# 1AC Valley Round 3

## Framing

**Permissibility and presumption affirm:**

1. **Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason – means that presuming neg is incoherent because it relies on some presumptive truths about ethics and the world in general**
2. **Intuition - we naturally believe statements true e.g. if I told you my name is Shrey, you’d believe me**

**Ethics can be split between duty-based ethics and character-based ethics. The former answers the question of what agents ought to do while the latter answers what agents ought to be. Prefer character-based ethics - duty based ethics are infinitely regressive as they require a rule to follow a rule and so on, which presumes an agent properly conditioned to follow that rule. That means that character based ethics co-opt any benefit to duty based ones - good people naturally do good actions but a good action doesn’t automatically make someone a good person**

**Gyekye 2011** (Kwame [Emeritus Professor of Philosophy at the University of Ghana, Visiting Professor of Philosophy and African-American studies at Temple University]. “African Ethics.” The Stanford Encyclopedia of Philosophy, edited by Edward N. Zalta, Fall 2011, https://plato.stanford.edu/archives/fall2011/entries/african-ethics/.) //iLake AS RCT//SR

Good character is the essence of the African moral system, the linchpin of the moral wheel. The justification for a character-based ethics is not far to seek. For, all that a society can do, regarding moral conduct, is to impart moral knowledge to its members, making them aware of the moral values and principles of that society. In general, society satisfactorily fulfills this duty of imparting moral knowledge to its members through moral education of various forms, including, as in African societies, telling morally-freighted proverbs and folktales to its younger members. But, having moral knowledge—being made aware of the moral principles and rules of the society—is one thing; being able to lead a life consonant with the moral principles is quite another. An individual may know and may even accept a moral rule, such as, say, it is wrong to cheat the customs. But he may fail to apply this rule to a particular situation; he is, thus, not able to effect the transition from knowledge to action, to carry out the implications of his moral belief. In the Akan and other African moral systems such a moral failure would be put down to the lack of a good character (suban pa). In other words, the ability to act in accord with the moral principles and rules of the society requires the possession of a good character. Thus, in the context of the activities of the moral life—in our decisions to obey moral rules, in the struggle to do the right thing and to avoid the wrong conduct, in one's intention to carry out a moral duty, the quality of a person's character is of ultimate consequence. It is from a person's character that all his or her actions—good or bad—radiate: the performance of good or bad acts depends on the state of one's character. Wrong-doing is put down to a person's bad character. Thus, the Yoruba maxim (proverb): ‘Good character is a person's guard.’ African maxims are explicit about the formation of character: character is acquired. A person is therefore responsible for the state of his or her character, for character results from the habitual actions of a person. An Akan maxim has it that “one is not born with a bad ‘head’, but one takes it on from the earth.” The maxim means, among other things, that a bad habit is not an inborn characteristic; it is one that is acquired. It would be worthless to embark on moral instruction through moral proverbs and folktales, as it is done in African societies, if our character or habits were inborn. But the belief is that the moral narratives would help the young people to acquire and internalize the moral values of the society, including specific moral virtues, embedded in those ethical narratives. The appropriate responses to moral instruction are expected to lead to the acquisition of appropriate habits and their corresponding characters. And, because character is acquired through our actions, habits, and expected responses to moral instructions, it can, according to African moral systems, be changed or reformed. Character is defined by the Akan thinkers in terms of habits, which result from a person's deeds or actions: ‘character comes from your actions’ (or deeds: nneyee), says an Akan traditional thinker. Persistent performance of a particular action will produce a certain habit and, thus, a corresponding character. To acquire virtue, a person must perform good actions, that is, morally acceptable actions so that they become habitual. The action or deed that led to the acquisition of a newly good habit must be persistently performed in order to strengthen that habit; in this way, virtue (or, good character) is acquired. Over time such an acquired virtue becomes a habit. This is the position of Akan ethics on the development and acquisition of a good (or, bad) character, for this is what the Akan people mean when they say aka ne ho, “it has remained with him,” “it has become part of him,” “it has become his habit.” Character is, thus, a behavior pattern formed as a result of past persistent actions. Thus, moral virtues (excellences of character) or vices arise through habituation. The logic of the acquisition of our character or habits is that the original nature of the human being was morally neutral, neither good nor bad. A person's original moral neutrality will in the course of his life come to be affected, in one direction (the good) or the other direction (the bad) by his actions and responses to moral instruction, advice and persuasion. The original moral neutrality of a human being constitutes the foundation of our conception of the moral person, for it makes for—allows room for—choice, that is, moral choice. Consequently, what a person does or does not do is most crucial to the formation and development of his or her character, and, thus, to becoming moral or immoral.

**However, conceptions of character cannot come solely through academic reflection. Reflection can only foresee a finite number of circumstances while ethics need to account for infinite, which means theories cannot be divorced from social development or they would collapse into nothingness**

**McGinnis 06** (Nicholas McGinnis 6 PhD, successfully defended his dissertation, On Philosophical Intuitions, at the University of Western Ontario in the Spring of 2015 under the supervision of Dr. Robert Stainton. He was born in Montreal, Canada and attended Concordia University where he completed both his B.A. (honours) and M.A. in philosophy. He is a member of the Rotman Institute of Science and Values. His work focuses on philosophy of language, experimental philosophy, metaphysics, and non-classical logic, “Wittgenstein's Influence on the Development of Virtue Ethics”, A Thesis In The Department of Philosophy Presented in Partial Fulfillment of the Requirements for the Degree of Master of Arts in Philosophy at Concordia University Montreal, Quebec, Canada, August 2006) OS RCT//SR

