# 1

#### Interpretation: The aff can’t specify a type of medicine or subset of medicines. To clarify, defending COVID medicines via the TRIPS waiver is not topical.

#### The upward entailment test and adverb test determine the genericity of a bare plural

Leslie and Lerner 16 [Sarah-Jane Leslie, Ph.D., Princeton, 2007. Dean of the Graduate School and Class of 1943 Professor of Philosophy. Served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. Adam Lerner, PhD Philosophy, Postgraduate Research Associate, Princeton 2018. From 2018, Assistant Professor/Faculty Fellow in the Center for Bioethics at New York University. Member of the [Princeton Social Neuroscience Lab](http://psnlab.princeton.edu/).] “Generic Generalizations.” Stanford Encyclopedia of Philosophy. April 24, 2016. <https://plato.stanford.edu/entries/generics/> TG

1. Generics and Logical Form

In English, generics can be expressed using a variety of syntactic forms: bare plurals (e.g., “tigers are striped”), indefinite singulars (e.g., “a tiger is striped”), and definite singulars (“the tiger is striped”). However, none of these syntactic forms is dedicated to expressing generic claims; each can also be used to express existential and/or specific claims. Further, some generics express what appear to be generalizations over individuals (e.g., “tigers are striped”), while others appear to predicate properties directly of the kind (e.g., “dodos are extinct”). These facts and others give rise to a number of questions concerning the logical forms of generic statements.

1.1 Isolating the Generic Interpretation

Consider the following pairs of sentences:

(1)a.Tigers are striped.

b.Tigers are on the front lawn.

(2)a.A tiger is striped.

b.A tiger is on the front lawn.

(3)a.The tiger is striped.

b.The tiger is on the front lawn.

The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), some individual tiger in ([2b](https://plato.stanford.edu/entries/generics/#ex2b)), and some unique salient or familiar tiger in ([3b](https://plato.stanford.edu/entries/generics/#ex3b))—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about.

The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind.

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), we can replace “tiger” with “animal” salva veritate, but in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) does not entail that animals are striped, but ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995).

Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.)

#### It applies to “medicines” – 1] upward entailment test – “nations ought to reduce IP for medicines” doesn’t entail that nations ought to reduce IP for all products because the arguments for tech patents are completely separate, 2] adverb test – adding “usually” to the res doesn’t substantially change its meaning because any reduction big or small is still a reduction

#### Precision outweighs pragmatics A) All pragmatic arguments concede the authority of semantics in order to convey pragmatic messages B) Key to predictability- the topic is the only thing that we have beforehand. Explodes neg prep burden and outweighs every other pragmatic consideration C) Jurisdiction – it’s not in the judge’s jurisdiction to vote for an illegitimate aff. Independent voter -- even if they prove pragmatics they lose for not defending the resolution.

#### Standards:

1. Limits – Any life-saving drug can be an independent aff including things like insulin, penicillin, ether, morphine, asprin plus vaccines like covid, smallpox, polio and independent medicines. There’s no universal DA because smaller medicines don’t require innovation, they just need to be distributed plus it kills our ability to read things like biodefense DA, and more. That explodes neg prep burdens and kills engagement – even if generics solve, it’s a horrible model that leads to the same stale debates.

FE CI NORVI DTD

# 2

#### CP: The member nations of the World Trade Organization ought to reduce intellectual property protections for all medicines except for medicines created by indigenous folks, for which all ownership ought to be transferred to the indigenous communities that originally developed the medicine.

Ngoc **Tang**, 3-24-**2020**, *Finance Major, CSULB 2021,* "The Importance of Native American Intellectual Property," California State University, Long Beach, <https://www.csulb.edu/college-of-business/legal-resource-center/article/the-importance-of-native-american-intellectual> //SR \*brackets in text\*

Native Americans are known for their distinctive cultures and special symbols. Protecting these cultures from being abused is difficult. In the article "Intellectual Property, Traditional Knowledge, and Traditional Cultural Expressions in Native American Tribal Codes,” author Dalindyebo Bafana Shabalala explains what is considered as Native American intellectual property and why it needs protection. According to Shabalala, Native American intellectual property includes traditional knowledge, traditional cultural expressions, and genetic resources (Shabalala par. 4). Traditional knowledge is skills, practices, and innovation concerning biodiversity, agriculture or health (par. 8). Various forms of art such as symbols, designs, painting, dance, music, literature, and performance are considered as cultural expressions (par. 10). Genetic resources include plants, seeds, and medicine formulas. There have been many cases where the Native American intellectual property has been used without first obtaining permission and authorization from the Native Americans. As mentioned in Shabalala’s article, Allergan, a pharmaceutical company, was using the Saint Regis Mohawk tribe’s formula to make their eye drop drug. However, that is not their original formula, so “on Friday, September 8, 2017, the pharmaceutical company” had to “[transfer] ownership of all federal U.S. patents for its Restasis drug to the Saint Regis Mohawk tribe; the tribe then licensed them back to the company” (par. 1). Another interesting case mentioned in the article is about the series Twilight ​​by author Stephanie Myers. The author of this book used the Quileute tribe’s origin story and incorporated it with the fictitious werewolf story without the permission of the tribe. Shabalala says that although the book or the movie “may have a valid copyright in the realm of federal property, the unauthorized use of the Quileute origin story may cause harm when outsiders begin viewing the unauthorized use of the cultural property as a true reflection of the source culture” (par. 11). These actions not only abuse the use of Native American intellectual property, but they also affect the images, the stories, and the cultures of the native people. With these cases of the property being misused, Shabalala raises a question of how the Native Americans protect their cultural properties and how the current federal law acts in protecting these properties. Each Native American tribe has its own laws and rules; these laws and rules are called tribal codes. In his study of a hundred tribal codes, Shabalala shows that there are only nine codes mentioned about intellectual property or something related to intellectual property. This study demonstrates that the native people are unaware in protecting their cultural property. The native people are unaware because they do not know or think that other people would use these properties for their own purposes. However, the current federal laws are not providing enough protection for Native American intellectual property. Shabalala mentions the Trademark Law Treaty Implementation Act (,TLTIA) and the Indian Arts and Crafts Act (IACA). The purpose of the TLTIA is “to provide international uniformity of trademark registration’ (par. 77); however, “the Congressional Record regarding TLTIA is absent of any authority or mention of providing protection to Native American tribes” (par. 83). The purpose of the IACA is to prevent fraud in the Indian arts and crafts market. However, according to Shabalala’s research, “the IACA trademark system does not provide sufficiently, and arguably any, protection for Native American tribes' cultural property, nor was it ever intended to” (par. 46). Another act is the Native American Graves Protection and Repatriation Act (NAGPRA), an act with the purpose to provide “protection, return, and repatriation of Native American remains and artifacts found on federal or tribal lands” (par. 66). However, according to the article “An Analysis of the Lack of Protection for Intangible Tribal Cultural Property in the Digital Age,” author Chante Westmoreland states that the NAGPRA did “offer some protection for the tangible cultural property but omit protection for the sacred traditional knowledge the object conveys” (Westmoreland par. 10). There are many acts that try to provide protection concerning intellectual property, but they do not provide enough protection for the Native American intellectual property including traditional property, traditional cultural expressions, and genetic resources. According to the article called “Group Right to Cultural Survival: Intellectual Property Rights in Native American Cultural Symbols,” Terence Dougherty states that, “Intellectual property law in the context of cultural appropriation is particularly relevant to many Native Americans” (Dougherty par. 44). Dougherty also explains that with the significant misuse of the native symbols, cultural appropriation can greatly affect the cultural survival of the native people. Furthermore, in Westmoreland’s article, he states that “sacred traditional knowledge is not merely information, it is essential to the tribal way of life” (par. 9). This demonstrates that the intellectual property of the Native Americans is extremely important to them in their living and their culture. Therefore, to avoid the misuse that can cause a negative impact on the native people, anyone who wants to use the property must have authorization from the native people. Moreover, the federal government needs to provide a law that specifically protects Native American traditional knowledge, traditional cultural expressions, and genetic resources.

