an-electoral-autocracy-its-covid-19-catastrophe-is-no-surprise //](https://www.washingtonpost.com/politics/2021/07/05/india-has-become-an-electoral-autocracy-its-covid-19-catastrophe-is-no-surprise%20//) JB]

On Thursday, the White House announced that it is deploying [response teams](https://www.cnbc.com/2021/07/01/delta-white-house-to-deploy-response-teams-across-us-to-combat-covid-variant.html), composed of officials from the Centers for Disease Control and Prevention and other federal agencies, to combat the “hypertransmissible” delta variant of the [coronavirus](https://www.washingtonpost.com/coronavirus/?itid=lk_inline_manual_2) spreading across the United States and the world. This variant first emerged in India, where a devastating second wave of virus infections have been accompanied by a parallel epidemic of [mucormycosis, or “black fungus,”](https://www.scientificamerican.com/article/why-deadly-black-fungus-is-ravaging-covid-patients-in-india/) that is maiming and killing patients. **India’s humanitarian tragedy is linked to** a **deeper political crisis** — that of **democratic erosion**. At independence from colonial rule, **India** had relatively **low** economic **development and industrialization**, widespread poverty and illiteracy, and immense ethnic diversity across linguistic, religious and caste lines. [Leading political science theories](https://www.jstor.org/stable/1951731) argued these conditions made India [infertile terrain](https://www.google.com/books/edition/The_Success_of_India_s_Democracy/Io0NsnlRT6sC?hl=en) for democracy. Yet in 1947, India instituted a democratic government and, with the exception of [a short time from 1975-77](https://press.princeton.edu/books/hardcover/9780691186726/emergency-chronicles), has remained one. Up until a few weeks ago, that is. In its influential annual rankings of countries across the world, the U.S.-based democracy watchdog Freedom House downgraded **India from a free democracy to a “**[**partially free democracy**](https://freedomhouse.org/country/india/freedom-world/2021)**.”** Similarly, the **Swedish-based V-Dem Institute demoted** **the country to an “**[**electoral autocracy**](https://www.bbc.com/news/world-asia-india-56393944)**.”** Both organizations cited the regime’s **crackdowns on freedom of speech** — and in particular, expressions of dissent — as a key factor driving India’s slide down these indexes. How are **India’s coronavirus crisis and democratic backsliding linked**? Here’s what you need to know. **The decline of free speech in the world’s largest democracy** Since assuming power in 2014, **the** ruling Bharatiya Janata Party (**BJP**) regime has **consistently and brutally undermined civil liberties**, especially freedom of speech. **This crackdown has**[**affected**](https://thewire.in/rights/india-modi-anti-national-protest-arrest-sedition-authoritarianism)**journalists, editors, organizers, climate activists, Bollywood actors, cricketers, celebrities, and even ordinary citizens posting on social media**. The **BJP** has **forced editors of** prominent **newspapers to step down. Police** have [**raided**](https://www.nytimes.com/2017/06/05/world/asia/india-ndtv-raids-narendra-modi-prannoy-roy.html)**or shut down the offices of media outlets** that featured articles **challenging the regime’s actions**. Physical attacks on journalists have become commonplace. **Some have been gunned down in broad daylight outside their homes**, earning India a [reputation](https://www.cjr.org/special_report/gauri-lankesh-killing.php) as what the Columbia Journalism Review called “**one of the world’s most dangerous countries to be a reporter**.” Meanwhile, reporters and media organizations sympathetic to the regime have been [protected](https://theprint.in/opinion/arnab-goswami-swift-bail-should-be-rule-for-undertrials-not-exception/545301/) and supported. [**Thousands**](https://timesofindia.indiatimes.com/india/5128-uapa-cases-229-sedition-cases-lodged-in-five-years-government/articleshow/81433613.cms)**of individuals** and organizations critical of the regime **have** had wide-ranging **charges filed against them**. Many awaiting trial still [languish](https://thewire.in/rights/jail-bail-hearings-court-delhi-riots-elgar-parishad) in jails across the country. **These attacks on freedom** of speech **harm democracies’ effective functioning. An uncensored public realm enables** the **open exchange of information**; an unencumbered press enables popular accountability. **That leaves governments** insulated from evidence and accountability, **making decisions in isolation**. [**What's behind India's dramatic pandemic surge? Here's one factor: Too little competition in parliament.