# 1AR

### Fw

#### If their FW were true, it would make resolving impacts impossible since everything would then carry infinite risk since there’s some small small fraction of a chance it leads to extinction – if the neg links are plausible then not affirming might lead to extinction as well by the butterfly effect.

#### [1] Each type of pleasure is qualitatively different, so we can’t quantify and compare pleasures which answers calulations.

#### [2] Any action is permissible since util doesn’t condemn actions, but end states – there’s always a possibility an action can be justified

#### [3] Desirability is circular - you define morality based off what is desirable, yet you only know what’s is desirable off of what is moral. Reject circular fwks since they’re logically invalid which means we can therefore justify anything

#### [4] There is no bright line to where consequences end. Ends will always trigger more ends.

#### [5] States don’t know what citizens “interests” really are. Citizens have different pleasures based on their own experiences. They can never know the worth of the policy values. This would also require constant reconfirmation that the aff alone can’t do since the system would fail when people’s values changed.

[6] Inductive reasoning fails since you justify induction based on what happened in the past because you know inductive reasoning worked before so its circular

### Case

### Da

#### Innovation is never in the interest of public health—only profit.

Chaudhry '20 (Faisal Chaudhry; Professor of Law, University of Dayton; 1-28-2020; "A secret reason Rx drugs cost so much: A global web of patent laws protects Big Pharma"; https://theconversation.com/a-secret-reason-rx-drugs-cost-so-much-a-global-web-of-patent-laws-protects-big-pharma-122028, Conversation, accessed 7-30-2021; JPark)

Since 1994, Big Pharma has imposed ever more severe requirements around patent rights. They have insisted that patent rights are necessary to “incentivize” the availability of drugs for conditions like tuberculosis and malaria that, having no markets in the developed world, require guaranteed premiums from whatever countries they are sold in. Yet for just as long, critics have alleged that Big Pharma typically uses inflated, misleading or otherwise opaque cost data to tout the billions of dollars it claims to spend on drug development. Likewise, critics have continuously called attention to the way that most drug development is built on publicly funded research. And, finally, **critics have never stopped highlighting the fact that Big Pharma long ago largely abandoned research and development for drugs for infectious ailments** in developing nations, and increasingly switched to spending on blockbuster noninfectious disease drugs. Yet as diseases such as cancer and heart disease begin to take an even greater toll in the developing world, **patents will extract an ever greater toll on patient populations across the world.** In a developing world where public health problems increasingly look similar to the developed world’s, in fact, multinational pharmaceutical corporations could become better – not worse – placed to expand their profits by tapping new markets for drugs like insulin and beta blockers.

#### IPR stagnates the growth of actually effective medical treatments.

Chaudhry '17 (Faisal Chaudhry; Assistant Professor of Law & History; Hanley Institute Sustainability Scholar; 12-1-2017; Intellectual Property And The Global Crisis Of Non-Communicable Disease (December 1, 2017). North Carolina Journal Of Law And Technology, Vol. 19, No. 2, 2017, Available At Ssrn: Https://Ssrn.Com/Abstract=3192074"; accessed 7-30-2021; JPark)

First, some of the most effective existing therapies for treating infectious diseases are insulated by patent protection. This allows patent holders to price these therapies at a cost that the world’s poor are not able to afford. Second, the new therapies that are greatly needed for treating these same infectious diseases are few and far between. As discussed earlier, **firms are more focused on creating drugs that are functionally similar to lucrative equivalents already on the market or instead focused on creating new drugs for treating diseases that are most prevalent in high-income countries that generate more revenue.** 123 Therefore, **with regard to drugs for neglected diseases in low and middle-income countries, the market has proven incapable.** There is no coordinating a proper overlap between the willingness (due to the underlying inability) of the afflicted to pay for existing therapies and the prices at which drug makers are allowed to set their willingness to accept payment. In turn, the market has been incapable of generating new therapies for infectious diseases that are already undersupplied. We can further restate both halves of this two-sided failure for treating infectious diseases in terms of conventional economic theory. In the language of information economics, the failure to broaden access to communicable disease drugs corresponds to what Stiglitz calls the “static inefficiency” that IPRs create.124 Strict patent rights exclude end users or competitors from capturing the additional utility value that their increased consumption of (medicinal) goods would otherwise make possible. This is because the main input to such goods is knowledge, the use of which carries no marginal cost. If consumers were permitted to consume more knowledge-based goods, or, if competitors to the patent holder were able to consume more knowledge for production, then more welfare would materialize. Accordingly, with knowledge-based goods, there is no a priori reason to think increasing output will lead to rising costs and increases in consumer prices. Indeed, there also is ample reason to think they would actually decrease due to more robust competition and market expansion.125

### Cp

#### Consult pics bad

#### 1. The consult PICs make it indeterminate whether my aff ends up getting done or not

#### This puts me at a massive disadvantage bc I can't compare my world against the world of the neg since it's unclear what gets done in the neg world

#### 2. Consult PICs allow the neg to steal 100% of the aff by saying 'there's still a possibility the aff gets done'

#### while also allowing them to get out of any responses by saying 'well this might not be done'

#### this means the neg basically gets two advocacies for the price of one

#### and isn't tied down to anything that I can latch onto to attack

#### this outweighs because creating substantive responses to their advocacy becomes impossible for me

#### 3. Consult PICs are bad for education because then the debate becomes about whether it would be good to ask someone's opinion about the plan, rather than whether the plan is objectively a good policy proposal

#### Instead of discussing the pros and cons of the plan, we discuss how the plan gets perceived by other agents, which isn't nearly as educational