#### Specifically in COVID – Indigenous peoples need Traditional Indian Medicines which the government has tried to steal.

Hallow ‘20

[The Role of Traditional Indian Medicine in the COVID-19 Pandemic MARCH 31, 2020 by Walter Hallow M. D., https://www.nihb.org/covid-19/partner-blog/the-role-of-traditional-indian-medicine-in-the-covid-19-pandemic/ President, Association of American Indian Physicians Faculty , Puyallup Tribal Health Authory, Family Medicine Residency Program Clinical Association Professor, Dept. Family Medicine, UW School of Medicine] [SS]

The COVID-19 pandemic in Indian Country provides many opportunities for Modern Western Medicine (MWM) to work with Traditional Indian Medicine (TIM) healers as they treat Indian patients and their families. In pre-Columbian times, TIM was a health care system that met the physical, mental and spiritual health needs of Indian people. Currently, TIM holds a place of high respect among Tribes across the United States. Most of the nation’s nearly six million Indians, both on and off reservations, consult traditional healers for their health problems. With the Coronavirus in Tribal communities, we will need to encourage TIM healers to utilize telephones and computers as they interact with Indian patients to minimize person-to-person contact when that is feasible. The healers may also need to consider video interactions instead of in-person ceremonies when that is possible. If personal contact is required by the healer, MWM will need to make PPE available for healers to prevent self-infection with the Coronavirus. MWM will need to educate TIM healers on how to safely interact with Indian patients suffering from COVID-19 or those that may have been infected. Practitioners within the Indian/Tribal/Urban (I/T/U) health systems are becoming increasingly aware of Indian patients who have substantial TIM use rates and are also using western allopathic medicine for their health problems. Estimates of the Indian Health Service (IHS), however, range from 70% to 90%. Thankfully, there is data from case studies that demonstrate the positive effect of TIM when coupled with MWM. The data shows how TIM led to successful health outcomes because it dealt with the needs of Tribal patients when MWM did not. The TIM integrated a Tribal belief system about illness that dealt with modalities relevant to the Tribe’s concept of illness which contributed to the eventual healing of Tribal patients. European contact with Indians in the Americas and the subsequent establishment of the U. S. government effected TIM in many ways. In the early contact period, TIM was openly practiced by Indians and was their sole source of health care. In 1887, the U.S. Congress passed the Dawes Act, making it illegal for Indians to practice TIM. TIM was covertly practiced by Indian people from 1887 until 1978, when the Indian Religious Freedom Act made it legal for Indians to use TIM. During this public health crisis, TIM can and will help meet the mental and spiritual needs of our Indian patients suffering from the COVID-19 epidemic. It is my hope that all Indian patient’s needs will be met with better collaboration between MWM practitioners and TIM healers. Western medicine should make a commitment to develop a cooperative spirit to create opportunities in which traditional healers can work side-by-side as peers in the care of Indian patients.

#### The CP gives indigenous nations resources for self sovereignty and centers discussions around native demands, which better allows for the accessibility of those medicines

Simon **Brascoupé and** Karin **Endemann**, Fall **1999**, INTELLECTUAL PROPERTY AND ABORIGINAL PEOPLE: A WORKING PAPER <https://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/ip_aboriginal_people.pdf> //SR

Traditional Knowledge and Intellectual Property The Aboriginal legacy of traditional knowledge comes in two distinct forms. On one hand, an Aboriginal community is the custodian of a store of sacred knowledge, including ceremonies, symbols, and masks that is increasingly open to unauthorized commercial exploitation by individuals, companies or institutions. Some Aboriginal people contend it is not appropriate to use IP law to protect sacred traditional knowledge. On the other hand, many products and services associated with traditional lifestyles of Aboriginal people may have commercial value that could help to support the continuation of these lifestyles and the Aboriginal goal of self-sufficiency. The limited Aboriginal use of Canada’s current IP laws suggests that these laws may not be particularly well suited to protecting either of these forms of traditional knowledge. A distinction must be made between traditional knowledge held by an Aboriginal community and the innovations or new creations of an individual or an Aboriginal company. New products and works of art by Aboriginal inventors and artists qualify for protection under existing IP laws. Music, songs, dance, stories, designs and symbols are passed on in many Aboriginal communities from memory and by word of mouth. Each community is both a conveyer and a user of traditional knowledge. This knowledge is dynamic and evolves with the culture, so it is the product of a continuing creative process. Many Aboriginal artists and artisans create works inspired by the traditional knowledge of their community, and use copyright law extensively. Issues that are not addressed widely are: how Aboriginal people relate to their community in the context of the traditional and dynamic aspects of traditional knowledge; and how traditional knowledge itself can be effectively protected. Protecting Traditional Knowledge Within an Aboriginal Community Few legal mechanisms exist to help indigenous communities protect and preserve traditional knowledge. It is urgent that such mechanisms be developed, because of the increasing pace at which control of traditional knowledge is being lost due to misappropriation and pressures from the non-indigenous world. In the meantime, the use of existing legal tools can be part of a “web” of strategies to help Aboriginal communities better protect and control their traditional knowledge, and ensure benefits are shared in a way that meets community needs. These strategies could include: ! developing local mechanisms within communities to control and protect traditional knowledge; ! more effective use of contractual arrangements to recognize traditional customs and knowledge; ! developing guidelines to ensure that third parties secure proper and informed consent before an Aboriginal community shares traditional knowledge; and ! using existing IP laws. Many Aboriginal people have said that they need to consider how they share and protect traditional knowledge within their communities before deciding whether and how they will share this knowledge with others. Once a community identifies its traditional knowledge and adopts community-based measures governing the use of this knowledge, then the community will be more secure in its ownership and more effective in any negotiations to share its knowledge. It is important that Aboriginal communities develop a strategy to protect traditional knowledge. This will help them avoid losing control over this knowledge to third parties seeking academic advancement or commercial gain. Public disclosure of traditional knowledge has the potential to jeopardize an Aboriginal community’s ability to obtain protection under Canada’s IP laws. This is because knowledge that is disclosed may no longer qualify for IP protection because it is in the public domain. Aboriginal communities considering these issues should identify the scope and nature of traditional knowledge in their community. Part of this process is to identify what knowledge is most important to the community, and how the preservation of traditional knowledge and practices is at risk. Is traditional knowledge being lost because elders have been unable to pass their wisdom to the next generation? Is knowledge being lost because Aboriginal people are being displaced from their traditional environment or because they are influenced by outside media and culture? Has traditional knowledge been allowed into the public domain or been misappropriated by commercial or scientific interests from outside the Aboriginal community? Some Aboriginal people have identified a need for dialogue about traditional ways of sharing and preserving traditional knowledge. What are the obligations of individuals to their community when they use or share traditional knowledge? These issues are just beginning to be discussed within Aboriginal communities and First Nations, at the federal level in Canada, and internationally among indigenous peoples and within international organizations. It is also important for Aboriginal communities to consider what traditional knowledge is sacred and what knowledge may be shared with others or used commercially. Only after a full dialogue will these communities be in a position to determine the best mechanisms to control access to their traditional knowledge, and what knowledge they want to share with others. A number of approaches will be needed to reflect the varied nature and use of the community’s traditional knowledge. One option may be for Aboriginal communities to develop guidelines to prevent unwanted disclosure, and to ensure that traditional knowledge remains within the community. The process of developing guidelines will help ensure that the entire community is consulted in decisions concerning the protection of traditional knowledge and control over its commercialization. These guidelines would need to be enforced by the community, since an Aboriginal community may not have any recourse to the courts if one of its members violates the guidelines. Community guidelines might include policies on the publication of traditional knowledge, its use by others or the use of the community’s symbols. Aboriginal communities may also want to ensure that sharing traditional knowledge within the community continues, and is not restricted more than it was traditionally.

