I affirm resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

I value morality since ought implies a moral obligation

**Every agent must recognize freedom as a necessary good.**

**Gewirth 84**: Alan Gewirth (UChi Prof) “THE ONTOLOGICAL BASIS OF NATURAL LAW: A CRITIQUE AND AN ALTERNATIVE.” 29 American Journal of Jurisprudence. 95. 1984. HeinOnline.

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, every agent acts for purposes he [they] regards as good. Hence, he [they] must regard as necessary goods the freedom and well being that are the generic features and necessary conditions of his action and successful action in general. From this, **it follows that every agent logically must hold** or accept **that** he has **[they have] rights to these conditions.** For if he were to deny that he has these rights, then he would have to admit that it is permissible for other persons to remove from him the very conditions of freedom and well-being that, as an agent, he must have. But it is contradictory for him to hold both that he must have these conditions and also that he may not have them. Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, every agent must further admit that all other agents also have those rights, since all other actual or prospective agents have the same general characteristics of agency on which he must ground his own right-claims.¶ What I am saying, then, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods. **Hence, every agent, on pain of self-contradiction, must accept the** following **principle:** Act in accord with the generic rights of your recipients as well as of yourself. The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action

**However, the non-interference model of freedom allows institutional humiliation—non-domination solves**

**Pettit 97**: Philip Pettit (Laurence Rockefeller University Professor of Politics and Human Values at Princeton University). “Freedom with Honor: A Republican Ideal.” Spring 1997. http://www.princeton.edu/~ppettit/papers/FreedomwithHonor\_SocialResearch\_1997.pdf

And so to my claim about the constitutional consistency of freedom as noninterference with institutional humiliation. For the lesson of our reflections is that if the task is to promote negative liberty overall then the best constitutional arrangement for doing that may involve leaving some people with a certain power of interfering in the lives of others. But if some people have such a power of interfering with others then, cases of covert manipulation apart, it will generally be salient to relevant parties that they have that power: everyone is going to be interested, after all, in whether some people dominate others in this way and it will usually be evident from the allocation of resources that they do or do not exercise such domination (Pettit, 1997, ch. 2). And where it is salient to all that a dominates b, then it will equally be salient that if b does anything in the domain of a’s power, then b does that by the implicit leave—by the grace and favor—of a. There may not be much actual interference practiced in the relationship but it will still be the case, and it will still be saliently the case, that b acts and lives at the mercy of a. **With such** manifest **domination**, of course, **humiliation** routinely **follows**. The subordinate party has to look out for the moods and feelings of the dominating person. They have to make sure that they stay on their best side. They will naturally seek to ingratiate themselves with their superior, if that is possible, and they may even find themselves inclined to bow and scrape. The subordinate party will live in a position where their grounds for self-respect are severely compromised; they will be forced to accept a considerable measure of humiliation. I earlier associated the absence of humiliation with enjoying a voice and being given an ear. The connection between domination and humiliation comes out nicely in the loss of voice that domination entails. The dominated person is obliged to watch what they say, having an eye to what will please their dominators; they have to impress their dominators, wherever that is possible, and try to win a higher ranking in their opinion. But such a person will naturally be presumed to lack an independent voice, at least in the area where domination is relevant. They will fail to make the most basic claim on the attention of the more powerful, for they will easily be seen as attention-seekers: they will easily be seen in the way that adults often see precocious children. They may happen to receive attention but they will not command attention; **they may happen to receive respect but they will not command respect.**

**Social institutions shouldn’t humiliate people; honor is a basic human good – answers liberty NCs .**

**Pettit 97**: Philip Pettit (Laurence Rockefeller University Professor of Politics and Human Values at Princeton University). “Freedom with Honor: A Republican Ideal.” Spring 1997. http://www.princeton.edu/~ppettit/papers/FreedomwithHonor\_SocialResearch\_1997.pdf

The decent society, as Avishai Margalit (1996) defines it for us, is one in which the **institutions do not humiliate people**. They do not deprive a person of honor. Specifically, they do not undermine or jeopardize a person’s reasons for self-respect. More specifically still, they do not signal the rejection of the person from the human commonwealth: they do not cast the person as less than fully adult of human. Decency is a crucial value in a society, because honor in the sense in question here is of the first importance to human beings. **To be deprived of honor is** to be cut out of conversation with your fellows. It is **to be denied a voice** or to be refused an ear: it is not to be allowed to talk or not to be treated as ever worth hearing (Pettit and Smith 1996). People differ, topic by topic, in how far they are thought worth listening to; they enjoy lower and higher grades of esteem. But to be deprived of honor is to be denied the possibility of ever figuring in the esteem stakes; it is to be refused the chance to play in the esteem-seeking game. According to a certain stoic attitude, the prospect of not having a conversational entrée to others is not so very bad. After all, it may be said, you can always provide your own company, you can always find consolation in the community of your soul with itself. But this attitude is shallow. Being a person is intimately tied up with enjoying a certain status in communion with others, and perhaps the best marker of the required status is that your voice is authorized by those others. Your reports and remarks, your complaints and your quips, your gossip and your jokes are recognized as a contribution to a shared conversation. You are not ignored, you are not ridiculed, and you are not dismissed. You are a somebody, not a nobody. Let us grant, then, that **honor is a basic human good** and that decency is a social value of the first importance; let us endorse the basic message of Avishai Margalit’s book. Starting from that assumption, what I wish to show is that the orthodox, liberal, and libertarian conceptualizaztion of freedom is consistent with a serious lack of decency and that this argues for returning to what I think of as an older, republican way of understanding freedom. If we are to make something important of the value of decency in our political thinking, as I believe we should, then we need to reappropriate the republican approach to politics that was sidelined by classical liberalism in the early nineteenth century.