#### this outweighs because by voting for them, you're encouraging a precedent of the neg always being able to read a counterplan that doesn't substantively engage the case, meaning a trend is created that shifts away from specific case debates

#### (and specific case debates are the best kind of debate because then you get to have a really in-depth discussion about the merits of a proposal)

Dtd not dta – since it’s condo it’s even worse b/c that’s what they want

Ci not reasonbialgity

# 1AC



\*\*not my cat btw\*\*

#### Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

## FW

#### Thought and action is inevitably based on what is practical. Peirce

“How to Make Our Ideas Clear (1878).” The Essential Peirce: Selected Philosophical Writings. Volume 1 (1867-1893. Edited by Nathan Houser and Christian Kloesel. Indian University Press. 124-142

From all these sophisms we shall be perfectly safe so long as we reflect that the whole function of thought is to produce habits of action; and that whatever there is connected with a thought, but irrelevant to its purpose, is an accretion to it, but no part of it. If there be a unity among our sensations which has no reference to how we shall act on a given occasion, as when we listen to a piece of music, why we do not call that thinking. To develop its meaning, we have, therefore, simply to determine what habits it produces, for what a thing means is simply what habits it involves. Now, the identity of a habit depends on how it might lead us to act, not merely under such circumstances as are likely to arise, but under such as might possibly occur, no matter how improbable they may be. What the habit is depends on when and how it causes us to act. As for the when, **every stimulus to action is derived from perception; as for the how, every purpose of action is to produce some sensible result. Thus, we come down to what is tangible and conceivably practical, as the root of every real distinction of thought, no matter how subtile it may be; and there is no distinction of meaning so fine as to consist[s] in anything but a possible difference of practice.** To see what this principle leads to, consider in the light of it such a doctrine as that of transubstantiation. The Protestant churches generally hold that the elements of the sacrament are flesh and blood only in a tropical sense; they nourish our souls as meat and the juice of it would our bodies. But the Catholics maintain that they are literally just meat and blood; although they possess all the sensible qualities of wafercakes and diluted wine. But we can have no conception of wine except what may enter into a belief, either -- 1. That this, that, or the other, is wine; or, 2. That wine possesses certain properties. Such beliefs are nothing but self-notifications that we should, upon occasion, act in regard to such things as we believe to be wine according to the qualities which we believe wine to possess. The occasion of such action would be some sensible perception, the motive of it to produce some sensible result. Thus our action has exclusive reference to what affects the senses, our habit has the same bearing as our action, our belief the same as our habit, our conception the same as our belief; and we can consequently mean nothing by wine but what has certain effects, direct or indirect, upon our senses; and to talk of something as having all the sensible characters of wine, yet being in reality blood, is senseless jargon. Now, it is not my object to pursue the theological question; and having used it as a logical example I drop it, without caring to anticipate the theologian's reply. **I only desire to point out how impossible it is that we should have an idea in our minds which relates to anything but conceived sensible effects of things. Our idea of anything is our idea of its sensible effects; and if we fancy that we have any other we deceive ourselves, and mistake a mere sensation accompanying the thought for a part of the thought itself.** It is absurd to say that thought has any meaning unrelated to its only function. It is foolish for Catholics and Protestants to fancy themselves in disagreement about the elements of the sacrament, if they agree in regard to all their sensible effects, here and hereafter. It appears, then, that the rule for attaining the third grade of clearness of apprehension is as follows: **Consider what effects, that might conceivably have practical bearings, we conceive the object of our conception to have. Then, our conception of these effects is the whole of our conception of the object.**

#### The point of philosophical inquiry is practical. Its point is to fix doubt, and not to question everything. Peirce

B: Peirce, C.S. American Philosopher “How to Make Our Ideas Clear.” The Essential Peirce: Selected Philosophical Writings, Volume 1 (1867-1893). Edited by Nathan Houser and Christian Kloesel. Indian University Press, 1992.

The irritation of doubt causes a struggle to attain a state of belief. I shall term this struggle *Inquiry*, though it must be admitted that this is sometimes not a very apt designation. **The irritation of doubt is the only immediate motive for the struggle to attain belief. It is certainly best for us that our beliefs should be such as may truly guide our actions so as to satisfy our desires**; and **this reflection will make us reject every belief which does not seem to have been so formed as to insure this result.** But **it will only do so by creating a doubt in the place of that belief. With the doubt, therefore, the struggle begins, and with the cessation of doubt it ends. Hence, the sole object of inquiry is the settlement of opinion.** We may fancy that this is not enough for us, and that we seek, not merely an opinion, but a true opinion. But put this fancy to the test, and it proves groundless; for as soon as a firm belief is reached we are entirely satisfied, whether the belief be true or false. And it is clear that nothing out of the sphere of our knowledge can be our object, for nothing which does not affect the mind can be the motive for mental effort. The most that can be maintained is, that we seek for a belief that we shall *think* to be true. But we think each one of our beliefs to be true, and, indeed, it is mere tautology to say so. **That the settlement of opinion is the sole end of inquiry is** a **very important** proposition. **It sweeps away**, at once, various vague and **erroneous conceptions of proof**. A few of these may be noticed here. I. **Some philosophers have imagined that to start an inquiry it was only necessary to utter a question** whether orally or by setting it down upon paper, and have even recommended us **to begin our studies with questioning everything! But the mere putting of a proposition into the interrogative form does not stimulate the mind to any struggle after belief.** There must be a real and living doubt, and without this all discussion is idle.

#### Democracy is an on-going procedure to adopt practical methods, based on the contributions and collaborations of the individual citizens. Dewey

b. John Dewey, "Democracy and Educational Administration," School and Society 45 (April 3, 1937); 457-67.

