I affirm

All over the world, people don’t have enough access to insulin because of patents

**Kaplan**:

**Lack of access to insulin and poor health outcomes are issues for both low and high income countries.** This has been accompanied by a shift from relatively inexpensive human insulin to its more expensive analogs, marketed by three to four main global players. Nonetheless, patent-based market exclusivities are beginning to expire there for the first generation insulin analogs. This paper adds a global dimension to information on the U.S. patent landscape for insulin by reviewing the patent status of insulins with emphasis on the situation outside the US and Europe. Methods Using the term “insulin”, we searched for patents listed on the United States Food and Drug Administration’s (USFDA) Orange Book and the Canadian Online Drug Product Database Online Query and its Patent Register. With this information, we expanded the search globally using the World Intellectual Property Organization (WIPO) PatentScope database, the European Patent Office’s INPADOC database and various country-specific Patent Offices. Results **Patent protected insulins marketed in the U.S. and other countries are facing an imminent patent-expiration “cliff’ yet the three companies that dominate the global insulin market are continuing to file for patents in and outside the U.S**, but very rarely in Africa. Only a few local producers in the so-called "pharmerging" markets (e.g., Brazil, India, China) are filing for global patent protection on their own insulins. **There is** moderate, but **statistically significant association between patent filings and diabetes disease burden.** Conclusions The global market dominance by a few companies of analog over human insulin will likely continue even though patents on the current portfolio of insulin analogs will expire very soon. Multinationals are continuing to file for more insulin patents in the bigger markets with large disease burdens and a rapidly emerging middle class. Off-patent human insulins can effectively manage diabetes. A practical way forward would be find (potential) generic manufacturers globally and nudge them towards opportunities to diversify their national insulin markets with acceptable off-patent products for export.

10. Kaplan WA, Beall RF. The global intellectual property ecosystem for insulin and its public health implications: An observational study. *J Pharm Policy Pract.* 2016;10:3. doi: 10.1186/s40545-016-0072-8. [[PMC free article](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4955122/)] [[PubMed](https://www.ncbi.nlm.nih.gov/pubmed/27446593)] [[CrossRef](https://dx.doi.org/10.1186%2Fs40545-016-0072-8)] [[Google Scholar](https://scholar.google.com/scholar_lookup?journal=J+Pharm+Policy+Pract&title=The+global+intellectual+property+ecosystem+for+insulin+and+its+public+health+implications:+An+observational+study&author=WA+Kaplan&author=RF+Beall&volume=10&publication_year=2016&pages=3&pmid=27446593&doi=10.1186/s40545-016-0072-8&)]

Currently, millions of people can’t afford proper insulin treatment

**Right Care Alliance:**

**No one with diabetes should die because they can’t afford their insulin. It’s a medicine that can be produced for just a few dollars**… **but manufacturers** Eli Lilly, Sanofi, and Novo Nordisk **mark up the price as much as 5,000 percent and there are seven million Americans with diabetes that have no choice but to pay. The price is so high that people are doing desperate things to get by, like using expired insulin,** relying on crowdfunding to pay their bills, **or taking less insulin than they need** in an effort **to ration their supplies.** Rationing is extremely dangerous and can lead to a deadly condition known as diabetic ketoacidosis. Four people died in 2017 while rationing their insulin. Four more died in 2018. Five died in 2019.

“High insulin costs are killing Americans” *Right Care Alliance* Nov 6. 2020 <https://rightcarealliance.org/activities/insulin/>

And, Diabetes is one of the leading causes of death in the world

**WHO:**

**Diabetes is a chronic,** metabolic **disease** characterized by elevated levels of blood glucose (or blood sugar), **which leads over time to serious damage to the heart,** blood vessels, eyes, kidneys and nerves. The most common is type 2 diabetes, usually in adults, which occurs when the body becomes resistant to insulin or doesn't make enough insulin. **In the past three decades the prevalence of type 2 diabetes has risen dramatically in countries of all income levels.** Type 1 diabetes, once known as juvenile diabetes or insulin-dependent diabetes, is a chronic condition in which the pancreas produces little or no insulin by itself. For people living with diabetes, **access to affordable treatment, including insulin, is critical to their survival.** There is a globally agreed target to halt the rise in diabetes and obesity by 2025. **About 422 million people worldwide have diabetes, the majority living in low-and middle-income countries**, and **1.5 million deaths are directly attributed to diabetes each year. Both the number of cases and the prevalence of diabetes have been steadily increasing over the past few decades**. Fact sheets WHO resolutions WHO Team 2 main types Type 1 diabetes (lack of insulin) and type 2 diabetes (ineffective use of insulin) 422 million people worldwide have diabetes, particularly in low-and middle-income countries. Did you know? **Diabetes is one of the leading causes of death in the world**

“Diabetes” *World Health Organization* <https://www.who.int/health-topics/diabetes#tab=tab_1> 2021

**AND patients who try to circumvent pharma end up buying dangerous medicine through illegal markets.**

**Konrad 17:** Konrad, Walecia. [Freelance writer specializing in personal finance and health care] “Black market insulin: What you need to know.” *CBS News,* June 20, 2017. https://www.cbsnews.com/news/black-market-insulin-what-you-need-to-know/ AA