McDowell begins with Wittgenstein's example at §185 of PI (though, for Wittgenstein, this was a return to a similar thought-experiment at §143), where a pupil is asked to extend a series (through an order which has the form +n, in this case +2), so as to produce 2, 4, 6, 8, etc. McDowell comments that we have a tendency to view iterations of this task as a type of psychological mechanism, analogous to the movement of some otherwise inert physical object being guided by an underlying structure—the common metaphor is that of rails—necessarily towards the correct answer (McDowell 1998: 58).34 This view is, McDowell notes, rather suspect. The first problem is that any rule-following behaviour or statement of understanding a rule ("I am doing this")— such as that of adding 2—is in a sense underdetermined: the potential behaviour that comes under the jurisdiction of rule is infinite (in this case we have the set of natural numbers) while at any given time we've seen, or followed ourselves, only a finite fraction of these possible cases. What evidence we have for the picture of rule-following as a set of 'rails' cannot dismiss the possibility that in the future behaviour will "diverge from what we could count as correct" (ibid., 59). Wittgenstein's example of this, also used by McDowell, is a person who continues the +2 series after reaching 1000 thusly: 1004, 1008, 1012... and does not understand that he has made a mistake, believing that he was applying the rule correctly. At this point, as Wittgenstein notes, it is no use to merely say: "But can't you see?" (cf. PI §185)—for he sees differently: a rabbit instead of a duck, as with the old optical illusion. Perhaps he believed that to correctly apply the rule, he was to "add 2 up to 1000, 4 up to 2000, 6 up to 3000, and so on", and does not admit or understand that there was a mistake (ibid., 59). The constant possibility of such behaviour runs against the supposition that to follow a rule is to be guided by these inexorable 'rails'. Concludes McDowell: "The pictured state, then, always transcends the grounds on which it is allegedly postulated" (ibid., 59). The point of these considerations is not a sceptical one, as is sometimes argued, nor to undermine confidence in our speech acts; rather it is only to remove an illusory ground we sometimes ascribe to meaning, a picture in which "the steps are really already taken, even before I take them in writing or orally or in thought" (ibid., 59). The connection between the objection sketched by McDowell earlier on and Wittgenstein's argument is clear. The 'major premise', formulated as a single universal principle, is meant to anticipate all cases of application, "as only the act of meaning can anticipate reality" (PI §188). It is precisely because of this attributed ability that it can serve as major premise, much like an algebraic formula is thought to be able to. The minor premise of the syllogism consists of the specific integers in play, which leads us, so the picture goes, necessarily to a specific conclusion, determined by the formula. Likewise, a "complete specification of the reason why the virtuous person acts as he does" is required as major premise, as mere perceptual sensitivity is insufficient to provide reasons for action (ibid., 54); recall McDowell's formulation of the objection— that both the virtuous and non-virtuous may share the same perception but fail to act in corresponding ways, showing virtue forms a composite state. The 'deliverances of sensitivity' (the 'integers'), to use McDowell's phrase, interact with something else—the universal principle and one's own volition (the 'formula'), to produce determinate answers. But this conception strikes McDowell as 'implausible', for cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong—and not necessarily because one had changed one's mind; rather, one's mind on the matter was not susceptible of capture in any universal formula (ibid., 58). Wittgenstein's rule-following 'argument'—I use the term with some trepidation, for it would be somewhat of a mischaracterization to see it as a pure example of premise / conclusion philosophical dialectic—serves to dispel the notion that to act rationally is to follow the dictates of some externally-determined universal formula, and also the correlated notion that error consists in something analogous to mechanical breakdown. Consider the algebraic example. Are the steps to be taken for a series in some way 'determined'? For Wittgenstein, such a statement is perhaps referring to the fact that people are brought by their education (training) so to use the formula y = x², that they all work out the same value for y when they substitute the same number for x. [...] It may now be said: "The way the formula is meant determines which steps are taken." What is the criterion for the way the formula is meant? It is, for example, the kind of way we always use it, the way we are taught to use it. (PI §189; §190). When someone's behaviour diverges from what we would think counts as the correct answer in a given series, and does not 'see' the mistake at all, we lose the picture of rules as determining meaning in all possible application and cases. Grasping meaning is instead a function of being taught proper application of symbols. Yet for all this we do not lose confidence in our assertions or practices. Instead we see that it is largely spurious to make certain sorts of particularly stringent epistemological demands: that understanding a rule consists in letting one's mind be guided by some objectively present, mind-independent structure (such as Platonism concerning mathematics). McDowell's stressing of Wittgensteinian 'uncodifiability' connects with several of the critical aspects of virtue ethics explored in the last chapter. The point of the 'rulefollowing' argument was that what counts as rational or consistent behaviour is not wholly determined by external facts which the mind somehow grasps via abstract contemplation; this is the vanity of previous moral theories which most authors of virtue ethics attack, though they focus on different targets, after different fashions. Anscombe's criticism of Kant, recall, explicitly made use of uncodifiability: "no theoretically adequate provision can be made for exceptional circumstances," she writes, rendering it impossible to construct the appropriate type of stipulation necessary to govern descriptions of actions (Anscombe 1999: 27; 29). This is akin to McDowell's presentation of Wittgenstein; in both, there lurks the realization that concept-application is not governed by the picture of 'rails'. The relevant description of, say, a lie—Anscombe's example35 — is not something which can be adequately captured in what McDowell terms a 'universal formula', for considerations identical to those of the +2 series, as are the consequences. Speaking of the objection's equal application to utilitarianism: "any action can be so described as to make it fall under a variety of principles of utility (as I shall say for short) if it fall under any" (ibid., 28). The general nature of the problem under Anscombe's consideration here is so similar to Wittgenstein it even seems strange she would not quote him or bring the connection out. Perhaps the connection was taken to be entirely self-evident. Another link between the rule-following argument and the critiques of virtue ethics is the argument that 'pleasure', or any other good, is a heterogeneous, polycentric concept (an argument we presented through Nussbaum's writings on the topic). The opposite view is that of pleasure as a unitary and measurable object; but as the rule-following argument applies across the board, it is clear that what counts as pleasure can no more be determined from 'outside' than what counts as a lie, or what counts as following the +2 rule. The attraction to a certain species of moral theory lies precisely in the claim that we can define what 'pleasure' is, or 'lies' are, in a peculiarly binding and inexorable way, so as to 'solve' problems with no rational dissent possible from the one answer determined by the formula. If we find Wittgenstein's rule-following argument convincing, however, we should not view such projects as likely to succeed: for it seems rather unlikely, if not downright impossible, that the definitions upon which the projects ride will be found— that they are indeed such things as can be 'found'. Yet despite these rather difficult conclusions there is no reason to embrace scepticism or lose confidence in the grounds of our assertions. Where does our confidence come from, if not from determinate rules and principles, lying outside of us, as it were? According to McDowell—approvingly quoting Stanley Cavell—nothing but our 'shared forms of life', a 'whirl of organism' that consists of common discursive practices, 'routes of interest' and patterns of recognized similarity: a 'congruence of subjectivities' (McDowell 1998: 60-61). We may choose to explain the correct extension of a number series in syllogistic terms, but this should not lead us to the conclusion that the operation moves independently of our forms of life. Writes Wittgenstein about the tendency towards this sort of conclusion, "It is as if we could grasp the whole use of the word in a flash." Like what e.g.? ... But have you a model for this? No. It is just that this expression suggests itself to us. As the result of the crossing of different pictures [...] You have no model of this superlative fact, but you are seduced into using a super-expression. (PI §193). This 'flash' of insight is the seductive illusion that we mount ourselves on some external rails when we grasp the use of a rule, such as 'add 2', because we have the sensation that, despite the underdetermined nature of the picture, we see application of algebra or words into infinity. This 'strange' sensation leads us to postulate the superlative picture. Writes Wittgenstein, But there is nothing astonishing, nothing queer, about what happens. It becomes queer when we are led to think that the future development must in some way already be present in the act of grasping the use and yet isn't present. [...] Where is the connexion effected between the sense of the expression 'Let's play a game of chess' and all the rules of the game?—Well, in the list of rules of the game, in the teaching of it, in the day-to-day practice of playing. ( PI §197). The ability to project use into indefinite future context turns therefore not on some mysterious underlying mechanism churning out 'appropriate' answers, but rather on the taught practices of linguistic communities and creative decisions made within them.36 Hence the thought that calculations within the deductive paradigm ought to be 'automatically compelling' somehow above and beyond forms of life is a method of avoiding Wittgenstein's difficult conclusions about the grounds of our rationality. For McDowell, the correct standpoint, or 'cure' to this (no doubt following Wittgenstein's notion of 'therapy'), instead is to give up the idea that philosophical thought, about the sorts of practice in question, should be undertaken at some external standpoint, outside our immersion in our familiar forms of life. (McDowell 1998: 63) This is the path to the Neurathian solution advocated by Hursthouse, as we saw in the last chapter. It may seem at first glance that Hursthouse's use of eudaimonia as a naturalistic ground for her brand of virtue ethics runs counter to the line of argument presented here, in that explicit reference to human flourishing may serve as major premise in a syllogism of the form criticized by McDowell here. But Hursthouse never intends, and indeed explicitly denies, that her naturalism is meant to be convincing outside of an acquired ethical outlook, i.e. a form of life (Hursthouse 1999: 166). Such a move will seem utterly unconvincing without the background assumed by appreciation of the rather deep implications of the rule-following argument, which includes McDowell's 'cure' for the seduction by the deductive paradigm; paradigm which, as McDowell concludes his interpretation of Wittgenstein, is a deeply unsatisfactory model even standing by itself: Pupils do acquire a capacity to go on, without further advice, to novel instances. Impressed by the sparseness of the teaching, we find this remarkable. But assimilation to the deductive paradigm leaves it no less remarkable. The assimilation replaces the question "How is it that the pupil, given that sparse instruction, goes on to new instances in the right away?" with the question "How is it that the pupil, given that sparse instruction, divines from it a universal formula with the right deductive powers?". The second question is, if anything, less tractable. (McDowell 1998: 64) The first question is quite tractable, by contrast. The boundary conditions created by both human nature and shared forms of life provide sufficient explanatory content to explain extension to novel circumstance; whereas it is difficult to see how a pupil can make the 'leap of divination' McDowell views as necessary to answer the second.37 Furthermore, this is not to suggest that there are unbridgeable chasms created by forms of life or that one cannot be brought to 'see' things correctly if they have grasped usage differently. But these are topics to be addressed in the next chapter. For now, I have argued that virtue ethics—of which I chose Hursthouse's version as an exemplar—crucially depends on this interpretation of Wittgenstein's rule-following argument and the consequences drawn from it.

**The solution is virtue ethics - ethics is a social developmental phenomenon where agents learn from others and constantly revise their notion of ethics - our theory constantly improves over time as people learn new things while other theories cannot which means a) our framework gets infinitely better than theirs over time and b) disads to my fw are nuq since self revision allows it to naturally fix them**

**Reader 2k**, [Reader, Soren. [Late Professor of Philosophy, Durham University] “New Directions in Ethics: Naturalism, Reasons, and Virtue.” Ethical Theory and Moral Practice, Vol. 3, No. 4, Dec. 2000 ]//Scopa.

