# Bronx Octas

# T

#### Interpretation: medicine means only treatment and cure – affs cannot defend medical interventions, which is distinct

Elbe 10 [Stefan Elbe, director of the Centre for Global Health Policy and a professor of international relations at the University of Sussex. "Security and Global Health," ISBN 0745643744, accessed 8-10-2021, https://www.wiley.com/en-ee/Security+and+Global+Health-p-9780745643731] HWIC

Yet here too we must be careful not to overlook other types of medical intervention simultaneously pursued by the 'social' arm of modern medicine at the population level. Vaccines in particular continue to be particularly important medical interventions that repeatedly surface in a variety of different health security delib- erations. Strictly speaking, vaccines are not medicines because they consist of small concentrations of disease-causing microbes (or their derivatives) used to enhance a person's immuno-response to a future infection. As a public health measure, vaccines have therefore also been largely sidelined in the existing medicalization literature. Yet, generally speaking, vaccines too can be considered as medical interventions. That is certainly how the World Health Organization views them, pointing out that 'vaccines are among the most important medical interventions for reducing illness and deaths' available today (WHO 2009a). Whereas pills and other therapies mark the tools of clinical medicine, vaccines play a crucial part in the arsenal of 'social' medicine and public health. Developing and rolling out of new vaccines against a range of current (and future) diseases therefore represents further evidence of how the rise of health security is also encouraging security to be practised through the introduction of new medical interventions in society.

#### Standards:

#### 1. Limits – allowing any patented medical intervention allows testing methods, scanning machinery, and tracing software – it takes away generics like innovation which are specific to pharmaceutical development, not preventative measures, which takes away our main IP good argument

Reis ‘6 (Tarcísio Hardman Reis, PhD in International Law from the University of Lausanne, Switzerland) The Role of Intellectual Property in the Global Challenge for Immunization, 22 June 2006, https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1422-2213.2006.00284.x

1. IP and vaccines: a troubled relationship

The Doha Declaration12 is considered to be the ultimate step in developing a common strategy on access to medicines.13 The suppression of the term ‘‘vaccines’’ from the final text of the Doha Declaration did not clarify the ambiguity of its application towards vaccines.14 Also, the later ‘‘Decision on the implementation of paragraph 6 of the Doha Declaration on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement and public health’’15, establishing an international policy for drugs, failed to bring new elements to this issue:

Though access to medicines was the main preoccupation that led to the Doha Declaration, the Declaration covers not only medicines, but any product, method or technology for health care.16

The ambiguity of the expression ‘‘pharmaceutical products’’ is partially due to the difficulties in identifying an internationally accepted legal definition for vaccines. In most of the cases, vaccines are defined by their expected effects,17 but the complexity of the technical framework for pharmaceutical products18 with regard to the most recent technologies, and the intricacy of the components involved in their manufacture, needs to be supported by technical legislation, which is not available in most developing countries.

However, the inclusion of vaccines in the Doha Declaration is only partially relevant for the immunization programs, as the role of patents on access to medicines is substantially different from the role of IP in promoting access to vaccines:

. . . the issue of patents on vaccines as end-products and their possible impact on access is different from that in pharmaceuticals. There are fewer current vaccine products that are patented, and the fact that governments (and international agencies) are major purchasers, limits the scope for producers to secure higher prices through exercising their exclusionary rights.19

Basically, the different views between developed and developing countries are supported by two major arguments reviewed in this article. The first one is the patentability of microbiological products (A) and the second one is the protection of secrets as an obstacle to technology transfer (B).

DTD to set a norm, ci bc reasonabiltiy’s aribtirary, no rvis on t since it’s atest of whether your topical and na I meet sovles for all time skew

fairness and educaiton are voters bc debate’s a game and we do it for real life skills

# T

#### Interpretation – the affirmative may not specify a subset of medicines

#### 1] Grammar – Medicines is a generic bare plural

Nebel 20 [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Indefinite Singular Generics in Debate” Victory Briefs, 19 August 2020. no url AG

I agree that if “a democracy” in the resolution just meant “one or more democracy,” then a country-specific affirmative could be topical. But, as I will explain in this topic analysis, that isn’t what “a democracy” means in the resolution. To see why, we first need to back up a bit and review (or learn) the idea of generic generalizations.

The most common way of expressing a generic in English is through a *bare plural*. A bare plural is a plural noun phrase, like “dogs” and “cats,” that lacks an overt determiner. (A determiner is a word that tells us which or how many: determiners include quantifier words like “all,” “some,” and “most,” demonstratives like “this” and “those,” posses- sives like “mine” and “its,” and so on.) LD resolutions often contain bare plurals, and that is the most common clue to their genericity.