Many health care experts worry that **rising prices will exacerbate the already dramatic trend of buying insulin and other diabetes drugs on the** so-called black or **gray market.** Adult **diabetics** and the parents of children suffering from juvenile diabetes who have trouble affording treatment **are increasingly turn**ing **to** the dozens of Facebook ([FB](http://markets.cbsnews.com/FB/quote/)) pages and other **internet sites that act as a vital marketplace for people looking to trade, swap, buy and sell med**icine, equipment and supplie**s.** "I cannot afford my insulin anymore. I have Lantus pens to trade for Novolog or Humalog vials/pens. Any help is appreciated!" reads one post on the website of digital diabetes support firm Helparound. A handful of people answered, some willing to trade, others offering advice on ways to afford the insulin the writer needs. These networks often include trades based on insurance coverage. Some people may have insurance that covers one type of insulin, but their policy doesn't cover the brand that works best for them. They offer to swap a supply of the drug their insurance covers with people who may have coverage for the brand they're looking for.  "We hear about people going to alternative sources all the time," said Ben Wakana, executive director of the nonprofit advocacy group Patients for Affordable Drugs. "But that's not a long-term solution. We're working on policy changes that will make diabetes medicine affordable so people don't have to turn to alternative sources." Along the same lines, the American Diabetes Association has launched its [make insulin affordable](https://makeinsulinaffordable.org/the-issue/) campaign. It's important for patients using these sites to remember **that buying prescription drugs from strangers can be dangerous. "Insulin is a drug that must be taken at the right time and exactly the right amount,"** said Dr. Aaron J. Kowalski, chief mission officer at the Juvenile Diabetes Research Foundation.  If **insulin isn't stored (or shipped) at the right temperature, it breaks down and you risk getting into a high blood sugar situation after you take a dose of the improperly stored medicine,** explained Kowalski. He noted several other complications related to temperature and storage as well.

In addition, the harms are racialized **–Diabetes patients that are POC GET WORSE when they contract COVID.**

**Preidt 21:** Preidt, Robert. [Health Day Reporter] “Diabetes Is Deadlier for Black Americans: Study.” March 30, 2021. https://consumer.healthday.com/b-3-30-diabetes-is-deadlier-for-black-americans-in-most-major-cities-study-2651222693.html#toggle-gdpr AA

TUESDAY, March 30, 2021 (HealthDay News) -- **Black people have higher diabetes death rates than white people** in the 30 largest cities in the United States, a new study finds. But placing a cap on the price of insulin could narrow that racial gap, according to researcher Joanna Buscemi, of DePaul University in Chicago. Insulin medication is needed by all people with type 1 diabetes and many who have type 2, the more common form of the disease. "The COVID-19 pandemic has increased awareness about racial health disparities in the U.S.," said Buscemi, noting that Black Americans have higher rates of death from both COVID-19 and diabetes. **Improving policies and conditions that impact patients with diabetes could help those same people if they do contract the virus that causes COVID**-19, according to Buscemi, a psychologist and assistant professor in the College of Science and Health. **"If you can't afford insulin, and your disease is not managed, then it's going to have more of an impact if you contract COVID**," Buscemi said in a university news release. The study analyzed data from the cities over two five-year time periods and found that 22 had higher diabetes death rates than the overall U.S. rate. The cities with the highest diabetes mortality rates were El Paso, Texas; Memphis, Tenn.; and Baltimore, Md. **The worst disparity was in Washington, D.C., where Black residents were nearly** *seven times* **more likely to die of diabetes than white** resident**s.**

Plan text: Member nations of the WTO ought to reduce intellectual property productions for Insulin

Solvency

I defend an I.P as  **Cornell University:**

In general terms, **intellectual property is any product of the human intellect that the law protects from unauthorized use by others.**  **The ownership of intellectual property inherently creates a limited monopoly in the protected property.**  Intellectual property is traditionally comprised of four categories:  [patent](https://www.law.cornell.edu/wex/patent), [copyright](https://www.law.cornell.edu/wex/copyright), [trademark](https://www.law.cornell.edu/wex/trademark), and [trade secrets](https://www.law.cornell.edu/wex/trade_secret).

And Insulin is a medicine **NIH:**

Human insulin is used to control blood sugar in people who have type 1 diabetes (condition in which the body does not make insulin and therefore cannot control the amount of sugar in the blood) or in people who have type 2 diabetes (condition in which the blood sugar is too high because the body does not produce or use insulin normally) that cannot be controlled with oral medications alone. **Human insulin is in a class of medications called hormones**. Human insulin is used to take the place of insulin that is normally produced by the body. It works by helping move sugar from the blood into other body tissues where it is used for energy. It also stops the liver from producing more sugar. All of the types of insulin that are available work in this way. The types of insulin differ only in how quickly they begin to work and how long they continue to control blood sugar.

Enforcement is done through normal means.

WTO No Date "Whose WTO is it anyway?"<https://www.wto.org/english/thewto_e/whatis_e/tif_e/org1_e.htm> //Elmer

**When WTO rules impose disciplines** on countries’ policies, **that is the outcome of negotiations among WTO members.** The rules are **enforced** **by** the **members themselves** **under agreed procedures that they negotiated**, **including the possibility of trade sanctions**. But those sanctions are imposed by member countries, and authorized by the membership as a whole. This is quite different from other agencies whose bureaucracies can, for example, influence a country’s policy by threatening to withhold credit.

Reducing IP protections breaks apart the insulin monopoly - reduces the prices of Insulin