Virtue is a free disposition to act in certain ways under certain conditions. Virtue ethics claims that what is to count as a good action or what is a good outcome is conceptually dependent on claims about the virtue of an agent. How is this dependence supposed to work? Where those after an explanatory account seek a conceptual connection with something like a normative 'in itself,’ virtue ethicists instead explore the concrete dependence of moral activity on the possibility of learning from already virtuous agents. They hold that the key to moral rationality is found in moral education. Ethics begins with the apprentice moral agent: the child, or the foreigner, or the damaged person in rehabilitation are all examples. These beginner-agents learn from the experienced, wise moral agent by copying, by mimicking in their actions the actions of the virtuous agent. This mimicking, or 'going on in the same way', does not presuppose that the learner agent acquires any representations of how the world is (i.e., beliefs), nor that they acquire the ability to report on or provide justifications for what they do. Virtue is learned by cottoning on to virtuous ways of doing things, going on to do the same, then going on to do the same in new ways, once they have mastered the skill.

**Thus, the standard is promoting virtue. Impact calc:**

1. **The aff is not concerned with consequences and maximizing virtue but being consistent with it. Consequentialism fails –**
   1. **Induction fails – the logic of looking to the past to predict the future is all premised in the past, so it’s circular.**
   2. **Aggregation fails – there’s no way to weigh between different forms of pain and pleasure e.g. 5 headaches vs a migraine**
   3. **Butterfly effect – each consequence has a future consequence and so on so we never know if it really did net good**
   4. **Subjectivity - everyone takes pleasure and pain in different things so we can’t know what maximizes it**
2. **Virtues that sustain philosophical inquiry and ethical communities come first - even if our interpretation is imperfect we can use practice, deliberation, and intuition as a starting point**

**Macintyre 2007** (Alasdair [Alasdair Chalmers MacIntyre is a Scottish philosopher, primarily known for his contribution to moral and political philosophy, but also known for his work in history of philosophy and theology. MacIntyre's After Virtue (1981) is widely recognised as one of the most important works of Anglophone moral and political philosophy in the 20th century. He is senior research fellow at the Centre for Contemporary Aristotelian Studies in Ethics and Politics (CASEP) at London Metropolitan University, Emeritus Professor of Philosophy at the University of Notre Dame, and Permanent Senior Distinguished Research Fellow at the Notre Dame Center for Ethics and Culture]. After Virtue: A Study in Moral Theory. University of Notre Dame Press, Third Edition, 2007, <https://epistemh.pbworks.com/f/4.+Macintyre.pdf>.) //iLake AS \*bracketed for gendered language

It is now possible to return to the question from which this enquiry into the nature of human action and identity started: In what does the unity of an individual life consist? The answer is that its unity is the unity of a narrative embodied in a single life. To ask 'What is the good for me?' is to ask how best I might live out that unity and bring it to completion. To ask 'What is the good for man?' is to ask what all answers to the former question must have in common. But now it is important to emphasize that it is the systematic asking of these two questions and the attempt to answer them in deed as well as in word which provide the moral life with its unity. The unity of a human life is the unity of a narrative quest. Quests sometimes fail. are frustrated, abandoned or dissipated into distractions; and human lives may in all these ways also fail. But the only criteria for success or failure in a human life as a whole are the critieria of success or failure in a narrated or to-be-narrated quest. A quest for what? Two key features of the medieval conception of a quest need to be recalled. The first is that without some at least partly determinate conception of the final telos there could not be any beginning to a quest. Some conception of the good for [person] man is required. Whence is such a conception to be drawn? Precisely from those questions which led us to attempt to transcend that limited conception of the virtues which is available in and through practices. It is in looking for a conception of the good which will enable us to order other goods, for a conception of the good which will enable us to extend our understanding of the purpose and content of the virtues, for a conception of the good which will enable us to understand the place of integrity and constancy in life, that we initially define the kind of life which is a quest for the good. But secondly it is clear the medieval conception of a quest is not at all that of a search for something already adequately characterized, as miners search for gold or geologists for oil. It is in the course of the quest and only through encountering and coping with the various particular harms, dangers, temptations and distractions which provide any quest with its episodes and incidents that the goal of the quest is finally to be understood. A quest is always an education both as to the character of that which is sought and in self-knowledge. The virtues therefore are to be understood as those dispositions which will not only sustain practices and enable us to achieve the goods internal to practices, but which will also sustain us in the relevant kind of quest for the good, by enabling us to overcome the harms, dangers, temptations and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good. The catalogue of the virtues will therefore include the virtues required to sustain the kind of households and the kind of political communities in which men and women [people] can seek for the good together and the virtues necessary for philosophical enquiry about the character of the good. We have then arrived at a provisional conclusion about the good life for man: the good life for man is the life spent in seeking for the good life for man, and the virtues necessary for the seeking are those which will enable us to understand what more and what else the good life for man is. We have also completed the second stage in our account of the virtues, by situating them in relation to the good life for man and not only in relation to practices. But our enquiry requires a third stage.

**Prefer additionally:**

1. **Performativity--Participating in debate concedes the authority of virtues like honesty because we don’t cheat**
2. **Other theories collapse –**
   1. **To follow a moral theory is to commit yourself to an attempting to become a better person through fostering virtue**
   2. **The reading of other frameworks is merely departing moral knowledge onto others which concedes the authority of virtue ethics**
3. **Prerequisite--The origin of philosophy had to start through a character-based paradigm since there were no preconceived notions or rules that we needed a guide towards the good; they chose to develop the good out of their own volition, so only virtue ethics is able to derive a proper conception of ethics**
4. **Actor spec--the purpose of the state is to promote virtue, otherwise practical action is impossible.**

Aaron Ross **Powell**, Director and Editor of [Libertarianism.org](http://www.libertarianism.org/), a project of the Cato Institute, The State Through the Lens of Virtue, May 23, **2013**, <https://www.libertarianism.org/blog/state-through-lens-virtue> ///AHS PB

There are two senses in which we might think about the telos of the state. First, if we create a state at all, we create it to fulfill some purpose–just like any other tool. The telos of a knife is to cut. The telos of a hammer is to pound nails. The telos of the state is what we made it to accomplish: a well-functioning society. Yet “the state” doesn’t exist as a thing in itself. Instead it’s a collection of people authorized to behave in certain ways and with certain authority over the rest of us. So the second way to think about the state’s telos is to look at those people. A doctor is a human, and so has the telos of humans generally: achieving eudaimonia. But “doctor” is also a profession with a purpose of its own: promoting health. Thus the telos of a doctor, when he or she acts in her capacity as a doctor, is health. The profession of doctor brings its own set of situational virtues that don’t necessarily apply outside of doctoring. Agents of the state, then, have the telos of their profession, which will be closely tied–if not identical–to the telos of the broader state-as-tool. These virtues govern what it means to be a good politician, a good bureaucrat, a good public servant, and so on. This second sense of the state’s telos addresses a potential concern raised by [methodological individualism](http://en.wikipedia.org/wiki/Methodological_individualism). This is the claim that social phenomena are nothing but the aggregate actions of individuals, and it’s a position libertarians generally accept. Thus to talk about “the state” having virtues or a purpose or needs would seem to violate methodological individualism. But if we instead talk about the telos of those agents vested with the authority of the state, then we’re talking only about individuals, and so avoid the violation. Still, I think it’s probably easier and clearer to just talk about the state’s virtues and the state’s goals, and just assume that what we really mean is the virtues and goals of those individual agents. Okay, so now our state-as-virtue-ethical-entity has a telos. It exists to enable the well-functioning society. To fulfill that purpose, it needs to act in accord with the virtues, do so with practical wisdom, and have the goods needed for both. The state’s “virtues” will be those traits crucial to the well-functioning society. Justice is an obvious one. A state that is not motivated by justice and does not seek to create justice in the world will not be a good state. But justice isn’t alone here. A good state will also be fair. It will respect its citizens. And so on. But even if the “state” has a virtuous character (i.e., all the people who make decisions about what it’ll do are of right character), it will also need the practical wisdom to take right action (i.e., action that is actually in accord with the virtues). As I’ll discuss two posts from now, understanding practical wisdom as it applies to state action is one way to approach Hayek’s knowledge problem. Even if the state has the proper motivations, it lacks the knowledge–and thus the wisdom–to realize its goals. No matter how virtuous economic planners are, they lack sufficient information to adequately plan an economy. A socialist state can never possess practical wisdom. Finally, a state needs whatever goods are required to act in accord with the virtues that apply to it and with the aim of achieving its telos. For example, if one of the state’s proper duties is the provision of police and courts, then it will need some way to pay for them. Otherwise, it won’t attain (that portion of) its telos.

