## 1

#### The aff doesn’t say resolved before the plan-text. That means it doesn’t get enacted into law.

Words and Phrases 64 Words and Phrases Permanent Edition (Multi-volume set of judicial definitions). “Resolved”. 1964.

Definition of the word **“resolve,”** given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It **is** of **similar** force **to the word “enact,”** which is defined by Bouvier as **meaning “to establish by law”.**

#### Plan flaw is a voter—

## 2

#### Interpretation: If the affirmative defends anything other than “Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.” then they must provide a linked counter-solvency advocate for their specific advocacy in the 1AC. Violation: its not whole res – only covid and they have no csa Standards: Standards:

#### a) Limits –

#### b) Shiftiness-

#### c) Research –

Voters

## 3

**Ethics must be based on accounts of subjectivity**

**The only constitutive feature of the subject is appropriation where they are able to interpret their world and shape it with desires. Non-human objects are incapable of confirming subject’s normative status because they have no concept of it. The key to self certainty is mutual recognition**

Wood 90 [Allen W. Wood, (Ruth Norman Halls Professor of Philosophy, Indiana University) "Hegel's Ethical Thought" Cambridge University Press, 1990, https://www.cambridge.org/core/books/hegels-ethical-thought/D409B1F04527F36C32227799D0B303E5, DOA:3-2-2019 // OL]

For Hegel, the "object" of a desire is never merely a subjective mental state, such as pleasure or the absence of pain. Hegel interprets desire as a function of self-conscious, spiritual being - an embodied being situated in a world of external objects toward which its desires are directed. Further, Hegel interprets this desire in accordance with his theory of spirit as selfactualization through the overcoming of otherness. The fundamental desire that Hegel attributes to self-consciousness is a desire for self-worth or "selfcertainty." As spirit, the self engages in an activity of positing an object and then interpreting itself in terms of it**.** Self-certainty is gained only through 84 RECOGNITION something external, which is brought into harmony with the self, an objectivity whose independence is done away with or "negated." This negation of the object refers to my using it up or consuming it (as when I literally eat it up), but also includes my shaping or forming it. Even more broadly, it covers any sort of integration of it into my plans and projects. In the most abstract form, it occurs when I assert my dominion over the object in the social forms suitable to property ownership (PR §§ 54-70). The attempt to achieve self-certainty through the appropriation of things proves inadequate. Satisfaction taken in external objects merely leads to a new desire for a new object. This result only points to the fact that the desiring self-consciousness is always dependent on a new object, whereas its aim was rather to establish its own independence, and the nothingness of the object (EG § 428). What self-consciousness needs is an object that brings about this negation within itself without ceasing to be an object. Butonly a self-consciousness is able to endure the "contradiction" of negating itself or being its own other (PhG 11162). In other words, "self-consciousness reaches its satisfaction only in another self-consciousness" (PhG 1 175). From the standpoint of self-certainty, **the fundamental** problem with nonhuman objects of desireis that they can contribute to my self-worth only secondarily or indirectly, by confirming an image of myself that I already have independently of them. Even animals, which are living and conscious objects, cannot provide me directly with a sense of my self-worth, since they possess no conception of a free self, and so I can never find in them a confirming perspective on myself. The only "other" that can form a conception of me as a free self is another free self.Self-consciousness can find satisfaction for its desire for self-certainty only when it comes "outside itself," so that its object becomes "another self" (PhG K 179; EG § 429,A). "Self-consciousness has an existence only through being recognized by another self-consciousness" (NP 78); "Self-consciousness is in and for itself insofar and through the fact that it is in and for itself for another, i.e., it is only as something recognized" (PhG 1f 178). When I see my free selfhood reflected back to me out of another self, I actualize my self-consciousness in the form of "spirit," as a "self-restoring sameness." It is only in relation to another free self that I can be truly free, "with myself in another" as regards my self-certainty. Thusthe full actualization of spirit is possible only through the relation between selves that recognize each other**.** This is why Hegel even goes so far as to say that the essence of spirit itself lies in recognition, in a community of selves, "the I that is a we and the we that is an I" (PhG 1 177; cf. EG § 436).