We have already seen some examples of generics that are not bare plurals: “A whale is a mammal,” “A beaver builds dams,” and “The woolly mammoth is extinct.” The first two examples use indefinite singulars—singular nouns preceded by the indefinite article “a”—and the third is a definite singular since it is preceded by the definite article “the.” Generics can also be expressed with bare singulars (“Syrup is viscous”) and even verbs (as we’ll see later on). The resolution’s “a democracy” is an indefinite singular, and so it very well might be—and, as we’ll soon see, is—generic.

But it is also important to keep in mind that, just as not all generics are bare plurals, not all bare plurals are generic. “Dogs are barking” is true as long as some dogs are barking. Bare plurals can be used in particular ways to express existential statements. The key question for any given debate resolution that contains a bare plural is whether that occurrence of the bare plural is generic or existential.

The same is true of indefinite singulars. As debaters will be quick to point out, some uses of the indefinite singular really do mean “some” or “one or more”: “A cat is on the mat” is clearly not a generic generalization about cats; it’s true as long as some cat is on the mat. The question is whether the indefinite singular “a democracy” is existential or generic in the resolution.

Now, my own view is that, if we understand the difference between existential and generic statements, and if we approach the question impartially, without any invest- ment in one side of the debate, we can almost always just tell which reading is correct just by thinking about it. It is clear that “In a democracy, voting ought to be compul- sory” doesn’t mean “There is one or more democracy in which voting ought to be com- pulsory.” I don’t think a fancy argument should be required to show this any more than a fancy argument should be required to show that “A duck doesn’t lay eggs” is a generic—a false one because ducks do lay eggs, even though some ducks (namely males) don’t. And if a debater contests this by insisting that “a democracy” is existen- tial, the judge should be willing to resolve competing claims by, well, judging—that is, by using her judgment. Contesting a claim by insisting on its negation or demanding justification doesn’t put any obligation on the judge to be neutral about it. (Otherwise the negative could make every debate irresolvable by just insisting on the negation of every statement in the affirmative speeches.) Even if the insistence is backed by some sort of argument, we can reasonably reject an argument if we know its conclusion to be false, even if we are not in a position to know exactly where the argument goes wrong. Particularly in matters of logic and language, speakers have more direct knowledge of particular cases (e.g., that some specific inference is invalid or some specific sentence is infelicitious) than of the underlying explanations.

But that is just my view, and not every judge agrees with me, so it will be helpful to consider some arguments for the conclusion that we already know to be true: that, even if the United States is a democracy and ought to have compulsory voting, that doesn’t suffice to show that, in a democracy, voting ought to be compulsory—in other words, that “a democracy” in the resolution is generic, not existential.

Second, existential uses of the indefinite, such as “A cat is on the mat,” are upward- entailing.3 This means that if you replace the noun with a more general one, such as “An animal is on the mat,” the sentence will still be true. So let’s do that with “a democracy.” Does the resolution entail “In a society, voting ought to be compulsory”? Intuitively not, because you could think that voting ought to be compulsory in democracies but not in other sorts of societies. This suggests that “a democracy” in the resolution is not existential.

#### It applies to this topic – a] the noun “medicines” in the topic has no determiner preceding it to justify speccing a subset of medicines. that means medicines is an existential bare plural b] it fails the upward entailment test bc “member nations ought to reduce ip protections for medicines” does not entail that “member nations ought to reduce ip protections for pharmaceuticals” even though all medicines are pharmaceuticals.

Semantics first – the judge doenst have any jursidiction to vote on any other topic and it’s the only stable statis point of the round

#### Violation – they only defend the COVID vaccine

#### Standards:

#### 1] Prep hazard – there are an infinite number of medicines they could possibly spec exploding neg prep – generics and functional limits don’t apply because each medicine has different effects, capabilities, and implications which makes there infinite arguments for each weapon being bad

#### 2] TVA Solves – just read your aff as an advantage to a whole rez aff. We aren’t stopping them from reading new FWs, mechanisms, or advantages. PICs don’t solve – it’s ridiculous to say that neg potential abuse justifies the aff making it impossible for me to win

# NC

#### The metaethic is practical reason. Prefer:

#### First, value theory – the existence of extrinsic goodness requires unconditional human worth.

Korsgaard (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS \*bracketed for gen lang\* //rct st

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

#### Second, practical reason – ethical principles must be derived from the structure of reason:

#### [1] Regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### [2] Action Theory – every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### Third, epistemology – ethics must begin a priori, meaning they can’t be derived from our experience.

#### [1] Representations of space – we can only access our experiences if we can interpret the space around us, but that requires the a priori. Thinking of the absence of space is impossible – we can think of empty space but never the lack of space itself. Imagining space through a priori thoughts is the only way we can even begin to have a conception of interpreting experience; we need to be able to construct space through our minds.

#### [2] Separateness – if space is based on experience, it must be formed from objects separate to us outside of our reasoning abilities. But to represent objects as separate from us, we would already need to assume space exists in the first place to have a concept of “separateness,” so to represent space as something separate from us would be incoherent.