**Hanson 20**

 [Emily Hanson, JD Candidate at the University of Georgia School of Law, 2020, “Economic Burdens of Life: Trade Secrecy and the Insulin Pricing Crisis in the United States,” Journal of Intellectual Property Law, https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1457&context=jipl]The discussion above paints a grim picture. The abbreviated pathway to approval provided for under federal law has not achieved its goal of increasing competition and lowering prices in the insulin market. As progress stalls, many people with diabetes continue to struggle to pay for the medication they need as insulin prices continue to rise. It should be noted that **some steps have been taken** in 2019 by both corporations and governments **to alleviate the insulin** pricing **crisis**. For example, the three major insulin manufacturers, Eli Lilly, Sanofi, and Novo Nordisk, have each announced that they will lower the list prices of their insulin products.180 Furthermore, pharmacy benefits manager, Express Scripts, announced a price cap of twenty-five dollars per month for its members.181 Colorado recently passed legislation capping the price of insulin at $100 per month for insured patients.182 These efforts have one thing in common: they illustrate the fact that attention is increasingly being directed at this issue. The increase in attention, **however**, **does not mean that the issue is solved**. Unfortunately, **all** of **the measures** identified above a**re too limited in scope to serve as a complete solution** to the problem. After all, Novo Nordisk or Express Scripts, for example, may decide tomorrow that the price guarantees they make today are no longer economically viable, which will leave diabetic patients in much the same place they are now. Many diabetics with health insurance in Colorado are seemingly out of immediate danger, but Colorado is home to only a very small percentage of all diabetics in the U.S.183 This is why legislation at the federal level is necessary to correct this issue for good. As discussed in section III(C) infra, trade secret is one of the three forms of intellectual property protection available to pharmaceutical innovators. In order for an innovation to qualify for this protection, it must: (1) confer economic benefit upon the holder, (2) not be generally known, and (3) be the object of reasonable steps by the holder to maintain its secrecy.184 Makers of pharmaceutical products, and biologic drugs in particular, avail themselves of trade secret protection quite liberally.185 Trade secret is particularly attractive for protecting the manufacturing processes for insulin and other biologics, which has a major impact on competition.186 Biologics like insulin differ considerably from chemical medications in terms of the difficulty of manufacturing them.187 Small-molecule chemical medications are relatively simple to describe scientifically,188 and a generic manufacturer can use any of a number of methods to synthesize the compound, all of which produce a result easily proven to be identical to the reference product.189 Insulin and other biologics, by contrast, have much more complex chemical structures.190 Small differences in the method of synthesis can lead to broad variation in the final result.191 This means that showing biosimilarity is very difficult unless the manufacturer uses the same method that the maker of the reference product used.192 Furthermore, the precise molecular identity of some biologic drugs is not known because the analytical techniques needed to make that determination do not yet exist.193 Crucially, to qualify for abbreviated approval under the Biosimilars Act, the maker of the biosimilar must make a product that not only is biosimilar, but can be shown to be biosimilar.194 **Because trade secret protection can theoretically last indefinitely,1**95 **makers of would-be biosimilar insulins may never have access to manufacturing process information**, all but **foreclosing the possibility of producing a follow-on insulin** that the maker is able to prove is biosimilar to the reference.196 A claim that X is the same as Y is impossible to prove or disprove when Y’s identity is not known. A **scaling back** of **trade secret protection for pharmaceuticals would ameliorate this problem**. The Biosimilars Act does not require the maker of a reference product to disclose manufacturing information to any greater extent than is required under Hatch-Waxman, which means that it is unlikely to be successful in increasing competition in the insulin market now that insulin is within its scope.197 Insulin will likely continue to be more trouble than it is worth to biosimilar manufacturers. The Defend Trade Secrets Act of 2016 provides an extremely broad scope of the type of information that may be eligible for trade secret protection: [A]ll forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing.198 The breadth of the protection available under the DTSA means that makers of follow-on insulins will have an extremely difficult time showing that their products are biosimilar. Statutorily eliminating biologics manufacturing process information from trade secret eligibility (as an amendment to the Biosimilars Act, for example) would force pharmaceutical companies to choose among three alternatives. They could: (a) include process information in their patent application, (b) apply for separate patent protection for the process and the product, or (c) leave the process information with no protection at all. Acknowledging choice (c) to be in all likelihood the least popular of these, the net effect would be that the process by which biologics like insulin are manufactured would become part of the public domain once the patent expires, rather than remaining secret indefinitely as it does today. This change would naturally have downstream effects, both positive and negative. The first advantage would be that insulin and other biologics would become more attractive to makers of follow-on products. **Armed with the knowledge needed to create a biosimilar without going through the costly process of additional research and development, follow-on firms could produce biosimilar insulins more cheaply**. The second advantage would be that the growing fund of public knowledge about insulin and other biologics would facilitate **greater innovation** in the field over time.199 By keeping **critical information** about their discoveries secret, pharmaceutical companies prevent other companies, universities, and private research firms from benefitting from it.200 Trade secret law is often criticized for its tendency to cause **redundancy** and duplication of effort,201 and repetition of clinical trials to prove that a follow-on is biosimilar or interchangeable can cost hundreds of millions of dollars.202 A free flow of information about process in a field where process has a tremendous influence on the identity and quality of the final product203 would have substantial value to society.204 To that end, the third advantage to reducing trade secret protections would be a rebalancing of the public and private interests at stake in the market for insulin. The free-market approach to drugs and other medical products that operates in the U.S. presumes that the same forces at work in the markets for CocaCola and iPhones are at work in similar ways in the markets for insulin and other healthcare products.205 As discussed previously, the free-market approach has undoubted advantages,206 but the ethical implications of letting the market decide who can afford insulin and who cannot should not be ignored. **A reduction of protection** for an already immensely profitable industry207 **would ease the burden on people who rely on insulin for survival**. On the other hand, this approach does have drawbacks. For example, as with any limitation on intellectual property protection, **there is the concern that this would decrease incentives to innovate**.208 Insulin makers may decide to slow or halt development of costly new products if they fear that they will not be able to recoup their losses.209 However, this particular issue seems to be of less concern here than in other situations in which cutting edge biologics are not yet on the market. **Insulin’s age and long history** in the market **will** likely **shield** **it from this negative effect because several safe and effective varieties already exist**. Thus, while reducing trade secret protections for biologics may have the effect of making some drug manufacturers more reluctant to develop entirely new biologic drugs, it will likely have the opposite effect of improving competition for drugs that are already on the market. Furthermore, a compromise might be made to restrict the scaling-back of trade secret protection to insulin alone, rather than to all biologics. Using insulin as a sort of pilot for a broader scheme of reducing trade secret protections in the pharmaceutical industry would provide lawmakers and the public with some context for the effectiveness of such a scheme. A second potential drawback to this proposal is the possibility of a chilling effect on insulin production in general. Once information about manufacturing insulin enters the public domain, regulatory agencies like FDA will have the ability to set manufacturing standards accordingly.210 The more that is known about a substance, the easier it is to regulate.211 An increase in the minimum standard may raise production costs, thus deterring current producers from continuing to make insulin, and discouraging new firms from entering the insulin market in the first place. Trade secrecy has kept the barriers to entry high for competitors in the insulin market.212 There is no question that, in general, insulin and other biologics are more difficult and more expensive to produce than chemical medications.213 Thus, the U.S. is unlikely to see drastic price reductions for these products such as those that resulted from the enactment of Hatch-Waxman.214 However, the current situation is clearly untenable for patients, and a scaling back of trade secrecy in the insulin market would likely help facilitate price reduction. VI. CONCLUSION For the reasons outlined above, a relaxation of trade secret protection for insulin is the intellectual property policy that is most likely to improve the current state of the insulin market from the patient’s perspective. With a decrease in trade secret protection, pharmaceutical companies will be forced to patent their manufacturing processes, thus ameliorating the problem of under-disclosure.215 The patent system’s balancing of individual and public interest will lower the barriers to entry for follow-on firms once patents expire,216 and the expansion of the public fund of knowledge will facilitate further innovation in the future.217

