### 1

#### Current COVID vaccine I.P. provide the perfect climate for innovation

Wilbur 21 – Tom Wilbur is Director of Public Affairs at PhRMA focusing on message development and opinion research. Prior to joining PhRMA in 2019, Tom worked on Capitol Hill and on political campaigns for nearly a decade, most recently responsible for communications, campaigns and strategy for U.S. Rep. Fred Upton and the House Energy and Commerce Committee. Tom is a proud Michigander and outside of the virtual office enjoys reading, running, hiking, golfing, and spending time with friends and family; February 12, 2021; “The latest: What they are saying: Intellectual property protections vital to COVID-19 research, development and manufacturing”; <https://catalyst.phrma.org/the-latest-what-they-are-saying-intellectual-property-protections-vital-to-covid-19-research-development-and-manufacturing> //advay

Strong and reliable IP protections – including patents – have supported America’s robust innovation ecosystem by promoting discovery, development, affordability and access to new treatments and cures. As our industry continues to expand vaccine production and deliver medicines to patients in need, reliable IP protections have been critical in supporting multiple research and development and manufacturing ramp-ups on COVID-19 vaccines and therapeutics. Innovators need strong and reliable IP protections to research, develop and manufacture new therapeutics and vaccines that will improve patients’ lives during the current pandemic and beyond.

Experts continue to highlight the importance of strong IP protections that encourage innovators to develop and produce COVID-19 solutions. Here are some of their thoughts:

“Consider…the multiple COVID-19 vaccines that were developed in less than a year, but are based on decades of research and countless inventions in dozens of scientific and technology disciplines. The importance of our nation’s consistent support of such creativity over time is more evident now than ever…Our intellectual property system — born from our Constitution and steeped in our history — is strong and it supports our nation’s innovators who are more creative and more capable than they have ever been.” – Andrei Iancu, then-Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

#### Lack of I.P. protections wreck the U.S. economy and R.O.I. because no one wants to innovate anymore

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“Of all of the ways to improve access to critical medication or vaccines, elimination of intellectual property rights is one of the worst. Our intellectual property system is designed to reward research and development innovation. Tampering with that sends a chilling signal about the rewards of corporate funding of the development and manufacture of new drugs, and tears down a system that has allowed the U.S. government to realize an enormous *return on its investment* into biomedical research.” – Jim Sailer, executive director of the Population Council’s Center for Biomedical Research, in The New York Times

“The role and importance of intellectual property standards have never been more apparent than during this global pandemic. The ecosystem for innovation spans basic scientific research, applied science, product development and testing, and commercialization… The role of intellectual property laws in this ecosystem is to enable those investments by transparently and predictably assigning rights to the breakthroughs that result at each respective phase of the innovation ecosystem. Those legal rights allow stakeholders to come to terms on contractual arrangements that enable collaboration by ensuring each party agrees on the value the others are bringing to the project. By doing so, intellectual property rights provide a vehicle to transform new technologies from useful knowledge into finished products that can serve an end-user, such as a treatment or vaccine for COVID-19.” – Patrick Kilbride, Senior Vice President at the Global Innovation Policy Center, US Chamber of Commerce, in Express Pharma

“At every step of drug development, intellectual property rights (IPRs) play a crucial role, supporting early research, bringing treatments through clinical trials, and getting them to patients…IP is the bedrock upon which today’s COVID-19 vaccines have been built… The IP system encouraged the rapid establishment of dozens of partnerships around COVID-19, with even commercial rivals prepared to cooperate and share capital and proprietary intellectual resources such as compound libraries…”– Philip Stevens, Executive Director of Geneva Network, and Mark Schultz, Goodyear Endowed Chair in Intellectual Property Law at the University of Akron School of Law, in Geneva Network

America’s biopharmaceutical companies remain committed to ensuring that treatments and vaccines developed for COVID-19 are availables to all who need them. For more information on the importance of IP rights, visit our IP page and stay tuned for our next IP Explained post.