# 3

#### Climate Patents and Innovation high now and solving Warming but COVID waiver sets a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

Brand 5-26, Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/. //sid

The **biotech** industry is making remarkable **advances towards climate change solutions**, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not **apply** the **same logic to** the **climate crisis**? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our **normative position**. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no **due process**, no particularized findings, no **compensation and** no **recourse**. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new **seed technologies and sustainable biomass, reducing greenhouse gases** in manufacturing **and** transportation, **capturing** and sequestering **carbon** in soil and products, and more, **would be required to turn over their proprietary know-how** to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating **to voluntary international collaborations**. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in **place to protect important climate change technologies** after their long road from bench to market, **it is unlikely they will** continue to **invest at** the current and **required levels.**

#### Climate Patents are critical to solving Warming – only way to stimulate Renewable Energy Technology Investment.

Aberdeen 20 Arielle Aberdeen October 2020 "Patents to climate rescue: how intellectual property rights are fundamental to the development of renewable energy" <https://www.4ipcouncil.com/application/files/4516/0399/1622/Intellectual_Property_and_Renewable_Energy.pdf> (Caribbean Attorney-at-Law with extensive experience in legal research and writing.)//Elmer

**Climate change is** the **most pressing** global **challenge** and with the international commitment to reduce greenhouse gas emissions under the Paris Agreement,1 there **needs to be a global energy revolution** and transition.2 This is where **innovative technology can help** meet the challenge of reducing our dependency on finite natural capital resources. The development and deployment of innovative technology play a pivotal role in enabling us to replace fossil fuel use with more sustainable energy solutions. **Patents** have **facilitated** the **development of such innovative technologies** thus far **and** will **continue to be the catalyst for this transition**. Patents are among a group of intellectual property rights (‘IPRs’). 3 These are private and exclusive rights given for the protection of different types of intellectual creations. IPRs are the cornerstone of developed and knowledge-based economies, as they encourage innovation, drive the investment into new areas and allow for the successful commercialisation of intellectual creations. IPRs are the cornerstone of developed and knowledge-based economies. Empirical evidence has shown that a **strong IPRs** system **influences** both the **development and diffusion of technology**. Alternatively, **weak IPRs** protection has been shown to **reduce** **innovation**, **reduce investment** and prevent firms from entering certain markets.4 Once patent protection has been sought and granted, it gives a time-limited and exclusive rights to the creator of an invention. This allows the inventor or patentor the ability to restrict others from using, selling, or making the new invented product or process. Thereby allowing a timelimited monopoly on the exploitation of the invention in the geographical area where it is protected. During the patent application procedure, the patentor must make sufficient public disclosure of the invention. This will allow others to see, understand and improve upon it, thereby spurring continuous innovation. Therefore, the patent system through providing this economic incentive is a successful tool which has encouraged the development and the dissemination of technology. Patents like all IPRs are key instruments in the global innovation ecosystem.5 When developing innovative technology, patents play a role throughout the “technological life cycle”,6 as shown in Figure 1. This lifecycle involves the invention, research and development (‘R&D’), market development and commercial diffusion. Patents are most effective when sought at the R&D stage. Once a patent has been granted, it becomes an asset which can then be used to7: Gain Market Access: Patents can create market advantages; to develop and secure market position; to gain more freedom to operate within a sector and reduce risks of infringing on other patents; protect inventions from being copied, and removes delaying by innovative firms to release new or improved technology and encourage the expansion of their markets. Negotiation leverage: Patents can build a strong brand or company reputation which can enhance the company’s negotiation power and allow for the creation of equal partnerships. Funding: Patents can generate funding and revenue streams for companies. Having a strong patent portfolio especially in small businesses or start-ups can be used to leverage investor funding; while also be a source of revenue for companies through licensing fees, sales, tax incentives, collateral for loans and access to grants and subsidies. Strategic value: Patents can be used to build “synergistic partnerships”8 through which collaboration on R&D and other partnerships; be used to improve in-house R&D and build and/ or develop more products. As such, obtaining and managing patent as part of a patent and broader IPRs strategy are key tools for business success, especially within highly innovative and technology-driven industries.9 Renewable Energy: The Basics Renewable energy is derived from natural unlimited sources which produce little to no harmful greenhouse gases and other pollutants. 10 Innovative renewable energy technologies (‘RETs’) have created the ability to tap into these sources and convert them to energy which can then be stored, distributed, and consumed at a competitive cost. RETs have developed into a technology ecosystem which consists of alternative energy production, energy conservation and green transportation.11 For energy production, RETs have been developed to generate energy from six main sources. These are: Wind energy: Technology, via off-shore and/or on-shore wind turbines, harnesses the energy produced by the wind. Solar energy: Technology either through concentrated solar power (‘CSP’)and solar photovoltaic (‘PV’) harnesses the energy produced by the sun. Hydropower: Technology either through large-scale or small-scale hydropower plants, captures energy from flowing water. Bioenergy: Technology is used to convert organic material into energy either through burning to produce heat or power or through converting it to a liquid biofuel. Geothermal: Technology is used to capture the energy from the heat produced in the earth’s core. Ocean/Tidal energy: Technology is used to capture the energy produced from waves, tides, salinity gradient energy and ocean thermal energy conversion. Out of these six sources, the wind, solar and hydropower energy sectors are the biggest, the most developed and the most widely used. While geothermal and ocean energy sources are used in a more limited capacity. In particular, the RETs in ocean energy is still at its infancy and thus presents an opportunity for future innovation and commercialisation. Renewable energy is the fastest-growing energy source, with the electricity sector showing the fastest energy transition. 12 In 2016, renewable energy accounted for 12% of final global energy consumption and in 2018, a milestone was reached with renewables being used to generate 26% of global electricity. The source of this energy has been driven by renewable hydropower, as shown in Figure 2, with wind and solar energy trailing behind in energy production. However, the International Energy Agency (‘IRENA’) forecasts that Solar PV will lead RETs to increase capacity in the upcoming years. 13 This rise in renewable energy is due to the increased investment into the sector and the development, diffusion and deployment of innovative RETs. For the period between 2010 and 2019, there were 2.6 trillion US dollars invested in renewable energy. 14 The majority of which being focused on solar energy. 15 This investment has surpassed the investment made into the traditional fossil fuel energy 16 and has been heavily driven by the private sector. 17 The International Energy Agency recent report showed that its members increased the public budgets for energy technology R&D, with the biggest increase in the low-carbon sectors.18 The geographic sources of this investment shown in Figure 3, reveals that the European Union, the United States and Japan are part of the largest investors. This reflects the historic involvement these countries have had in the renewable energy arena and the development of RETs. However, there is now the emergence of China, India and Brazil as large investors in this field. This trend in investment has also coincided with the increase in patenting technology in renewable energy compared to fossil fuels.19 Reports from the World Intellectual Property Office (WIPO), have shown that there has been a **steady increase in patent filing rates in RETs since the mid-1990s**.20 This increase has occurred in the four major renewable sectors, 21 where RETs patents applications were growing steadily from 2005 until reaching a peak in 2013.22 Post-2013, there has been a slight decline in patent filings, which can indicate a maturing of sectors and deployment of technologies.23 Each renewable energy sector is at a different stage of maturity and thus there is a variation of patent ownership. The wind sector is the most mature and consequently has the highest intellectual property ownership and patent grants compared to that of the biofuel sector. 24 IRENA also provides a comprehensive and interactive database for RETs patents. As seen in Figure 4 below, they have collected patent data from the major patent filing jurisdiction25 which shows the breakdown of the patents per type. This information reveals that there is a dominance of patent filings focused on solar technology. This data corresponds to the focus of the investment in renewable energy into solar energy. Upon closer look at the data, the geographic source of these patents shows that RETs patents have been concentrated in a few developed OECD countries and China. This also corresponds to the source of investment shown in Figure 3 and reflects the historical concentration of RETs innovation within these countries. 26 The latest WIPO report for 2019, which looks at the data for PCT patent applications, shows that 76 % of all PCT patent application came from the United States, Germany, Japan, the Republic of Korea and China.27 China is the newest entry into the top ten list and has made one of the largest jumps to become one of the biggest RETs patent filers at the PCT. This geographic data is also mirrored by IRENA’s statistics, as shown in Figure 5 below. This data also reflects China’s emerging renewable dominance. China is heavily **investing in solar energy** **technology** and has filed numerous patents in this area and the underlying technologies.28 The successful flow of investment in this sector can only **occur in** the **presence of a strong IPRs system** and protection. Government policies and initiatives to improve the **patent system** can be used to promote the development of RETs and drive private capital and investment into this area.29 This direct **effect on RETs** through policies was **shown in** the United States with the ‘**Green Tech Pilot Program’**.30 This was a special accelerated patent application procedure developed by the United States Patent and Trademark Office for inventions falling under the green technology category. This program ran from 2009-2011 and led to a boost in RETs patent applications, with the office issuing 1062 RETs patents from the programme. Other jurisdictions, such as the European Union and China have used policy and incentives to promote the development of RETs and the advancement of their renewable energy sector. In particular, the European Union and China began the renewable energy path at different starting points but are now both dominant players in this area.