**Non-domination is the only notion of freedom that can apply to state actors. Prefer civic republicanism—state interference promotes freedom if it ensures non-domination**

**Waltman 2**: Jerry Waltman (taught political science at the University of Southern Mississippi for 25 years; in 15 of those he participated in the British Studies Program.  He currently holds an endowed professorship in political science at Baylor University, where he teaches British politics and comparative public law.  He received his Ph.D. from Indiana University, and is the author of eight books and numerous articles in academic journals on both British and American politics.  In addition to his years spent on the British Studies Program, he has traveled and taught in the UK on many occasions). “Civic Republicanism, The Basic Income Guarantee, and the Living Wage.” USBIG Discussion Paper. No. 25, March 2002.

Civic republicanism's origins lie in the ancient world, in the political theory undergirding several notable Greek city-states and the Roman republic. (2) Thereafter, it lay dormant until resurrected in the Italian city-states of the Renaissance, and then by the "Commonwealth men" of seventeenth century England. From the latter, it was transported to the American colonies and flowered during the Revolutionary era and immediately afterward. While republican thinkers from these various periods parted company on several matters, their unifying focus was that the polity is a self-governing community of citizens. The aim of the civic republican polity is maintaining the liberty of its citizens. Since liberty cannot be achieved outside a community-a wild animal can be "free" but it cannot be said to have "liberty"-the individual citizen must be intimately connected to the community. He must believe that his **[their] interests are inseparable from** those of **the community**, and that the role of citizen is a natural part of life. The state can rely on its citizens, who after all are the state, to exercise civic virtue and to consider the needs of the community along with their own. The citizenry governs itself by the process of deliberation, a deliberation devoted to finding and pursuing the public interest. To this end, political institutions in a republic should evidence a certain balance and be rather slow acting, at least under ordinary circumstances. Representative democracy, which allows republics to be larger than city-states, is a method for the further protection of liberty. It is not, pointedly, an end in itself. Unlike liberal individualism, which posits no overriding end for the polity, civic republicanism stands emphatically on liberty as its central value. Liberty is taken to mean being free from domination. More formally, according to Richard Petit, a leading contemporary republican theorist, "One agent dominates another if and only if they have a certain power over that other, in particular a power of interference on an arbitrary basis." (3) Domination can therefore take either of two forms. In the first, one private individual holds power over another (dominium); in the second, it is the state which exercises the domination (imperium). Both are equally odious to republicanism. If I am dominated, I am not free, no matter what the source of the domination. To be a citizen is to be at all times and all places free of domination, since citizenship is synonymous with the enjoyment of liberty. Prohibiting dominium presupposes that no citizen can be the servant of another, for servanthood brings domination with it by its very nature. If you are my servant and I order you around, you are quite clearly being dominated. Nevertheless, it is important to note that **you are dominated even if I chose not to order you around** (for whatever reason). You still cannot look me in the eye as an equal, for we both know that "The Remains of the Day" is more realistic than Wooster and Jeeves. Not only may I alter my reserved role at any time without consulting you, but you will also be ever mindful of my ability to do so, and that cannot help but affect how you think, feel, and act. You and I are both aware that there may come a time when you will have to tread gingerly. Citizens of a republic simply cannot have such a relationship. As Petit said of civic republicans: The heights that they identified held out the prospect of a way of life within which none of them had to bow and scrape to others; they would each be capable of standing on their own two feet; they would each be able to look others squarely in the eye. (4) Or, as Walt Whitman succinctly described a citizen, "Neither a servant nor a master am I." (5) Governmental power can of course be a source of domination also, for the enormous power of the state is ever pregnant with the potential for domination. **There is, however, a critical difference** here. Whereas interference, real or potential, by one individual over another's choices is by its nature domination, governmental interference in one's affairs may or may not be. This is because liberty can only be made meaningful in a community, and the needs of the community will necessarily at times come into conflict with one or more individuals' autonomy, or at least with individuals' autonomy as they would define it. It is the community that makes liberty possible, and a citizen's freedom is inseparable from the interests and health of the community. As Blackstone noted, "**laws, when prudently framed, are** by no means subversive but rather **introductive of liberty**." (6)