#### Reductions are detrimental to medical innovation and disease prevention – spillover turns the aff

ABC 20 – America’s Biopharmaceutical Companies are a consortium of companies dedicated to driving innovation and collaborating to prevent disease. America's Biopharmaceutical Companies go boldly into the search for new treatments and cures, everyday. They are pioneers in innovation, ushering in a new era of treaments for patients; “How Intellectual Property Protections Spur Innovation”; 2020; <https://innovation.org/en/about-us/commitment/innovation-fragility/world-ip-day-intellectual-property-protections-spur-innovation> //advay

\*\*this ev also turns their soft left args – it indicates protections reduce healthcare spending which provides an external N.B. to the squo

As America’s biopharmaceutical companies work around the clock to develop solutions to help diagnose and treat those with COVID-19, a disease caused by a novel strain of coronavirus, the importance of a robust innovation ecosystem is at the forefront of our minds. Intellectual property (IP) protections help lay the foundation for this ecosystem, both in the U.S. and across the globe.

IP and the New Era of Medicine: Our intellectual property system in the United States promotes competition and is the foundation for breakthrough treatments and cures for patients. Government organizations like the National Institutes of Health (NIH) perform limited research; however, most of the research and development spending comes from biopharmaceutical manufacturers, which are unique in the substantial risk they take on. Because of a competitive U.S. patent system, biopharmaceutical innovators are willing to invest more than any other industry in R&D and bring forward medical advances critical to addressing some of our most challenging diseases.

Our intellectual property system in the United States promotes competition and is the foundation for breakthrough treatments and cures for patients.

The Importance of IP Protections: IP protections give innovators certainty that their proprietary inventions or products are protected from copycats, encouraging them to pursue that one idea that may work despite hundreds of others that may fail. At the same time, innovators publish the specifics of their invention in exchange for these protections so others can learn from their research and use it as a building block for future, competing discoveries.

Developing new medicines is a lengthy and complex process, and the work that goes into the initial discovery and patent application is just the beginning. A biopharmaceutical manufacturer must then demonstrate the safety and efficacy of a new treatment through rigorous testing that involves clinical trial data before a medicine can be made available to patients. By the time a medicine is ready for the market, it has typically taken on average $2.6 billion and 10 years—about half of the life of a patent.

The Value of IP Protections in the United States: In the U.S., IP protections help support more treatment options and generic alternatives, lower long-term health care costs, and Americans living longer, healthier lives. In fact, our IP system strikes a balance between promoting innovation and meeting the needs of patients who rely on breakthrough treatments and cures. In the last three years alone, 150 new treatments and cures have been approved, and over 3,000 generic alternatives have been approved or are on the road to approval. Today, more than 90% of drug prescriptions are filled with generics—up from 19% 35 years ago.

Additionally, America’s biopharmaceutical industry is a major contributor to the nation’s R&D economy and helps keep America at the forefront of advanced technology development. The industry ranks first among all U.S. manufacturing industries in terms of R&D dollars invested per employee and is responsible for about one out of every six dollars spent on R&D by U.S. businesses.

Today, 90% of new treatments and cures in the world come from the U.S., which is one of only a few countries where medicines are developed. Without reliable patent protections for inventions, patients would have access to fewer treatments and cures

Because of a competitive U.S. patent system, biopharmaceutical innovators are willing to invest more than any other industry in R&D.

The Role of IP Protections Around the World: IP is important on the international scale as well, as intellectual property systems differ from country to country. Many countries around the world are lifting IP standards to benefit their patients and consumers, to empower local inventors and to encourage more investment in innovation.

As people everywhere face the deadly COVID-19 pandemic and researchers race to develop and test potential solutions, we need innovation more than ever. Patents and other intellectual property have enabled a rapid response to this disease. They are facilitating the collaboration and partnerships needed to defeat the virus and to quickly scale up manufacturing and distribution of approved treatments and vaccines. To win this fight, countries around the world must continue to protect new inventions.

