## 1 - Kant

### FW

**Individuals must be considered to have a right to property, otherwise it’s impossible to consider them as volitional**

**Kant 1797** - Immanuel. Kant: The Metaphysics of Morals (Cambridge Texts in the History of Philosophy) 2nd Edition. by Immanuel Kant (Author, philosopher), Mary J. Gregor (Editor), Roger J. Sullivan (Introduction). Cambridge University Press 1996. 1797

It is possible for me to have any external object of my choice as mine, that is, a maxim by which, if it were to become a law, an object of choice would in itself (objectively) have to belong to no one (res nullius) is contrary to rights.24 [6:251] For an object of my choice is something that I have the physical power to use. If it were nevertheless absolutely not within my rightful power to make use of it, that is, if the use of it could not coexist with the freedom of everyone in accordance with a universal law (would be wrong), then freedom would be depriving itself of the use of its choice with regard to an object of choice, by putting usable objects beyond any possibility of being used; in other words, it would annihilate them in a practical respect and make them into res nullius**, even though** in the use of things choice was formally consistent with everyone’s outer freedom in accordance with universal laws. – But since pure practical reason lays down only formal laws as the basis for using choice and thus abstracts from its matter, that is, from other properties of the object provided only that it is an object of choice, it can contain no absolute prohibition against using such an object, since this would be a contradiction of outer freedom with itself. – But an object of my choice is that which I have the physical capacity25 to use as I please, that whose use lies within my power26 (potentia). This must be distinguished from having the same object under my control27 (in potestatem meam redactum), which presupposes not merely a capacity but also an act of choice. But in order to think of something simply as an object of my choice it is sufficient for me to be conscious of having it within my power. – It is therefore an a priori presupposition of practical reason to regard and treat any object of my choice as something which could objectively be mine or yours.

**Human beings cannot reject their personality and ability to be free –reducing individuals to mere means makes ethics incoherent**

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\*\*\*Bracketed for gender

A human being cannot renounce his [her] personality as long as he is a subject of duty, hence as long as he lives; and it is a contradiction that [s]he should be authorized to withdraw from all obligation, that is, freely to act as if no authorization were needed for this action. To annihilate the subject of morality in one’s own person is to root out the existence of morality itself from the world, as far as one can, even though morality is an end in itself. Consequently, disposing of oneself as a mere means to some discretionary end is debasing humanity in one’s person (homo noumenon), to which man (homo phaenomenon) was nevertheless entrusted for preservation. To deprive oneself of an integral part or organ (to maim oneself) – for example, to give away or sell a tooth to be transplanted into another’s mouth, or to have oneself castrated in order to get an easier livelihood as a singer, and so forth – are ways of partially murdering oneself. But to have a dead or diseased organ amputated when it endangers one’s life, or to have something cut off that is a part but not an organ of the body, for example, one’s hair, cannot be counted as a crime against one’s own person – although cutting one’s hair in order to sell it is not altogether free from blame

**The ability to lay claim to property rights necessitates the existence of a collective will that can have power over individuals**

**Kant 1797** - Immanuel. Kant: The Metaphysics of Morals (Cambridge Texts in the History of Philosophy) 2nd Edition. by Immanuel Kant (Author, philosopher), Mary J. Gregor (Editor), Roger J. Sullivan (Introduction). Cambridge University Press 1996. 1797