1. **Debating virtue ethics is necessary for personal development to build social awareness, create radical movements, and isolate the nuances of different ethical situations**

Luigina **Mortari &** Marco **Ubbiali 1** [University of Verona, ITALY] July 10, 2017 The “MelArete” Project: Educating children to the Ethics of Virtue and of Care, European Journal of Educational Research Volume 6, Issue 3, 269 - 278. ISSN: 2165-8714 <http://www.eu-jer.com/> //SR

Abstract: The educative project MelArete proposes an interpretation of ethical education: a form of Education to Virtue Ethics in the light of the philosophy of care. Starting from the ontological assumption that care is prime in life and without it the human being cannot flourish in his/her humanity, the project is based on an interpretation of the pedagogy of care. Since the practice of care reveals to have an ethical core and that core is made of ways of being-with-the-others, the pedagogical theory of MelArete states that in order to develop a project that is in relationship with the core of life we must educate to care. Therefore, educating to care means educating to virtues. On this basis MelArete proposes activities with the aim to guide children’s attention to the concepts of care and virtues. MelArete has its many references in Plato and Aristotle; besides it assumes the distinction of Ricoeur between ethics and morality. In Plato/Socrates (Alcibiades I) ethics is an educational action that allows the others to thrive in their own existential capabilities; moreover, in Aristotle’s (Nicomachean Ethics) ethics searches for eudaimonia, a good quality of life. In our educational project with children, the educative methods are the following: conversations (promoting intersubjective thought), narratives (reading and writing stories about virtues), vignettes and games (stimulating ethical thinking through a playful language) and the “diary of virtues” (promoting a reflecting culture of virtues in everyday life). In this paper we present the theoretical background of the project and a summary of the pedagogical approach and application which we are testing in our research.

Luigina **Mortari &** Marco **Ubbiali 2** [University of Verona, ITALY] July 10, 2017 The “MelArete” Project: Educating children to the Ethics of Virtue and of Care, European Journal of Educational Research Volume 6, Issue 3, 269 - 278. ISSN: 2165-8714 <http://www.eu-jer.com/> //SR

Taking the theory of care and Aristotle’s virtue ethics as a foundation, we propose a different interpretation of ethical education, education to the ethics of virtue according to the ethics of care. In Greek, one of the terms describing care is melete, and the term for virtue is arete. From these terms, we derived the name of our ethical educational project, MelArete (Mortari & Mazzoni, 2014). This project is based on the following pedagogical question: How can we orient the person to pay attention to virtues and to reflect about the values they can assume in order to realize a good quality of life? Education, to be considered valid, cannot demand the teaching and realization of the good according to a geometrical and unquestionable vision. At the same time, a philosophy of education must dare to follow possible educative paths based on horizons of meaning. Since the ethics field is not dogmatic, any philosophy of education must seek to maintain an open and critical perspective. Meanwhile, a coherent educational method is needed to nurture young minds and build the awareness necessary for a critical, autonomous, and reflective disposition. What is the relationship between MelArete, the character education position, and moral reasoning? Similar to the character education position, MelArete considers virtue to be a key concept for ethical education; however, we do not confuse ethics with mere socialization. Aligned with moral reasoning, MelArete gives importance to the development of reasoning, cultivating analytical, critical, and deliberative thinking while avoiding abstraction and conceptualism. MelArete is an expression of “care theory”; in this project, the acquisition of virtues does not follow a top-down, dogmatic model, but passes through a radical critical analysis of every aspect of experience. Ultimately, we can say that MelArete assumes two aims: cultivating passion for the research of the good while developing the capability to consider ethical questions analytically and critically. In our educational project with children, we obtain these aims through the following methods:  Conversations: we use conversations to promote intersubjective thought, where people can talk with others, as in “Socratic Circles” (Copeland, 2005).  Narratives: we seek a “narrative shift” (Ricoeur, 1984-88; Bruner, 1990). By reading and writing stories about virtues involving people within ethical dilemmas, learners become more able to face them.  Vignettes and games: through a playful language, we present children ethical dilemmas or critical situations, and we stimulate their creative thought in the ethical field.  The “Diary of virtues”: we invite children to write a diary in order to cultivate virtues in everyday life and reflect on their actions . The MelArete project has been proposed to children during the school year 2016-2017 and the data collected are in the phase of analysis. Starting from the philosophy referred in this essay we elaborated two different curricula (even if similar) in order to interact with different aged children: one curriculum was thought for primary school, the second for kindergarten. In our research we experimented the project with:  6 primary school 4th-grade classes, involving 106 nine y.o. children;  8 kindergarten classes, involving 57 five y.o. children. The seven schools chosen for the research were set in different Italian cities located in the North and in the Centersouthern regions, and are characterized by different social-economical backgrounds. The teachers involved were 24 (11 in primary schools and 13 in kindergartens). After a long phase of preparation of the tools and coordination with the schools, the project started with its practical phase in October 2016 and finished in June 2017. The researchers met the classrooms twice a month: the fifteen days between one meeting and the another gave children a sufficient time to reflect and a tranquil time to learn. The project consisted in 12 meetings with every class. The data collected are: conversations between children and the researcher focused on virtues, presented through narratives and ludic activities; texts written by children (tales, personal reflections and the “diary of virtue”) and drawings supported by children’s description recorded by the researcher and the teachers (in particular in kindergarten). Even if a deep and organic analysis of data has just started, the framework of the research is clear and defined. Therefore, some findings or preliminary considerations can be presented. The purpose of the research is to understand what kind of ethical thought is the project able to foster in children. Data will be analysed following a phenomenological approach (Mortari, 2007; Tarozzi & Mortari, 2010) in order to show the “essence” of children’s ethical thought. From a preliminary analysis, and after deep debate with the teachers involved, we can state that the project helped children to understand the concept of virtue (in most of cases previously totally ignored) and consider it as a granted framework in order to reflect on actions while looking for the good. Children have been able to recognize the different components of a virtuous action (thought, emotion, consequences, choice), acted or seen; and they could recognize the ethical “call” inside dilemmas of everyday life. The capacity of analysis and reflection resulted to be so increased that children have been able not only to name a specific virtue and choose a coherent action in critical situation, but also to understand the complexity of every situation and action, so that they could identify different “nuances” or different virtues in a single action.

1. **Solipsism – we cannot be sure that other people exist because everyone perceives the world differently, so the other can merely just be a figment of our imagination and the way we perceive ourselves. However, even if only one subject exists, only virtue resolves the problem of acting for another because it’s a question of developing the self to be good, otherwise we couldn’t generate obligations**

## Offense

**I defend the resolution as a general principle, which means specific instances that the aff is wrong don’t disprove our general thesis, just as penguins don’t disprove birds fly. Risk of offense--I just need to prove IP protections should be REDUCED, so if I win a conceivable reduction that is necessary, that is sufficient to affirm. Cx and before round check all interps to deter frivolous theory and maximize substance. Affirm:**

**[1] Social Responsibility – pharmaceutical companies are given a responsibility to create new medicines that help people because the people are who contribute to the medicine and the point of healthcare is health. Only taking responsibility holds people accountable to vices**

Nancy S. **Jecker &** Caesar A. **Atuire**, [*Jecker: Department of Bioethics & Humanities, University of Washington School of Medicine, Seattle, Washington, USA. Department of Philosophy, University of Johannesburg, Auckland Park, Gauteng, South Africa Atuire: Department of Philosophy and Classics, University of Ghana, Accra, Accra, Ghana. All Souls College, University of Oxford, Oxford, Oxfordshire, UK*] “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines” <https://jme.bmj.com/content/early/2021/07/06/medethics-2021-107555> //SR