#### Anticipated economic results in nuclear war – especially for the U.S. and COVID

Tønnesson 15 [Tønnesson is a research professor at the Peace Research Institute Oslo (PRIO) in Norway and the leader of the East Asia Peace program at Uppsala University in Sweden.] “Deterrence, interdependence and Sino–US peace.” International Area Studies Review, volume 18, number 3, pgs. 297-311. 2015 // recut advay

Several recent works on China and Sino–US relations have made substantial contributions to the current understanding of how and under what circumstances a combination of nuclear deterrence and economic interdependence may reduce the risk of war between major powers. At least four conclusions can be drawn from the review above: first, those who say that interdependence may both inhibit and drive conflict are right. Interdependence raises the cost of conflict for all sides but asymmetrical or unbalanced dependencies and negative trade expectations may generate tensions leading to trade wars among inter-dependent states that in turn increase the risk of military conflict (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, decisions for war and peace are taken by very few people, who act on the basis of their future expectations. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. If leaders on either side of the Atlantic begin to seriously fear or anticipate their own nation’s decline then they may blame this on external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain respect or credibility, adopt protectionist policies, and ultimately refuse to be deterred by either nuclear arms or prospects of socioeconomic calamities. Such a dangerous shift could happen abruptly, i.e. under the instigation of actions by a third party – or against a third party. Yet as long as there is both nuclear deterrence and interdependence, the tensions in East Asia are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. The greatest risk is not that a territorial dispute leads to war under present circumstances but that changes in the world economy alter those circumstances in ways that render inter-state peace more precarious. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so. Deterrence could lose its credibility: one of the two great powers might gamble that the other yield in a cyber-war or conventional limited war, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.

### 2

#### Counterplan text: Member nations of the WTO should

#### use R&D subsidies to encourage pharmaceutical companies to grant confidential discounts to low-income countries

#### Donate all COVID vaccine doses to low- and middle-income countries

#### That makes new drugs affordable and spurs innovation

Danzon 07

Patricia M. Danzon [Patricia Danzon is an American economist, currently the Cecilia Moh Professor at Wharton School of the University of Pennsylvania], 2007, “At what price?”, [https://www.nature.com/articles/449176a //](https://www.nature.com/articles/449176a%20//) AK

Manufacturers could be encouraged to grant discounts to low-income countries in the form of confidential rebates paid directly to the ultimate purchaser, while wholesalers and other third-party distributors are supplied at a common price. Achieving differential pricing through confidential discounts prevents other purchasers from demanding matched prices or importing the discounted products. Confidential discounts targeted to programmes for the poor could also be used to reduce prices for low-income populations in countries where market prices are high as a result of wealthy subgroups. Providing differential discounts to health plans is standard practice in the United States, where health plans stimulate competition by demanding discounts in return for an increased market share of a drug through preferred formulary placement13. Likewise, purchasers for low-income countries could negotiate volume-related discounts payable by electronic transfer, which would effectively link prices to the country's price sensitivity and pre-empt parallel trade and referencing by other purchasers. Confidential discounting encourages competition, whereas publishing bid prices can lead to price inflexibility and tacit collusion between suppliers. Confidential discounting to implement differential pricing may conflict with policy pressure for price transparency. However, as purchasing on behalf of developing countries is increasingly done either by governments or large non-governmental organizations (NGOs), such as the United Nations Children's Fund (UNICEF), the Global Fund To Fight AIDS, Tuberculosis and Malaria, and the William J. Clinton Foundation, monitoring could be done by audit by an approved third party. Consistent with the thesis that confidentiality ensures the lowest prices, UNICEF does not publish the supply prices of individual vaccine manufacturers. Other NGOs (for example, Médecins Sans Frontières and the Clinton Foundation) have publicized at least some prices, probably to encourage bigger discounts from other suppliers. But, in general, firms that have significant sales in high-income markets are more likely to grant lower prices to developing countries through confidential discounts, rather than to publicly announce price cuts that could trigger matching demands in other middle- and higher-income countries. Differential pricing through confidential, negotiated rebates is also flexible and could extend over a broad range of drugs and countries. Broadening access to low-priced drugs is crucial in developing countries, given the large and growing burden of chronic disease for which effective medicines exist but are unaffordable without differential pricing. The World Trade Organization, through the international TRIPS agreement on intellectual-property rights, permits governments to issue a compulsory licence that requires the patent holder to grant a production licence, usually to a local generic company, in cases of national health emergency. Countries with insufficient manufacturing capacity can also issue a compulsory licence to import any medicine14 — use is not restricted to national health emergencies. A supplementary statement15 notes the “shared understanding” that the system would “not be an instrument to pursue industrial or commercial policy objectives”. Compulsory licensing reduces prices only if the licensees have lower costs than the originator firms and if they pass these savings on to consumers. However, labour is a small fraction of production cost, and many multinational R&D-based companies have plants in low-wage countries. If originator firms have higher costs, this more probably reflects costs of compliance with environmental and regulatory requirements, including the US Food and Drug Administration. If originator firms charge higher prices than compulsory licensees mainly to avoid price spillovers (which are not an issue for generic manufacturers), this is better addressed by the measures described earlier to assure market separation, rather than by permitting compulsory licensing. Any short-term benefit to consumers from compulsory licensing must be weighed against the equally real but less visible negative effects of compulsory licensing on R&D incentives. There is a real risk that compulsory licensing could become more widespread, including by middle- and higher-income countries that seek cheaper drugs and/or increased revenue for local firms, at the risk of undermining incentives to develop new drugs in the longer term. This threat would be reduced by effective differential pricing to keep prices low in low-income countries and moderate in middle-income countries. 'Push' and 'pull' subsidies for R&D Differential pricing can reconcile R&D incentives with affordability in low-income countries only for drugs with significant sales in high-income countries. For diseases that occur predominantly in low-income countries, revenue from drug sales is not sufficient to attract R&D, hence donor subsidies are necessary. 'Push' subsidies fund R&D directly, usually through specialized public–private partnerships aiming to develop new compounds. Advance market commitments (AMCs) are a type of 'pull' subsidy designed to stimulate R&D: donors make a legally binding commitment to pay a specified price for up to a specified number of units of the drug(s) or vaccine(s), which must meet specified criteria, provided that developing countries commit to use the product and pay their share of the price for a number of years. The G8 leading industrialized nations are developing AMCs for vaccines — a pneumococcal vaccine is a candidate in late-stage development, and a malaria vaccine is a possible early-stage candidate. The appeal of AMCs to donors is that they pay only if firms successfully develop the appropriate new medicines, whereas with push subsidies donors pay in advance and bear the full risk of R&D failure.

