### 1NC

#### the standard is maximizing expected wellbeing

#### Independently:

#### 1] Death outweighs

Burns 2017 (Elizabeth Finneron-Burns is a Teaching Fellow at the University of Warwick and an Affiliated Researcher at the Institute for Futures Studies in Stockholm, What’s wrong with human extinction?, <http://www.tandfonline.com/doi/pdf/10.1080/00455091.2016.1278150?needAccess=true>, Canadian Journal of Philosophy, 2017)

Many, though certainly not all, people might believe that it would be wrong to bring about the end of the human species, and the reasons given for this belief are various. I begin by considering four reasons that could be given against the moral permissibility of human extinction. I will argue that only those reasons that impact the people who exist at the time that the extinction or the knowledge of the upcoming extinction occurs, can explain its wrongness. I use this conclusion to then consider in which cases human extinction would be morally permissible or impermissible, arguing that there is only a small class of cases in which it would not be wrong to cause the extinction of the human race or allow it to happen. 2.1. It would prevent the existence of very many happy people One reason of human extinction might be considered to be wrong lies in the value of human life itself. The thought here might be that it is a good thing for people to exist and enjoy happy lives and extinction would deprive more people of enjoying this good. The ‘good’ in this case could be understood in at least two ways. According to the first, one might believe that you benefit a person by bringing them into existence, or at least, that it is good for that person that they come to exist. The second view might hold that if humans were to go extinct, the utility foregone by the billions (or more) of people who could have lived but will now never get that opportunity, renders allowing human extinction to take place an incidence of wrongdoing. An example of this view can be found in two quotes from an Effective Altruism blog post by Peter Singer, Nick Beckstead and Matt Wage: One very bad thing about human extinction would be that billions of people would likely die painful deaths. But in our view, this is by far not the worst thing about human extinction. The worst thing about human extinction is that there would be no future generations. Since there could be so many generations in our future, the value of all those generations together greatly exceeds the value of the current generation. (Beckstead, Singer, and Wage 2013) The authors are making two claims. The first is that there is value in human life and also something valuable about creating future people which gives us a reason to do so; furthermore, it would be a very bad thing if we did not do so. The second is that, not only would it be a bad thing for there to be no future people, but it would actually be the worst thing about extinction. Since happy human lives have value, and the number of potential people who could ever exist is far greater than the number of people who exist at any one time, even if the extinction were brought about through the painful deaths of currently existing people, the former’s loss would be greater than the latter’s. Both claims are assuming that there is an intrinsic value in the existence of potential human life. The second claim makes the further assumption that the forgone value of the potential lives that could be lived is greater than the disvalue that would be accrued by people existing at the time of the extinction through suffering from painful and/or premature deaths. The best-known author of the post, Peter Singer is a prominent utilitarian, so it is not surprising that he would lament the potential lack of future human lives per se. However, it is not just utilitarians who share this view, even if implicitly. Indeed, other philosophers also seem to imply that they share the intuition that there is just something wrong with causing or failing to prevent the extinction of the human species such that we prevent more ‘people’ from having the ‘opportunity to exist’. Stephen Gardiner (2009) and Martin O’Neill (personal correspondence), both sympathetic to contract theory, for example, also find it intuitive that we should want more generations to have the opportunity to exist, assuming that they have worth-living lives, and I find it plausible to think that many other people (philosophers and non-philosophers alike) probably share this intuition. When we talk about future lives being ‘prevented’, we are saying that a possible person or a set of possible people who could potentially have existed will now never actually come to exist. To say that it is wrong to prevent people from existing could either mean that a possible person could reasonably reject a principle that permitted us not to create them, or that the foregone value of their lives provides a reason for rejecting any principle that permits extinction. To make the first claim we would have to argue that a possible person could reasonably reject any principle that prevented their existence on the grounds that it prevented them in particular from existing. However, this is implausible for two reasons. First, we can only wrong someone who did, does or will actually exist because wronging involves failing to take a person’s interests into account. When considering the permissibility of a principle allowing us not to create Person X, we cannot take X’s interest in being created into account because X will not exist if we follow the principle. By considering the standpoint of a person in our deliberations we consider the burdens they will have to bear as a result of the principle. In this case, there is no one who will bear any burdens since if the principle is followed (that is, if we do not create X), X will not exist to bear any burdens. So, only people who do/will actually exist can bear the brunt of a principle, and therefore occupy a standpoint that is owed justification. Second, existence is not an interest at all and a possible person is not disadvantaged by not being caused to exist. Rather than being an interest, it is a necessary requirement in order to have interests. Rivka Weinberg describes it as ‘neutral’ because causing a person to exist is to create a subject who can have interests; existence is not an interest itself.3 In order to be disadvantaged, there must be some detrimental effect on your interests. However, without existence, a person does not have any interests so they cannot be disadvantaged by being kept out of existence. But, as Weinberg points out, ‘never having interests itself could not be contrary to people’s interests since without interest bearers, there can be no ‘they’ for it to be bad for’ (Weinberg 2008, 13). So, a principle that results in