#### Property and legal contracts are the only medium of recognition and intersubjectivity, Schroeder 2:

\*bracketed for gendered language\* Schroeder, Jeanne L. "Unnatural rights: Hegel and intellectual property." *U. Miami L. Rev.* 60 (2005): 453.

Contract solves this problem. To reiterate, Hegel believes that subjectivity is created **not by possession per se, but** by intersubjective recognition **by other subjects.** Property is only a medium **for this purpose. This regime of recognition is abstract right-the rule of law. Subjectiv- ity is the capacity** to bear legal rights **and duties recognized by, and enforceable** against, other subjects. To concentrate on the specific object of property is to conflate subject with object-the opposite of recognizing the person's unique subjectivity. This is in sharp contradis- tinction to Radin's proposition that the merging of owner with her per- sonal property furthers human flourishing. Hegel, looking forward to psychoanalysis, considers such a relationship to be destructive-an addiction, or more technically, fetishism. **In contract,** each party remains **identifiable as a** rights-bearing s**ub- ject through object relations** because the object ~~he~~[they] gives up **in contract** is simultaneously replaced **by a new object. That is, the contracting parties recognize each other as rights-bearing subjects, or persons having the capacity not only to own property, but to respect the property rights of others, and to live up to his contractual obligations.** In Hegel's words: [Contract] contains the implication that each party, in accordance with his own and the other party's will, *ceases* to be an owner of property, *remains*one, and *becomes* one. This is the mediation of the will to give up a property (an individual property) and the will to accept such a property (and hence the property of someone else). The context of this mediation is one of identity, in that the one voli- tion comes to a decision only in so far as the other volition is present.74 Hegel went so far as to assert that "[tihe whole issue can also be viewed in such a way that alienation is regarded as a true mode of taking posses- sion. 75 That is, possession is the recognition **by others** that a specific object belongs **to a specific subject.** Paradoxically, this **recognition only** expressly occurs retroactively when the owner **contracts to** sell that **object to another person. In other words, the identification of subject to object in possession is only *effectively* recognized at the moment when another subject pays the first subject to release the object from her possession.** Once again, one must remember Hegel's radical definition of objects as anything that is not the individual herself. This includes not only intangibles, but also an individual's own labor is an object separate from her personhood. Consequently, service contracts, whereby the individual alienates part of her productive capacity in exchange for wages is, to the Hegelian analysis, a contract for the exchange of prop- erty. In fact, the service contract is an excellent example of the logic of Hegel's dialectic of recognition. In our modem capitalistic society, a primary way we recognize each other is through our occupations. **The mutual intersubjectivity of contract is necessary because**, according to Hegel, **one becomes a subject** (eine Person)**only when one is recognized as such by another subject. Subjectivity (the capacity to bear legal rights and duties) exists only insofar as rights are enforceable.** Since all persons logically begin as abstract **individuals (not subjects), in order to achieve subjectivity,** each **individual** must first make other **indi- viduals** into subjects **by recognizing them as such.** This means that it is impossible to create rights **by** unilaterally **claiming them for oneself.** Since rights are intersubjective they can only be created intersubjec- tively. This is one reason why the Lockean attempt to justify claims of property through first-appropriation fails. The conundrum should be obvious. How does anyone become a subject recognized by other subjects when there are no subjects in the state of nature? Where does thefirst subject come from? The Hegelian answer is that **multiple subjects must come into existence simultaneously**. This is the alchemy that Lacan calls "love"-the relationship in which each lover sees in his beloved more than she has, that empowers the beloved to live up to the lover's expectations and become more than she once was.76 Contract is the most primitive form of eroticism-albeit a pathetic, and unromantic one. **Each individual,by admitting that another individ- ual has legal rights** (i.e., the right to possess and contract to exchange the object to be acquired), **makes that individual into more than she once was-she is no longer an individual, but a subject**. 3. FORMALITY AND RECOGNITION The Hegelian logic of alienation confuses many commentators because they do not recognize the purely formal nature of subjectivity and abstractright. Here, **object relations are purely instrumental and subordinate to the goal of recognition.** Hegel, like Kant, defines a free individual as an end in and for her self, and not the means to the end of another. In contrast, an object is something that is the means to the ends of something else. **In abstract right,** each individual paradoxically wants both-that other individuals help **him** reach **his end of becoming** a subject, **and that other individuals** remain an end **in and to themselves rather than merely a means to the first person's ends. Subjectivity is only created through recognition as such by a person that one recognizes as another subject. To treat another person as one's means, rather than as his own ends, is to fail to recognize him as an individual or a subject. The question then becomes, how can one accomplish one's own ends (which requires action by another person) without impinging on the ends of that other person or treating her like a means (an object)?** The Hegelian answer is that subjects can mediate their relationship through objects. Both subjects mutually exploit **the objects of** exchange as means of recognizing each other**-each fulfills her own ends (becom- ing a subject) while respecting the ends of the other (also to become a subject). The two subjects are united in a common will, in the sense that each wills his own ends, but these potentially competing ends tempora- rily coincide in the meeting of minds known as contract.