Bracketed for gendered language

When I declare (by word or deed), I will that something external is to be mine, I thereby declare that everyone else is under obligation to refrain from using that object of my choice, an obligation no one would have were it not for this act of mine to establish a right. This claim involves, however, acknowledging that I in turn am under obligation to every other to refrain from using what is externally [theirs]his; for the obligation here arises from a universal rule having to do with external rightful relations. I am therefore not under obligation to leave external objects belonging to others untouched unless everyone else provides me assurance that [t]he[y] will behave in accordance with the same principle with regard to what is mine. This assurance does not require a special act to establish a right, but is already contained in the concept of an obligation corresponding to an external right, since the universality, and with it the reciprocity, of obligation arises from a universal rule. – Now, a unilateral will cannot serve as a coercive law for everyone with regard to possession that is external and therefore contingent, since that would infringe upon freedom in accordance with universal laws. So it is only a will putting everyone under obligation, hence only a collective general (common) and powerful will, that can provide everyone this assurance. – But the condition of being under a general external (i.e., public) lawgiving accompanied with power is the civil condition. So only in a civil condition can something external be mine or yours. Corollary: If it must be possible, in terms of rights, to have an external object as one’s own, the subject must also be permitted to constrain everyone else with whom he comes into conflict about whether an external object is his or another’s to enter along with him into a civil constitution.Read more at location 1843

#### Thus I negate – resolved: the member nations of the World Trade Organization ought NOT to reduce intellectual property protections for medicines

### Contention 1 – Property Rights

#### The inventor’s property rights must be legally enforced through IP protections.

Sonderholm 10 discusses [Jorn Sonderholm (Professor with Specific Responsibilities at Aalborg University, Denmark, PhD in Philosophy from the University of St Andrews, UK, director of the Centre for Philosophy and Public Policy (C3P)), “Ethical Issues Surrounding Intellectual Property Rights”, Philosophy Compass 5/12 (2010): 1107–1115] SG

Traditionally, two distinct lines of thought have been fielded for the suggestion that IPRs are ethically justifiable. **One line of thought appeals to a natural right of an inventor to control the use of her innovation. This is the libertarian defense of IPRs** which has its historical roots in the writings of John Locke (Locke 1690). Robert Nozick has in more modern times been an advocate for this line of thought (Nozick 1974). **The libertarian view endows individuals with a natural right of appropriation.** This is the idea that **any innovator ⁄ worker who mixes her labor with a previously unowned object or natural resource comes to own this object or resource in full and can legitimately deny that other people use ⁄ appropriate this object or resource.** The natural right of appropriation central to libertarianism has an important proviso (famously formulated by Locke) which is an ‘enough and as good’ clause on original appropriation. The proviso states that one can only appropriate unowned resources if one leaves enough and as good for others. Where resources are scarce, one cannot legitimately stake a claim to something by annexing one’s labor to it. Neither can one come to own the scarce resource by enhancing its value. If the resource is necessary for the continued well-being of others, then the fact that x was the one who developed or improved the resource does not give x exclusive rights over it. x’s entitlement to reward for her labor is overridden by the entitlement of others to that which is necessary for their survival. **On the libertarian view, there is no morally relevant difference between, say, a farmer who mixes her labor with the land and thereby come to own the results of this interaction (the timber, the harvest, the fruits, etc.) and a medical researcher who mixes her labor with certain chemicals and thereby come to own the results of the interaction (physical objects and an intellectual idea ⁄ formula for an useful drug).** Provided that the farmer and the medical researcher pay heed to the Lockean proviso, they both come to enjoy a strong property right on the objects that result from their mixing their labor with unowned natural resources. **This natural property right is**, moreover, to be **written into the legal framework and enforced by the proper authorities** (police and courts of law). **Libertarians can therefore see trade agreements such as TRIPS as a legitimate legal enforcement of a pre-existing natural ⁄ moral right.**

#### Moral and economic rights go hand-in-hand – authors deserve compensation if others benefit from their work.

Pozzo 06 [Riccardo Pozzo (Professor of History of Philosophy at University of Verona, PhD from Saarland University), “Immanuel Kant on Intellectual Property”, Trans/Form/Ação, v.29(2), 2006, p.11-18] SG \*brackets for gendered language

**The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on [their] his work confers [them]** him **a moral right that is indeed a personal right. It is also a right to exploit economically [their] his work in all possible ways, a right of economic use**, which is a patrimonial right. Kant and Fichte argued that **moral right and the right of economic use are strictly connected**, and that the **offense to one implies inevitably offense to the other.** In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. **Kant**, however, **was firm in embracing intellectual property.** Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, **he considered the moral faculties related to intellectual property as an “inalienable right** (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. **Kant** and Fichte **spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that [they] he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience.** In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “This intellectual element must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection in which, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the author’s exclusive right to the intellectual content of his book – “the appropriation of which through another is physically impossible” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use.

