

Health, Development & Human Rights

A Hobbesian Justification of Compulsory Licensing

As you read the material for our next class, keep the questions below in mind. To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages. Keep in mind that there are two basic kinds of information that you need to look for in the readings:

1. What are the main points or conclusions that an author accepts with respect to a particular issue?
2. What are the reasons, important considerations, and evidence that lead the author to accept that conclusion?

For our purposes, *it is information of the second sort that will be our primary concern* since our most basic task is to *evaluate the reasons and evidence* that are offered to support accepting one possible conclusion about an issue, rather than another.

Although I strongly suggest that you write out brief answers to these questions, you do not have to turn in written responses. You do, however, need to be prepared to speak intelligently about these issues at our next class meeting.

Readings

- Richard Ashcroft, "Access to Essential Medicines: A Hobbesian Social Contract Approach".

Questions

1. The practice of compulsory licensing involves manufacturing and/or importing generic versions of medicine without securing the patent holder's permission. According to Richard Ashcroft, why is this practice so controversial?
2. Throughout this article, Ashcroft is concerned to show how the state has certain obligations to its citizens. Based on Ashcroft's presentation, what does Hobbes think is "the primary function of the state" (p. 132)? How does this function of a state justify why a nation in the grips of a public health disaster is morally permitted (or perhaps even obliged) to engage in the compulsory licensing of essential medicines? Does this Hobbesian account place any limitations to what the state may do when responding to such a disaster?