**And, civic republicanism means your rights are as a citizen, not as a property owner**

**Waltman 2:** Jerry Waltman (taught political science at the University of Southern Mississippi for 25 years; in 15 of those he participated in the British Studies Program.  He currently holds an endowed professorship in political science at Baylor University, where he teaches British politics and comparative public law.  He received his Ph.D. from Indiana University, and is the author of eight books and numerous articles in academic journals on both British and American politics.  In addition to his years spent on the British Studies Program, he has traveled and taught in the UK on many occasions). “Civic Republicanism, The Basic Income Guarantee, and the Living Wage.” USBIG Discussion Paper. No. 25, March 2002.

This is where **civic republicanism and political theories based in neoclassical economics** (as well as those based on extreme versions of a right to privacy, it should be added to be fair) **clash.** Take Milton Friedman's argument that the right to buy and sell property at market prices is a fundamental liberty that should be guaranteed in the Constitution. (7) The civic republican would reply that, first, **while a citizen** certainly **has property rights** (and indeed that they are important rights), he/**she** also **has property in rights**. James Madison endorsed this sentiment in 1792 when he wrote that "as a man is said to have a right to his property, he may be equally said to have a property in his rights." Government, he went on, should "impartially secure to every man whatever is his own." (8) What he meant is that the liberty of the person, considered as a citizen, is the central concern. The **right of property refers not merely**, and certainly not exclusively, **to the right to possess** and accumulate **physical goods;** a person's **property includes** the possession and exercise of civil and **political liberties**. Moreover, our civic republican would continue, **economic life is not separable from political life**. It is the pursuit of the collective interest of the citizenry in preserving their liberty that is paramount. Thus, I cannot claim that the state can brook no interference in my right to sell my apples at price X or construct a high-rise office building on my real estate. Of course it may interfere with my doing these, and a host of other activities for that matter. Its only constraints are utilizing proper procedures in adopting the policy, non-arbitrariness in carrying it out, and the maintenance of contestability. **My rights are as a citizen, not as the owner of a lemonade stand**. Thomas Jefferson argued in a letter to a friend in 1816 that governments do not exist to protect property. They exist, rather, to promote access to property, which, he said, is why he changed John Locke's trilogy of "life, liberty, and property" to "life, liberty, and the pursuit of happiness." (9)

**Thus, the standard is non-domination, defined as minimizing the capacity for arbitrary interference. 3 more reasons.**

**First, non-domination is the primary moral good and turns other frameworks; it’s a pre-req to other values.**

**Pettit 99**: Pettit, Philip (Professor at Princeton). Republicanism: A Theory of Freedom and Government. Oxford University Press, USA (September 30, 1999).