** This means that, as a logical matter, one does not enter into object relations for the sake of the object itself or for the "natural" or other concrete functions they might serve. The specific characteristics of any object of a property claim is irrelevant and should be a matter of indifference to the subjects, from a logical standpoint. Right is something utterly sacre dfor the simple reason that it is the existence [ ] of the absolute concept, of self-conscious freedom. But the formalism of right-and also of duty-arises out of the dif- ferent stages in the development of the concept of freedom. In oppo- sition to the more formal, i.e. more abstractand hence more limited kind of right, that the sphere and stage of the spirit in which the spirit has determined and actualized within itself the further moments con- tained in its Idea possesses a higher right, for it is the more concrete sphere, richer within itself and more truly universal. Each stage in the development of the Idea of freedom has its distinctive right, because it is the existence of freedom in one of its own determinations. When we speak of the opposition between morality or ethics and right, the right in question is merely the initial and formal right of abstract personality. Morality, ethics, and the interest of the state-each of these is a distinct variety of right, because each of them gives determinate shape and existence to freedom.77 In other words, a full concrete personality requires the entire regime that Hegel calls Recht, which includes not only abstract right (property and contract), but morality and ethics. Abstract right is the most primitive form of right that only creates the form necessary for freedom-the empty vessel of legal subjectivity understood as the mere ability to accept legal rights and duties imposed by others. The content of person- ality will be added by morality and ethics. Consequently, Hegel states with respect to the legal subject: Since particularity, in the person [i.e. what I am calling the subject], is not yet present as freedom, everything which depends on particu- larity is here a matter of indifference. If someone is interested only in his formal right, this may be pure stubbornness, such as is often encountered in emotionally limited people; for uncultured people insist most strongly on their rights, whereas those of nobler mind seek to discover what other aspects there are to the matter in ques- tion. Thus abstract right is initially a mere possibility, and in that respect is formal in character as compared with the whole extent of the relationship. Consequently, a determination of right gives me a warrant, but it is not absolutely necessary that I should pursue my rights, because this is only one aspect of the whole relationship. For possibility is being, which also has the significance of not being. 78 Indeed, it is precisely the function of the element of alienation to make this irrelevance and indifference manifest. Nevertheless, even as subtle an analyst as Hughes, who expressly recognizes that the fact that object relations can also serve natural functions (food and shelter) is irrelevant to a Hegelian analysis, 79 misses this point. Hughes finds alienation "incoherent"80 because the subject loses the object that supposedly makes the subject recognizable.8' He finds this particularly problematic in Hegel's discussion of copyright, because the objects of copyright, being the author's creations, seem intrinsically linked to the author's personality.82 Consequently, he infers that the objects of copyright uniquely serve the goal of differentiating and identifying the author and concludes that complete alienation of artistic works might defeat the goal of the creation of personality. Consequently, he sees the Hegelian analysis of property as supporting certain restraints on alienation of copyrightable material, such as in the droit morale under which an artist retains some control over her creations after sale.83 But this critique is based on the misimpression that, to Hegel, the legal right of property relates to the creation of the full complex per- sonhood of empirical human beings situated in relations of family, civil society, and state.84 But **legal relationships relate only to the creation of legal subjects-persons capable of bearing rights and duties. The legal subjectivity mutually constituted with abstract right is, therefore, equally abstract and formal. Moreover, it is precisely abstractness and formality that enable abstract right and legal subjectivity to serve as the substra- tum for the concrete freedom of citizenship.** Above, I mentioned in passing an analysis that I have developed extensively elsewhere: Hegel's property jurisprudence is essentially erotic because contract is a primitive type of "love."8 5 My goal in doing so was to break down the dichotomy between rationality and passion that implicitly underlies both utilitarianism and romanticism. To Hegel's jurisprudence, rationality and passion are two sides of the same coin.86 Reason tells the autonomous individual that **he** must actualize **his** freedom **and to do so** requires recognition **by other subjects. Conse- quently, the free individual rationally decides that he must give way to the desire for others. Because abstract right is created in order to enable the interrelationship of mutual recognition to occur, it is erotic.** The "love" and desire that exist at the level of abstract right are only a pale shadow of the passions we feel towards our family, lovers, and friends. Consequently, I have argued vociferously that although utilitarians like Posner are right in seeing a parallel between economic activity and sexuality, they are wrong in trying to reduce the latter to a form of the former.87 Rather, from the Hegelian position, the former (economics) is merely a step that makes the latter (eroticism) possible. That is, contract establishes the form of love, not its content. Conversely, Hughes and Radin are equally mistaken in trying to argue that property can perform a direct function in the creation of the full, loving artistic personality. Although Hegel was a great defender of legalism and capitalistic markets, he also insisted that they be limited to their appropriate sphere. To analyze more complex interrelationships in terms of abstract right (property) is not merely erroneous. Never one to mince words, Hegel called it "crude" and shameful.88 Consequently, only the most base persons stand on their rights.8 9 The noble person accords rights to others. This is why Hegel condemns the classical lib- eral concept of government as social contract-citizenship is Hegel's most highly developed level of personality, and therefore, unlike the subject, cannot be comprised solely by legal categories. A corollary of this is that it is equally incorrect, indeed shameful, to adopt the romantic position towards copyright that conflates the legal relationship of property with the flowering of personality in artistic expression. From a Lacanian point of view, to do so is literally per- verse. Specifically it is fetishistic-the identification of objects with subjects.90 The specific content of objects of copyright has nothing to do with their status as a legal concept. To Hegel, saying copyright is "property" is not to say that society must or should establish a copyright regime. This decision can only be made by pragmatic reasoning. In this sense, Hegel's theory has a surprising utilitarian twist. Society's desire to further creativity may, however, be a good pragmatic argument in favor of such a regime.