#### [3] Uncertainty – every person has different experiences so we can’t have a unified perspective on what is good if we each have different conceptions of it – even if we can roughly aggregate it’s not enough because there’ll always be a case when it fails so the framework o/w on probability.

#### Practical reason means we all have a unified perspective: What can be justified to me can be justified to everyone who is a practical reasoner. If I can conclude that 2+2 is 4, then I understand not only that I know 2+2 is 4, but that everyone around me can arrive at the same conclusion. These things are temporally consistent: I know that me adding two numbers now and taking that sum will not result in me adding the same two numbers in the future and getting a different sum. Our unified perspective does not change but rather stays consistent.

#### But, willing an action that violates the freedom of others is a contradiction: If I decide to kill someone, that action is not universalizable because that would justify other people killing me too. If I die, I cannot exercise my freedom to kill someone else. This is a contradiction: I both justify extending my freedom to kill others and limiting my own freedom.

#### Thus, the standard is respecting freedom.

#### Impact calc –

#### There is an act-omission distinction –

#### [a] Infinite Regress – Ethics cannot hold agents accountable for an infinite number of untaken decisions, otherwise that would impair action because agents would simultaneously have an infinite number of obligations. [b] Illogical – we wouldn’t hold an agent who chooses a morally repugnant act equally culpable as an agent who chooses not to prevent a morally repugnant act, like saving a drowning baby from a pool. [c] Omissions aren’t intrinsic to the will because agents don’t proactively choose not to take certain actions, e.g. you don’t wake up and say, “Today is my day to not donate to charity!” – so we shouldn’t hold agents morally accountable for these omissions.

#### Negate –

**[1] Property rights – putting limits on the economic uses of intellectual property creates a contradiction – the concept of property is violated if you aren't allowed to control how you use it.**

Pozzo**,**6 (Riccardo Pozzo, Riccardo Pozzo is an Italian philosopher and historian of philosophy., 11-18-2006, accessed on 8-12-2021, Scielo, "IMMANUEL KANT ON INTELLECTUAL PROPERTY", [https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en)\*brack](https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en)*brack)eted for gen lang\*//st

The error consists in mistaking one of these rights for the other” (Kant, 1902, t.6, p.290). The corpus mysticum, the work considered as an immaterial good, remains property of the author on behalf of the original right of its creation. The corpus mechanicum consists of the exemplars of the book or of the work of art. It becomes the property of whoever has bought the material object in which the work has been reproduced or expressed. Seneca points out in De beneficiis (VII, 6) the difference between owning a thing and owning its use. He tells us that the bookseller Dorus had the habit of calling Cicero’s books his own, while there are people who claim books their own because they have written them and other people that do the same because they have bought them. Seneca concludes that the books can be correctly said to belong to both, for it is true they belong to both, but in a different way. The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on [their] work confers [them] a moral right that is indeed a personal right. It is also a right to exploit economically [their] work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other. In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. Kant, however, was firm in embracing intellectual property. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to intellectual property as an “inalienable right (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book Trans/Form/Ação, São Paulo, 29(2): 11-18, 2006 13 that contains them and put it into our library.

#### It doesn’t matter if it’s intellectual property – the concept of intellectual property is the same as physical property – property as a concept is something that a person owns and can control unconditionally given that it doesn’t violate someone else’s freedoms, so IP qualifies.

#### [2] Act-omission distinction – not giving someone is an omission, otherwise we would have infinite obligations to tell everyone everything – pharma companies can’t be held accountable for doing functionally nothing so the state has no obligation to enact rules on it.

# Hijack

#### [1] IP rights are included in multiple international contracts – the aff violates that.

**WIPO** (WIPO, 11-9-1998, accessed on 8-25-2021, World Intellectual Property Organization, "Intellectual Property and Human Rights", https://www.wipo.int/edocs/pubdocs/en/wipo\_pub\_762.pdf)

The World Intellectual Property Organization (WIPO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) take pleasure in issuing the proceedings of the Panel Discussion on "Intellectual Property and Human Rights" which took place in Geneva on November 9, 1998, to mark the Fiftieth Anniversary of the Universal Declaration of Human Rights (UDHR). Intellectual property rights are enshrined as human rights in the UDHR. Article 27 of the Universal Declaration provides that: "(]) Everyone has the right.freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." These rights are further emphasized by Article 15 of the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), Article 19 of the International Covenant on Civii'and Political Rights, 1966 (ICCPR), the Vienna Declaration and Program of Action, 1993 (VDPA), and other international and regional instruments.

#### [2] Consent – the aff disregards the consent of medicine producers and allows it to be violated by removing patents - negates because violating a party’s consent is an act of violating a hypothetical contract since their side of the contract isn’t accounted for