The first of the further benefits becomes visible when we reflect on a salient way in which **arbitrary interference is worse than nonarbitrary**. To suffer the reality or expectation of arbitrary interference is to suffer an extra malaise over and beyond that of having your choices intentionally curtailed. It is to have to endure a high level of uncertainty, since the arbitrary basis on which the interference occurs means that there is no predicting when it will strike. Such uncertainty makes planning much more difficult than it would be under a corresponding prospect of non-arbitrary interference. And, of course, it is also likely to produce a high level of anxiety. Freedom as non-domination requires us to reduce the capacities for arbitrary interference to which a person is exposed, while freedom as non-interference requires us to minimize the person's expectation of interference as such. But this means that, while the non-domination ideal would tend to require conditions where certainty is high, the non-interference ideal is consistent with a great loss on this front. It is quite possible that the maximal non-interference possible for someone will be available under an arrangement where that person has to suffer much uncertainty. But it is hardly conceivable that the same is true for the maximal non-domination that they might achieve. Imagine that we have a choice between leaving employers with a lot of power over employees, or men with a lot of power over women, and using state interference to reduce such power. Maximizing overall non-interference is perfectly compatible with taking the first option. While we do not guard against interference by the stronger under that option, we may not think that it is very likely to occur; and because we do not guard against interference by the stronger, we will count the absence of state interference as a great boon. Thus maximizing overall non-interference is perfectly compatible with forcing the individual employee or the individual woman to have to live with much uncertainty. What is true at the overall or aggregate level may also hold at the individual level. For related considerations may mean that maximizing the individual's own non-interference would require exposing them to a high level of uncertainty. Perhaps the recourse to the law would be so interventionist in their own lives and so ineffective in stopping interference by others that it would mean more interference, not less. Perhaps the way to maximize the person's expected non-interference is to leave them in subjection to others, then, in a position where they suffer much uncertainty. Their expectation of non-interference would be at a maximum, but at the maximal point envisaged the interference to which they are exposed would be the arbitrary sort that induces uncertainty: the sort that occasions anxiety and makes planning difficult. The project of increasing a person's freedom as non-domination could not tolerate this uncertainty, because it would baulk at accepting any degree of subjection to another. Devotees of freedom as nondomination emphasize the advantage of their ideal in this respect when they say that the unfree person is exposed to the inconstant, uncertain will of another and consequently suffers anxiety and wretchedness. 'Having always some unknown evil to fear, though it should never come, he has no perfect enjoyment of himself, or of any of the blessings of life' (Priestley 1993: 35). Their assumption is that if we try to further someone's freedom as non-domination then we will remove the spectre of such uncertainty. Maybe the person has to live by the standing rule of a constitution and **a law**, a rule **that makes for a degree of coercion** in their lives. But they do not have to live under constant fear of unpredictable interference, and so they can organize their affairs on a systematic basis and with a large measure of tranquillity. The second benefit associated with freedom as non-domination, and not with freedom as non-interference, becomes visible when we reflect on another way in which arbitrary interference is worse than non-arbitrary. To suffer the reality or expectation of arbitrary interference is not only to have to endure a high level of uncertainty. It is also to have to keep a weather eye on the powerful, anticipating what they will expect of you and trying to please them, or anticipating where they will be and trying to stay out of their way; it is to have strategic deference and anticipation forced upon you at every point. You can never sail on, unconcerned, in the pursuit of your own affairs; you have to navigate an area that is mined on all sides with dangers. Advancing someone's freedom as non-domination means reducing other people's capacities for arbitrary interference in their lives, and will reduce their need for strategic deference or anticipation, as it will reduce the level of uncertainty with which they have to live. But advancing someone's freedom as non-interference is not guaranteed to have this effect. For it may very well be that the best way to maximize someone's expectation of non-interference is to rely in good part on their native wit and cunning: to get them to look after their own freedom by forcing them to develop and exercise strategies of placating and anticipating the powerful. A world in which strategic flattery and avoidance is rampant—a world in which women become adept at placating their men folk, for example, or at not crossing their paths—may represent the best prospect for keeping interference as such at a minimum. Having to practise strategic deference and anticipation, however, like having to live with uncertainty, is a serious cost. For the strategic disposition imposed requires the agent to curtail their own choices: to tug the forelock at appropriate moments and, when that promises not to be enough, to keep out of sight. Such enforced self-denial, of course, does not represent a form of interference, even of arbitrary interference, for interference has to be intentionally perpetrated by another; that, indeed, is why the cause of freedom as non-interference can be promoted by an arrangement involving a lot of strategic deference and anticipation. But nonetheless it is clearly bad that people should have to resort to denying themselves various choices in order to achieve non-interference. And it is a clear advantage of the ideal of freedom as non-domination that in targeting arbitrary interference as the enemy, and in seeking to reduce the capacities of others to interfere arbitrarily in anyone's affairs, it presents a picture of the free life in which the need for strategy is minimized. The Third benefit associated with freedom as non-domination but not with freedom as non-interference is one that I have already highlighted in arguing that the fact that someone enjoys non-domination is likely to become a matter of common knowledge and to generate associated subjective and inter-subjective benefits. While someone's freedom as non-interference may be at a maximum in a situation where they have to recognize that they are vulnerable to the whim of another, and have an inferior social status to that other, the enjoyment of freedom as non-domination goes with the possibility of their seeing themselves as non-vulnerable in that way and as possessed of a comparable social standing with the other. They can look the other in the eye; they do not have to bow and scrape. That two people enjoy the same freedom as non-interference, that they even enjoy the same expectation of such freedom, is consistent with one of them, and only one of them, having the power to interfere in the life of the other. Consistently with possessing the power to interfere, the more powerful may have no interest in interfering; this may be because of indifference or preoccupation or devotion: it may even be because the less powerful people are good at keeping them happy or at keeping out of their way. Thus the powerful person may be as unlikely to interfere with others as the less powerful. But even if both parties enjoy equal non-interference, and