Deontological arguments Deontological arguments for retaining IP protections maintain that patent holders are the rightful owners of their inventions and are thus entitled to existing protections. With respect to COVID-19 vaccines, the claim is that pharmaceutical companies own these vaccines, which are the products of their labour; no one can rightfully take what is theirs.  In reply, the public has invested heavily, and these products are theirs’ too. Even when the translational part of product development is carried out by for-profit companies, this would be impossible without enormous upstream public investment. A 2021 review of published research on the technologies used in candidate COVID-19 vaccines, which spanned a range of diverse methodologies, found that these technologies were funded primarily by the public sector, principally governments.19  Beyond government contributions to developing COVID-19 vaccines, there are immeasurable, yet crucial, contributions from others whose shoulders vaccine developers stand on. As Hettinger notes, deontological arguments often give short shrift to the fact that discoveries do not occur in a vacuum but are ‘fundamentally social products.’20 As one grateful physician, who received the Pfizer COVID-19 vaccine, put it, ‘there is a whole chain of human toil that makes this possible’:  My gratitude starts with scientists who years before this pandemic, perfected the ability to extract DNA from viruses, sequence it and transcribe it to RNA… the scientists who identified the segment of that DNA that codes for the spike proteins that the virus uses to invade our cells; those who made the mRNA that corresponds to that DNA sequence, and those who figured out how to create a lipid womb to protect that precious mRNA payload during its perilous journey from factory floor to the depths of our deltoid musculature.21  The physician also thanked people who volunteered for and conducted Pfizer’s trials, approved the vaccine, produced it, made the equipment producers relied on, and everyone else—‘the pilots of planes and drivers of trucks who transported the vaccine … the workers who made those planes and trucks…and the people who fed them and clothed them and housed them so that they could do this life saving work.’  In sum, the deontological claim that pharmaceutical companies wholly own COVID-19 vaccines do not withstand scrutiny. What they own is limited to the additional value their efforts impart.  Additional arguments We turn next to positive ethical arguments for temporarily waiving IP protections, which appeal to the values of globally solidarity and corporate responsibility.  Global solidarity underscores that during the COVID-19 pandemic, each nation’s interests are entwined with the interests of every other.22 Just as it is impossible for any nation standing alone to address the threat to human health climate change raises, it is impossible for any single nation to meet the challenge that COVID-19 and future pandemics present. Instead, humanity must stand together. In the past, nations have failed to do so. The epidemic of HIV/AIDS in Africa illustrates. Shamefully, it took nearly a decade for the first antiretroviral drugs to reach the African continent, even though Africa was the hardest hit region and antiretroviral drugs provided 90% mortality reduction. Although the US government was an early investor in research that produced antiviral drugs for HIV, distribution was controlled by big pharmaceutical companies driven by profit. The USA and other wealthy countries repeated this mistake during the COVID-19 pandemic, supporting vaccine developers without requiring technology transfers and donations to COVAX (the multilateral partnership supplying vaccines to LMICs). Ethically, the task ahead is fixing a problem of human making.  A second argument, based on corporate social responsibility, stresses expectations for and benefits of socially responsible behaviour by for-profit companies. Increasingly, companies appreciate the potential impact that socially responsible behaviour has on competitive advantage, reputation, retention of workers and customers, employee morale and relationships with stakeholders.23 IP protections shield pharmaceutical companies from competition, enabling them to monopolise markets and generate above-normal profits. During a pandemic, social responsibility requires temporarily limiting profits and requiring companies to give back, rather than allowing above-normal profits to accrue unchecked. Even Locke, who conceived of our modern notion of property rights, held that fundamental rights like property could be justly overridden under certain conditions, namely, when the goods are perishable and would go to waste or when their extraction may intrude on the common good, in which case they extend only to what leaves enough behind for others.24  Building on this analysis, we submit that displays of social responsibility fall along a continuum. During the COVID-19 pandemic, a high degree of responsibility would be shown by temporarily sharing patents for products aimed at preventing, containing, or treating COVID-19, which is India and South Africa’s proposal; moderate responsibility would be demonstrated by temporarily sharing licenses to manufacture COVID-19 vaccines, as the WTO Director General proposes; and minimal responsibility would be shown by sending vaccines directly to nations in response to pleas for help, which Pfizer did when it pledged up to 40 million doses of its vaccine to COVAX (which represents under 2% of the 2.5 billion doses Pfizer will produce in 2021).25

**[2] Communities – sharing information with one another is a form of intellectual bettering and fosters communities through working with one another to form a common solution. That outweighs because only communities define virtues**

David W. **Opderbeck**, [*David Opderbeck is Associate Professor of Law and the Director of the Gibbons Institute of Law, Science and Technology at the Seton Hall University School of Law.*] A Virtue-Centered Approach to the Biotechnology Commons (Or, The Virtuous Penguin), 59 Me. L. Rev. 315 (**2007**). <https://digitalcommons.mainelaw.maine.edu/mlr/vol59/iss2/5> //SR

C. Applications of Open Source, Environmental, and Health Care Virtue Ethics to Biotechnology Against this background of how virtue ethics has been applied to open source communities, environmental problems, and health care, it is possible to identify several themes that can support a virtue ethics approach to open source biotechnology. First, biotechnology is part of a broader community of science. We should ask, ''what characteristics are embodied in the biotechnology community that, if developed, will enable it to function as an excellent scientific/public health community?" The communitarian focus of virtue ethics maps well onto the ideal of biotechnology research as a community of science. The communitarian focus also encourages us to think about what sort of community we want the biotechnology community to become. As we consider biotechnology as a community, we can focus on the practices that support the virtues integral to that community. Here, the concepts of"internal goods," "standards of excellence," and "systematic extension" are inherent both in communities of science as well as in open source communities. The environmental virtue ethics concept of "agent benefit" also meshes well with this teleological, practice-oriented view of biotechnology. The biotechnology practitioner seeks ways to produce healthier, more abundant crops, or to eliminate the polluting by-products of farm or industrial activities. 145 The extension of these practices moves the community closer to its te/os. Likewise, the health care virtue ethics concept of the virtuous practitioner applies to those engaged in the practice of biotechnology. The virtues identified by Oakley and Cocking in reference to medical doctors can apply to biotechnology researchers, although with a different focus. While the question whether a medical doctor is a beneficent, truthful and trustworthy practitioner is defined largely in relation to the patient, the biotechnology researcher is defined in relation to the scientific research community and the public. A truthful and trustworthy researcher, for example, will provide an accurate report of her results, and a beneficent researcher will place the goal of fostering beneficial scientific knowledge above other strategic or personal concerns. Similarly, Pellegrino and Thomasma's concepts of fidelity to trust and self effacement apply directly to biotechnology research. As they note, when a researcher accepts public funds and benefits from public facilities and research-conducive social arrangements, the researcher enters into a "covenant with society in which the primary goods cannot be power, personal profit, prestige, or pride." 146 Such financial and reputational rewards are "external" to the practice of research and ought not to dominate the internal goods such as increasing knowledge and developing useful technology. 147 Moreover, because the research community depends on access to the research of others, a virtuous researcher must be able to balance legitimate self-interest with an understanding that her results should be accessible to others. 148 Pellegrino and Thomasma particularly criticize the "industrial model" of research. As they note, "[g]aining the competitive edge, establishing priority and ownership of information, cornering the market, getting the patent, choosing research topics on their future investment possibilities-these are the values of industry. They encourage the wrong kind of self-interest and frustrate the primary aim of research." 149 A practice such as open access publishing, which embodies an open source ethos, is particularly valuable because it builds on the internal goods of the biotechnology community. 150 In addition, the virtue of justice can play an important role in a virtue ethics approach to biotechnology. Justice as a virtue is "the strict habit of rendering what is due to others." 151 Justice includes the principle of beneficence and the virtue of benevolence, as well as a commitment to social justice. 152 Pellegrino and Thomasma identify "skimming and dumping"-the practice of treating only the best paying patients and not treating the poor-as examples of poor policies that virtuous practitioners should strive to avoid. 153 Similar concerns apply to the biotechnology research community, particularly concerning the allocation of research support. Finally, all these virtues must be anchored by the core virtue of phronesis or practical wisdom. In this regard, it is important to remember that market-based and open source production methods are not necessarily at odds. When transaction costs are low, markets might often distribute biotechnology resources more efficiently than other methods, and intellectual property rights might facilitate efficient exchanges. 154 In the quote that opens this essay, the Biotechnology Industry Organization states that "[i]ntellectual property protection is the key factor for economic growth and advancement in the biotechnology sector." 155 It is too simplistic to assert that this reflects mere greed. There is an element of virtue in this statement, as it reflects a measure of practical wisdom gained as the biotechnology community has extended its practices over time. And yet, if BIO's recent promotional video is correct, and the biotechnology's core teleology is to "make suffering less ... deal with hunger and starvation, and ... educate and to better the population," 156 economic growth and advancement do not exist in a vacuum. Economic growth and advancement in the biotechnology sector advance a broader purpose. At times, that broader purpose might better be extended through practices that focus on results other than economic growth. These core virtues of beneficence, fidelity to trust, justice, and practical wisdom cohere nicely with the set of virtues required for excellence in open source production. If such virtues can become foundational to the discussion of biotechnology intellectual property policy, open science alternatives could be viewed not as potential adjuncts in cases of market failure, nor as a socialistic utopian panacea, but rather as a set of practices that can contribute to the eudemonia toward which biotechnology strives. Open source communities can then provide a third way between outright dedication to the public domain and restrictive patenting and licensing policies.