In the first place, democracy is much broader than a special political form, a method of conducting government, of making laws and carrying on governmental administration by means of popular suffrage and elected officers. It is that of course. But it is something broader and deeper than that. The political and governmental phase of **democracy is** a means, **the best means so far found, for realizing ends that lie in the wide domain of human relationships** and the development of human personality. It is, as we often say, though perhaps without appreciating all that is involved in the saying, a way of life, social and individual. **The key-note of democracy as a way of life may be expressed, it seems to me, as the necessity for the participation of every mature human being in formation of the values that regulate the living of men together:-**which is necessary from the standpoint of both the general social welfare and the full development of human beings as individuals. **Universal suffrage, recurring elections, responsibility of those who are in political power to the voters, and the other factors of democratic government are means that have been found expedient for realizing democracy as the truly human way of living.** **They are not a final end and a final value. They are to be judged on the basis of their contribution to end. It is a form of idolatry to erect means into the end which they serve. Democratic political forms are simply the best means that human wit has devised up to a special time in history. But they rest back upon the idea that no man or limited set of men is wise enough or good enough to rule others without their consent; the positive meaning of this statement is that all those who are affected by social institutions must have a share in producing and managing them.** The two facts that each one is influenced in what he does and enjoys and in what he becomes by the institutions under which he lives, and that therefore he shall have, in a democracy, a voice in shaping them, are the passive and active sides of the same fact. The development of political democracy came about through substitution of the method of mutual consultation and voluntary agreement for the method of subordination of the many to the few enforced from above. Social arrangements which involve fixed subordination are maintained by coercion. The coercion need not be physical. There have existed, for short periods, benevolent despotisms. But coercion of some sort there has been; perhaps economic, certainly psychological and moral. The very fact of exclusion from participation is a subtle form of suppression. It gives individuals no opportunity to reflect and decide upon what is good for them. Others who are supposed to be wiser and who in any case have more power decide the question for them and also decide the methods and means by which subjects may arrive at the enjoyment of what is good for them. This form of coercion and suppression is more subtle and more effective than is overt intimidation and restraint. When it is habitual and embodied in social institutions, it seems the normal and natural state of affairs. The mass usually become unaware that they have a claim to a development of their own powers. Their experience is so restricted that they are not conscious of restriction. It is part of the democratic conception that they as individuals are not the only sufferers, but that the whole social body is deprived of the potential resources that should be at its service. The individuals of the submerged mass may not be very wise. But there is one thing they are wiser about than anybody else can be, and that is where the shoe pinches, the troubles they suffer from. 86 **The foundation of democracy is faith in the capacities of human nature; faith in human intelligence, and in the power of pooled and cooperative experience. It is not belief that these things are complete but that if given a show they will grow and be able to generate progressively the knowledge and wisdom needed to guide collective action.** Every autocratic and authoritarian scheme of social action rests on a belief that the needed intelligence is confined to a superior few who because of inherent natural gifts are endowed with the ability and the right to control the conduct of others; laying down principles and rules and directing the ways in which they are carried out. It would be foolish to deny that much can be said for this point of view. It is that which controlled human relations in social groups for much the greater part of human history. The democratic faith has emerged very, very recently in the history of mankind. Even where democracies now exist, men's minds and feelings are still permeated with ideas about leadership imposed from above, ideas that developed in the long early history of mankind. After democratic political institutions were nominally established, beliefs and ways of looking at life and of acting that originated when men and women were externally controlled and subjected to arbitrary power, persisted in the family, the church, business and the school, and experience shows that as long as they persist there, political democracy is not secure. Belief in equality is an element of the democratic credo. It is not, however, belief in equality of natural endowments. Those who proclaimed the idea of equality did not suppose they were enunciating a psychological doctrine, but a legal and political one. **A**ll individuals are entitled to equality of treatment by law and in its administration. Each one is affected equally in quality if not in quantity by the institutions under which he lives and has an equal right to express his judgment, although the weight of his judgment may not be equal in amount when it enters into the pooled result to that of others. In short, each one is equally an individual and entitled to equal opportunity of development of his own capacities, be they large or small in range. Moreover, each has needs of his own, as significant to him as those of others are to them. The very fact of natural and psychological inequality is all the more reason for establishment by law of equality of opportunity, since otherwise the former becomes a means of oppression of the less gifted. **While what we call intelligence be distributed in unequal amounts, it is the democratic faith that it is sufficiently general so that each individual has something to contribute whose value can be assessed only as it enters into the final pooled intelligence constituted by the contributions of all.** Every authoritarian scheme, on the contrary assumes that its value may be assessed by some prior principle, if not of family and birth or race and color or possession of material wealth, then by the position and rank a person occupies in the existing social scheme. The democratic faith in equality is the faith that each individual shall have the chance and opportunity to contribute whatever he is capable of contributing, and that the value of his contribution be decided by its place and function in the organized total of similar contributions:-not on the basis of prior status of any kind whatever.