#### Warming causes Extinction

Kareiva 18, Peter, and Valerie Carranza. "Existential risk due to ecosystem collapse: Nature strikes back." Futures 102 (2018): 39-50. (Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA)//Re-cut by Elmer

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (**climate change**, global **freshwater** cycle, **and** ocean **acidification**) do **pose existential risks**. This is **because of** intrinsic **positive feedback loops**, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all **directly connected to** the provision of **food and water**, and **shortages** of food and water can **create conflict** and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. **Ample clean water** is not a luxury—it **is essential for human survival**. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes **Humans** are remarkably ingenious, and **have adapted** to crises **throughout** their **history**. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). **However**, the many **stories** **of** human ingenuity **successfully** **addressing** **existential risks** such as global famine or extreme air pollution **represent** environmental c**hallenges that are** largely **linear**, have immediate consequences, **and operate without positive feedbacks**. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, **the Earth’s climate system is rife with positive feedback loops**. In particular, as CO2 increases and the climate warms, that **very warming can cause more CO2 release** which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that **forest fires will become more frequent** and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This **catastrophic fire** embodies the sorts of positive feedbacks and interacting factors that **could catch humanity off-guard and produce a** true **apocalyptic event.** Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that **runaway climate change,** and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks **portends** even greater **existential risks**. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

# 4

#### **The standard is maximizing expected well being.**

Prefer:

#### **1**] use epistemic modesty – multiply probability of the fwk times the magnitude of the impacts A) clash – encourages both substantive and phil debates so that we talk about all the offense B) leads to the net most morality and proves that only beating fwk is not enough to win the debate

2] Role playing as policy makers is key to solving real world problems-so the role of the ballot is to evaluate the hypothetical consequences of the plan and vote for the best hypothetical policy action. Discussion about specific policy actions and scenario analysis is pedagogically valuable and key to solving capitalism – cross apply coverstone that only by understanding state action can we lead to the conclusion of the K and know how to make change. State inevitable – the alt just leads to a revolution and then the state barges in with the military – proven by things like the murder of Malcolm X. Two implications: A) their alt has no solvency B) policymaking is a prerequisite and we have to work inside the state C) the alt just leads to death Coverstone

(Alan H., “Acting on Activism: Realizing the Vision of Debate with Pro-social Impact,” Paper presented at the National Communication Association Annual Conference, 11/17/05)

 After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing**.** Absent that discussion and debate, much of **the motivation for personal political activism is** also **lost**. Those who have co-opted Mitchellâ€™s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, â€œOf course not, but you donâ€™t either!â€ The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchellâ€™s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it â€œviews fiat as a concrete course of action, it is bounded by the limits of pragmatismâ€ (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which **the relative efficacy of concrete political strategies** for pro-social change **is debated**. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchellâ€™s goals here should take care at such a blanket assertion. Â¶ However, **contest debate teaches students to combine personal experience with the language of political power.** Powerfulpersonal **narratives unconnected to** political **power are** regularly **co-opted** by those who do learn the language of power. One needlook no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called **role-playing** that public policy contest debates encourage **promotes**active **learning** ofthe vocabulary and levers of **power** in America**.** Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place.Â¶ Iâ€™m up againstâ€¦their aversion to the role of public spokesperson that formal writing presupposes. Itâ€™s as if such students canâ€™t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Todayâ€™s students lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57)Â¶ The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. **Simulation of success**in the public realm **is**far more **empowering** to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that nothing they can do in a contest debate can ever make any difference in public policy.â€ Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. **Imagining myself starting a socialist revolution** in America **is no less of a fantasy than imagining myself** making a difference **on Capitol Hill.** Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined**. One fantasy**actually **does make a greater difference: the one that speaks the language of political power.**The **other** fantasy **disables action by making one a laughingstock** to those who wield the language of power.

#### **3] extinction first**

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

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

#### 4] Ontological prerequisite—other theories presume a moral subject that can create value, so biological existence is a prerequisite

**Paterson 03** – Department of Philosophy, Providence College, Rhode Island (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, http://sce.sagepub.com)

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81 In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

# Case

FW

#### ROB – 1] Exclusivity 2] Centering around policy actions is a prerequisite to understanding capitalism

#### Kirker – 1] TURN – debate is not a regular educational space, it’s made to challenge the squo 2] NUQ – you’ve read this aff at every tournament since Yale + people have read capitalism before – no b/l for how much discussion is needed – otherwise vote neg on presumption because we’ve discussed capitalism and solved it so there’s no reason to vote aff

#### Wright/Webb – 1] This proves our ROB – understanding policy action is key to linking both approaches – your rob is exclusive to only looking at the underlying causes but doesn’t allow for top level solutions 2] explanatory power – only util explains why oppression is bad because it causes pain 3] proves extinction outweighs – a] lexical prereq b] the symptoms of capitalism are exemplified during an extinction event to affect minorities the most 4] card doesn’’t explain why the aff specifically solves long term- especially since you just address one small section of imperialism

#### Vanni – 1] proves the ruse of solvency – even if you’re able to solve for COVID disparities the US will just use that as an excuse to never help again which leaves people to die in other pandemics 2] Authorized Generics decimate competition – turns the drug prices internal link.

Sipkoff 4 Martin Sipkoff 8-4-2004 "Big Pharma uses effective strategies to battle generic competitors" <https://www.drugtopics.com/view/big-pharma-uses-effective-strategies-battle-generic-competitors> (Healthcare Writer)//Elmer