### 3

#### The meta ethic is consistency with empiricism. Prefer-

#### 1] Non-natural moral facts are epistemically inaccessible

Papinau ’07 (David [David Papineau is an academic philosopher. He works as Professor of Philosophy of Science at King's College London, having previously taught for several years at Cambridge University and been a fellow of Robinson College, Cambridge], “Naturalism”. [http://plato.stanford.edu/entries/naturalism/](http://plato.stanford.edu/entries/naturalism/)) 2007)

Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If **all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world** (Harman, 1986). At first sight **this** may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it **has** **very awkward epistemological consequences.** For beings like us, **knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems. If moral facts cannot influence the physical world, then [we can’t] it is hard to see how we can have any knowledge of them.**

#### 2] Bindingness- only pursuing pleasure and avoiding pain can motivate action consistently- no external system of ethics has anything intrinsic that dictate it be followed. Chemical and biological responses to certain experiences provide objective markers of pleasure and pain while maximizing deontological ethical principles are unverifiable.

#### Thus, the standard is maximizing expected utility. Prefer-

#### 1] Pleasure/pain is intrinsically valuable

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### 2] Extinction comes 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)

#### 3] Lexical pre-requisite: threats to bodily security preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibits the ideal moral conditions which other theories presuppose

#### 4] Use epistemic modesty for evaluating the framework debate:

#### A] Substantively true since it maximizes the probability of achieving net most moral value—beating a framework acts as mitigation to their impacts but the strength of that mitigation is contingent.

#### B] Clash—disincentives debaters from going all in for framework which means we get the ideal balance between topic ed and phil ed—it’s important to talk about contention-level offense

#### 5] Reject calc indicts- theyre empirically denied bc we use util in policy debate and actual policymaking all the time

#### 6] Aspec goes neg – governments like the US use utilitarian calculus since policymakers always want to prevent extinction

#### **7] It doesn’t collapse – util is the most objective because of things like naturalism which is the only accessible epistemic fact**

### Case – framework

#### 1] Death outweighs and turns the NC, makes equality violations inevitable because certain groups have access to less resources