#### Additionally, democracy is necessary for adequate social inquiry and to recognize the individual. This means we preclude and turn ends and means based NCs – for example Hegel. Festenstein ‘14

Festenstein, Matthew "Dewey's Political Philosophy", The Stanford Encyclopedia of Philosophy (Spring 2014 Edition), Edward N. Zalta (ed.), URL [http://plato.stanford.edu/archives/spr2014/entries/dewey-political/.](http://plato.stanford.edu/archives/spr2014/entries/dewey-political/)

This way of viewing the desirability of democracy is instrumental and minimal; instrumental, in that **the desirability of democracy derives from its protecting the interests of each individual against the depredations of an elite class**, and minimal, in that the rationale for popular participation is limited to the need for the elite to be informed where the shoe pinches, if its policies are not to be misguided. Dewey deepens this minimal and instrumental justification by taking democracy to be a form of social inquiry: **Democracy as public discussion is viewed as the best way of dealing with the conflict of interests in a society:** ‘The method of democracy – inasfar as it is that of organized intelligence – is to bring these conflicts out into the open where their special claims can be discussed and judged in the light of more inclusive interests than are represented by either of them separately’ (*Liberalism and Social Action*, *LW*11, 56). **Democratic societies are thought of as both seeking to attain desirable goals, and arguing over how to do so, and also as arguing over what a desirable goal is. In other words, democratic politics is** not simply a channel through which we can assert our interests (as it is for the first argument), but **a forum or mode of activity in which we can arrive at a conception of what our interests are.** As the experimentalist conception of inquiry insists, **this does not imply that we need***a priori***criteria in order to establish if this process has been successful. Rather, criteria for what counts as a satisfactory solution may be hammered out in the process of searching for one. Democracy is experimental for Dewey in that it allows, or should allow, a profound questioning of the***idées fixes***of the established** order, even if, of course, much democratic politics will not take the form of such questioning. The third line of argument is that **democracy is a requirement of freedom in Dewey's sense of individuality. The collective exercise of the experimental ethos is an ethical demand** of this conception of freedom. **Exercised properly, this experimental ethos allows individuals to arrive at a common good**. So, Dewey writes of democracy: **From the standpoint of the individual, it consists in having a responsible share according to capacity in forming and directing the activities of the groups in which one belongs and in participating according to need in the values which the groups sustain.** From the standpoint of the groups, it demands liberation of the potentialities of members of a group in harmony with the interests and goods which are common. (*The Public and Its Problems*, *LW*2, 327-8) F**ull liberation of an individual's potentialities can only be achieved in a democratic social order, one in which social conflicts are treated as the subject of social inquiry.** Dewey's argument that the experimental character of democracy renders it desirable should not merely be interpreted instrumentally, then. He is not only saying that democracy allows a clearer view of social problems and how to address them. His suggestion is also that **individuality can only be properly expressed if the individual participates in democratic practices, since social inquiry is a constitutive part of the individual good.** And this is a claim about individuality in the specific ethical sense in which he develops the notion in his critique of classical liberalism.

#### Next, affirm on democracy:

#### A lack of democracy is detrimental to the health and control of health of a nation – China famine proves. Ruger ‘05

[Ruger, J P. “Democracy and health.” QJM : monthly journal of the Association of Physicians vol. 98,4 (2005): 299-304. doi:10.1093/qjmed/hci042]kitkat

The **link between democracy and health can be viewed through a philosophical framework,** which sees societal development as expanding individual freedoms, and focuses on two basic aspects of freedom: opportunity and process.5 The opportunity aspect judges public policy by its impact on individuals’ substantive freedoms or capabilities: for example, its impact on individuals’ capability to avoid premature mortality, preventable morbidity, or involuntary starvation.5,7,25–27 The process aspect stipulates that public participation in political decisions and social choice is a constitutive part of public policy. This philosophical framework focuses on enhancing individuals’ agency or ability to understand and ‘shape their own destiny and help each other.’5 In this paradigm, citizens make their own decisions as active agents of change, and state actions must be evaluated in terms of their effectiveness in expanding individual freedom. As Amartya Sen has demonstrated,5 such freedom can be realized, in part, through a multiparty democracy, with elections and free media, open public debate and discussion, and guaranteed individual civil and political rights. In such a framework, health is an intrinsically valued end of development and public policy and is also a means to other valuable ends.6–8,25 The same can be said of political freedoms. Applying this framework to developing countries reveals widely different political, economic, and social contexts. **Analysing public health episodes in China in historical perspective within this framework reveals a political and cultural history of authoritarianism, and a lack of civil liberties, political rights, and freedom of the press that have dramatically impacted the population’s health.** China’s famine of 1958–1961 Between 1958 and 1961, one of the largest famines in recorded history killed nearly 30 million people in China.28–31 This tragedy followed the famous Great Leap Forward, which was initiated, in part, to improve the health of the Chinese people. Many have sought to explain this paradox and the resulting health disaster. The country’s authoritarian and undemocratic political system is considered a leading reason why the government failed to respond quickly and effectively to public need.28,29 The Chinese government received little pressure to report the famine, because the absence of an opposition group and the lack of open journalism created an uninformed public.29 Furthermore, the government did not admit the failure of the Great Leap Forward for several years. This motivated government leaders to exaggerate crop yields, to give the impression that agricultural and rural economic policies were successful. During the height of the famine, Chinese authorities noted they had 100 million more metric tons of grain than they actually had.29 This misconception kept Chinese imports of food grains down while food grain exports peaked. In 1959, China imported about 2000 tons of food grains, compared with 223 000 tons in 1958.29 During the same period, exports of food grains peaked in 1959 at 4.2 million tons, up from 1.9 million tons in 1957 and 2.7 million tons in 1958.29 China’s famine was also associated with a decline in food production. The average national grain output per capita in 1956–1957 was 308 kg, which fell by 17% in 1959 and reached its lowest level—a decline of approximately 30%—in 1960.29 However, the rural population suffered much more than the urban population, because the government moved food from rural to urban areas. In one province, grain availability was 288 kg per head in an urban area but only 122 kg per head in rural areas.29 Additionally, food procurement from rural areas rose from 17% in 1957 to 21% in 1958 and 28% in 1959.29 Thus, people in rural areas had to part with a larger proportion of their output. The culprit in this case was the political system, as the famine was not made public for three years, and there were no official policies for responding. The primary feature of the Chinese government, an ‘absence of adversarial politics and open journalism,‘29 contributed to the largest famine in history. Sen has argued that **political freedoms can help prevent major social disasters such as widespread famine because the existence of free, uncensored media draws attention to social needs and allows government policies to be evaluated openly.** Similarly, democratic elections (with a choice of parties) forces the party in power to justify its policies or reform them in accordance with people’s needs. Sen argues that China’s inability to prevent the famine of 1958–1961 resulted in part from its lack of a free, uncensored press and the absence of opposition parties that would have poked holes in the government’s propaganda, false reports, and failed reform policies. Instead, the government continued to pursue a set of harmful policies. A key aspect of this argument is that the lack of a free press actually ‘misled the government itself‘5 because state policy was dictated by the government’s own dogma and by inaccurate reports from local Communist Party officials who were competing for ‘credit in Beijing.‘5 Sen notes that this campaign of distortion and misinformation led the government to vastly overestimate the country’s food supply.