But, according to Cutting Edge, brand-name pharmaceutical companies have begun flanking generics in an inventive way: They enter into manufacturing and distribution agreements with a generic company before a patent is about to expire, attempting to preempt market share. "A typical agreement specifies that the generic company will serve as a distributor of the nonbranded, generic form of the drug, which will continue to be produced in the branded drug company's manufacturing facilities," said Hess. "It's an increasingly popular strategy, often stemming from out-of-court patent lawsuit settlements." A successful flanking strategy can be beneficial to a generic manufacturer because it saves on capital outlay by not having to build or modify manufacturing facilities. "The brand-name pharmaceutical company benefits because the partnership enables it to continue to operate its manufacturing lines and turn a profit, thereby recouping more of its R&D investment in the drug and more of its capital investment in the manufacturing plant," said Hess. Here's an example of effective flanking: Generic drugmaker Apotex launched a version of GlaxoSmithKline's blockbuster drug Paxil in September 2003, threatening to significantly dent GSK's $3.2 billion-a-year bestseller. In response to Apotex's entry into the market, GSK struck a licensing agreement with another generic drugmaker, Par Pharmaceutical, in April 2003. The agreement specifies that GSK will supply Par with generic Paxil, in immediate-release form. The tablets are made by a GSK subsidiary, and Par—which pays a royalty to GSK on sales—distributes them in the United States. "The royalty payments help GSK capture a small segment of the generic Paxil market, which offsets the losses of its branded Paxil sales following the drug's patent expiration," said Hess. Flanking is very controversial because it virtually derails competition. In fact, some generic manufacturers say it's illegal. It's very similar to what the Generic Pharmaceutical Association and others regard as the illegitimate strategy of "authorized generics." "It's an easy concept to describe," said Robert Reznick, a partner with the national law firm Hughes Hubbard & Reed. He chairs the firm's Pharmaceutical and Healthcare Practice Group and has written about the legality of authorized generics. "An authorized generic is like any other generic in that it is deemed equivalent to a brand-name drug," he said. "But rather than being made by an independent generic drug manufacturer pursuant to an Abbreviated New Drug Application, it is either made by or under a license from the New Drug Application holder itself. It may be marketed by an affiliate of the brand-name manufacturer or by a third party." In a white paper titled "Are Authorized Generics Lawful?" Reznick and his colleagues recently concluded that agreements between brand and generic manufacturers to create authorized generics may be legal under antitrust law, but the issue has yet to be fully settled.

#### Dutta – TURN – the US changes its mind and is now supporting the waiver which just proves our Patane evidence

#### COVID waivers are a form of American Imperialism.

Patanè 21 Andrea Patanè 5-15-2021 "COVID-19 pandemic: patents and profits" <https://www.marxist.com/covid-19-pandemic-patents-and-profits.htm> (Northern California Functional Medicine | Modern Natural Health.)//Elmer

A “calculated risk” Far from an act of ‘international solidarity', this latest **move from the US** government **is a calculated political risk,** and will be **implemented** **in the interests of US imperialism**. A section of the more serious wing of the **bourgeoisie understands** that a proper **economic recovery** can **happen** **only if** the **pandemic is suppressed** worldwide. As we have explained elsewhere, wealthy countries risk losing billions of dollars if the pandemic is brought under control only within their own borders, because new variants (like those in India and Brazil) can always mutate elsewhere and reinfect their populations, causing further economic disruption. Therefore, even on a capitalist basis, it is expedient in the long-term for the rich countries to facilitate a global vaccination campaign. Even Pope Francis anointed the demand from his seat in Rome! Biden’s announcement is also an **act of vaccine diplomacy.** America’s main rivals, China and Russia, have been shoring up their spheres of influence by distributing their Sinopharm and Sputnik V vaccines to poor countries left out by the vaccine nationalism of the US and Europe. Chinese and Russian vaccines have been exported into countries traditionally under western spheres of influence, including Brazil and Hungary. **Pushing to waive IP protections on** **COVID**-19 vaccines **is** therefore partly an effort to push back against the encroachment of rival imperialist powers, which have so far outcompeted Washington in the global vaccination drive. Biden’s announcement is also an **attempt to restore** the **standing and authority of US imperialism** on the world stage, which has been bruised by the ‘America First’ vaccine nationalist policy started by Donald Trump, and continued by Biden. According to the FT, Katherine Tai (top US trade envoy) and Jake Sullivan (national security adviser) made the case to Biden that pushing for the waiver “was a low-risk way to secure a diplomatic victory”, after coming under fire for not “respond[ing] quickly enough to the unfolding COVID-19 crisis in India”. Here you have it, straight from the horse’s mouth. Under capitalism, **vaccines** – rather than providing a way out of the pandemic – **are tools for ‘low-risk diplomatic victories’**. As if this was some sort of football match between world leaders! In short, Biden is stepping in to prioritise the interests of US imperialism as a whole over the immediate interests of the Big Pharma capitalists. But we should say clearly: this cynical attempt to claim the moral high ground came only after the US used its massive economic clout to secure enough vaccines to inoculate its own population several times over. And in fact, the wartime Defense Production Act is still in effect, which forces US manufacturers to fulfil domestic demands for medical equipment before exports are permitted. This de facto export ban has created bottlenecks in the supply chain that have already undermined the WHO-led COVAX programme to vaccinate poor countries. Rest assured, Biden’s policy remains ‘America First’, just by somewhat more calculated means than his predecessor.

#### IPR hasn’t harmed access – manufacturing capacity alt cause

Mercurio 2/12 (Bryan Mercurio, [Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law.], 2-12-2021, “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review“, No Publication, accessed: 8-8-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3789820) ajs

2. Intellectual property rights have not hampered access to COVID-19 vaccines A WTO waiver is an extreme measure which should only be used when existing WTO obligations prove inadequate. This was the case in relation to the compulsory licencing provisions under Article 31 of the TRIPS Agreement, which essentially precluded Members with no or inadequate manufacturing capabilities from making use of the flexibility granted in the TRIPS Agreement. 25 This was also the case with the Kimberley Process, which attempts to eliminate trade in “conflict diamonds”. 26 Although the IP waiver proposal states that “there are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients”, 27 the sponsors did not provide further elaboration or evidence to support their declaration that “many countries especially developing countries may face institutional and legal difficulties when using flexibilities available [under the TRIPS Agreement]”. 28 Instead, many of the examples used by India and South Africa point to problems not with the TRIPS Agreement but rather to failures at the domestic level. As mentioned above, the WTO allowed for the importation of medicines under a compulsory licence in 2003, and yet many developing countries have yet to put in place any framework to allow their country to make use of the flexibility. 29 This is not an institutional problem of the international system but rather a problem at the country level. Two additional factors which make the proposed waiver unnecessary and potentially harmful. First, pharmaceutical companies are selling the vaccine at extremely reasonable rates and several announced plans for extensive not-for-profit sales.30 Although agreements between the pharmaceutical companies and governments are not publicly disclosed, the Belgian Secretary of State Eva De Bleeker temporarily made publicly available in a tweet the prices the EU is being charged by each manufacturer. The De Bleeker tweet indicated the European Commission negotiated price arrangements with six companies, with the range of spending between €1.78 and €18 per coronavirus vaccine dosage. Specific price per dose listed for each of the six vaccines was as follows: Oxford/AstraZeneca: (€1.78), Johnson & Johnson (€8.50), Sanofi/GSK (€7.56), CureVac (€10), BioNTech/Pfizer (€12) and Moderna (€18).31 While much as been made of the fact that South Africa agreed to purchase 1.5 million doses of the Oxford/AstraZeneca from the Serum Institute of India (SII) at a cost of €4.321 per dose,32 these criticisms are directed at the lack of transparency in pharmaceutical licenses and production contracts – an issue which would be wholly unaddressed by a waiver of IPRs. Moreover, while the disparity in pricing is concerning the overall per dosage rate South Africa is paying nevertheless represents value for money given the expected health and economic returns on investment. Despite the disparity in pricing between nations, the larger point remains that the industry has not only rapidly produced vaccines for the novel coronavirus but is making them available at unquestionably reasonable prices. Second, the proposed waiver will do nothing to address the problem of lack of capacity or the transfer of technology and goodwill . Pharmaceutical companies have not applied for patents in the majority of developing countries – in such countries, any manufacturer is free to produce and market the vaccine inside the territory of that country or to export the vaccine to other countries where patents have not been filed.33 Patents cannot be the problem in the countries where no patent applications have been filed, but the lack of production in such countries points to the real problem – these countries lack manufacturing capacity and capability. While advanced pharmaceutical companies will have the technology, know-how and readiness to manufacture, store and transport complex vaccine formulations, such factories and logistics exist in only a handful of countries.34 Regardless of whether an IP waiver is granted, the remaining countries will be left without enhanced vaccine access and still reliant on imported supplies. With prices for the vaccine already very low, it is doubtful that generic suppliers will be able to provide the vaccine at significantly lower prices. Under such a scenario, the benefit of the waiver would go not to the countries in need but to the generic supplier who would not need to pay the licence fee or royalty to the innovator. Thus, the waiver would simply serve to benefit advanced generic manufacturers, most of which are located in a handful of countries, including China and Brazil as well as (unsurprisingly) India and South Africa. Countries would perhaps be better off obtaining the vaccine from suppliers that have negotiated a voluntary licence from the patent holder, as such licences include provisions for the transfer of technology, know-how and ongoing quality assurance support.