**](https://www.washingtonpost.com/politics/2021/06/02/whats-behind-indias-dramatic-pandemic-surge-heres-one-factor-too-little-competition-parliament/?itid=lk_interstitial_manual_16) **Silencing critics can be lethal during natural disasters**. **In** their **influential** 1991 **book “**[**Hunger and Public Action**](https://oxford.universitypressscholarship.com/view/10.1093/0198283652.001.0001/acprof-9780198283652)**,” development economists** Jean Drèze and Nobel laureate Amartya Sen **explored why India had not endured famine since independence, despite** chronic **undernourishment and food production difficulties. Under colonial rule**, devastating **famines were numerous**. Sen and Drèze concluded that **the** key **difference** since independence **has been watchdog journalists whose reporting on early signs of a famine in an uncensored news media aroused public concern and pushed the government to act. But** **in March 2020**, Prime Minister Narenda **Modi’s government**[**petitioned**](https://economictimes.indiatimes.com/news/politics-and-nation/sc-asks-media-to-publish-official-version-of-corona-developments/articleshow/74919142.cms?from=mdr)**India’s top court** to **prevent journalists from reporting covid-19 information that the regime had not sanctioned**. The Supreme Court denied the petition — but **nevertheless directed** the **media to broadcast “the official version” of covid-19 developments**. Meanwhile, **the government** has [**filed charges**](https://rsf.org/en/news/surge-harassment-indian-reporters-over-coronavirus-coverage)**against** and arrested dozens of **journalists reporting** on the **government’s mismanagement of the coronavirus crisis, whether that was about** the **urban**[**migrant crisis**](https://thewire.in/media/himachal-pradesh-firs-journalists)**caused by** the **regime’s abrupt lockdown at the start of the pandemic**; dire conditions at quarantine centers; **or the shortage of oxygen and other key medical supplies**. Following Drèze and Sen’s logic about famines, **this** quashing of a free press has both **prevented the government from accessing accurate information about how the pandemic was unfolding on the ground and reduced its sense of public accountability.** [*Millions of people in India's crowded slums can't keep each other at a distance during a pandemic lockdown*](https://www.washingtonpost.com/politics/2020/04/13/millions-people-indias-crowded-slums-cant-keep-each-other-distance-during-pandemic-lockdown/?itid=lk_interstitial_manual_23) The **In February**, the **government announced controversial**[**new rules covering digital publishing**](https://time.com/5946092/india-internet-rules-impact/) that **give officials** the **power to block stories from being published or to shut down entire websites**. In the past few weeks, the **government has**[**pressured social media platforms such as Facebook, Instagram, Twitter to remove posts critical of the government**](https://www.nytimes.com/2021/04/25/business/india-covid19-twitter-facebook.html)**. Many posts** — including those with the trending hashtag #ResignModi — **have disappeared and mysteriously reappeared**. In India’s largest state, **Uttar Pradesh, one man took to Twitter to locate oxygen for an ailing family member, who subsequently died. The**[**police charged him with circulating misinformation**](https://scroll.in/latest/993484/up-fir-filed-against-man-who-sought-twitter-help-for-oxygen-for-grandfather)**“with the intent to cause fear or alarm.”** **These attacks** on free speech **are** all the **more dangerous because other key democratic watchdog institutions** — for example, an active [political opposition](https://www.washingtonpost.com/politics/2021/06/02/whats-behind-indias-dramatic-pandemic-surge-heres-one-factor-too-little-competition-parliament/?itid=lk_inline_manual_29) — **are weak**. India has protected the freedom of speech, until now BJP government extended its power to censor **The freedom of speech, including** the right to **critique**, has **been at the core of Indian nationalism**, forged during resistance to British colonialism. The **Modi regime’s** [exclusionary Hindu nationalism](https://www.washingtonpost.com/politics/2020/01/20/india-protesters-are-singing-national-anthem-waving-flag-heres-why-that-matters/?itid=lk_inline_manual_34) **deviates from that history. Muzzling free speech has been**[**deadly**](https://www.latimes.com/opinion/story/2021-05-08/india-covid-pandemic-deaths-narendra-modi)**during the pandemic.** Today **the scale of the covid-19 crisis** that **continues to burn across India remains unknown. Experts**[**warn**](https://www.nytimes.com/interactive/2021/05/25/world/asia/india-covid-death-estimates.html)**that death tolls are likely many times the official reports. Scientists remain unclear about how well each of the vaccines work against the delta strain**. In the United States, [concerns](https://www.scientificamerican.com/article/how-dangerous-is-the-delta-variant-and-will-it-cause-a-covid-surge-in-the-u-s/) about a new surge are growing. **A free press** could not have prevented the pandemic. But it **could have both provided critical early information about the unfolding second wave of virus infections and put pressure on the government to take action. This would have likely reduced the public health tragedy.**