an equal expectation of non-interference, they are likely to develop a shared awareness of the asymmetry of power, and indeed an awareness shared with others in the community: this was a major theme of the last chapter. And once it is a matter of common awareness that one of them is powerful enough to be able to interfere more or less arbitrarily in the life of the other, then that is going to affect their relative status. It is going to be a matter of common knowledge that the one is weaker than the other, vulnerable to the other, and to that extent subordinate to the other. Why should I be forced to think of myself in this way, it may be asked, if the other person is really no more likely to interfere with me than I with them? The answer takes us back to a consideration already mentioned in the last chapter. Seeing an option as an improbable choice for an agent, even as a vanishingly improbable choice, is different from seeing it as a choice that is not accessible to the agent: seeing it as a choice that is not within the agent's power. Thus the fact that another person is unlikely to interfere with me, just because they happen to have no interest in interfering, is consistent with their retaining access to the option of interfering with me. Now it is the attribution of accessible choices, not the attribution of probable choices, that determines how I and others view a person and, in particular, whether we view them as someone on whom I depend for enjoying non-interference (Pettit and Smith 1996). And so it is quite possible for me to be forced to think of myself as subordinate to someone who is no more likely to interfere with me than I am to interfere with them. More generally, it is possible for this way of thinking to be established as a matter of common recognition, so that my status, my standing in public perception, becomes that of a subordinate. Advancing someone's freedom as non-domination is bound to mean reducing this sort of subordination, as it is bound to mean reducing the uncertainty with which they have to live, and the strategy to which they have to have recourse. For while it is possible to enjoy the highest degree of non-interference available in a situation where you are subordinate to another, every increase in your non-domination is going to mean decreasing the subordination to which you are exposed. After all, increasing your non-domination means reducing the capacity of others for interfering with you on an arbitrary basis, and that means reducing their access to such interference. To sum up these reflections, then, freedom as non-domination may seem to do less well than freedom as non-interference in servicing unrestricted choice; after all, it is opposed only to arbitrary interference—specifically, to others having the capacity for such interference—not to interference as such. But freedom as non-domination does much better in three other respects, all of them of intuitively great importance. It promises to do better in delivering a person from uncertainty, and from the associated anxiety and inability to plan; from the need to exercise strategy with the powerful, having to defer to them and anticipate their various moves; and from the subordination that goes with a common awareness that the person is exposed to the possibility of arbitrary interference by another: that there is another who can deploy such interference, even if they are not likely to do so. As against my line of argument so far, it may be said that those who espouse freedom as non-interference are not generally known for welcoming or even acknowledging the uncertainty, the strategy, and the subordination I have been documenting. How to explain this? The answer may be that those who espouse the ideal often take it for granted that it is best furthered by traditional, non-dominating institutions—say, by the institutions of the common law—that are most readily justified, as they were traditionally justified, by the desire to avoid arbitrariness. Thus what the people in question effectively embrace is not what they officially embrace: it is not freedom as noninterference, neat, but rather freedom as non-interference under the rule of such a common law.2 This constrained version of the non-interference ideal is close enough to the ideal of freedom as non-domination to make it seem that uncertainty, strategy, and subordination are ruled out. They are ruled out, it is true, in the forum where people's relations are effectively directed by the relevant legal injunctions. But the constrained ideal still falls short of freedom as non-domination, since it is consistent with allowing domination—and the attendant uncertainty, strategy, and subordination—within those spaces where the relevant legal injunction leaves people to other devices. Thus it is consistent, in a way that freedom as non-domination would not be, with domination occurring in the workplace or in the home or in any of a multitude of so-called private spaces. I do not think that anyone can be indifferent to the benefits that freedom as non-domination promises. To be able to live your life without uncertainty about the interference you will have to endure; to be able to live without having to stay on your toes in dealing with the powerful; and to be able to live without subordination to others: these are great and palpable goods and they make a powerful case for the instrumental attractions of freedom as non-domination. A primary good They make a case, indeed, not just for the instrumental attractions of the ideal but for its status, in John Rawls's (1971) phrase, as a primary good. A primary good is something that a person has instrumental reasons to want, no matter what else they want: something that promises results that are likely to appeal to them, no matter what they value and pursue. The considerations rehearsed so far show that advancing someone's freedom as non-domination is likely to help them escape from uncertainty, strategy, and subordination; certainly, it is more likely to do this than advancing their freedom as non-interference. But something stronger also holds true. Suppose we take steps to reduce a person's uncertainty about interference, to reduce their need for exercising a strategy of deference and anticipation with others, and to reduce the subordination associated with vulnerability. It is hard to see how we could take such steps without at the same time advancing their freedom as non-domination. Freedom as non-domination appears to be, not just a more or less sufficient instrument for promoting those effects, but a more or less necessarily associated factor. There is no promoting non-domination without promoting those effects; and there is no promoting those effects without promoting non-domination. This may not hold in every possible world, but it certainly seems to hold under plausible assumptions about how the actual world works. Given that freedom as non-domination is bound up in this way with the effects discussed, how could anyone fail to want it for themselves, or fail to recognize it as a value? Short of embracing some religiously or ideologically motivated doctrine of self-abasement, **people will** surely **find their ends easier of attainment to the extent that they enjoy non-domination.** Certainly they will find those ends easier of attainment if they are ends conceived and pursued under the pluralistic conditions that obtain in most developed democracies and, of course, in the international world at large. Freedom as non-domination is not just an instrumental good, then; it also enjoys the status, at least in relevant circumstances, of a primary good. This point is easily supported. For almost all the things that a person is likely to want, the pursuit of those things is going to be facilitated by their having an ability to make plans (Bratman 1987). But short of enjoying non-domination, the person's ability to make plans will be undermined by the sort of uncertainty we discussed. Hence, to the extent that it involves a reduction in uncertainty, non-domination has the firm attraction of a primary good.