#### The 1AC misdiagnoses the problem – the problem isn’t production of vaccines it’s the demand for them – means no solvency

Reed 21 (TRISTAN REED|JUNE 17, 2021, In the COVID-19 vaccine market, the problem has always been demand, n, ot supply, WorldBank Blogs, <https://blogs.worldbank.org/developmenttalk/covid-19-vaccine-market-problem-has-always-been-demand-not-supply)//ww> pbj

Some economies have now vaccinated more than half of their populations against COVID-19 and are reopening, while low- and middle-income economies still have limited access in the face of devastating outbreaks. Supply bottlenecks have been blamed. Though vaccine manufacturers report substantial capacity, essential vaccine manufacturing supplies like giant plastic bags and glass vials are hard to come by, understandably, as countries ordered more vaccines at one time than ever before. However, these supply-side challenges are overemphasized. The reason why low- and middle-income countries are not further along in their vaccination campaigns comes down to insufficient demand. As Ruchir Agarwal of the IMF and I show in a recent research paper, even though governments have substantial experience implementing vaccination campaigns and most individuals are not hesitant to take vaccines, governments did not commit to buy Covid-19 vaccines from manufacturers early enough (Figure 1). Figure 1: As of April 2021, despite available capacity for 10 vaccines showing effectiveness in Phase 3 trials, there were not enough advance purchases to cover the world’s population

#### Medicine increases liberal governance by attempting to save everything under the transparent gaze of western biomedicine which paradoxically results in the elimination of the very lives they seek to preserve.

Yau 7, Wing-kit. "Representing illness: patients, monsters, andmicrobes." HKU Theses Online (HKUTO) (2007). (Medical Graduate Student at Hong Kong University)//Elmer