**[3] Greed – IP protections foster an environment where companies are prioritizing profits over people and claiming something for themselves rather than sharing with others, which destroys an ethic of care and removes other nations from our moral calculus, which is a prior question to even build a virtuous relationship with them in the first place**

Richard T. De **George, 2005**. [*Richard Thomas De George is an American philosopher and University Distinguished Professor of Philosophy, of Russian and East European Studies, and of Business Administration, and Co-Director of the International Center for Ethics in Business at the University of Kansas.*] Intellectual Property and Pharmaceutical Drugs: An Ethical Analysis //SR [ellipses in text]

The Access Obligation The second obligation, the Access Obligation, is the obligation to make the drugs the industry or a company develops available to those who need them. Simply developing them would not serve any purpose otherwise. Fulfilling this obligation may be compatible with the existing structures relating to existing practices concerning intellectual property, pricing, government regulation, charity, and so on. Yet critics claim that both the industry and the market fail to some extent with regard to this obligation, and they claim that if and when current practices impede the fulfillment of this obligation, then the right to access and the concomitant obligation to provide access take precedence over IP and other rights. The argument as we have developed it so far imposes a stronger obligation on governments to ensure access than it does o n the pharmaceutical industry. As we have developed the argument to aid, it comes into play most clearly in times of dire need. This would apply most clearly with respect to essential lifesaving drugs. The obligation to help those in need in less dire circumstances is proportionately weaker. But the obligation of governments is not to ensure access only for lifesaving drugs, but for all drugs needed for health. Governments are obliged to ensure their people have access, whether by actually buying and supplying the drugs or by other means—such as making sure the price of drugs makes them accessible. The right to access puts a strain on any strong claim to intellectual property rights in drugs, if what stands in the way of people receiving lifesaving drugs is maximizing corporate profit.  (a) Let us look at the poor countries first. The question of access to many medicines is a pressing need. Although governments have the responsibility to enable or provide access, it is beyond the ability of many of them to do so. Hence the obligation falls on others able to do so. Included in that number are pharmaceutical companies, especially those that manufacture the needed drugs. The issue was brought to global attention by the AIDS epidemic. The drugs in question are very expensive and only a few are on the current WHO list of essential drugs because of that. The most widely used such drug in poor countries is a combination of three generic drugs produced by the Indian pharmaceutical company Cipla. Nonetheless, it is clear from the Moral Argument that when millions of people are dying and can benefit substantially from available medicines, they have a right to access with respect to them. A consensus is emerging that many parties are ethically responsible for access—the patient, the local government, other governments that can help, NGOs, international organizations, and the drug companies. The problem is clearly not only the result of practices of pharmaceutical companies. Even if the drugs were given away free, access by many of the needy would still be a problem. And a number of pharmaceutical companies have instituted plans to give away antiretroviral drugs, to sell them at cost, or to license them for production by generic manufacturers in less developed countries under certain conditions. Arguably they are at least to some extent meeting their obligation to be part of the solution. (We have already seen the arguments of critics to the industry's approach that it is being socially responsible by its programs.) Both nations and companies seem to acknowledge in principle the obligation to respond in case of dire need. Thus, for instance, a provision of the TRIPS agreement states that mandatory licensing of necessary medicines is justifiable in times of extreme national emergencies (such as epidemics) as decided by the country in question. Yet despite the Agreement the right to access is not being met and the pharmaceutical industry bears part of the blame. The TRIPS Agreement, despite its recognition of the obligation to aid, has in practice had little effect and has been faulted for a number of reasons. In 2001 PhRMA and a group of pharmaceutical companies charged South Africa with violating the WTO's rules on patents by producing the drugs needed by their people and 40 companies filed suit. After much adverse publicity, the charges and the suit were withdrawn. But neither the industry nor the companies involved ever acknowledged the right of the South African government to provide access to the needed life saving drugs in accord with the spirit of TRIPS, if not with its letter. The TRIPS Agreement requires that poor countries adopt the type of IP protection found in the developed countries. They must do so whether or not it impedes the government of the country in question from meeting its obligation to provide access to needed drugs for its people. In this way it fails to consider the common good of the people of the country in question. For instance, while strong defenses of intellectual property with respect to pharmaceuticals may produce the best results overall for developed countries, they do not seem to do so for poor and developing countries, such as India. If, as drug companies claim, new drugs cost $800,000,000 to develop, then developing countries are probably not able to develop any. They are better served by developing generic drugs or by requiring compulsory licensing of drugs or by some other strategy. Compulsory licensing and parallel importing policies—with measures adopted to prevent the development of a gray market—would arguably benefit poor countries more than present arrangements. The Moral Argument puts these as well as other suggestions on the table for consideration, while the Standard Argument and the Status Quo Approach—used in negotiating TRIPS— in effect prevent their being raised....  (b) As opposed to poor countries that cannot afford drugs, the United States can afford to pay for drugs. In fact the United Stated both pays more for drugs and contributes more to the profit of the pharmaceutical companies than any other nation. So the aspect of the right to access that has received the greatest attention is the barrier of high prices to access, even though access and price are not the same thing. Even if drugs were free, access requires that the drugs be transported, distributed, and administered to patients. At issue is accessibility, especially of the newer drugs for which no competitive generic drug is available. Although the lack of accessibility for the poor and elderly on restricted incomes gets most publicity, more and more people are complaining that the high cost of drugs is limiting accessibility by putting the cost of insurance out of their reach. As insurance prices rise, employers are less and less willing to pay the escalating costs and are forcing employees to bear a larger and larger portion of the cost. The complaints against the pharmaceutical industry focus especially on two issues that are seen as limiting access. One is the high and ever increasing price of new drugs covered by patents. Not only the poor and elderly, but even middle-class families find that the "co-pay" portion of medicines is increasing at a rate so much faster than inflation that they are having a harder time keeping up. The second is what is seen as illegitimate attempts by drug companies to "extend" their patents and to prevent generic drugs from entering the market, thereby keeping prices high and restricting access for those who can afford only the lower cost of the generics. The Status Quo Approach simply applies market economics, assuming the force of law in protecting intellectual property rights with respect to patents, and adding that the overall result is not only fair but produces the most good for society. A rights approach to health care yields a different focus. If the right to access to needed drugs is more important than the right to property, then the status quo is up for evaluation and becomes a candidate for change, rather than for passive acceptance. The issue then is not what does market economics prescribe, but how should the status quo be changed to do justice to the right to access to needed drugs. This means once again that intellectual property rights with respect to pharmaceutical drugs should be carefully scrutinized and perhaps changed....

## Underview

**[1] 1AR Theory:**

**[a] AFF gets it to check infinite neg abuse**

**[b] Drop the debater – the short 1AR irreparably skewed from abuse on substance and time investment on theory.**

**[c] No RVI – 6 minute 2n can just dump on a 20 second 1ar shell and win on sheer brute force**

**[d] Competing Interps--6 minutes on a 20 second shell is more than enough to justify their interp**

**[e] Fairness and education are voters – debate’s a game that needs rules to evaluate it and it teaches portable skills that we use lifelong**

**[2] Reasonability w/ a bl of sufficient defense on aff counter interps**

**[a] Time-crunched 1ar can’t generate offense, weigh, and cover all standards - reasonable interps allow for leeway and time for topic ed**

**[b] 6 minute 2n brute force lets them hyper-inflate the abuse - reasonability counteracts that bias**

**[c] Affs speak in the dark and can’t predict their bidirectional shells - means we need leeway since negs always have generics to engage in but we don’t**

**[3] Ought implies**

**Merriam Webster n/d,** <https://www.merriam-webster.com/dictionary/ought> //SR

“moral obligation: DUTY”.

**Prefer on phil ed – allows us to talk about philosophical obligations - outweighs since its 100% unique to LD and other standards presume a philosophical justification for why they matter**

## Advantage

**Covid is rampant, but its nothing compared to future pandemics**

Brink **Lindsey, 6-3**-2021, [*Brink Lindsey is Vice President and Director of the Open Society Project at the Niskanen Center. Previously he was the Cato Institute's vice president for research*.] "Why intellectual property and pandemics don’t mix," Brookings, <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/> //SR

On May 5 the Biden administration announced that it would support waiving intellectual property protections for COVID-19 vaccines under the World Trade Organization’s Agreement on Trade-Related Intellectual Property Rights (TRIPS). Predictably, the move drew fiery condemnation from drug companies. In addition, many disinterested observers criticized the support for a TRIPS waiver as empty symbolism, arguing that vaccine patents are not the major obstacle hindering the currently flagging drive to make vaccines available around the world.  Waiving patent protections is certainly no panacea. What is needed most urgently is a massive drive of technology transfer, capacity expansion, and supply line coordination to bring vaccine supply in line with global demand. Dispensing with patents in no way obviates the need for governments to fund and oversee this effort.  Although focusing on these immediate constraints is vital, we cannot confine our attention to the short term. First of all, the COVID-19 pandemic is far from over. Although Americans can now see the light at the end of the tunnel thanks to the rapid rollout of vaccines, most of the world isn’t so lucky. The virus is currently raging in India and throughout South America, overwhelming health care systems and inflicting suffering and loss on a horrific scale. And consider the fact that Australia, which has been successful in suppressing the virus, recently announced it was sticking to plans to keep its borders closed until mid-2022. Criticisms of the TRIPS waiver that focus only on the next few months are therefore short-sighted: this pandemic could well drag on long enough for elimination of patent restrictions to enable new vaccine producers to make a positive difference.  Furthermore, and probably even more important, this is almost certainly not the last pandemic we will face. Urbanization, the spread of factory-farming methods, and globalization all combine to increase the odds that a new virus will make the jump from animals to humans and then spread rapidly around the world. Prior to the current pandemic, the 21st century already saw outbreaks of SARS, H1N1, MERS, and Ebola. Everything we do and learn in the current crisis should be viewed from the perspective of getting ready for next time.