#### Sharing important access to information to medicines saves lives – democracy is key, China SARS proves. However, only medicine is not merely enough. Ruger ‘05

[Ruger, J P. “Democracy and health.” QJM : monthly journal of the Association of Physicians vol. 98,4 (2005): 299-304. doi:10.1093/qjmed/hci042]kitkat

China’s handling of the 1958–1961 famine and the SARS epidemic points to a few key lessons that may help China, and the global community, address future public health threats, particularly the emergence of HIV/AIDS in China. In 2003, an estimated 840 000 individuals in China were living with HIV/AIDS, 80 000 of whom had AIDS.37 First, while the SARS epidemic exemplified the most authoritarian aspects of the Chinese political system (initial cover-up of the epidemic and massive firing and jailing of health officials), the experience has led to higher standards of public accountability. For example, the Chinese Ministry of Health has drafted regulations to hold accountable government officials who cover-up HIV/AIDS.38 To the extent that China can codify (in law), enforce, and apply these regulations to those who have or will cover up the AIDS epidemic, it will have learned its lessons from SARS and the past famine. Second, China’s handling of SARS emphasized that its public-health practices and policies affect the entire world and therefore provide the rest of the world with a vested interest in cooperating internationally to ensure global health.39 A recent report on HIV/AIDS, for example, argued that the US should significantly increase its bilateral and multilateral ‘engagement’ with China to pre-empt a generalized epidemic that would have catastrophic global consequences.40 Indeed, the SARS episode in particular demonstrated weaknesses in ‘China’s system for monitoring and responding to infectious disease.‘41 This has raised global concerns about the ability of the Chinese public health system to monitor emerging diseases.40,41 Applying this lesson to the case of HIV/AIDS means that China’s public health practices are more vulnerable to public criticism. In order to obtain funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria, for example, the Chinese government was forced to publicize the spread of HIV through unsafe blood collection centres in a number of provinces.42 This public exposure could ultimately lead to impartial investigation of local and state authorities’ involvement in the collection and transmission of HIV-contaminated blood by, for example, the United Nations (UNAIDS or WHO). The Global Fund application also shed light on how the stigma surrounding HIV/AIDS in China has significantly hampered the country’s social and political response to the epidemic.42 This could lead to more rapid progress in protecting the rights of, and eliminating prejudice and discrimination practices against,43 people affected by HIV/ AIDS. Third**, the SARS and famine case studies demonstrate the importance of sharing and accessing information, which can be essential for preventing and treating disease.** Both tragedies tested the Chinese governments’ lack of toleration of public discussion and debate on public health subjects, and the mistake of hiding public health failures. In light of these events, the government has learned to treat HIV/AIDS as a major and genuine public health concern that requires a serious, coordinated response. A recent report on HIV/AIDS in China recommended media and educational campaigns, especially aimed at youth and China’s migrant population,40 and a focus on informed, comprehensive approaches to prevention and treatment.40 A fourth lesson lies in the deleterious social impact of violations in individual rights to freedom of assembly, association, and expression. The ability to exercise these rights enables citizens to organize interest groups to advocate for rights, respect, and resources. These rights, coupled with the ability to have free and full access to (and to share) information creates conditions under which effective advocacy can take place. Experience with the HIV/AIDS epidemic in the US demonstrates, for example, the power of advocacy groups (people living with HIV/AIDS in particular) in obtaining rights, resources, and greater dignity. Grassroots organizing by members of civil society (grassroots NGOs, for example) can have a positive effect on individuals’ health by improving access to, and the quality of, health care and residential services for people living with HIV/AIDS. Such assistance is critically needed in the fight against HIV/AIDS in China, especially in the delivery of public health services to poor, rural populations involving both Chinese and foreign NGOs.40 A final key lesson from SARS and the 1958–1961 famine rests in the absolutely essential role of free, uncensored information, including the ability to voice complaints and opposition to government practices and policies and to shed light on corruption. The SARS-famine case studies highlight the Chinese government’s history of censorship and restrictions on freedom of the press. To combat HIV/AIDS and prevent it from becoming a full-scale epidemic, the Chinese government must permit both domestic and foreign journalists to report on the disease without any restrictions. Early indications suggest that the government is taking steps to address these restrictions better.