History shows that political and economic colonialism that took over geographical area can be justified with a utopian vision, and the modernisation that follows eventually improve the standard of the colonised up to that of the coloniser. **Medical colonisation**, in the same vein, can also be considered as **a humanitarian endeavour**. Western medicine ‘**colonises’** the **field of medicine**, **taking over traditional** and other indigenous medical **practices** **and render them** as ‘**unscientific’** and ‘superstitious’ while celebrating the achievement of scientific method that is the basis for our bio-medical culture as the real life savour. 91 Fortunately or unfortunately, Frank believes this period of medical colonisation has probably ended. He regards this new era medical post-colonisation when political issues and national security are now closely allied and fusing with the medical curriculum, further **alienating** the **patients** and turning the city space into a space of thoroughly-sanitised, isolating environs. It also means that in medical post-colonisation, the meaning of public health is now synonymous with global health. Under this new name, its area of administration reaches beyond the microscopic world of biological border-crossing virus and germs to the border-crossing people and other political agenda as well. Different from other diseases, infectious disease does not confine itself to a particular stigmatisable population. Take SARS for example, it is quite different from other re-emerging diseases that are, to this date, still a regional plague limited to third-world countries (where medical facilities are inadequate and people are living under deprived conditions). The primary risk group during the outbreak in Hong Kong, however, is not the stigmatised ‘other’ – typically the poor or the under-privileged class, but the medical workers in hospitals – who are usually esteemed as professionals and from a prestigious group in our society even today. Christine Loh sums up the impact of SARS and the fusing of medicine with politics in the following way: Events happened quickly. Healthcare professionals had to face enormous personal risks in fighting the disease on the frontline […] Need has been the mother of a number of useful inventions, such as the contact tracing system developed in Hong Kong. SARS also touched almost every other aspect of personal and community life in affected areas [including Toronto, Singapore and Taiwan]. Ministers and officials lost their jobs. Many businesses suffered. Ordinary people were forced to reassess their priorities. Communities had to find useful ways of coping with panic while continuing to fight the disease.92 Paul Virilio has already warned us that the fear of contamination by a viral agent is not, and should not be the sole object of horror in this day and age, but the fear of extinguishments engendered by the hyperfragility of the technological process of our society.93 Although infectious disease is only a viral contamination, and it is by no means comparable to the kind of weapon that is designed to function as another network to cause a wide-spread breakdown of our existing life-dependent networks (such as power supplies), Peter Chan’s Memory has shown how this fear of risk has undergone a series of re-configuration, from being contaminated by the foreign invasion of a virus, to the fear of isolation and incommunicability. Perhaps it is helpful to compare this change of our subject of anxiety in terms of the colonial-era ideologies of medicine and post-colonial ideologies of global health, as there is increasing emphasis on information and commodity exchange networks intertwining with space and territoriality, as Nicholas B King puts it: While colonial anxiety revolved around fears of contamination as certain (white, European, male) bodies moved into vulnerable places and faced novel contaminating environments and (non-white, non-European, female) peoples, postcolonial anxiety revolves around the contamination of space itself by mobile bodies and motile environments. This is not the horror of matter (or bodies) out of place, which presupposed the identification of a place for matter; instead, it is the horror of places no longer mattering, of a ‘third-worlding’ at home.94 The horror in Memory is not the ghostly figure played by Tony Leung. It is true that while he is wandering and happens to see the masked Eugenia Yuan sitting by herself staring out of a café’s window, there is a brief moment of tacit recognition, or as another film critic remarks, it is a moment when Leung and the Yuan (who plays a ghostly figure in another Peter Chan’s film Going Home) meets and it dawns on the audience that Leung, too, is a ghost.95 Nonetheless, the ‘ghosts’ here are just as powerless as the imprisoned people in the building in the sick, infected city. They no more understand the snow in Hong Kong, nor the hearses that are passing by than we do. That is to say, they are not from another world different to ours. The real horror comes from the uniqueness of SARS and the new realisation that it came with – not only does it mean that **biomedicine is no longer the guarantee for health**, but it also paints a grimmer picture of reality that says this new epidemic cannot be reduced to just another ‘difficult time’ for the local people to overcome, and that it, like so many adversities in the past decades, can be overcome. That explains why critics of the 1:99 Short Film Series have been negative, mostly toward the films’ focus on the disease as an ‘adversary’ that Hong Kong people are facing collectively rather than treating SARS as a unique, (un)timely disease.96 In Hong Kong is the Best (Dir. Alan Mak Siu-Fai, Andrew Lau Wai-Keung), for example, SARS is even treated as an equivalent to other pandemics/disasters in the past, as if the disease were just another difficult time that the locals can, and will go through collectively, that what it causes (the other) will not destroy us (the self) because, as the title suggests, Hong Kong is the best. Memory addresses the post-SARS trauma by showing how the disease has caught Hong Kong people getting weary of human-to-human contact – everyone is imprisoned in the round windows in solitude, expressionless and masked. These people have been through mass anxiety and paranoia about the disease, and panic over being infected with the virus, which, like the rest of the influenza viral strain, is still not preventable. In Hystories, Elaine Showalter remarks that mass hysteria usually takes place within a community, especially a tight-knit one like that of Hong Kong, where rumours can develop with the social network to sustain it.97 In the example of SARS, there was once a time when rumour first hit the locals that a mysterious flu has killed people in Guangzhou. And the locals were seen as reacting with irrational fear by stocking up white vinegar98 and the market also reacted by increasing the prices of all kinds of disinfectants, such as Clorox, Dettol and even masks. Interestingly, such mass hysteria did not last long. As masks are being discarded, fear is also being forgotten. Our memories do not seem to hold on for long to our previous experience and soon drifts into oblivion before it disappears completely. As a result, the epidemic itself never plays a major role in shaping the Hong Kong society, and there leaves very little room for artistic production in response to its devastating period of outbreak.99 [cont.] It has become increasingly clear that health and the proper management of illness (especially of infectious diseases) are now individual moral responsibilities in real life. Individuals (lay people) are expected to have improved assess to (medical) knowledge through popular science and mass media that would enable them to better self-surveillance, risk assessment, and ultimately, prevention. In the meantime, we have what Adele E. Clarke et al. calls the ‘biomedicalisation’ process that, ‘through the complex, multisided, multidirectional process of medicalisation and application of technoscience,’ has given us both new individual and collective identities according to our ‘risk status’, DNA profiles, or whether we are ‘Syndrome X sufferers,’ etc.106 Interestingly, if medicalisation is a process in which ‘unwanted’ social phenomenon or behaviours are passed from the jurisdiction of law to that of medicine, (e.g. branding/classifying someone as sick just because (s)he does not fit the social norm, and thereby treating it as an illness and disease), then biomedicalisation can be understood as a process that medicalises health (e.g. classifying somebody as belonging to a ‘high-risk’ group based on lifestyle and genetic make-up or even social class, and treating it as a cause of illness and disease). Disease used to be conceptualised at the level of organs and cells, so that when there is a disease in the heart or the liver, we are simply known as the heart disease patient, or liver disease patient, etc. However, today’s risks and **diseases are** conceptualised at the level of genes and molecules, which are the **codes from which our biological identity is constituted**. As noted by Clarke et al., **health policy is no longer about problem-solving** (i.e., patients visits the physicians with a physical symptoms, with clear test results and unambiguous diagnosis, followed by treatment that cures the disease by removing the symptoms) **but** more about **problem finding** (i.e. patients are tested and classified by risks, for instance, high cholesterol, too skinny, too fat, etc).107 In other words, physical condition becomes a disease to be treated. Thus, it is not difficult to see that selling disease and commodifying health are basically two sides of the same coin. Therefore, the notion of ‘safe space’ in terms of our understanding of Carol’s environmental illness becomes an encapsulation of what biomedicine (and even environmentalists and alternative medicine) are preoccupied with today – that of bodies and space. Peter Donning, the Wrenwood guru, in his welcoming speech to the new ‘long-timers’, made the following statements: ‘what you’re seeing outside is a reflection of what you feel from within,’ and, ‘I’ve stopped reading the papers. I’ve stopped watching the news on TV…I’ve seen their fatalistic, negative attitude and I’ve finally realised once and for all, I don’t need it. So I transform that negative stimulus into something that will not do harm to me.’ The sole reason why Donning calls Wrenwood an ‘environmentally safe place’ is due to his belief that how he feels in his head can directly or indirectly influence his organs (especially his immune system) to behave in a certain way. In other words, within this space, safety is ensured – it is only you and your thinking that is hazardous to your health. Once again, it shows that the spaces and the bodies that inhabit or travel within these spaces have become the primary concern for health maintenance. Film critics like Roddy Reid remarks that Safe is about the experience of our bodies understood as sites of struggle between medical discourses, health-care practices, pathogens, and visual inscriptions108. It is a struggle because we are most disturbed by the opacity of the environment and the ‘unfathomable mystery’ of the body. With the body and the surrounding disappearing into the internal psychological space, one’s past and history have become an alternative form of toxin where repressed dark memories are dug up and turned into an enemy. With new enemy, de-toxification can then begin in yet another form of speech to cleanse the body ‘system’ in the name of ‘self-love.’ However, such promise of speech and self-knowledge is just as groundless as the belief that a fruit diet Carol is on can cleanse the body of the toxins one cannot avoid taking in everyday. The more transparent our body and space is, the easier for surveillance, so that barriers can be set; risks can be assessed. **We are**, in effect, **living as the Boy in the Bubble**, or in Jean Baudrillard’s own words, it is ‘a transparent envelope in which we have taken refuge and where we remain, bereft of everything yet overprotected, **doomed to artificial immunity**, continual transfusions and, at the slightest contact with the world outside, instant death.’109 As a result, the proliferating health product and alternative treatment, in cooperation with the transnational pharmaceutical industry, has now made even high-cholesterol and osteoporosis a disease. Consequently, we are self-conscious of the level of cholesterol in what we eat; the level of pollutants in the air we breathe and the water we drink. But how much transparency is transparent enough? In order to see and know what is doing harm to our bodies, we are **obsessed with information**, and one of the examples would be labels on food packages. Borrowing again from Baudrillard’s idea of ‘absolute communication’ in which the ultra-rapid circulation of signs is operating so fast for the sole reason that it never passes via the mediation of meaning, we may also understand body and health as contaminated by the same sign-circulation process: meat is bad, vegetables are good; city air is polluted, country air is more healthy. The **transparency** of food products **makes us feel safe**, at the same time such transparency corresponds to the pervasiveness of our body which made us believe that we are vulnerable to the invisible killers such as germs, chemical compounds and smoke, and that makes us ‘un-safe’. This conflict illustrates nicely the paradox of the Freudian pleasure principle, which Slavoj Zizek sarcastically remarks: You have a society which is ostensibly oriented toward pure pleasure, but you pay for it through a whole series of "you can't." The hidden prohibitions: eat whatever you want, but beware of fat and cholesterol; smoke, but beware of nicotine; sex, but safe sex. Yet the ultimate consequence of this pleasure principle is that **everything is prohibited** in a way; you can't smoke: there's nicotine; you can't eat: there's fat; you can't have sex: you'll get sick. So this is a kind of everyday confirmation of the Lacanian paradox.111 These are all telling us that nothing is safe. At first glance, it is no wonder why the Wrenwood Centre is a ‘perfect safe space’ – it is toxin-free: no exhaust, no aerosol, no fumes – our desire for transparency has landed us into a vacuum that is also known as a sanatorium. There is finally no prohibition – because it is ubiquitous, it seems like safety is found in this nostalgia afforded by this pre-modern space. However, after all external aggressions are eliminated by a place like Wrenwood; the body has become the Other and become its own internal virulence: Carol’s reaction appears to have been alleviated at Wrenwood but she is becoming more visibly sick as evidenced by her lesions and swollen eyes. In the final scene, Carol succumbs to Wrenwood’s preaching about self-love, and starts to practise saying ‘I love you’ in front of the mirror. However, there is no reconciliation between the utterance and the mirrored image,112 instead, it is more like one more letting down by speech and knowledge, uncovering the same emptiness within the inner psychic realm in which she attempts to create protection. Her facial expression remains bland and vacuous, and all we can see is the Carol that is metamorphosing into ‘the other.’ The sentence ‘I love you’ carries no weight in it because what is there to refer to in a vacuum that is now within and around her? She has not yet become the ‘other’ but we do not have the chance to see this metamorphoses completed as the film ends with a black-out, leaving us in this permanent stage of disease with Carol and with her image in the mirror. Medical sociologist Deborah Lupton argues that due to our dependence on rationality and individualism which is the legacy of Western societies ever since the Enlightenment, together with “**the turn to biomedicine** and science **as** the ultimate **weapons** **against** illness, **disease** and premature death have **generated** **discourses** and practices **which** tend to **deny the fragility** and mortality **of the human body**.”113 But are we really as innately fragile as we think we are? In our attempt to create a safe environment, we are setting up more and more barriers against risks such as toxins and pollutants that are the natural basis of the industrial, modernised society. Yet at the same time, we are **letting our bodies** become **increasingly vulnerable** because bodies are, too, a transparent, porous entity. In such transparent space where everything is made visible, and our visual world has required us to by-pass the mediation of consciousness and meaning, disease soon becomes the only escape(ade) for us to let our natural defence system, i.e. our antibodies, fight against virulence, the same way Carol runs away from her well-protected middle class home in a Californian suburban valley to find salvation in a sanatorium in a New Mexican desert – an excursion on Carol’s part that she is actively doing something about her unknown, undetermined illness . However, there is no escape; just as there is no outside to our environment, nor is there an alternative outside to the existing system into which we can adventure. Outside the Bubble means instant death, thus, there can only be Bubble after Bubble. The same goes for the audience, if watching Safe is a process of immersing ourselves into a world of unknown, unforeseeable environmental risks, a threatened sense of safety and partial knowledge, we are also destined to reach a vacuum with Carol where every last bit of materiality in our environmental space is made to disappear (through speech and discourse on risk and surveillance) into a vacuum where there is no more ‘other’. Disease becomes dis-ease when there are no longer any barriers to put up against anything except the vacuous self that can only be pacified by a self-resistance against an imagined ‘other’114. However, we should also take into consideration the fact that the (female, suffering) body is not just an abstracted object belonging always to someone else, which means also the clinical gaze. The body is also what phenomenologist Vivian Sobchack so forcefully argues, in her collection of essays on the body and illness entitled Carnal Thoughts, that it is also a lived body as ‘objective subject’ and the ‘subjective object,’ with materialised capacities and the agency to make sense of, to feel, both ourselves and the others. She also points out that embodiment is never ‘a priori to historical and cultural existence.’115 Sobchack’s perspective on the lived body shows that suffering is part of our capacities to make sense of, and to feel the body, and therefore, should be taken as a part of life, but it is also something that high technological intervention and our expanding scientific knowledge base would like to deny. What we subsequently have is what Arthur Kleinman calls ‘the facile expectations that psychotherapy and psychopharmacology can relieve residual pain and suffering. In this respect, the culture of biomedicine, which does not value the core illness experience at the same level as the diagnosis and treatment of disease pathology, conspires with the popular culture to treat death as the enemy’ especially for the chronically ill and people suffering from cancer. In Medicine as Culture, Lupton draws from the way medicine is experienced, perceived and socially constructed to provide different theoretical perspectives on the socio-cultural dimension of medicine, illness, and the body. She comments that scientific medicine is merely disillusionment. According to her, ‘the construction of the medical practitioner as omnipotent inevitably leads to disappointment and disillusionment when things go wrong […] there are few explanations that can provide meaning to the [unexpected happenings].’117 Part of the disillusionment also comes from our increasing dependence upon biomedicine (the use of biotechnologies, geneticization, nanoscience, genetic engineering, etc), and we respond by idealizing the physicians as the final saviour.118 While diseases like cancer and chronic illness are today’s worst fear among the ageing population, Jean Baudrillard finds **medicine the real culprit for** the cause of their **incurability**, as he tells us: ‘[**medicine**] **treats cancer or AIDS** **as** if they were **conventional** illnesses, **when** in fact **they are** illnesses **generated by** the **very success of** prophylaxis and **medicine**, illnesses bred of the disappearance of illnesses, of elimination of pathogenic forms.’119 By conventional illness, it means the kind of illness that is believed to be caused by pathogens-bacteria or biochemical imbalance; its symptoms are common enough to be dealt with by conventional treatments – ones that are done by scientific tests for diagnosis and medications and surgery are the key methods of treatment. The problem with treating ‘unconventional’ illnesses the ‘conventional’ way is that when you have somebody like Safe’s Carol in the Safe Room, it is simply denying her physical experience and regarding her as an object – by placing it somewhere safe in the hope that it can become well again through regular monitoring and examination, and elimination of all other invading pathogenic forms. However, environmental illness is not like tuberculosis or liver disease, where the patient can travel to a mountainous area to breathe cleaner air to relieve his/her symptoms, or to have a liver transplant to replace the ailing one. Patients with a disease of an organ can seek help externally, for example, by changing one’s living environment or eating habits, or even taking medicine in order to heal; or in some cases, have the organ replaced or removed surgically, as in the case of cancer. Environmental illness, on the other hand, is not a disease of the organ. It affects the organs but it is not organ-specific. One cannot say that it is the organ that has failed so that there are symptoms, rather, it is something that has gone wrong with the body’s system and it is manifested through the body symptomatically. Environmental illness cannot look to the external for help, for it is not a conventional, scientifically defined disease by traditional Western medicine. This makes way for an easy shift of focus from the body to the soul, especially when the disease is believed to be caused by the mind, or ‘psychological weaknesses’ – the way we tend to explain and understand Carol’s sickness. The idea of the shift from the suffering of the body to the suffering of the mind resonates with the classical study of punishment and the prisoner’s body in Foucault’s Discipline and Punish. During the 18th century when La Mettrie first published Man the Machine, the human body was understood as the materialist reduction of the soul and there was an emphasis of the body as ‘docile’, as Foucault himself writes after La Metrrie: ‘The classical age discovered the body as object and target of power. It is easy enough to find signs of the attention then paid to the body – to the body that is manipulated, shaped, trained, which obeys, responds, becomes skilful and increases its forces.’120 Because of the need to exert control and power over the people that are being governed ‘without the slightest detail escaping [Napoleon’s] attention’, rigorous discipline had to be imposed under his reign, and from here on, Foucault believes that discipline has to proceed from the ‘distribution of individuals in space’, as he explains: ‘Discipline sometimes requires enclosure, the specification of a place heterogeneous to all others and closed in upon itself. It is the protected place of disciplinary monotony.’ 121 Let us now perceive the environment as such a ‘disciplinary space.’