**Reducing IP protections on Insulin will reduce prices**

**Johnson 18**

 [Judith A. Johnson, Specialist in Biomedical Science Policy at Congressional Research Service with an MS in molecular biology from Yale, 11-19-2018, “Insulin Products and the Cost of Diabetes Treatment,” Congressional Research Service, <https://fas.org/sgp/crs/misc/IF11026.pdf>] //avery

Insulin Regulation and Production In the past, all biologics, including insulin, were regulated by the National Institutes of Health (or its precursors) under the Public Health Service Act (PHSA). In 1941, Congress gave the Food and Drug Administration (FDA) authority over the marketing of insulin. As a result, insulin has been regulated as a drug under the Federal Food, Drug, and Cosmetic Act (FFDCA) rather than as a biologic under the PHSA. In the United States “generic” insulin products are referred to by FDA as “follow-on” products and are not called biosimilars (which are regulated under the PHSA). Insulin Products and the Cost of Diabetes Treatment www.crs.gov | 7-5700 However, under a provision of the Biologics Price Competition and Innovation Act (BPCIA) of 2009, biologics approved as drugs under the FFDCA will transition to biological licenses under the PHSA in March 2020. BPCIA was enacted as Title VII of the Patient Protection and Affordable Care Act (ACA, P.L. 111-148). Currently, **three firm**s—**Eli Lilly, Novo Nordisk, Sanofi Aventis**—**account for over 90% of the global insulin marke**t and produce the entire insulin supply for diabetic patients in the United States. For the most part, i**nsulins produced by these companies are brand-name drugs**. In general, b**randname drugs cost more because the drug manufacturer has free rein in setting the drug price due to a government sanctioned monopol**y for a defined period of time. Brand drugs are **protected from market competition by** (1) **patents i**ssued by the U.S. Patent Office and (2) a **regulatory exclusivity period granted by** FDA under the Drug Price Competition and **Patent Term Restoration Act** of 1984 (P.L. 98-417), also called the Hatch-Waxman Act. According to some analysts, l**ack of price competition in the U.S. insulin market is a contributor to the high cost of this vital drug. The price of a drug is directly affected by the number of different manufacturers marketing the drug**. According to an FDA analysis of generic chemical drugs, “the first generic competitor prices its product only slightly lower than the brand-name manufacturer. However, the appearance of a second generic manufacturer reduces the average generic price to nearly half the brand name price. As additional generic manufacturers market the product, the prices continue to fall, but more slowly. For products that attract a large number of generic manufacturers, the average generic price falls to 20% of the branded price and lower.” One “generic” insulin product—or what FDA calls a “follow-on” product—is being marketed in the United States. Eli Lilly received tentative approval for Basaglar from FDA in August 2014. Final approval occurred in December 2015 following resolution of patent issues with Sanofi-Aventis, maker of the brand product, Lantus (insulin glargine). The Basaglar application was submitted to FDA under Section 505(b)(2) of the FFDCA and relied on the FDA’s finding of safety and effectiveness for Lantus. Eli Lilly began marketing Basaglar in the United States in December 2016; by the end of December 2017, Basaglar had captured about 17% of the U.S. Lantus volume share. Because three firms manufacture all the insulin used in this country, the market behaves differently from the usual case in pharmaceutical markets where generic competition results in price reductions following patent expiration and the end of the exclusivity period granted by FDA under Hatch-Waxman. Basaglar, the only follow-on insulin available in the United States, is made by one of the three insulin-making firms, Eli Lilly. Basaglar’s approval has not resulted in a new insulin manufacturer on the U.S. market. Industry observers believe that as other pharmaceutical companies enter the insulin market, price reductions may begin to occur. In July 2017, FDA granted tentative approval to a second insulin glargine product, Lusduna Nexvue, made by Merck. However, in October 2018 Merck announced that it is discontinuing Lusduna. Some industry analysts believe Merck’s decision was due to the drug rebates offered by the three manufacturers of insulin products. For drugs such as insulin with a high list price, manufacturers may use a high rebate to gain placement on an insurance company formulary. This results in making the drug more affordable for insurance plans, but the drug remains expensive for the uninsured, as well as for those with high cost-sharing insurance plans.