#### 2] Degrees of wrongness – their framework provides no way to weigh between tradeoffs in equality under the veil: the only way to do so is through util. Outweighs because a framework needs to be able to justify which action is most beneficial in any given situation, and actions that solve 100% of inequality are utopian

#### 3] Their framework is impossible for governments to use – even if equality is good for individuals and society in the abstract, many policy actions have either little to no effect on equality but are still necessary – i.e. arms control

#### 4] Framework is nonsensical – for example, giving nuclear weapons to rogue actors may promote “equality” because it allows them to get on the same playing field as large states like the United States but that would risk great power war and extinction

#### 5] The idea of an ideal agent is a metaphysical construction since there is no empirical basis for such an agent. Thus, individuals will all have different conception of what an ideal agent looks like based on their preconceived metaphysical notions. There is no way to choose between which ideal agent is more ideal since that would already be appealing to an already existing notion of what ideality is which is itself a value judgment.

#### 6] Knowledge only exists within conceptual schemes. I cannot have metaphysical knowledge about whether or not the world exists without first accepting a metaphysical framework that makes claims about that aspect. It is impossible to make judgments about anything absent our conceptual frameworks. Since the aff abstracts individuals from their individual epistemological frameworks, they remove any possibility of individuals making claims about anything.

#### 7] Collapses to util – Equality means util- only an impartial consequentialist theory can treat everyone’s pain and pleasure equally- anything else arbitrarily prioritizes one over another

**Ratner 84** [Leonard G. Ratner, professor of law at USC, Hofstra Law Journal, 12 Hofstra L. Rev. 723, spring, 1984] Recut VM

John Rawls derives an equality principle from individual autonomy by presuming that "in the original position," i.e., in a "state of nature", where a "veil of ignorance" cloaks prospective resource distributions, everyone (1) would be reluctant to risk impoverishment for a chance at abundance, and, consequently, (2) would agree to equal distribution generally, but (3) would allow above-average distributions for productivity incentives that increase resources sufficiently to reimburse those with below-average distributions. [164](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n164" \t "_self) Similar agreement on voting equality (which is the essential  [\*760]  procedural norm for majoritarian choice) [165](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n165" \t "_self) and on such "basic liberties" as "freedom of speech . . . conscience . . . thought . . . person . . . property [ownership] . . . and freedom from arbitrary arrest" [166](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n166" \t "_self) is premised on a general awareness that the "quality of civilization" [167](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n167" \t "_self) will be enhanced by "the most extensive liberty [for each] compatible with a like liberty for all," [168](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n168" \t "_self) i.e., by equal liberty "unless an unequal distribution . . . is to everyone's advantage." [169](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n169" \t "_self) This concept, offered as "an alternative to utilitarian thought," is rested ultimately on "a sense of justice," derived from an inherent "moral capacity," "considered judgments," "intuitively appealing" presumptions, and a "reflective equilibrium" reached after weighing competing moral positions. But the intuitive conclusion suggests utilitarian perceptions**.** The presumed majoritarian preference for *assured* need fulfillment rather than *possible* need-plus-want fulfillment; the productivity-incentive corollary; and the voting-equality, basic-liberties postulate imply: a long-run survival goal; the diminishing marginal utility of resources; [172](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n172" \t "_self) the priority of need fulfillment over want fulfillment; [173](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n173" \t "_self) the need-fulfilling consequences of productivity incentives; the needimpairing, counterproductive effect of minority discontent, majority insecurity, inhibited thought, disrupted communication, and arbitrarily constrained movement; the enhancement of per capita need/want fulfillment by avoidance of need-impairing allocations; and the contributions of both individual autonomy and majoritarian choice to such fulfillment. The accuracy of these propositions in fact turns on empirically verifiable information about the world as it is, not on intuitively appealing presumptions about a fictitious state of nature. Despite his explicit rejection of utilitarian thought, Rawls intimates a utilitarian foundation for his equal-treatment conclusions by noting that a sense of justice, moral feelings, and altruistic reciprocity may have evolutionary origins and by designating scarce resources, conflicting resource claims, and resulting collaborative arrangements as "circumstances of justice." [176](http://www.lexis.com/research/retrieve?_m=754140ea250c3e13cdfa30aef4da39a8&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzz-zSkAA&_md5=031548f35fa80bab5596b0fd0b35fe07" \l "n176" \t "_self) His environmental paradigm, however, is not an epochal struggle to survive but "the original position," and his rationale is not long-run survival, but innate moral intuition.

