

# HEALTH, DEVELOPMENT & HUMAN RIGHTS

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## Intellectual Property Rights & Access to Essential Medicines

### Instructions

When doing the reading for this class, there are the two basic kinds of information you need to understand:

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 position on an issue, rather than another.

### Reading

Ashcroft, R. E. (2005, May). Access to Essential Medicines: A Hobbesian Social Contract Approach. *Developing World Bioethics*, 5(1), 121–141.

### 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 compulsory licensing so controversial?
2. Throughout this article, Ashcroft is concerned to show how the state has certain obligations to its citizens. According to Ashcroft, what does Hobbes think is "the primary function of the state" (p. 132)? Given this function, why is the state morally permitted (or perhaps even morally obligated) to engage in the compulsory licensing of essential medicines during a public health disaster?
3. Does Ashcroft's Hobbesian account place any limitations on what the state may do when responding to a public health disaster?

To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages.

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.