## Offense

#### Access to medicines helps affirm a democratic mode of inquiry which is key to Deweyan democracy One must be able to inquire first and foremost. Access to certain medicines allows the inquirers to continue the democratic mode of inquiry and giving more problem responding tactics. Miller et al ‘97

[Franklin G. Miller, Joseph J. Fins & Matthew D. Bacchetta, Clinical Pragmatism: John Dewey and Clinical Ethics, 13 J. Contemp. Health L. & Pol'y 27 (1997). Available at: https://scholarship.law.edu/jchlp/vol13/iss1/6]kitkat

The influence of Hegel, Darwin, and Peirce coalesced Dewey's mature philosophy into an effort to integrate science and ethics through the pragmatic or instrumental method of experimental inquiry. This abiding project of Dewey's career is captured in an essay on his philosophical development, aptly entitled From Absolutism to Experimentalism. I became more and more troubled by the intellectual scandal that seemed to me involved in the current (and traditional) dualism in logical standpoint and method between something called "science" on the one hand and something called "morals" on the other. I have long felt that **the construction of a logic, that is a method of effective inquiry, which would apply without abrupt breach of continuity to the fields designated by both of these words, is at once our needed theoretical solvent and the supply of our greatest practical want.**2 " In his theory of inquiry, Dewey constructed a bridge between science and ethics. **He understood inquiry-the use of intelligent thought to solve problems-naturalistically; it emerges from, and is continuous with, the adaptive functioning of organisms in the context of their environments.** Inquiry enables human beings to suspend the ongoing process of responding reflexively or habitually to stimuli arising from interactions between the organism and the environment. **Response is arrested in order to survey a problematic situation faced by the individual or the group, and to form a plan of action for satisfactory resolution of the problem.** In other words, we can stop and think. **Intelligent inquiry mediates human responses to the challenges of living**. In so doing, it frees human beings from reliance on instinct and fixed routines; it enhances the power to achieve desired results. Inquiry is contextually situated; it is activated by, and responsive to, what Dewey called a "problematic situation."'" When things are going smoothly, in accord with well-established habits, there is no need for an intelligent organism to think. But, when faced with situations that arouse perplexity and doubt, we are prompted to stop and think about what is happening in order to plan our response. Recognition of a problem that something is wrong-gives rise to intelligent thought. For Dewey, the scope of inquiry ranges from the common sense problem-solving of everyday life, to professional work, and to experimental and theoretical science. Thus, inquiry serves as both a practical means of adaptation and a tool for generating and validating theoretical knowledge. Once initiated, inquiry normally proceeds by means of a number of logical steps. In How We Think, Dewey describes these steps as follows: "(i) a felt difficulty; (ii) its location and definition; (iii) suggestion of possible solution; (iv) development by reasoning of the bearings of the suggestion; (v) further observation and experiment leading to its acceptance or rejection."22 For example, a patient arrives at a physician's office with a complaint of persistent pain or discomfort; something is wrong with the patient; he or she has become ill, and seeks medical attention to determine what is wrong and how it can be remedied.23 The physician initiates clinical inquiry in an effort to understand the problematic situation posed by the patient. The physician asks questions of the patient and examines the patient's body. This effort to diagnose the problem may include performing laboratory tests, or imaging studies, to elucidate the pathophysiology underlying the patient's complaint. These diagnostic operations are guided throughout by working hypotheses, drawn from **knowledge** of medical science and clinical experience. The physician systematically tests conjectures about the medical nature of the problem, which are confirmed or ruled out in the light of the results of diagnostic procedures and the evolution of the patient's condition. Having arrived at a diagnosis, or working speculation, about what is wrong with the patient, the process of inquiry moves to the stage of planning for the resolution of the problem. Based on the diagnostic possibilities, the physician, ideally in collaboration with the patient, determines reasonable goals for medical care and considers appropriate interventions. **The deliberative process of planning depends on intelligent foresight of the probable consequences of alternative tactics for responding to the problem.** The physician and patient agree to a plan of action, and the plan is put into operation. Since uncertainty about the diagnosis and the efficacy of the planned therapy always remains, the plan should be understood as an experiment that needs to be evaluated in terms of how well it works in practice and in the face of ongoing clinical developments. The process of inquiry continues until the problematic situation is satisfactorily resolved. Although inquiry has a trajectory that can be analyzed as proceeding along functional stages, in reality it is a continuous process without discrete breaks. Earlier phases inform later developments, which in turn feed back information to clarify and refine hypotheses about the nature of the initial problem and possible future solutions. The process of inquiry is explicated graphically by Tom Burke in his book on Dewey's logic.24 Burke likens inquiry to the "helical pattern of a corkscrew"25 which he analyzes into two dimensions: "a linear component and a circular component."26 The linear thrust of the corkscrew represents the teleological movement of inquiry from a problematic situation to a satisfactory resolution, following the steps illustrated above. Within this forward movement of inquiry, participants engage in continuing cycles of forming and testing hypotheses aimed at figuring out what is going on, deciding what to do, intervening experimentally, and evaluating the results. This in turn may lead to reappraisal of the problem and a new cycle of diagnosis, planning, and intervention.

#### Access to medicines sets up a precedent which promotes democratic ideals of transparency and democratic institutions, as well as legitimizes the ideas of democracy. Such precedents would also lead the way to prevent corruption and government exploiting its people for profits. Vian et al ‘17

[Vian T, Kohler JC, Forte G, Dimancesco D. Promoting transparency, accountability, and access through a multi-stakeholder initiative: lessons from the medicines transparency alliance. J Pharm Policy Pract. 2017 Jun 2;10:18. doi: 10.1186/s40545-017-0106-x. PMID: 28588896; PMCID: PMC5457587.]kitkat