#### 8] Consequences would still matter from under the veil because they are impartial to individual bias – absent any state of affairs, we would default to intuitive understandings of pain and pleasure

#### **The LBL**

#### 1] First card lacks a warrant and just asserts moral theories can’t disadvantage people due to circumstances

#### 2] These cards all assume util and don’t have their own conception of goodness so you have to rely on util for what goodness really is – that means that they have utilitarian concerns which should mean extinction comes first

### Case – Offense

#### 1] They didn’t read the part of their card that explains the problems with vaccine hoarding which means you should be skeptical of any aff links – the purple highlighting was just the aff solvency

#### 2] AIDS shouldn’t be a 1 to 1 comparison – the way we produced medicine then was very different from how theyre made right now

#### The entire case is premised on solving vaccine hoarding but the issue is supply, not patents---tons of barriers that the plan cannot overcome.

Alex **Tabarrok 21**. Alex Tabarrok is Bartley J. Madden Chair in Economics at the Mercatus Center and a professor of economics at George Mason University. “Patents are Not the Problem!” Marginal Revolution, May 6, 2021, <https://marginalrevolution.com/marginalrevolution/2021/05/ip-is-not-the-constraint.html>, RJP, **DebateDrills**.

Patents are not the problem. All of the vaccine manufacturers are trying to increase supply as quickly as possible. Billions of doses are being produced–more than ever before in the history of the world. Licenses are widely available. AstraZeneca have licensed their vaccine for production with [manufactures around the world](https://www.astrazeneca.com/what-science-can-do/topics/technologies/pushing-boundaries-to-deliver-covid-19-vaccine-accross-the-globe.html), including in India, Brazil, Mexico, Argentina, China and South Africa. J&J’s vaccine has been licensed for production by multiple firms in the United States as well as with firms in Spain, South Africa and France. Sputnik has been licensed for production by firms in India, China, South Korea, Brazil and pending EMA approval with firms in Germany and France. Sinopharm has been licensed in the UAE, Egypt and Bangladesh. Novavax has licensed its vaccine for production in South Korea, India, and Japan and it is desperate to find other licensees but technology transfer isn’t easy and there are[limited supplies of raw materials](https://endpts.com/as-fears-mount-over-jj-and-astrazeneca-novavax-enters-a-shaky-spotlight/):

Virtually overnight, [Novavax] set up a network of outside manufacturers more ambitious than one outside executive said he’s ever seen, but they struggled at times to transfer their technology there amid pandemic travel restrictions. They were kicked out of one factory by the same government that’s bankrolled their effort. Competing with larger competitors, they’ve found themselves short on raw materials as diverse as Chilean tree bark and bioreactor bags. They signed a deal with India’s Serum Institute to produce many of their COVAX doses but now face the realistic chance that even when Serum gets to full capacity — and they are behind — India’s government, dealing with the world’s worst active outbreak, won’t let the shots leave the country.

[Plastic bags are a bigger bottleneck than patents](https://www.news18.com/news/opinion/single-use-plastic-bioreactor-bags-to-filters-why-india-needs-them-from-us-for-covid-vaccines-3681092.html). The US embargo on vaccine supplies to India was precisely that the Biden administration used the DPA to prioritize things like bioreactor bags and filters to US suppliers and that meant that India’s Serum Institute was having trouble getting its production lines ready for Novavax. CureVac, [another potential mRNA vaccine](https://www.reuters.com/business/healthcare-pharmaceuticals/curevac-says-mass-vaccine-rollout-thrown-into-doubt-by-us-restrictions-2021-05-04/), is also finding it difficult to find supplies due to US restrictions (which means supplies are short everywhere). As [Derek Lowe said](https://blogs.sciencemag.org/pipeline/archives/2021/04/22/a-look-at-novavax):

Abolishing patents will not provide more shaker bags or more Chilean tree bark, nor provide more of the key filtration materials needed for production. These processes have a *lot* of potential choke points and rate-limiting steps in them, and there is no wand that will wave that complexity away.