### Contention 2 – Coercion

#### Reducing IP protections arbitrarily coerces pharmaceutical firms and it’s not their obligation to solve the AC’s harms.

Sonderholm 09 [Jorn Sonderholm (Professor with Specific Responsibilities at Aalborg University, Denmark, PhD in Philosophy from the University of St Andrews, UK, director of the Centre for Philosophy and Public Policy (C3P)), “Paying a high price for low costs: why there should be no legal constraints on the profits that can be made on drugs for tropical diseases”, Journal of Medical Ethics, 2009; 35: 315–319, https://jme.bmj.com/content/medethics/35/5/315.full.pdf?casa\_token=b8TNX5kGB\_wAAAAA:zRKPmCqJ-kr3DVtwY2o0SLrIkohVq871eo2UO6mHs3pxLy\_kODqFnzdfqUI3XUnjnXjWKP0vmQj-] SG

It is, however, difficult to see why these people are supposed to take an economic loss. **By allocating resources into the research and development of a treatment for malaria** (an enterprise that is likely to involve high economic risk), **the people with an economic interest in the company responded to a health crisis that existed independently of them. However, the moment the research has proved successful, a special obligation is laid on these people in the sense that they have to take an economic loss whereas the rest of us** (wealthy individuals, governments of developed and/or developing countries and international organisations) **do not have to incur a similar loss. Such a way of distributing the economic burden related to making the treatment available to those who would benefit from it is unfair in itself.** The unfairness of the proposal becomes even more startling when one considers that, **in addition to legally forcing the producer of the malaria treatment** (or, at a more abstract level, the producer of D) to lower the price on the treatment, **there are at least two other ways of fulfilling the victims of malaria’s right to the treatment being available to them** (or, at a more abstract level, the victims of T’s right to D being available to them). **One solution** consists in **creating a fund that buys the expensive drugs from the producers and thereafter distributes it to those who need it.** The resources of this fund will come from contributions made by individuals, governments, charities and international organisations. **Another solution** consists in **letting the governments of those countries that are affected by tropical diseases pay for the drugs.**

#### Coercion isn’t universalisable – willing one’s freedom while violating others’ is a conceptual contradiction.

Engstrom [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge]

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law** in accordance with the foregoing account of the formula of universal law. **Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends**, where doing so augments, or extends, one’s own outer freedom **and** so also **one’s own self-sufficiency**.  Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here **all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.**

## 2 – CP

#### The World Trade Organization ought to be abolished.

#### The following 164 countries listed in the speech doc ought to independently [PLAN]

Afghanistan Albania Angola Antigua and Barbuda Argentina Armenia Australia Austria Bahrain, Kingdom of Bangladesh Barbados Belgium Belize Benin Bolivia, Plurinational State of Botswana Brazil Brunei Darussalam Bulgaria Burkina Faso Burundi Cabo Verde Cambodia Cameroon Canada Central African Republic Chad Chile China Colombia Congo Costa Rica Côte d’Ivoire Croatia Cuba Cyprus Czech Republic Democratic Republic of the Congo Denmark Djibouti Dominica Dominican Republic Ecuador Egypt El Salvador Estonia Eswatini European Union (formerly EC) Fiji Finland France Gabon Gambia Georgia Germany Ghana Greece Grenada Guatemala Guinea Guinea-Bissau Guyana Haiti Honduras Hong Kong, China Hungary Iceland India Indonesia Ireland Israel Italy Jamaica Japan Jordan Kazakhstan Kenya Korea, Republic of Kuwait, the State of Kyrgyz Republic Lao People’s Democratic Republic Latvia Lesotho Liberia Liechtenstein Lithuania Luxembourg Macao, China Madagascar Malawi Malaysia Maldives Mali Malta Mauritania Mauritius Mexico Moldova, Republic of Mongolia Montenegro Morocco Mozambique Myanmar Namibia Nepal Netherlands New Zealand Nicaragua Niger Nigeria North Macedonia Norway Oman Pakistan Panama Papua New Guinea Paraguay Peru Philippines Poland Portugal Qatar Romania Russian Federation Rwanda Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Samoa Saudi Arabia, Kingdom of Senegal Seychelles Sierra Leone Singapore Slovak Republic Slovenia Solomon Islands South Africa Spain Sri Lanka Suriname Sweden Switzerland Chinese Taipei Tajikistan Tanzania Thailand Togo Tonga Trinidad and Tobago Tunisia Turkey Uganda Ukraine United Arab Emirates United Kingdom United States Uruguay Vanuatu Venezuela, Bolivarian Republic of Viet Nam Yemen Zambia Zimbabwe