#### **Actor Specificity: explains the legitimacy of the state since the citizens must recognize its authority for it to coerce them—this also implies the NC is a side constraint on state action since it’s necessary for a state to be constituted.**

Pensky 95 [Max Pensky, (MAX PENSKY is Assistant Professor of Philosophy at Binghamton University.) "Universalism And The Situated Critic" In S. White (Ed.), The Cambridge Companion To Habermas (Cambridge Companions To Philosophy, Pp. 67-94), 1995, https://www.cambridge.org/core/books/cambridge-companion-to-habermas/3B448B1C9FEC698C747242C8E3618D84, DOA:3-1-2019 // WWBW recut OL]

The universalist kernel of Habermas's moral and political writing has been the object of more criticism than any other aspect of his work. The central claim that there is always a preexistent intersubjective context for any morally relevant question translates the moment of universality in collective political life to the basic attributions and expectations of reasonableness that speakers and hearers in modern, rationalized societies can make of each other's discursive conduct, in situations when needs and problems have to be collectively settled. "Universalism" is itself not so much a concrete political value as it is a collectively shared mentality; a sense of solidarity inhabiting a public space that is distinct from political or economic institutions. It is a locationless network of competencies; the ability to approach one's own situated needs and interests reflectively; to take the position of the other at least [is] to the extent that one is willing to recognize that the other's needs are at least potentially legitimate; that one attributes value and comprehensibility to the other's needs and interest. A universalistic mentality cannot adjudicate questions of the good life, for such questions are inextricably particular. But a collectively shared universalist mentality does enforce the principle that norms are only just insofar as they can meet with the considered approval of all those who will be affected by their implementation. For Habermas, universalism is the only formal criterion of the rightness or justice of collective norms that is available, and hence the only recourse that modem societies have for opening up a sphere in which particular questions of the good life can even be addressed. In this sense, "universalism" means something like the basic shared mentality that allows individuals to conceive of themselves as citizens of a democratic state, one in which citizenship consists of a constellation of interlocking duties and rights that together form an abstract level of popular sovereignty subsisting below - and making possible - the spectrum of particularistic kinds of identity operating within a diverse society. In democratic societies, the capacity for mutual recognition and the generalization of norms must install itself as an attitude that can reflectively separate from the particular fabric of their own interests.