Background Barriers to expanding access to medicines include weak pharmaceutical sector governance, lack of transparency and accountability, inadequate attention to social services on the political agenda, and financing challenges. **Multi-stakeholder initiatives such as the Medicines Transparency Alliance (MeTA) may help overcome these barriers**. Between 2008 and 2015, MeTA engaged stakeholders in the pharmaceutical sectors of seven countries (Ghana, Jordan, Kyrgyzstan, Peru, Philippines, Uganda, and Zambia) to promote access goals through greater transparency. Methods We reviewed archival data to document MeTA activities and results related to transparency and accountability in the seven countries where it was implemented. We identified common themes and content areas, noting specific activities used to make information transparent and accessible, how data were used to inform discussions, and the purpose and timing of meetings and advocacy activities to help set priorities and influence governance decisions. The cross-case analysis looked for pathways which might link the MeTA strategies to results such as better policies or program improvements. Results Countries used evidence gathering, open meetings, and proactive information dissemination to increase transparency. **MeTA fostered policy dialogue to bring together the many government, civil society and private company stakeholders concerned with access issues, and provided them with information to understand barriers to access at policy, organizational, and community levels. We found strong evidence that transparency was enhanced**. Some evidence suggests that MeTA efforts contributed to new policies and civil society capacity strengthening although the impact on government accountability is not clear. Conclusion **MeTA appears to have achieved its goal of creating a multi-stakeholder shared policy space in which government, civil society, and private sector players can come together and have a voice in the national pharmaceutical policy making process.** Assuming that transparency is in place to leverage accountability, the success of MeTA’s efforts to promote accountability by the government as well as other stakeholders in the pharmaceutical sector will depend on how well efforts are sustained over time. Promoting access to quality essential medicines is critical to achieving universal health coverage and making progress toward the Sustainable Development Goals [1]. Patients in many parts of the world still lack access to essential medicines or must pay disproportionate amounts to obtain them: data from low-income countries suggest that only 27% of respondents in poor households can access treatment for all chronic illnesses, and 41% of poor households devote all their healthcare spending to medicines [2]. By 2015, generic medicines were available in 58% of public health facilities in low- and lower-middle income countries, compared to 67% of private facilities [3]. Barriers to expanding medicine access include weak pharmaceutical sector governance, a lack of transparency and accountability, inadequate attention to social services on the political agenda, and financing challenges [4,5,6]. For this article, we understand government transparency as the degree to which access to government information is available, while accountability refers to mechanisms that make individuals or agencies answerable or responsive to their particular publics [7,8,9]. **Lack of transparency and gaps in accountability for performance can contribute to problems such as poor forecasting of medicine supply, shortages of medicines or surpluses which expire before they can be used, price mark-ups which limit access, poor quality medicines, or corruption** [10, 11]. More effective public policies and effective policy implementation in relevant areas are needed to expand access to medicines [12].

#### IP and democracy can corroborate with each other only if not used for exploitative uses – the Aff gets rid of the exploitative uses of democracy meaning that it promotes an IP regime which promotes democracy. Fidalgo ‘17

[Vitor Palmela Fidalgo, Legal Director,Inventa International, 11-30-2017, "Intellectual Property and Democracy," https://inventa.com/en/news/article/273/intellectual-property-and-democracy]kitkat

Contrary to the real estate business, where the system favors the concentration of wealth in only by just a few economic agents, intellectual property has the virtue of being more democratic. With an insatiable, curious, irreverent and inspired intelligence, anyone may can create wealth. The power of the mind is huge enormous. Of course, one can argue that this is a romantic idea of intellectual property rights which is still true. Huge sums of money invested in research and development and a length, time-consuming process is behind every new drug or brand. Nonetheless, our principle contention remains: It is possible for an individual with little financial resources to create something that might change the world or can become trendy. All one needs to do is to think up with some new and creative concept or product and, if possible, to protect that idea by using intellectual property rights registration. Intellectual property cannot be held and touched like a physical object such as a table or a cell-phone. Intellectual property cannot be discerned using the remaining senses since we are not able to smell or to hear intellectual property. We can only understand or apprehend through the intellect. So Intellectual property does not exist by itself. It exists only because we believe it exists. This represents the second link between intellectual property and democracy: the only way to protect intellectual property is to entrust this protection to a **democratic state**. Otherwise there will be no means to react against misappropriation. In addition, we should see the second part of this link between intellectual property and democracy: it is only possible for creative thinkers to operate in a country where there is freedom and a good education system supported by the government. Actually, we already know the impact of dictators on the great thinkers. They have always been considered as persona non grata by them. In the end, it is easier to control an ignorant society than a well-educated one. The examples of the scientists Giordano Bruno and Galileo Galilei, who were condemned by the Church for thinking differently from the meeting-house, is a case in point. Actually, “only God knows” the terrible negative impact on development that the Inquisition had in Europe. **Intellectual property is based on private monopolies. Arising from the former royal privileges, intellectual property rights allow their owners to prohibit third parties from using their rights without consent. But how is it possible for a state to allow private monopolies**? Is it not a common-sense view that they are a peril for an economy? In fact, they are. However, there are good reasons to keep this system. This kind of “social contract” with the state allows us to have more and more technological advances disclosed day by day which will enable us to learn from them. This “virtuous circle” greatly promotes the development of the societies. Thus far, this is the only system which has worked with proven success. Notwithstanding, in recent years we have seen a siege by the intellectual property rights. They seem to be like a fence, getting smaller and more restrictive as time goes by, where an individual or a tiny company can barely move. **Intellectual property “keepers” are everywhere and they seem to watch every single step we take. And in addition to the legal protection they have, or seem to have, is the fact that they are sometimes used as a form of extortion.** The **patent troll is a good example: the patent holders enforce patent rights against putative infringers far beyond the patent's actual value, only in order to obtain royalties or dominate the market**. And all of this, in most cases, through the **enforcement of a fake or a limited patent right.** This is possible because governments insist on not having an enlightening legal regime for intellectual property rights and this can also hinder a democracy, where only an elite will prosper. This system will only continue to work if intellectual property rights are based on tight and clearly requirements. And these ones, such as inventiveness or originality, should not be mistaken for financial investment. No matter the amount of money you have invested, if you have, for example, only a concept or a simply idea, you should not expect to have an intellectual property right. If an idea could be appropriated by intellectual property right, all the subsequent theoretical processes would stop, and we would probably not even know, for example, the genius of Shakespeare today, since many of his literary creations, such as Hamlet or Romeo and Juliet, were based on ideas presented in previous works. In short, I would say that intellectual property and democracy are closely related and, despite looking like a preposterous idea, they are interdependent. For those who see intellectual property as a perverse thing, I would say that IP system is like democracy: the least bad of all the bad systems. In this sense, protection and its enforcement are crucial. However, since the system is based on private monopolies, it will be important to avoid the defrauding of the legal scheme, granting intellectual property rights solely when its requirements are completely fulfilled and developing the judicial means to avoid the instrumentalization of the IP system.