**Current IPP causes high insulin prices – only the aff can solve**

**Barker 20**

 [Erin M Barker, Executive Editor at the Campbell Law Review with a JD, 2020, "When Market Forces Fail: The Case for Federal Regulation of Insulin Prices," Campbell Law Review, [https://heinonline.org/HOL/P?h=hein.journals/camplr42&i=331]](https://heinonline.org/HOL/P?h=hein.journals/camplr42&i=331%5d/Kankee//arjun!)A. Economics-Based Justifications Effective federal regulation will alleviate at least two causes of high insulin prices: patents preventing competition from manufacturers of "generic" insulins, and the failure of normal market forces due to the lack of competition.4 5 U.S. patent law provides patent-holders with twenty years of patent exclusivity for the development of new drugs.46 Exclusivity permits patent-holders to set prices and control the market for at least twenty years.4 7 Currently, there are three primary pharmaceutical companies manufacturing insulin in the U.S. market: Eli Lilly, Novo Nordisk, and Sanofi. 4 8 These three **pharma**ceutical c**ompanies "minimize competition by patenting incremental changes" to their insulin** formulas, **making it extremely difficult for other manufacturers to develop affordable**, effective **generics** known as biosimilars. 49 **For example, even though Sanofi's primary patents** for the insulin Lantus **expired in 2015, Sanofi has filed around seventy patents for incremental changes since 2000**.s0 **These secondary patents will allow Sanofi to receive patent protection** over the formula for Lantus **through** at least March **2028**. Thus, the three **pharma**ceutical companies that manufacture insulin have **developed** what is essentially **a monopoly over the insulin market through this patent-based barrier** to potential competitors. 52 Because it is so difficult for other manufacturers to create biosimilar insulins due to patents, there is currently very little room for competition from other drug manufacturers." In fact, Eli Lily and Sanofi produce the only two biosimilar insulins currently on the market, meaning these manufacturers can maintain the monopoly.54 In a typical market, product price usually falls as time goes on. Common causes of a decrease in market value include competitors entering the market and introducing similar, cheaper alternatives, or a current manufacturer making an advancement that lowers the value of older versions of a product.5 6 Consumers can choose to either purchase a cheaper alternative or upgrade to the newer, more advanced product-either choice would lower demand for the original product, thus lowering the market value of the older version.5 7 Insulin is not a typical consumer product." Not only do patents prevent competitors from entering the market, but type 1 diabetics cannot exert pressure on the pharmaceutical companies to lower prices by simply choosing to not purchase insulin.59 Instead, "[tlype 1 diabetics without adequate insurance coverage are vulnerable to price increases because they can't live without the drug . . . . '**People have to buy insulin no matter what the cost is** . .. [giving] a lot of strength to the people selling insulin."' 0 When the marketplace is unable to self-regulate a monopoly through competition, **the** traditional **solution is** the passage of **regulation** rather than leaving the monopoly free within "the unregulated marketplace or to the antitrust laws for correction."61 When determining the most appropriate type of regulation, there are several options available, the most viable of which are discussed below. 6 2 B. Regulations Available to Increase Competition

**Framing**

My ROB  is minimizing structural violence,

1. Debating about ideal theories is useless- our discussion should be based around finding changes in the real world that can change conditions of oppression. **Curry 14:**

**Despite the pronouncement of debate as an activity** and intellectual exercise **pointing to the real world consequences of dialogue, thinking, and (personal) politics** when addressing issues of racism, sexism, economic disparity, global conflicts, and death, **many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the** adjudication of material disparities and sociological realities as the **conquest of one ideal theory over the other.** In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); since ethics deals by definition with normative/prescriptive/evaluative issues, it is set against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm that insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. **This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression.** and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual.,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame. be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

Tommy J. “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century” (2014) Victory Briefs, p. 55-56 Assistant Professor, Department of Philosophy, Texas AandM 

Structural violence permeates our society-we have to heal it since it’s impermissible under all moral theories. **Winter and Leighton 99:** **“**Finally, **to recognize** the operation of **structural violence forces us to ask** questions about how and **why we tolerate it,** questions **which** often have **[can be] painful** answers **for** **the privileged** elite **who unconsciously support it.** A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that **our normal** perceptual/**cognitive processes divide people into in-groups** **and out-groups**. Those outside our group  **[which] lie outside our scope of justice.** Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. **Those who fall outside are morally excluded, and become** either **invisible**, or demeaned in some wayso that we do not have to acknowledge the[ir] injusticethey suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in notic{e]ing and listening to [the] oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity**.”** Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity. Like Opotow, all the authors in this section point out that **structural violence is not inevitable if we become aware of its operation, and** build systematic **ways to mitigate its effects.** Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it. In the long run, reducing structural violence by reclaiming neighborhoods, demanding social justice and living wages, providing prenatal care, alleviating sexism, and celebrating local cultures, will be our most surefooted path to building lasting peace.

Deborah DuNann Winter and Dana C. Leighton. Winter Psychologist that specializes in Social Psych, Counseling Psych, Historical and Contemporary Issues, Peace Psychology. Leighton: PhD graduate student in the Psychology Department at the University of Arkansas.

Prefer Additionally.

1. **Debating political solutions through a structural violence framing is an iterative process that uses the academy as a site of movement building that creates a bulwark against Trump’s fascism.**

Keeanga-Yamahtta **Taylor 17**, assistant professor of African American studies at Princeton University [“Home Is the Crucible of Struggle,” *American Quarterly*, Vol. 69, No. 2, June 2017, p. 229-233, Accessed Online through Emory Libraries]