**Second, non-domination comes first under util for state actors. It’s key to resolve the infeasibility of direct util calc.**

**Pettit 99**: Pettit, Philip (Professor at Princeton). Republicanism: A Theory of Freedom and Government. Oxford University Press, USA (September 30, 1999).

Republicanism is a consequentialist doctrine which assigns to government, in particular to governmental authorities, the task of promoting freedom as non-domination. But suppose that the authorities endorse this goal in a zealous, committed manner. Does that not raise the problem that they may seek in the name of the republican goal to breach the very forms that we, as system designers, think that the goal requires (Lyons 1982)? Does it not mean that they may often be motivated to take the law into their own hands—to dirty their hands (Coady 1993)—and to advance republican ends by non-republican means? It is often said that a utilitarian sheriff who is committed to promoting overall happiness might be required to frame an innocent person in order to avoid the worse consequences associated with a riot (McCloskey 1963). Is there not a parallel reason for thinking that republican officials who are committed to promoting overall nondomination will be subject to similar rule-breaking requirements? It would be a very serious problem if republicanism was morally infeasible in this way, for it would undermine the capacity of constitutional and institutional designers—ultimately it would undermine the capacity of a people—to plan for the effects they want to achieve. Whatever is to be said of the utilitarian goal of overall happiness, however, the republican goal of freedom as **non-domination does not raise a** serious **problem of moral infeasibility** (Braithwaite and Pettit 1990: 71-8). People enjoy freedom as non-domination to the extent that no other is in a position to interfere on an arbitrary basis in their lives. The zealous agents who break faith with an assigned brief in order to promote non-domination assume and achieve resources of arbitrary power, for they behave in a way that gives their own unchallenged judgement sway over others. And this assumption of resources affects, not just the non-domination of those affected in this or that case, but the non-domination of most of the society; zealous agents set themselves up over all, not just over some. If certain agents think that they can maximize non-domination by transgressing the obligations of their brief, then, they are almost certain to be mistaken. Whatever non-domination they hope to bring about by departing from their brief, it is unlikely to be greater than the massive domination they thereby perpetrate over the population in general. Against this, it may be objected that the sort of domination that official agents exercise over me and my like in virtue of covertly interfering with someone else is not itself harmful, so long as we remain unaware of the fact of being dominated. The agents may have reason to think, therefore, that it will be worth their while interfering if the chances of the interference becoming recognized are sufficiently small. I reply that no agent will ever be certain of not being caught out, and that the cost of being caught out is so enormous that, still, there is very unlikely to be a case for transgression sufficient to move a zealous agent. The cost of being caught out is that someone else will come to see that their lives are subject to the more or less arbitrary interference, not just of the agent in question, but of any other official agent: and, if someone else, then everyone else, since anyone who detects transgression is more than likely to make it public. What if the chance of being caught out is really very small indeed? Why shouldn't a zealous agent conclude that however great the cost of being apprehended, the improbability is such that he or she should bend the law in this case: bend the law, for example, as in covering up the offences of an important public personage, and seeking thereby to advance the interests of the country? There may be the very exceptional circumstances where zealotry is pardonable—pardonable and perhaps even commendable—but a very serious consideration argues against there being many. This is that the more unlikely it is that an agent will be apprehended, the clearer it will be to people at large that this case is an acid test of whether they are living under a proper rule of law or under the arbitrary sway of officials who put themselves, out of whatever high motives, above that law. Let apprehension be likely and people may well reckon that the errant official just nodded. Let apprehension be unlikely and they will all the more certainly think that the errant official typifies a general, dominating frame of mind. Short of catastrophic circumstances, then, there is unlikely to be any serious reason why a zealous agent should be tempted in the name of non-domination to break with the very rules of behaviour—the republican forms of government—that are designed to promote it. The considerations I have raised show that, given the power of official agents, and given their potential for domination, there is every reason why zealous agents should want to go out of their way to show people at large that there is no possibility of their taking the goal of nondomination into their own hands. There is every reason why they should **look for institutional means of making it** salient and credible that they are pre-committed to sticking with their brief, and to sticking with their brief even in cases where there is a prima facie case for zealous opportunism. There is every reason why they should want to make it **salient and credible that their hands are tied**: that they are agents with little or no independent discretion.

**Third, Kantianism requires non-domination.**

**Ripstein 9**

Arthur Ripstein. Force and Freedom: Kant’s Legal and Political Philosophy. Harvard University Press. 2009.