#### Neg args that say IPP is democratic doesn’t disprove the aff – the aff doesn’t disprove IPP as a general concept, it says that medicinal IPP is bad.

#### **IPR enables big pharma to keep medicine inaccessible – getting rid of IP solves.**

Chaudhry '20 (Faisal Chaudhry; Professor of Law, University of Dayton; 1-28-2020; "A secret reason Rx drugs cost so much: A global web of patent laws protects Big Pharma"; https://theconversation.com/a-secret-reason-rx-drugs-cost-so-much-a-global-web-of-patent-laws-protects-big-pharma-122028, Conversation, accessed 7-30-2021; JPark)

Scientists working in Canada’s public sector discovered insulin nearly a century ago. The first techniques for synthesizing the compound, which should have more readily allowed for the production of generic versions, emerged some four decades ago. Yet today insulin remains unavailable in any significant generic version. Political analysis, without partisanship One of the three companies that control 90% of the world insulin market, Eli Lilly, recently did bow to public pressure by announcing a forthcoming “authorized generic” version called Lispro. But that could still run some people $140 per prescription. U.S. consumers are not alone in facing high prices of insulin and other life-saving drugs. For the last two decades, intense controversy has raged around multinational pharmaceutical giants being able to monopolize access to vital medicines the world over. A key means of doing so is through the legal power of patents, and the monopoly-like profits – or what some experts call unearned economic rents – they guarantee. Think of rent as a windfall gained for making little effort of one’s own. Being “unearned,” rents are thus usually distinguished from ordinary business profits. In this way, they are comparable to the fees a medieval lord would charge for access to cropland on a vast estate. To fully explain the problem of economic rents and access to medicines, however, we need to look still further: to the controversies that have swirled around pharmaceutical patents in countries far less wealthy than the U.S. A worldwide problem, but hidden from sight **For more than 20 years, in various parts of Africa, Asia and Latin America, countries have been battling a global system of rent-taking, or “rentierism” for short, that disproportionately benefits Big Pharma.** This state of affairs could not exist without the government officials whom Big Pharma has lobbied successfully in wealthy countries. **Patents and other intellectual property rights allow the multinationals to capture rent by evading competition for years on end. This global battle around pharmaceutical patents began in earnest with the founding of the World Trade Organization(WTO) in 1994.** This included an annex agreement on intellectual property rights known as the Trade-Related Aspects of Intellectual Property Rights. Many countries already allowed for patents before 1994, but only on “processes” of manufacture or synthesis. After 1994, WTO member countries were required to extend patents to the vital end products of such processes as well. For inhabitants of developing countries, whose greatest public health problems at the time derived from diseases like malaria, tuberculosis and HIV-AIDS, this crystallized various questions of great import. **Should the agreements enable Big Pharma’s monopoly-like patent rights to trump the ability of the sick and dying to obtain generic versions of life savings medicines?** And if so, to what extent? By 2001, all WTO member states officially had conceded the rights of developing countries to take measures to increase access to lifesaving medicines. But Big Pharma and its allies have never relented in pressing for more, not less, stringent intellectual property protections around the world.

## Underview

#### Theory: The negative debater must concede the affirmative’s framework.

#### The standard is strat skew –

#### a) 1AC speaks in the dark but the neg adapts. The aff is one layer but neg precludes with deflationary frameworks, and prefiat arguments that are all NIBs

#### b) Reactive rebuttal 13:7 skew makes it impossible to beat new layers that preclude the aff, and neg speeches are on balance longer than the next aff speech which makes it impossible to recover- length determines value- can’t make new args in new speeches.

#### c) Ground- philosophy is structured in a way that it is responsive in one direction i.e. Hegel is written in response to Kant, but not vice versa, smart negs will pick responsive fw’s without ground against them

#### AFC solves- ensures 1AC offense stays relevant and prevents neg prelcusionary strategies for in depth intralayer layer weighing  CI and DTD on 1AC theory otherwise 1N can sandbag// no rvi on 1ac theory that has preemptive violation, they could just concede and then answer the shell so there’s no point in debate

#### 1. 1ar theory since the neg can do bad things and I can’t check. It’s drop the debater since the 1ar is too short to win both layers. No RVI since they’d dump on it for 6 minutes. CI since reasonability is arbitrary and bites intervention.

#### 3. RVI on NC theory – you can read arguments such as T that are exclusively neg so I need them to compensate

#### 5. Fairness first a) every argument concedes the importance of fairness since you assume arguments would be evaluated fairly b) fairness isn’t just debater vs debater – unfairness means the judge can hack against scholarships c) many debaters would quit if the game was unfair which guts inclusion.