

HEALTH, DEVELOPMENT & HUMAN RIGHTS

The Intellectual Common & 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

Risse, M. (2012). Is There a Human Right to Essential Pharmaceuticals? The Global Common, the Intellectual Common, and the Possibility of Private Intellectual Property. In J. Millum & E. J. Emanuel (Eds.), *Global Justice and Bioethics* (pp. 43–77). Oxford: Oxford University Press.

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 such ownership 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 the “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 essential medicines.
What is Risse’s argument for this? How does this argument rely on the existence of an Intellectual Common?

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.