**This organizing possibility exists only when we recognize the academy**, itself, **as a site of politics and struggle. Those who ignore that reality do so because they have the luxury to** or because they are so constrained by compartmentalization that they ignore the very world they are living in. **In the last two years we have seen the flowering of campus struggles against racism, rape, and sexual violence, amid campaigns for union recognition and the right of faculty to control** the atmosphere of **their classrooms. Whether or not we on campus see them as political spaces, the right wing certainly does. They have raged against "safe spaces"** and what they refer to as "political correctness." **While reasonable people may debate** the merits and meaning of **concepts like safe spaces, we should not confuse those discussions with an attack from the right** that is intended **to create "unsafe spaces" where racial antagonism, sexual predation, and homophobia are considered rites of passage** or, as the new president describes as it, "locker room" behavior. **These**, unfortunately, **are only smaller battles happening within the larger transformation of colleges and universities into the leading edge of various neoliberal practices**, from the growing use of "contingent labor" to the proliferation of online education, to certificate and master's programs that are only intended to increase the coffers while adding little to nothing to the intellect or critical thinking capacities of its participants. Robin Kelley reminds us that **universities will "never be engines for social transformation," but they are places that often reflect, and** in some situations **magnify, the tensions that exist in society** more generally. There is a relationship between the two. The struggles for academic units in Black and Chicano studies in the 1960s were born of the political insurgencies that captivated those communities while shaking the entire country to its core. Robert Warrior reminds us that in Native studies there is a commitment to crash through the firewall that is often intended to silo scholarship from the communities it is often derived from. He writes that a "clear predominance exists in Native studies of scholarship that obligates itself in clear ways to being connected to the real lives of real peoples living in real time. More than just connected, a hallmark of Native studies scholarship is a preoccupation with how the work of scholars and scholarship translates itself into the process of making the Indigenous world a better, more just, and more equitable place to live, thrive, and provide for future generations." **Scholarship alone is not politics, but the study of history, theory, and politics can imbue our political practice with depth and confidence. Today there is a** [End Page 230] **need to connect the legacy of resistance, struggle, and transformation with a new generation of students and activists who are desperately looking for hope that their world is not coming to an end**. To be sure, there is deep malaise and fear about the meaning of a Trump presidency. It is not to be underestimated. Anyone who is so open about his antipathy and disgust with entire populations of people should be believed when he promises to amplify the suffering in this society. And **we should not underestimate the obstacles that confront a political Left that is deeply fractured and politically divided. But we should also remember that the future is not already written. It has yet to be cast in stone. The stories of our demise have been predicted over and over again**. The marches that erupted in the immediate aftermath of the Trump victory give a sense of the resistance to come. Who could have predicted that the day after Trump's inauguration between three and four million people in the United States would take to the streets to defiantly resist and oppose the new president? In fact, **we have already seen in the last decade the eruption of mass struggle embodied in** the **Occupy** movement **and** most recently the rise of **Black Lives Matter**. **The challenge to Trump**, however, **will demand more than moral outrage. It requires a strategy, and strategy can be developed only when we have political clarity on the nature of Trumpism**. The queer theorist Lisa Duggan made an important observation at the association's annual meeting last November in Denver. In an emergency session assessing the US presidential election, there was a sense of urgency that we have talked enough and now is the time to act. But Duggan made the important observation that **while action is always necessary, we must also create the political and intellectual spaces necessary for debate, argument, and discussion. We cannot act in intelligent ways without understanding why we are acting and what we are acting against**. In other words, **politics and ideas matter as much as the action necessary to transform conditions we abhor**. This may seem like a minor or even self-evident point, but **there is a constant critique that we are often "preaching to the choir"** or a question about the usefulness of sitting in yet "another" meeting. But **this most recent electoral season has also shown that the choir has different pitches and cadences. The choir can be off-key. This is not to suggest that we should all agree or mute the areas of disagreement and tension, but we should be clear about those differences. Just as we should be clear on what is agreed on and what are the bases on which we can overcome differences and unite. These various position s cannot be intuited; they are discovered through patient debate**. **Beyond the culture of respectful** internal **debate** and discussion, **academics** also **have something to contribute. The confidence necessary to effectively** [End Page 231] engage in **struggle is not easily attained in an atmosphere of defeat** and defensiveness. **Those are the moments to draw on the history of resistance** in the movements of the oppressed. Often the political establishment better understands the power of this history than those who are its rightful inheritors. There is a reason that the federal government invested so heavily in the repression of the Black liberation movement of the 1960s. The point was not only to defeat the struggle; it was intended to snuff out its legacy. In significant ways the repression has carried on until this very day. There is a reason sixty-nine-year-old Assata Shakur remains a political exile in Cuba and our government continues to keep a $2 million bounty on her head while shamefully including her on the misnamed terrorist watch list. It is the same reason that the Angola Three—Robert King, Albert Woodfox, and Herman Wallace, Black Panther members held in the infamous prison in Louisiana—collectively spent 113 years in solitary confinement as political punishment for their ideas. It is the same reason 45 years after the Attica Prison Rebellion in 1971, federal and state officials continue to hide the truth of its brutal repression. The most important, and thus damning, archives that the historian Heather Ann Thompson used to write her book on Attica have, once again, disappeared from public scrutiny. **Not only does the political establishment want to punish and demonize the voices for Black liberation, but** more important, **they want to bury the legacy, the history, and politics of the movement itself**. **It is clear to understand why. It is not irrational hatred of African Americans; it is quite simply because when Black people go into struggle, it unravels the dominant narrative, or the fabrications at the heart of American mythology—that we are a democratic and just society**. Only a cursory knowledge of Black history—and the history of indigenous people in this land—shatters the United States' obsession with its own self-idealization as an "exceptional" society. In doing so, **Black struggles are examples of how the "margins" can upend and destabilize the supposed center**. And **perhaps even more important is how those struggles within the various iterations of the Black Freedom movement become a platform for other liberation struggles to emerge. This was the legacy of the Black insurgency of the 1960s. As a result, the political establishment distorts this history and distorts its radical content**, its radical leaders, and their voices. This is not just a lesson of who gets to tell history; this legacy of repression affects the movements of today. The attempt to distort and bury the struggles from a previous period of Black rebellion deprives the current generation of the politics, strategy, and tactics of our movement historically. It diminishes the analyses and the political tools necessary to help forge a way forward in [End Page 232] this political moment. But perhaps, most perniciously, the efforts to disconnect people, especially young people, moving into struggle from their radical roots and history, are to dramatically limit our political imaginations so that we believe that the best we can hope for in this life is a Black president or a more responsive and less inept Democratic Party: the establishment wants us to believe that life as it currently is, is the best we can hope for. This is why, for example, the scholar and activist Angela Davis is so important because she is a connection to our radical history. She is the living legacy of a political movement that put liberation at its center. And you can see her political and intellectual fingerprints all over our movement today—from the politics of Black feminism and the concept of intersectionality to the demand of abolition and the rejection of the very normative idea that humans should be surveilled, caged, or killed by the state. It is no wonder that her politics and activism have deeply influenced many of the Black queer women at the heart of the Black Lives Matter movement. She compels us to think more deeply, to get to the root of the matter, to be radical in our analysis, and to struggle harder—not just in the world as it is but for the world as we want it to be. Davis is but a single example. There are many other examples where those from a previous era of struggle whom we respect and honor connect our searching present with a previous moment of insurgency and struggle. In our lifetimes, **we have never been more in need of the inspiration, the lessons, and the strength of those who have bequeathed to us the certainties and uncertainties of home today. The challenge continues to lie in our abilities to transcend, through argument, debate, and struggle, the many paths that crisscross and potentially divide our resistance to hatred, bigotry, and oppression. This is a call for solidarity, but not on the basis of papering over the different experiences that create different levels of consciousness within our society. Solidarity is most palpable when there is recognition that our fates are connected and that an injury to one is an injury to all. Another world is truly possible, but only if we are willing to struggle for it**.