**IP protections prohibit equitable distribution of medicines, allowing for new variants and hinder innovation**

Tim **Fernholz, 3-15**-2021, [*Tim Fernholz covers space, the economy and geopolitics for Quartz. He is the author of "Rocket Billionaires: Elon Musk, Jeff Bezos and the New Space Race."*] "Wealthy countries are choosing pharma profits over global immunity," Quartz, https://qz.com/1983767/the-wto-is-choosing-pharmaceutical-profits-over-global-immunity/ //SR

The wealthiest countries in the world have blocked the latest effort by poor nations to speed access to Covid-19 vaccines and treatments by temporarily lifting World Trade Organization rules protecting intellectual property.  Sponsored by South Africa and India and backed by 57 nations, the waiver proposal under discussion since last autumn would have suspended, for the duration of the pandemic, portions of the TRIPS (Trade Related Protections for Intellectual Property Rights) Agreement covering medical necessities. This would allow developing economies to begin manufacturing medical goods without waiting for—or adhering to—licensing agreements with pharmaceutical companies that own the underlying intellectual property for medicines and vaccines.  Opposing the proposal last week were the US, the EU, Canada, and UK, whose representatives say they are concerned that freeing intellectual property, even temporarily, could reduce the incentives for corporate research. They also question whether developing nations will be able to begin production soon enough for the waivers to impact the spread of the virus.  The debate inside the WTO has put a spotlight on the unequal global access to vaccines that have proven effective in preventing coronavirus infections and death.  Vaccine nationalism might be understandable for politicians who must answer to voters’ demands for life-saving interventions. But why does prioritizing corporate profits makes sense when the speedy production of many coronavirus products, from test supplies to novel treatments and especially vaccines, has been driven by unprecedented public funding and global collaboration?  International health organizations like Médecins Sans Frontières  and Oxfam back the waiver proposal, and compare the coronavirus to other global health crises, like HIV-AIDS or polio, that required setting aside profit motives for the common good.  Other paths to vaccine production The intellectual property provisions cover not just the specific formulas for medicines and vaccines, but also the proprietary software and techniques often needed to manufacture them.  Critics of the waiver proposal have argued that voluntary licenses offered by the big pharmaceutical companies to local manufacturers can fill the gap. The waiver’s proponents note that these agreements often include restrictions on where the products can be used. In one agreement between South African company Aspen and Johnson & Johnson to manufacture its single-dose vaccine, for example, just 9% of the supply will remain in South Africa.  In the US, the Biden administration has declined to respond directly to questions about the waiver proposal, instead emphasizing its efforts to support Covax, a global effort to manufacture vaccines for developing economies.  But advocates for those countries say Covax is not enough on its own to defeat the coronavirus.  “While ramping up supply is completely essential, it is also wrong to say that IP isn’t the issue,” Yuanqiong Hu, a policy adviser with MSF, said in February. “IP is posing existing and emerging barriers to ensuring access to medicines, vaccines, and other medical tools can be available and accessible in an equitable and universal manner.”  The new director of the WTO, the former Nigerian finance minister Ngozi Okonjo-Iweala, whose most recent job was leading Covax, has outlined a “third way” proposal (pdf) seeking a compromise between the rival blocs by speeding up the sharing of information within the existing rules. Some advocates that this is effectively a delaying tactic that benefits rich countries, but other WTO watchers say it could be grounds for a compromise between a totally voluntary response and a complete waiver of IP rules.  The path to full immunity So far, about 5% of the world’s population has been vaccinated. Around a third of those vaccinated live in the US. And so while the pace of new infections is falling in the US, it is rising around the world.  The problem for public health experts is that even if the virus can be defeated in wealthy nations, its continued persistence in other populations could lead to more dangerous mutations that could set back progress toward immunity or seed new outbreaks. At a time when civil liberties have been sacrificed to public health measures, they say that corporations can contribute their fair share.  “We have seen governments locking down and entire economies sequestering people in their homes,” Mustaqeem De Gama, a South African diplomat who is one of the country’s WTO representatives, said in February. “What is the problem with intellectual property rights? Why are intellectual property rights so special, given the fact that a lot of the innovation that we see being used today came from government funding.”  In the end, rich nations will sacrifice something one way or the other. Katie Gallogly-Swan, a researcher who works with the United Nations Conference on Trade and Development, estimated that the costs of vaccine inequality to the global economy could reach $9 trillion. And we know that the pandemic will not be truly defeated anywhere until it is eradicated everywhere.

**Thats the biggest barrier**

**HRW 6-3**-2021, "Seven Reasons the EU is Wrong to Oppose the TRIPS Waiver," <https://webcache.googleusercontent.com/search?q=cache:YZtzL82gGHkJ:https://www.hrw.org/news/2021/06/03/seven-reasons-eu-wrong-oppose-trips-waiver> //SR

Intellectual property is currently a barrier to swiftly scaling up and diversifying the production of Covid-19 health products, including vaccines. The European Commission claims that intellectual property (IP) is not a barrier to scaling up the manufacturing of vaccines or other health products needed for the Covid-19 response, suggesting that sharing IP would not immediately speed up manufacturing. Right now, there are manufacturers with capacity to produce additional Covid-19 vaccines and other health products at factories in Bangladesh, Canada, Denmark, India, and Israel, but they are unable to contribute because they do not yet have the right licenses. So, IP is a barrier to them. The TRIPS waiver proposal sponsors and experts at the leading science journal Nature, Médecins Sans Frontières (MSF) Access Campaign, the Third World Network, and others have presented many other concrete examples of how enforcement of IP rules blocked, delayed, or limited production of chemical reagents for Covid-19 tests, ventilator valves, Covid-19 treatments, and elements of Covid-19 vaccines. IP constraints have not only led to vaccine shortages but have also led to shortages of key raw materials like bioreactor bags and filters. Rather than manufacturers being held back by an inherent lack of manufacturing and technological capability, studies have shown that transnational claims to IP impede new manufacturers from entering and competing in the market. The same dynamics are playing out today with Covid-19. Even though a waiver will not automatically expand production overnight, it paves the way for speedy technology transfers and manufacturing. The waiver by itself will not automatically result in widespread and diversified manufacturing, but it will ease complex global rules governing IP and exports and give governments freedom to collaborate on technology transfers and exports without fearing trade-based retaliation. It will help reduce the dependence on any one country or region for medical products and mitigate the risks of export restrictions. With new variants emerging and some evidence that repeat vaccine boosters may be needed, the waiver will enable governments around the world to be prepared for a long-term response to Covid-19

**That makes r&d more expensive and healthcare inaccessible**

**Gold et. al. 10** Gold, E. R., Kaplan, W., Orbinski, J., Harland-Logan, S., & N-Marandi, S. (2010). Are Patents Impeding Medical Care and Innovation? PLoS Medicine, 7(1), e1000208. doi:10.1371/journal.pmed.1000208 //SR