#### The second wave and lack of journalistic freedom revives IndoPak escalation.

Somos 20 [Christy Somos, December 17, 2020, “COVID-19 has escalated armed conflict in India, Pakistan, Iraq, Libya and the Philippines, study finds,” [https://www.ctvnews.ca/world/covid-19-has-escalated-armed-conflict-in-india-pakistan-iraq-libya-and-the-philippines-study-finds-1.5236738 //](https://www.ctvnews.ca/world/covid-19-has-escalated-armed-conflict-in-india-pakistan-iraq-libya-and-the-philippines-study-finds-1.5236738%20//) JB]

INDIA **India saw a rise in armed conflict during the study period, with violent clashes in the Kashmir region between Kashmiri separatists facing off against the Indian military, as well as conflicts between Pakistan and India.** “So what mostly drove the increase in conflict intensity…were basically due to two factors,” Ide said. “The first being that **there is some evidence that Pakistan sponsors or supports these insurgents in Kashmir, to encourage them to increase their attacks [on Indian forces] because they perceived them to be weak and struggling with the pandemic.” The** second factor, Ide explained, was that **while Indian government enacted a “pretty comprehensive lockdown in Kashmir, and sealing it way from international media attention…launched more intense counter-insurgency efforts and…crack[ed] down on any pro-Pakistani sympathy expressions.”** IRAQ Iraq had an increase in armed conflict, but Ide noted that the overall intensity did not change that much – a “very slight upward trend” in scale that was not linear. What did increase were attacks by ISIS in April, May, and June. “The Iraqi government was really in trouble,” he said. “They had enormous economic loss, they had to go head-to-head and use troops and funds to combat the pandemic – the international coalition supporting the government partially withdrew troops or stopped their activities.” “The Iraqi government was really in a position of weakness.” Ide said the Islamic State exploited the pandemic and the thin resources at hand to the government to expand territorial control, conquer new areas and to stage more attacks. LIBYA The civil war in Libya between the Government of National Accord’s (GNA) forces and the Libyan National Army escalated during the study period, after a ceasefire brokered in January was broken, Ide said. “As soon as international attention shifted to the pandemic…they really escalated the conflict, tried to make gains while hoping the other side is weakened because of the pandemic, hoping to score an easy military victory” Ide said. “It didn’t happen.” The UN Security Council noted in a May report that the pandemic was bolstering the 15-month conflict, citing the history of more than 850 broken ceasefire agreements and “a tide of civilian deaths” on top of a worsening outbreak. PAKISTAN **The ongoing conflict with India saw a rise in armed conflict in Pakistan** during the study period – which were unrelated to the pandemic, **but also a rise in Taliban-affiliated groups and anti-government sentiments due to pandemic restrictions**, Ide said. “There were a lot of anti-government grievances,” Ide said. “**There were restrictions on religious gatherings, which religious groups did not like, and there were some negative economic impacts which affected the local people**.” Ide said those two factors could have been exploited by the Taliban in a quest to recruit more followers. Later in the study period, **a swath Pakistani government officials were struck with COVID-19, leaving the country with a leadership crisis, which saw an increase of attacks by Taliban groups** in May.

# 1AC

#### I Affirm the resolution resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines

## Framework

I value morality and the criterion is the categorical imperative.

#### Moral law must be universal—our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me – any non-universalizable norm justifies someone’s ability to impede on your ends.

Korsgaard ’83

**when a rational being** **undertakes an action, [they] suppose** **its pursuit to be justified** **there must be something that is unconditionally good and can serve as a sufficient condition of** **goodness** **it cannot be an inclination** **the unconditionally valuable thing must be "humanity"** **regarding your existence as a rational being as an end in itself is a "subjective principle of human action."** **we must regard ourselves as capable of value** **we must regard others** **also as ends in themselves**

#### Thus the criterion is consistency with the categorical imperative.

#### Prefer additionally –

#### [1] Kantian theory has the best tools for fighting oppression through combatting ethical egoism and abstraction

Farr 02

**The Formula of Universal Law** **joins** **that we act only on maxims that are open to others** **The individual is not allowed to exclude others** **abstraction require** **a demand for intersubjectivity** **avoid ethical egoism in** **maxims for** **actions** **To avoid** **egoism one must abstract from** **subjective maxims** **that** **contravenes racist ideology** **based on the use of persons of** **different race as a means to an end**

#### [2] An understanding of Kantianism is key to understanding the law in the real world because states abide by inviolable side-constraints in their constitutions

Otteson 09

agency set limits on the state the only “coercive laws” to which individuals may rationally allow are those that require respect for agency human progress is possible only under a state that defends individual freedom. happiness is a great but ancillary benefit. the reason we leave the state of nature is to secure maximum freedom compatible with the same freedom of others.