Technology transfer has been difficult for AstraZeneca–which is one reason they have had production difficulties–and their vaccine uses relatively well understood technology. The mRNA technology is new and has never before been used to produce at scale. Pfizer and Moderna had to build factories and distribution systems from scratch. There are no mRNA factories idling on the sidelines. If there were, Moderna or Pfizer would be happy to license since they are producing in their own factories 24 hours a day, seven days a week (monopolies restrict supply, remember?). Why do you think China hasn’t [yet produced](https://www.scmp.com/news/china/politics/article/3128998/revolutionary-mrna-vaccines-made-chinese-firms-will-be-ready) an mRNA vaccine? Hint: it isn’t fear about violating IP. Moreover, even Moderna and Pfizer don’t yet fully understand their production technology, they are learning by doing every single day. Moderna has said that they won’t enforce their patents during the pandemic but no one has stepped up to produce because no one else can.

The US trade representative’s announcement is virtue signaling to the anti-market left and will do little to nothing to increase supply.

#### Mutations won’t cause extinction – burnout and geographical isolation check

Consiglio 17 [Dave, Community College Professor of Chemistry and Physics, 12/7/17, “Could a Disease Wipe Out Humans Entirely?”, <https://www.forbes.com/sites/quora/2017/12/07/could-a-disease-wipe-out-humans-entirely/#387c2f308203> Accessed 2/8/28] BBro

What scenarios seem like they should kill everyone but actually won't? Disease. Everyone seems worried about a killer disease, be it HIV or Ebola or Flu or some unknown pathogen. But humans are going to be really hard to wipe out via disease. Why? Well, we have several things going for us: We have a massive population. **We are geographically widespread**. We are capable of eating nearly anything. We are reasonably diverse as a species. **There are geographically** and genetically **isolated** pockets of our **population. Diseases require** a **vector** to spread. Let’s say the perfect disease arose tomorrow: It kills two weeks after you get it, shows no symptoms until the last minute, is really easy to transmit, and we have very little immunity to it. It still doesn’t kill everyone. Native Greenlanders and the people in Antarctica and people on Navy submarines and the few random people who are immune, and park rangers all either never come into contact with an infected person or else are spared by a genetic fluke. We even have the International Space Station as a potential place to hide and wait for the epidemic to die down. In fairness, nearly everyone is dead in short order, but **once** the **disease has run its course, the pathogen** that causes it **is also** likely to be **dead.** The vast majority of pathogens don’t survive for long outside of their hosts. As such, once nearly everyone is dead and the survivors wait a bit, they’re **unlikely to encounter live pathogen**. As an added bonus, the few surviving people include many of the most naturally immune members of the (now mostly dead) population. Now, don’t get me wrong, this scenario would be catastrophic for humanity. 99.9% of us could die in this way. And it’s possible that the remaining humans would be so isolated as to be unable to find one another for the purposes of reproduction. But I doubt it. Humans are nothing if not fecund, and we have those submarines, boats, airplanes, etc. We will eventually come out from hiding, find that special someone, and breed our way out of trouble. It’s why we’re still around as a species - nothing stops us from making more humans.

#### Companies will keep complex production steps secret if forced to forgo patents – that shuts down cooperation and prevets us from getting vaccines to low income countries

Silverman 3/21 Rachel Silverman -- a policy fellow at the Center for Global Development, “Waiving vaccine patents won’t help inoculate poorer nations”, 15 March 2021, <https://www.washingtonpost.com/outlook/2021/03/15/vaccine-coronavirus-patents-waive-global-equity/> | MU

According to some activists, the solution to this inequity is relatively simple: By suspending protections on covid-19 vaccine patents, the international community “could help break Big Pharma monopolies and increase supplies so there are enough doses for everyone, everywhere,” [claims](https://peoplesvaccine.org/take-action/)the People’s Vaccine Alliance. Indeed, 58 low- and middle-income countries have mobilized in support of a proposed World Trade Organization [waiver](https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True) that would temporarily exempt [coronavirus](https://www.washingtonpost.com/coronavirus/?itid=lk_inline_manual_4)-related intellectual property from normal international rules and protections. And while the effort to waive IP protections has been a global health hot topic for months, it gained a high-profile endorsement in the United States recently from Sen. Bernie Sanders (I-Vt.). In a March 10 video statement, Sanders [called upon President Biden](https://twitter.com/GlobalJusticeUK/status/1369734275818549252?s=20) to support the IP suspension while slamming “huge, multibillion-dollar pharmaceutical companies [that] continue to prioritize profits by protecting their monopolies.”