Josh **Hawley 20**. Senator from Missouri, JD @ Yale, “The W.T.O. Should Be Abolished,” New York Times, May 5, 2020, <https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html>, **RJP, DebateDrills**

The coronavirus emergency is not only a public health crisis. With [30 million Americans unemployed](https://www.cnbc.com/2020/04/30/us-weekly-jobless-claims.html), it is also an economic crisis. And it has exposed a hard truth about the modern global economy: it weakens American workers and has empowered China’s rise. That must change.

The global economic system as we know it is a relic; it requires reform, top to bottom. We should begin with one of its leading institutions, the World Trade Organization.

We should abolish it.

#### Solves the case---abolition allows free trade and permits nations govern without the pitfalls of the WTO

Josh **Hawley 20**. Senator from Missouri, JD @ Yale, “The W.T.O. Should Be Abolished,” New York Times, May 5, 2020, <https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html>, **RJP, DebateDrills**

Abandoning the W.T.O. is a start. The United States must seek new arrangements and new rules, in concert with other free nations, to restore America’s economic sovereignty and allow this country to practice again the capitalism that made it strong. History can be our guide. For nearly 50 years before the W.T.O.’s founding, the United States and its allies maintained a network of reciprocal trade that protected our national interests and the nation’s workers. We can do it again, for the 21st century. That means returning production to this country, securing our critical supply chains and encouraging domestic innovation and manufacturing. It means striking trade deals that are truly mutual and truly beneficial for America and walking away when they are not. It means building a new network of trusted friends and partners to resist Chinese economic imperialism.

#### Counterplan competes ---

#### 1] Normal means---it’s a TRIPs waiver, which doesn’t make sense if TRIPs and the WTO doesn’t exist

James **Bacchus 20**. Member of the [Herbert A. Stiefel Center for Trade Policy Studies](https://www.cato.org/herbert-stiefel-center-trade-policy-studies), the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida. He was a founding judge and was twice the chairman—the chief judge—of the highest court of world trade, the Appellate Body of the World Trade Organization in Geneva, Switzerland. “An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines,” CATO, December 16, 2020, <https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines>, **RJP, DebateDrills**

In a sign of their increasing frustration with global efforts to ensure that all people everywhere will have access to COVID-19 vaccines, several developing countries have asked other members of the World Trade Organization (WTO) to join them in a sweeping waiver of the intellectual property (IP) rights relating to those vaccines. Their waiver request raises anew the recurring debate within the WTO over the right balance between the protection of IP rights and access in poorer countries to urgently needed medicines. But the last thing the WTO needs is another debate over perceived trade obstacles to public health.

#### 2] “Member” is defined as part of a group---the counterplan abolishes the broader group

**Merriam Webster n.d.** “Member,” <https://www.merriam-webster.com/dictionary/member>, **RJP, DebateDrills**

**:**one of the individuals composing a group

#### 3] “Member of” means “to be contained in” “to be included in” and “be part of” --- none of those are possible if the broader group is gone.[[1]](#footnote-1)

1. [↑](#footnote-ref-1)