The right to freedom as independence provides a model of interaction that reconciles the ability of separate persons to use their powers to pur- sue their own purposes. In so doing, it also provides a distinctive concepttion of the wrongs that interfere with this independence. **Wrongdoing takes the form of domination.** Both your right to independence and the violations of it can only be explicated by reference to the actions of others. Wrongs against your person are not outcomes that are bad for you which other people happen to cause. Unlike the familiar “harm principle” put forward by Mill, which focuses exclusively on out comes that can be characterized without reference to the acts that bring them about, the right to freedom focuses exclusively on the acts of others. It is not that somebody does something that causes something bad to happen to you; it is that somebody does something to you. The idea of freedom as nondomination has a distinguished history in political philosophy. Recent scholars have pointed out that Berlin’s dichotomy between negative and positive liberty leaves out a prominent idea of liberty, sometimes referred to as the “republican” or neo-Roman conception of liberty, according to which liberty consists in independence from others. These scholars argue that this conception was central to the political thought of the civic republicans of the Renaissance, who were centrally concerned with the dangers of despotism. On this reading, the early modern republicans did not object to despotism because it interfered with their negative or positive liberty (to use anachronistic terms they would not have recognized). A despot who was benevolent, or even prudent, might allow people, especially potentially powerful ones, opportunity to do what they wanted or be true to themselves. The objection was to the fact that it was up to the despot to decide, to his having the power, quite apart from the possibility that he would use it badly. Unless someone has a power, there is no danger of it being used badly, but the core concern of the civic republicans was the despot’s entitlement to use it, and the subjugation of his subjects that followed regardless of how it was used.18 [Footnote 18. See generally Philip **Pettit**, Republicanism: A Theory of Freedom and Government (Oxford: Oxford University Press, 1997), and Quentin Skinner, Liberty Before Liberalism (Cam- bridge: Cambridge University Press, 1998). In “A Third Concept of Liberty,” Proceedings of the British Academy 117 (2002): 239, Skinner points out that Berlin’s idea of positive liberty is not an idea of self-mastery but of mastering yourself.] Berlin is aware of this difference when he writes, “It is perfectly conceivable that a liberal-minded despot would allow his subjects a large mea sure of personal freedom.”19 Freedom as independence carries this same idea of independence further, to relations among citizens. It insists that everything that is wrong with being subject to the choice of a powerful ruler is also wrong with being subject to the choice of another private person. As a result, **it can explain the nature of wrongdoing even when no harm ensues.** One person is subject to another person’s choice; I use your means to advance purposes you have not set for yourself. Most familiar crimes are examples of one person interfering with the freedom of another by interfering with either her exercise of her powers or her ability to exercise them. They are small- scale versions of despotism or abuse of office.

**Contention: Reducing IP protections is necessary for any democratic republic to meet the goals of republicanism. Two warrants:**

1. **IPP enables pharma companies to dominate consumers by providing them the unrestricted and arbitrary means of hiking vital drug prices that they’ve monopolized.**

**I-MAK 18** “I-Mak Overpatented Overpriced Report.” I-MAK, 2018, https://www.i-mak.org/wp-content/uploads/2018/08/I-MAK-Overpatented-Overpriced-Report.pdf.

Patents are supposed to protect inventions for 20 years beginning from the time the patent was first filed. Today**, drugmakers are filing** dozens or even **hundreds of patents, resulting in nearly double the length of protection, blocking competition and keeping cheaper versions of medicines off the market**. This abusive practice, known as ‘evergreening’, or what drugmakers market as incremental innovation and improvements, sits at the heart of the drug price crisis in the United States. The patent system can provide an incentive to encourage drugmakers to develop new medicines for which there is robust commercial demand, but the monopolies granted under U.S. patent law are meant to be limited in duration. Today, drugmakers have transformed the patent system in to a defensive business strategy to avoid competition in order to earn outsized profits on medicines for many years beyond what was intended. The response to this systemic abuse has been inadequate and some measures have even further facilitated these practices over the last three decades.8 This report examines the extent of this abuse through an analysis of the twelve best selling drugs in the United States. It was conducted to assess whether drugmakers behind these medicines are exploiting the patent system, and how such tactics translate into delayed competition and price increases. Abuse of the patent system causes undue economic hardship for American families and budgets of public and private payers. Lyrica, one of Pfizer’s top-selling drugs used to treat neuropathic pain, is a prime example of the type of over-patenting based on trivial inventions that are often used by drugmakers in order to artificially extend their commercial exclusivity while raising prices. With a first patent filed in 1995, and the drug on the market for the past fourteen years, Lyrica has been a major source of revenue for Pfizer. The drug grossed over $5 billion in global sales last year, $3 billion of from U.S. payers, including insurance companies and Medicare and Medicaid. The commercial success of this product was driven in large part by the 163% price increases in the last six years, the most severe hike amongst the top twelve drugs. Additionally, the drug ranked as the second-highest (behind Humira) in total amount of direct-to-consumer spending in 2017 with $216 million spent by Pfizer on television ads alone10. Lyrica was set to go off-patent at the end of 2018 and the entry of generic competition would have quickly and markedly reduce Pfizer’s revenue from Lyrica by 70-90% in less than two years. But Pfizer had filed and was issued patents for an additional twenty year period on a controlled-release formulation of the product (Lyrica CR), meaning that patients would take a single pill instead of two or three pills daily11. With these patents, Pfizer’s hold on the market will remain and, if history is a guide, they will continue major repeated increases in the price of the drug. Our findings show that **the top grossing drugs have on average 125 patent applications**, **which are filed with a strategic intent to extend the commercial monopolies far beyond the intended twenty years of protection.** **Such filings allow drugmakers to** a) **increase the price of the branded drugs by an average of 68% in six years, and** b) **seek to stall generic competition by an average of 38 years.** While these average figures are disconcerting, examples among specific drugs run even more extreme in each category. Among the top grossing and best known drugs on the market today, **some of the ‘worst offenders’ include AbbVie having filed 247 patent applications for Humira, Pfizer’s 163% price hike over six years for Lyrica, and Roche’s and Genentech’s efforts to seek 48 years of patent exclusivity for Herceptin.** These examples are not outliers; our analysis indicates **that patent holders for the other top twelve drugs also abuse the patent system, hike the price of drugs, and delay generic competition**. Enabling drugmakers to maintain patent monopolies far beyond twenty years has significant consequences on the American healthcare system. The strategy to expand monopolies without any meaningful new science or invention exacts a heavy cost on American payers and households. Specifically, these twelve highest grossing drugs cost $96 billion to health insurers, government payers, and consumers in 2017 alone. Since drugmakers often continue to increase the prices of medicines once or twice a year, even after the product has already been on the market for many years, revenues may continue to grow for these medicines until there is generic competition. Generic competition, with two or more generic suppliers competing to reduce the price of a medicine, consistently lowers prescription drug prices by more than half12. Yet policy makers have not put enough effort into accelerating generic competition, or at least ensuring that drugmakers do not extend monopolies beyond the twenty years intended under U.S. patent law. Measures must be taken to limit the power of the pharmaceutical industry to abuse the patent system and reverse the drug industry’s dramatic expansion of patent monopolies.