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**2] [Matheson 15] Large scale extinction impacts are impossible to predict or simulate and will almost always be wrong – prefer impacts we know are happening**

**Matheson 15** (Calum Matheson – This is his PhD dissertation at the University of North Carolina at Chapel Hill, “Desired Ground Zeros: Nuclear Imagination and the Death Drive”, https://cdr.lib.unc.edu/indexablecontent/uuid:4bbcb13b-0b5f-43a1-884c-fcd6e6411fd6, pgs. 77 – 86,)

Herman Kahn and Bernard Brodie, perhaps the most prominent American strategists of the early Cold War, tried to make nuclear war “thinkable” in the sense that they tried to explain how such a war might start and what options would exist for national leaders. At the same time, both acknowledged that the outcome of a full-scale nuclear war was indescribable. In Brodie’s words, to “make an intellectual prediction of the likelihood of war is one thing, to project oneself imaginatively and seriously into an expected war situation is quite another” (Ghamari-Tabrizi 149).  The unwillingness or inability to think “seriously” about a nuclear war—in other words, to understand it instrumentally rather than through dislocating language of the sublime—was met by organizations like the RAND Corporation with an attempt to systematize nuclear strategy and develop the intellectual and technical means to actually fight and control a nuclear war. Before RAND exercised its power through the “Whiz Kids” of the Kennedy Administration, the Strategic Air Command’s “Sunday punch” nuclear plan, enshrined in SIOP-62, was an all-out nuclear attack on the USSR, Eastern Europe, and the People’s Republic of China. It might have killed 285 million people in the initial attack (Kaplan 269). Despite its intricate planning and detailed execution strategies, SIOP was immensely inflexible. Asked whether the U.S. had any options to attack without striking China, which might not even be a combatant in the war, General Thomas Power replied “Well yeh [sic], we could do that, but I hope nobody thinks of it because it would really screw up the plan” (Kaplan 270, emphasis in original). Starting in the 1960s, a set of war games of various complexity was developed to test a broader range of nuclear theories and attack options at RAND and elsewhere (Arbella 35). Games like them continue to be used for strategic military planning today (Raatz). Most of these games—or at least their results—are classified, as they became the basis for US nuclear plans. In politicomilitary games, a number of military officers, civilians, and generally mid- to lowranking government officials would play various roles as US and/or foreign. decisionmakers. Another group, “control,” would feed them information about the actions of countries or groups not played by the participants or about world events that might influence the context of their actions. In more limited military simulations, extant or proposed war plans would be evaluated by computer or human players to identify possible flaws and improvements. The games themselves **never had a guarantee of accuracy and were often quite obviously flawed**. In one Navy game, American aircraft carriers were declared to be unsinkable. In others, the Soviet Union was assumed to have no effective airpower. Because factors like air pressure, prevailing winds, defense effectiveness, early warning, and missile failure rate were largely random or incalculable, a “fudge factor” simply declared estimated success. Even their designers sometimes admitted that the games were inaccurate, unprovable, or simply wishful thinking (Ghamari-Tabrizi 8; Allen 78). Especially in the case of nuclear war, these games **cannot possibly be understood as accurate simulations of a real-world system,** because there is **no empirical data** on the compound effects of many near-simultaneous nuclear explosions and no data **on what factors cause states to cross the nuclear threshold** against other similarly-armed states, a fact that bedevils nuclear planning in general and always has (Kaplan 87). By the admission of many of those who create and play them, they are “social science fiction” with no tangible effect other than that they are entertaining (Ghamari-Tabrizi 160-1). Some contemporary **social science work supports this claim especially in the context of extinction-level events.** Human beings simply aren’t wired to think at such a scale, and they perform very poorly assessing probability and calculating magnitude (Yudkowsky). Others have suggested that warfare is a stochastic system that we could never identify laws for, no matter how diligent we might be, because its initial conditions are simply too complex a model and they do not conform to linear causality (Beyerchen; Buchanan 62). Indeed, military planners tended to be far less willing to predict the conduct and outcome of a conventional war—despite an enormous data set spanning thousands of years—than a nuclear war fought between two superpowers, an event that has never occurred in recorded history. Fred Iklé, former RAND strategists who was at times head of the Arms Control and Disarmament Agency and Undersecretary of Defense for Policy, criticized these semi-mathematical abstractions in harsh terms that deserve to be quoted at length: The prominence of the calculations continues because we know how to make them…we have tailored the problem to our capability to calculate. The seemingly rigorous models of nuclear deterrence are built on the rule: "What cannot be calculated, leave out’”…Such thoughts, especially those focusing on deterrence, lack real empirical referents or bases. No other field of human endeavor demands—absolutely compels—one to work out successful solutions without obtaining directly relevant experience, without experimenting. There can be no trial and error here, no real learning. Curiously, we are far more skeptical in accepting the calculations of traditional conventional military campaigns than the calculations of nuclear warfare. In fact, the more battle experience and information military analysts have, the more modest they become in predicting the course of conventional war. Such modesty is missing for nuclear war, where pretentious analyses and simplistic abstractions dominate and blot out the discrepancies existing between abstractions and possible reality—a reality that for so many reasons is hard even to imagine. (Iklé 246). Iklé is drawing attention to two unique aspects of nuclear war planning: first, that no empirical date (or at least very little) can be gathered for