How Are Existing Patent Rights Impeding Medical Care and Innovation? The narrowest version of the question focuses on the effect of existing patents held by actors (industry, university, government laboratories, etc.) on medical care and innovation. In high-income countries, the evidence suggests that existing patents increase the cost of medicines [1]. Whether patents increase the cost of other services, such as diagnostics, is unclear [2]. For example, in their recent analysis of patents on genetic testing, Robert Cook-Deegan and colleagues concluded that ‘‘prices of patented and exclusively licensed tests are not dramatically or consistently higher than those of tests without a monopoly’’ [2]. What impact do existing patents have on the total cost of medical care in rich countries? Again, the evidence is unclear. Patents could conceivably reduce the total cost of care if new patented medicines turn out to be cheaper than existing medical interventions. In those low- and middle-income countries in which current medications are subject to patent rights, existing patents seem to make medicines more expensive and increase the difficulty of creating novel mechanisms through which to deliver medicines [3,4]. In all countries, existing patents make research and development more expensive for the simple reason that researchers and companies must clear patent rights to do their work. Whether this cost is offset by other benefits is a subject I turn to next. How Is The Prospect of Obtaining Patent Rights Impeding Medical Care and Innovation? The theory underlying patent rights is that patents encourage people to invest in bringing a compound through clinical trials and into practice [5,6]. The prospect of future patents may, therefore, increase innovation today and may increase medical care by encouraging manufacturers to introduce new medicines [7]. While pharmaceutical companies spend almost twice as much on marketing than on research [8], they nevertheless invest heavily in developing new medicines. Two questions remain, however. First, while patents provide an incentive to bring a new product to market, are these incentives better than those provided by alternative mechanisms? We know that existing business strategies of both pharmaceutical and biotechnology companies rely heavily on patents [6,9], but this does not prove that they could not have developed strategies that did not rely on patents. It appears that the biomedical industry’s reliance on patents is historically arbitrary [10], rather than being necessary to spur innovation. So, for example, would a prize awarded to those who discover new medicines be a better mechanism than using patents [11]? Neither theory nor evidence provides a clear answer. Second, are the benefits of patents in encouraging the development of new medicines offset by the increased prices we pay for existing medicines and by the higher fees that researchers must pay? Again, empirical research is inconclusive but is strongest in the biomedical sector [10]. In the end, we have no better answer today than in the 1950s when economists Edith Penrose and Fritz Machlup concluded that the evidence supporting or undermining the patent system is lacking [12,13]. How Is The Patent System Impeding Medical Care and Innovation? If we look at the outcomes of biomedical innovation, a different answer emerges. The patent system—not just patent rights but how they are obtained and used—has resulted in an innovation system characterized by a dramatic increase in health care costs and decreasing (quantitatively and qualitatively) levels of innovation, especially by dollar spent [9]. While one cannot say that these problems are inherent in patent law they are, nevertheless, an outcome of the manner in which actors deploy patent rights. The evidence points to a crisis in biomedical innovation even if not to a solution. While health care costs are increasing rapidly, the fastest growing component of those costs are pharmaceutical products [14]. The costs of developing a new medicine from discovery through clinical trials appear to double every decade [15]. Yet, despite increasing investments in research and development, industry is producing fewer new drugs every year of which a declining percentage is truly innovative [16]. Beyond this, investments in the health needs of developing countries remains very low by any standard, and patents continue to get in the way of modifying existing medicines for the needs of those countries [3]. All of this shows an industry in serious difficulty and a health care system facing unsustainable cost increases and fewer new products. There are many reasons for this crisis that stretch well beyond the patent system. To the extent, however, that the industry’s current business models are build around patents, the patent system itself must shoulder its share of responsibility.

**The plan solves and stops a deterrence effect on innovation - empirically proven**

Robby **Brock, 5/19**/2021, "Is it Ethical to Uphold Vaccine Patents during a Global Shortage?," No Publication, <https://www.scu.edu/ethics/healthcare-ethics-blog/is-it-ethical-to-uphold-vaccine-patents-during-a-global-shortage/> //SR

Once wealthy countries such as the U.S., Canada, and others realized the severity of COVID-19, they engaged in bilateral agreements with the companies producing the vaccines. This secured their place at the front of the line well before the vaccines were available. Efforts to secure vaccines for poorer countries, such as pledges to COVAX, were only formed after these agreements were made. As a result, solid equitable vaccine distribution agreements were too little and too late. Is this divide in vaccine access ethically acceptable? If the pharmaceutical companies putting in years of research and development are based in and supported by high-income countries, then shouldn’t those countries have a right to receive their products first? This is a reasonable question in the abstract. However, as it stands, the U.S. has already vaccinated most citizens and is now planning to vaccinate teenagers, who pose a much lower risk of complications from COVID-19. Meanwhile, most countries don’t even have enough vaccines to protect their health care workers, much less their vulnerable elderly populations. Moreover, these countries often lack stable health care systems, and their citizens often lack the ability to work from home. Putting aside the universal interest of reducing variants, there exists a moral imperative to hold vaccine distribution to a level of fairness. Ethical allocation of health care resources is crucial for the principle of justice. Lack of foresight, incentives, and political will has caused a serious violation of this principle. In light of the divide between rich and poor countries, many government leaders have been pressured to help close the gap. Among the possible solutions is a vaccine patent waiver, which was proposed by India and South Africa back in October of 2020. This would allow other companies, including those in developing countries, to make generic brands of existing vaccines. The U.S. and E.U., as well as countries including the UK, Japan, and Australia among others, opposed the proposal. Over 100 other countries have supported the waiver and on May 5th, President Biden changed U.S. policy, backing the proposal and causing renewed interest. So is it ethically permissible to keep these patents in place? Proponents of a waiver make the following argument: Vaccine patent waivers would allow other countries to produce generic copies and thus increase the global supply of vaccines. Increasing the global supply would give developing nations access to vaccines. Increasing vaccine access would save lives and decrease the prevalence of future Covid variants, which could prolong the pandemic. From this perspective, the answer seems clear. Maintaining patents violates the principle of beneficence, doing good for others, by deliberately refusing to help countries in dire need. It also violates the principle of non-maleficence, avoiding harm to others, as patents can discourage innovators from other countries from developing a novel vaccine for fear of copyright suits. There are several precedents for patent waivers. In 2001, the “Doha Declaration on TRIPS and Public Health” eliminated patents on drugs for HIV, allowing for cheaper production and more affordable products. A similar situation took place with the hepatitis B vaccines in the 1980’s. By handing over the “recipe” for existing, highly effective vaccines, other companies can begin producing their own versions. In the case of India, production of these vaccines could take place alongside existing vaccine manufacturing. Removing IP protections could also free innovators to develop entirely new vaccines without fear of copyright infringement due to an overlap of procedures.

**Pandemics cause extinction**

Piers **Millett 17**, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), <http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028>

Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world’s population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization.  A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity’s favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6  While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and theWestern Abenaki (which suffered a staggering 98% loss of population).  In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-2.

**Here is normal means**

**Eisai**, 1/17/**2020**, Intellectual Property and Access to Medicines<https://www.eisai.com/sustainability/atm/intellectual-property.html> //SR

2. Improvement of Access to Medicine Eisai will sincerely consider granting non-exclusive licenses to qualified third parties wishing to manufacture our patented products to supply to patients in countries where the pharmaceutical market is still at a very early stage1) or countries which lack the infrastructure to manufacture medicines themselves2) within the disease scope covering communicable diseases, Neglected Tropical Diseases as well as maternal and neonatal diseases. 3. Ever-greening Research-based pharmaceutical companies have sometimes been criticized for establishing an unwarranted patent portfolio in order to extend lifetime of medicinal products (“ever-greening”). We disapprove of obtaining patents simply to extend the lifetime of medicines. In order to realize our hhc philosophy, Eisai's patents, including patents expiring after a basic composition of matter (COM) patent, will be maintained only when they serve public interests such as innovative formulations, innovative medical uses or other innovations that provide patients more value. 4. Patent Enforcement in the Countries and Areas that have difficulty in Accessing Medicines Eisai firmly believes that access to medicines must be ensured for those who need them. This is at the heart of Eisai's hhc philosophy. In certain countries where the pharmaceutical market is still at a very early stage1), it is important to promote “Access to Medicine”, and therefore, Eisai does not intend to enforce our patent rights within the scope of infectious diseases, Neglected Tropical Diseases as well as maternal and neonatal diseases. In “Lower-middle-income Country” (LMIC) and “Upper-Middle-Income Country” (UMIC) as identified by the World Bank, Eisai will consider not enforcing our patent rights within the aforementioned disease scope, taking into consideration situations surrounding the countries such as access to medicine and economic conditions. 5. Amendment of TRIPS Art. 31bis We believe that the amendment of TRIPS3) reflected in Art. 31bis4) to provide medicines to countries which lack the infrastructure to manufacture medicines themselves presents a reasonable and rational balance between intellectual property protection and the need for protection of public health under appropriate circumstances.poli 6．TRIPS plus5) Some TRIPS clauses basically clarify minimal standards for Intellectual Property (IP) protection and do not prohibit World Trade Organization (WTO) member states from strengthening IP protection as one of their public policies. Each WTO member country should enact such laws and regulations that are WTO-consistent, are in the best interests of their citizens' health, and promote the free flow of medicines to all those in need.