

Health, Development & Human Rights

The Intellectual Common & Access to Essential Medicines

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.

Reading

- Mathias Risse, "Is There a Human Right to Essential Pharmaceuticals?"

Questions

1. Mathias Risse says that his argument will involve three steps. The first step (pp. 48–52) is to start with the idea that humans collectively own the Earth in common, and then derive a concept of human rights from that idea. What does "egalitarian ownership" of the Global Common mean and what conception of it does Risse endorse? What "liberty" rights (p. 50), "claim" rights (p. 50), and "immunity" rights (p. 51) does this give to a person? Risse refers to these as "membership rights in the global order" (p. 52 & 63–64).
2. For the second step (pp. 52–57), Risse wants to show that Grotius' argument that the seas cannot be privatized also applies to ideas or "products of the mind". Why did Grotius believe that the seas should not be privatized? How does Risse apply this to create a presumption against the unlimited privatization of intellectual property? What private intellectual property rights are acceptable?
3. The third, and final, step (pp. 62–67) is to show that access to essential medicines is of genuine global concern and thereby demonstrate that there is a "membership right" (or human right) to them. What is Risse's argument for this? How does this argument rely on the existence of an Intellectual Common? Is this last step convincing?