the species of war that planners concerned themselves with, and second, that unlike other military problems where little data exists, defense intellectuals were willing to display great confidence in untested (and untestable) theories. Despite this lack of empirical grounding, nuclear war simulations have been repeated again and again over the decades while nuclear doctrine has remained fundamentally the same (McKinzie et al. ix-xi). There has been some dispute in military circles about whether these exercises should be called simulations or games, with “simulations” becoming more popular by the 1980s (Allen 7). To call politico-military exercises “roleplaying games” conjures images of adolescent boys rolling dice and weaving fantasies about orcs and dragons. To call battle simulations “war games” might associate them with videogames produced for entertainment. Still, even military officers responsible for the creation of these artifacts had trouble distinguishing between game, model, and simulation and used them interchangeably. In his comprehensive history of U.S. wargaming, Thomas Allen writes that the three words “hover over imaginary battlefields like a mysterious, ever-shifting concept of the Trinity” (64, emphasis added). Berger, Boulay and Zisk, writing in the journal Simulation & Gaming acknowledge that “[d]efinitions of simulation are legion,” but center on representations of a system that allow users to model behavior (Berger et al. 416). Brewer and Shubik define games as a subset of simulation and simulation as a subset of modelling, the key defining feature of a game being the inclusion of human beings playing roles. Still, their extended attempt to define these terms results in the acronym MSG, grouping them all together (3-8). The difficulty in Brewer and Shubik’s definition is that all models and simulations require that human beings make decisions at least indirectly, at a minimum defining the independent variables and the parameters of the exercise. As a result, they all create some possibility for investment in the outcome. In common usage, the difference between simulations and models, on the one hand, and games, on the other appears to be a ludic dimension. Games are for play, with an agent making decisions within a set of prescribed rules to change the outcome, while simulations and models may simply represent the rules of a system. The least common denominator is that one rules-bound system—the game— stands in for another. Games, simulations, and models therefore have a metaphorical quality to them.10 In his work on videogames, Ian Bogost has identifies what he calls procedural rhetoric as “the practice of persuading through processes in general and computational processes in particular…a technique for making arguments with computational systems and for unpacking computational arguments others have created” (3). Whereas oral rhetoric attempts to persuade an audience to adopt a particular viewpoint through speech and written rhetoric does the same through writing, procedural rhetoric has its own unique goals and characteristics suited to the medium of games. Videogames create a digital process that simulates a real-world process, allowing the player to model something extant in the world of flesh, blood, steel and glass that exists outside of the game. Procedural rhetoric is the persuasive aspect of simulation. Bogost’s argument might be adapted to this understanding of metaphor. The replacement of the tenor (the thing represented) with the vehicle (the signifier standing in for it) makes an enthymematic argument that draws the audience to do the work of cathexis in connecting the two based on the shared principle that allows the substitution. This does not suggest that we read games as texts. Games require their players to invest in a specific way because they are called on to make choices that alter the outcome. Players identify with their characters in a powerful way: what is shared is not just a set of traits, but decisions over time that, to maintain the interest that keeps players playing, require at least some minimal attachment. One can identify deeply with Sauron, but no reading of Lord of the Rings can make him finally subjugate his haughty human and elven foes, let alone order the Scourging of the Shire and its disgustingly bourgeois hobbits when he still has a chance to succeed.11 This is the procedural element of Bogost’s theory: it is the procedure that links the system with its representation in the game, and the sense of control that binds us, something that differentiates this medium from others. One doesn’t have to decide that play matters and narrative doesn’t—it is the interaction between the two that channels the player’s investment in a game. In war games, attachments are formed even when a computerized Sam fights a computerized Ivan to test the SIOP and RSIOP.12 Allen’s book is full of examples of war game players becoming emotionally tied to their games, sometimes in perverse ways. Failing in a game that he was allowed to play, Allen himself described his team reacting with shock, real shock, not just a reaction to a bad break in a game. We were really feeling upset about what was happening in our imaginary world. ‘What is happening to our institutions?’ someone indignantly asked, as if real institutions were really going through what the situation paper had described. I had an unreasonable feeling of helplessness and failure. Some of us spoke softly to each other about having failed. (18). The prevalence of this reaction is confirmed in more recent scholarship by Paul Bracken, himself a war game participant. Bracken puts the case simply: “People get emotionally involved in games” (20).

**3] Theory: ethical frameworks must be theoretically legitimate. Any standard is an interpretation of the word ought-thus framework is functionally a topicality argument about how to define the terms of the resolution. Prefer my interpretation –**

**A] Ground: Both debaters are guaranteed access to ground to engage under minimizing structural violence – ie Aff gets plans and advantages, while Neg gets disads and counterplans. Additionally, anything can function as an impact as long as an external benefit is articulated, so all your offense applies. Other frameworks deny 1 side the ability to engage the other on both the impact level and the link level.**

**B] resolvability – only minimizing structural violence can compare and choose between two different types of impacts – anything else forces judge intervention which takes the debate out of the debaters hands**