### 1AC – Offense – 4:00

#### [1] IP rights prevent certain people from receiving the fruits of their mental labor.

Lindsey and Teles 17

patents violate entitlement to mental labor inventors who come second in race have no right to their ideas infringement lawsuits rarely intentional infringers developed products on their own weren’t aware of patent patent laws look like intellectual monopoly

#### [2] IP Rights hand partial control of others property to IP Creators.

Kinsella 13

IP rights give partial control over property of everyone because [they] can prohibit performing actions with their property Author X can prohibit party Y, from inscribing pattern of words on Y’s own pages own ink IP law takes property of material owners

#### [3] Justifying ownership based on creation is unjust.

Kinsella 13

distinction between creation and discovery not clear No one creates matter they manipulate it engineer invents mousetrap rearranged existing parts mousetrap follows laws of nature Einstein discovery of E = mc2 allows them to manipulate matter Yet one is rewarded unfair to leave theoretical researchers unrewarded

### 1AC – Advocacy

#### Thus, the advocacy – Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. The neg should also have an advocacy text else it’s irresolvable and impossible to know what they defend.

#### The plan solves – reducing IP for medicine is consistent with democratic ideals, builds revolutionary movement against neoliberalism, and provides reparations to Global South

**Hanna**, 9-21-20**20**, "

* Link turns cap Ks and setcol, read unhighlighted part
* R&D – research and development
* Specs patents
* **As countries grapple with** **COVID** **the injustices** **of** **current** **IP and R&D are** **apparent** **we** **move away from** **current system that prioritizes corporate profits** **to one that values** **public health** **IP** **systems are critically important** **Rather than** **supporting** **innovation** **ownership of creations of the mind has been capitalized on** **profits and** **increase** **power** **of** **large corporations** **IP** **systems** **could be harnessed for** **equitable, democratic** **future** **Extending principles of democratic ownership is key to this transformation** **increasing public R&D** **to 2%** **boost innovation** **and create environmental reliance** **this strategy** **need to** **grow** **public stake in IP** **involved in shaping the** **distribution of innovations** **we** **need to explore** **ways to** **bring about universal access to medicines** **from big pharma** **US and UK** **acknowledge** **wrought on much of the rest of the world** **A reparative approach** **must** **mak** **prices** **affordable** **By applying** **democratic** **ownership** **we can** **turn these systems** **sustainable**

### 1AC – Adv

#### The Advantage is Democracy.

#### Global democracy is collapsing now

Freedom House 3/3

**Authoritarian actors grew bolder report found** **countries designated Not Free has reached its highest level since the deterioration of democracy** **in** **06** **India’s status changed from Free to Partly Free** **changes** **formed part of a broader shift in the international balance between democracy and authoritarianism** **Belarus and Hong Kong** **prodemocracy protests met with brutal crackdowns by governments** **Azerbaijani** **Armenia** **China** **Authoritarian powers** **are advancing** **interests around the world, while democracies have been divided** **For freedom to prevail** **the U** **S** **and** **partners must band together** **to strengthen democracy at home and abroad.**

India is in a democracy crisis now which has caused the second wave.

Singh 7/5

**India’s humanitarian tragedy is linked to** **democratic erosion** **India from** **free** **to** partially free **the country** **an “**[**electoral autocracy**](https://www.bbc.com/news/world-asia-india-56393944)**.”** **India’s coronavirus crisis and democratic backsliding linked** **decline of free speech** **BJP** **undermined civil liberties** **This** [**affected**](https://thewire.in/rights/india-modi-anti-national-protest-arrest-sedition-authoritarianism) **journalists** **Police** raided **offices of media outlets** **Some** **gunned down in** **their homes** **attacks on freedom** **harm democracies’** **functioning** **That leaves governments** **making decisions in isolation** **Under colonial rule** **famines were numerous** **the** **difference** **has been** **journalists** **reporting** **early signs of** **famine in** **uncensored** **media** **and pushed** **government to act. But** **India** **prevent journalists from reporting covid-19 information** **the government** [**filed charges**](https://rsf.org/en/news/surge-harassment-indian-reporters-over-coronavirus-coverage) **against** **journalists reporting** **mismanagement of the coronavirus crisis** migrant crisis **shortage of oxygen** **this** **prevented** **government from accessing accurate information about** **pandemic** **These** **are** **dangerous because** **democratic** **institutions** **are weak** **Muzzling free speech has been** [**deadly**](https://www.latimes.com/opinion/story/2021-05-08/india-covid-pandemic-deaths-narendra-modi) **during the pandemic** **the scale of** **covid** **crisis** **continues** **across India remains unknown** **A free press** **could** **provide** **critical early information about** **second wave** **and** **pressure** **government to take action**