#### Thus, the standard is consistency with abstract right.

**Impact Calc- reject naturally derived moral facts-**

**1] Debate - we are always in the structures of recognition – i.e. you recognize me as your opponent and that is what allows of the round to happen; contestation of my fw proves my standards validity**

#### 2] Consequentialism fails - a] induction fails: the logic of looking into the past to predict the future is predicated on past experiences, meaning it’s circular, b] butterfly effect: every consequence is infinitely cascading so we don’t know the true extent of our actions, meaning we cannot predict consequences C] Aggregation is impossible – pleasure and pain are subjective and qualitative

#### 1] Intellectual property protections are justified for enabling self-actualization.

Moore and Hinma 18 [Moore, Adam and Ken Himma, "Intellectual Property", The Stanford Encyclopedia of Philosophy (Winter 2018 Edition), Edward N. Zalta (ed.), https://plato.stanford.edu/archives/win2018/entries/intellectual-property/]/ lm

Personality theorists such as Hegel maintain that individuals have moral claims to their own talents, feelings, character traits, and experiences. We are self-owners in this sense. Control over physical and intellectual objects is essential for self-actualization—by expanding our selves outward beyond our own minds and mixing these selves with tangible and intangible items, we both define ourselves and obtain control over our goals and projects. For Hegel, the external actualization of the human will requires property (Hegel 1821). Property rights are important in two ways according to this view. First, by controlling and manipulating objects, both tangible and intangible, our will takes form in the world and we obtain a measure of freedom. Individuals may use their physical and intellectual property rights, for example, to shield their private lives from public scrutiny and to facilitate life-long project pursuit. Second, in some cases our personality becomes fused with an object—thus moral claims to control feelings, character traits, and experiences may be expanded to intangible works (Humboldt 1792; Kohler 1969).

Even if we acknowledge the force of these objections, there does seem to be something intuitively appealing about personality-based theories of intellectual property rights. Suppose, for example, that Mr. Friday buys a painting at a garage sale—a long-lost Crusoe original. Friday takes the painting home and alters the painting with a marker, drawing horns and mustaches on the figures in the painting. The additions are so clever and fit so nicely into the painting that Friday hangs it in a window on a busy street. There are at least two ethical worries to consider in this case. First, the alterations by Friday may cause unjustified economic damage to Crusoe. Second, and independent of the economic considerations, Friday’s actions may damage Crusoe’s reputation. The integrity of the painting has been violated without the consent of the author, perhaps causing long-term damage to his reputation and community standing. If these claims are sensible, then it appears that we are acknowledging personality-based moral “strings” attaching to certain intellectual works. By producing intellectual works, authors and inventors put themselves on display, so-to-speak, and incur certain risks. Intellectual property rights afford authors and inventors a measure of control over this risk. To put the point a different way, it is the moral claims that attach to personality, reputation, and the physical embodiments of these individual goods that justify legal rules covering damage to reputation and certain sorts of economic losses.

Moreover, personality-based theories of intellectual property often appeal to other moral considerations. Hegel’s personality-based justification of intellectual property rights included an incentive-based component as well—he asserts that protecting the sciences promotes them, benefiting society (Hegel 1821). Perhaps the best way to protect these intuitively attractive personality-based claims to intangible works is to adopt a more comprehensive system designed to promote progress and social utility.

## 4

#### Justifying util is an independent voter –

#### 1. Util justifies atrocities

#### 2. Util can’t justify intrinsic wrongness

analytics

## 5

#### There is a distinction between action and omission –

#### 1. No act/omission distinction is infinitely regressive because it means that you are culpable for everything since you are technically aware of anything.

#### That negates – 1) since omitting is a legitimate action to avoid culpability, you can choose to omit from any ethical action which means the squo is ok 2) even if there is no distinction, it auto-negates since you aren’t doing anything right now to solve any problems which means you are equally as culpable for the aff problems.