The logic of the argument seems clear and intuitive — at first. Without patents, which serve narrow commercial interests, companies all over the world could freely produce the vaccine. Sure, Big Pharma would lose money — but this is a pandemic, and human life comes before private profit, especially when vaccines receive substantial public financing to support research and development. As with HIV drugs in years past, widespread generic production would dramatically increase supply and drive down prices to levels affordable even in the developing world.

Reality is more complicated, however. Because of the technical complexity of manufacturing coronavirus vaccines, waiving intellectual-property rights, by itself, would have little effect. It could even backfire, with companies using the move as an excuse to disengage from global access efforts. There are more effective ways to entice — and to pressure — companies to license and share their intellectual property and the associated know-how, without broadly nullifying patents.

The Moderna vaccine illustrates the limits of freeing up intellectual property. Moderna [announced in October](https://investors.modernatx.com/news-releases/news-release-details/statement-moderna-intellectual-property-matters-during-covid-19) that it would not enforce IP rights on its coronavirus vaccine — and yet it has taken no steps to share information about the vaccine’s design or manufacture, citing commercial interests in the underlying technology. Five months later, production of the Moderna vaccine remains entirely under the company’s direct control

within its owned and contracted facilities. Notably, Moderna is also the only manufacturer of a U.S.- or British-approved vaccine [not yet participating in Covax](https://www.washingtonpost.com/world/coronavirus-vaccine-access-poor-countries-moderna/2021/02/12/0586e532-6712-11eb-bf81-c618c88ed605_story.html?itid=lk_inline_manual_9), a global-aid-funded effort (including a [pledged $4 billion from the United States](https://www.npr.org/2021/02/18/969145224/biden-to-announce-4-billion-for-global-covid-19-vaccine-effort)) to purchase vaccines for use in low- and middle-income countries.

It is true, however, that activist pressure — including threats to infringe upon IP rights — can encourage originators to enter into voluntary licensing arrangements. So the global movement to liberate the vaccine patents may be useful, even if some advocates make exaggerated claims about the effects of waivers on their own.

[We focused on covid. Now our other patients are suffering.](https://www.washingtonpost.com/outlook/2021/03/08/covid-hospital-addiction-cancer/?itid=lk_interstitial_manual_11)

One reason patent waivers are unlikely to help much in this case is that vaccines are harder to make than ordinary drugs. Because most drugs are simple chemical compounds, and because the composition of the compounds is easily analyzable, competent chemists can usually reverse-engineer a production process with relative ease. When a drug patent expires, therefore — or is waived — generic companies can readily enter the market and produce competitive products, [lowering prices dramatically](https://www.fda.gov/about-fda/center-drug-evaluation-and-research-cder/generic-competition-and-drug-prices).

Vaccines, in contrast, are complex [biological](https://www.fda.gov/about-fda/center-biologics-evaluation-and-research-cber/what-are-biologics-questions-and-answers#:~:text=What%20is%20a%20biological%20product,tissues%2C%20and%20recombinant%20therapeutic%20proteins.) products. Observing their contents is insufficient to allow for imitation. Instead, to produce the vaccine, manufacturers need access to the developer’s “soft” IP — the proprietary recipe, cell lines, manufacturing processes and so forth. While some of this information is confidentially submitted to regulators and might theoretically be released in an extraordinary situation (though not without legal challenge), manufacturers are at an enormous disadvantage without the originator’s cooperation to help them set up their process and kick-start production. Even with the nonconsensual release of the soft IP held by the regulator, the process of trial and error would cause long delays in a best-case scenario. Most likely, the effort would end in expensive failure. Manufacturers also need certain raw ingredients and other materials, like glass vials and filtration equipment; overwhelming demand, paired with disruptive export restrictions, has constricted the global availability of some of these items.