#### Property rights minimize the opportunity of innovation which limits individual freedom through creating monopolies. They also limit the use of tangible objects such as medicines for good purposes.

Cernea and Uszkai 12 Cernea, Mihail-Valentin, and Radu Uszkai. *The Clash between Global Justice and Pharmaceutical Patents: A Critical Analysis*. 2012, the-clash-between-global-justice-and-drug-patents-a-critical-analysis.pdf. SJEP

To make this point clearer, we regard property as an ethical institution which emerged in the context of reiterated conflict between agents for tangible goods. A useful analogy would be, for example, the particular way in which David Hume discusses the emergence of justice in the context of scarcity in which agents pursue their own interests4 . As a result, the purpose of property rights would be that of avoiding or minimizing the possibility of conflict and that of increasing the costs of free-riding or trespassing. Let’s take the following example which will illustrate better our point. Assume that X is a philosophy student and has a copy of Immanuel Kant’s Groundwork of the Metaphysics of Morals. Y is a college of him but he does not have the book. They both have to write an essay on Kant’s categorical imperative. Because Y does not have the book, let’s assume that he decides, whether by the use of coercion or fraud to take his book. As a result, the theft leaves X without his property because tangible goods are rivalrous in consumption. Both student can’t, at the same time but in a different place read about Kant’s categorical imperative from the same copy. Now a different example: suppose X invents a new way of harvesting corn and Y harvests his corn accordingly. This situation is quite different in comparison to the case we presented earlier, because Y does not leaves X without either his new harvesting mechanisms which he created but neither without the idea behind the mechanism. It would be hard to say that Y stole something from X because the consumption of intangible goods such as ideas does not have the same rivalrous property as a copy of a book written by Kant. Actually, the existence of the patent system fosters the scarcity of ideas. In this context patents represent unjustified state-granted monopolies. Moreover, intellectual property rights have another profound immoral consequence: it limits the use of tangible objects which we acquired fully in line with market rules.

## Underview

#### 1] Allow 1AR theory because it checks against infinite abuse in the neg. 1AR theory is drop the debater, no RVI, and competing interps – the 4-minute 1ar does not have time to win both theory and substance so you must be punished. It’s also key to deterring abusive NC’s from spreading out the 1AR on paradigm issues or the 2NR from overwhelming the 2A on the line by line. Fairness is a voter because debaters must be on an equitable level before engaging in substantive education.

#### 2) Reject Extinction First Weighing,

**a) Extinction based politics is a form of domination, it allows states to always intervene in people’s rights through an arbitrary justification of solving for random extinction impacts, which my syllogism specifically rejects.**

**b) Everything technically could cause extinction – spraying hairspray could put a hole in the ozone layer - it’s infinitely regressiveW**

**c) Probability comes before Magnitude, otherwise we would constantly focus on non-applicable things**

#### My framework means extinction impacts don’t matter. All they do is serve to pull us away from thinking about the right and moral responses to the world around us. Additionally, even if greed is the only way to stop extinction it would still be wrong..

C.S. **Lewis 86**. *Present Concerns: A Compelling Collection of Timely, Journalistic Essays.* “On Living in an Atomic Age.” Compiled in 1986.