#### Expansion of medical access is a form of settler colonial biomedical onslaught – humanitarian promotions of health proliferate genocidal assimilation.

Klausen 13, Jimmy Casas. "Reservations on hospitality: contact and vulnerability in Kant and indigenous action." Hospitality and World Politics. Palgrave Macmillan, London, 2013. 197-221. (Associate Professor in the Instituto de Relações Internacionais at the Pontifícia Universidade Católica do Rio de Janeiro)//Elmer

On the other hand and by contrast, the **governmental reach of public health initiatives** that would effect the improvement of isolated indigenous populations’ health **accords** with Kantian philanthropy – **with all the risks of violated freedom and smothered life** that entails. Public **health advocates** would **repair** the **disadvantaged morbidity profile of** isolated **indigenous groups through** a policy of initiating contact supported by the provision of modern **biomedical** health **care** services to ameliorate the epidemiological effects of contact. State-initiated contact without attendant health care has proved disastrous. Into the 1970s, FUNAI attempted to make friendly contact with isolated Indians. By relying on hired expert indigenous trackers, government contact expeditions located isolated groups and – demonstrating their interest in seeking commerce – enticed the latter with gifts of machetes and blankets. One FUNAI expedition to contact the Matis in 1978 resulted in high morbidity from pneumonia and other infectious diseases and killed one of every two Matis. 60 To correct such devastating policies, anthropologists Magdalena Hurtado, Kim Hill, Hillard Kaplan and Jane Lancaster have elaborated the following argument: Many anthropologists and indigenous-rights activists believe that uncontacted Indians should be left alone. These people are well-meaning, but they are wrong because they base their position on three incorrect assumptions. First, they assume that the Indians have chosen to remain isolated . . . . Those who oppose contact also assume that the Indians will inevitably be decimated by virgin-soil epidemics . . . . Finally, opponents of contact assume that isolated native groups will survive if not contacted. 61 However, even correcting for the fatal infelicities of past policy-driven, state-initiated contacts such as FUNAI’s, the preponderantly disadvantaged morbidity profile of such virgin-soil populations cannot be reduced by greater hospitality in the form of redoubled and more expert interventionary contacts. **Although public health efforts** like those advocated by Hurtado et al. **might reduce mortality**, highly **disease-vulnerable persons will still sicken** and will do so **through means that would pretend to foster life by actively disregarding how the people subject to these external machinations might** determine their own needs and **value their own health**.

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