some possible people never becoming actual does not impose any costs on those ‘people’ because nobody is disadvantaged by not coming into existence.4 It therefore seems that it cannot be wrong to fail to bring particular people into existence. This would mean that no one acts wrongly when they fail to create another person. Writ large, it would also not be wrong if everybody decided to exercise their prerogative not to create new people and potentially, by consequence, allow human extinction. One might respond here by saying that although it may be permissible for one person to fail to create a new person, it is not permissible if everyone chooses to do so because human lives have value and allowing human extinction would be to forgo a huge amount of value in the world. This takes us to the second way of understanding the potential wrongness of preventing people from existing — the foregone value of a life provides a reason for rejecting any principle that prevents it. One possible reply to this claim turns on the fact that many philosophers acknowledge that the only, or at least the best, way to think about the value of (individual or groups of) possible people’s lives is in impersonal terms (Parfit 1984; Reiman 2007; McMahan 2009). Jeff McMahan, for example, writes ‘at the time of one’s choice there is no one who exists or will exist independently of that choice for whose sake one could be acting in causing him or her to exist … it seems therefore that any reason to cause or not to cause an individual to exist … is best considered an impersonal rather than individual-affecting reason’ (McMahan 2009, 52). Another reply along similar lines would be to appeal to the value that is lost or at least foregone when we fail to bring into existence a next (or several next) generations of people with worth-living lives. Since ex hypothesi worth-living lives have positive value, it is better to create more such lives and worse to create fewer. Human extinction by definition is the creation of no future lives and would ‘deprive’ billions of ‘people’ of the opportunity to live worth-living lives. This might reduce the amount of value in the world at the time of the extinction (by killing already existing people), but it would also prevent a much vaster amount of value in the future (by failing to create more people). Both replies depend on the impersonal value of human life. However, recall that in contractualism impersonal values are not on their own grounds for reasonably rejecting principles. Scanlon himself says that although we have a strong reason not to destroy existing human lives, this reason ‘does not flow from the thought that it is a good thing for there to be more human life rather than less’ (104). In contractualism, something cannot be wrong unless there is an impact on a person. Thus, neither the impersonal value of creating a particular person nor the impersonal value of human life writ large could on its own provide a reason for rejecting a principle permitting human extinction. It seems therefore that the fact that extinction would deprive future people of the opportunity to live worth-living lives (either by failing to create either particular future people or future people in general) cannot provide us with a reason to consider human extinction to be wrong. Although the lost value of these ‘lives’ itself cannot be the reason explaining the wrongness of extinction, it is possible the knowledge of this loss might create a personal reason for some existing people. I will consider this possibility later on in section (d). But first I move to the second reason human extinction might be wrong per se. 2.2. It would mean the loss of the only known form of intelligent life and all civilization and intellectual progress would be lost A second reason we might think it would be wrong to cause human extinction is the loss that would occur of the only (known) form of rational life and the knowledge and civilization that that form of life has created. One thought here could be that just as some might consider it wrong to destroy an individual human heritage monument like the Sphinx, it would also be wrong if the advances made by humans over the past few millennia were lost or prevented from progressing. A related argument is made by those who feel that there is something special about humans’ capacity for rationality which is valuable in itself. Since humans are the only intelligent life that we know of, it would be a loss, in itself, to the world for that to end. I admit that I struggle to fully appreciate this thought. It seems to me that Henry Sidgwick was correct in thinking that these things are only important insofar as they are important to humans (Sidgwick 1874, I.IX.4).5 If there is no form of intelligent life in the future, who would there be to lament its loss since intelligent life is the only form of life capable of appreciating intelligence? Similarly, if there is no one with the rational capacity to appreciate historic monuments and civil progress, who would there be to be negatively affected or even notice the loss?6 However, even if there is nothing special about human rationality, just as some people try to prevent the extinction of nonhuman animal species, we might think that we ought also to prevent human extinction for the sake of biodiversity. The thought in this, as well as the earlier examples, must be that it would somehow be bad for the world if there were no more humans even though there would be no one for whom it is bad. This may be so but the only way to understand this reason is impersonally. Since we are concerned with wrongness rather than badness, we must ask whether something that impacts no one’s well-being, status or claims can be wrong. As we saw earlier, in the contractualist framework reasons must be personal rather than impersonal in order to provide grounds for reasonable rejection (Scanlon 1998, 218–223). Since the loss of civilization, intelligent life or biodiversity are per se impersonal reasons, there is no standpoint from which these reasons could be used to reasonably reject a principle that permitted extinction. Therefore, causing human extinction on the grounds of the loss of civilization, rational life or biodiversity would not be wrong. 2.3. Existing people would endure physical pain and/or painful and/or premature deaths Thinking about the ways in which human extinction might come about brings to the fore two more reasons it might be wrong. It could, for example, occur if all humans (or at least the critical number needed to be unable to replenish the population, leading to eventual extinction) underwent a sterilization procedure. Or perhaps it could come about due to anthropogenic climate change or a massive asteroid hitting the Earth and wiping out the species in the same way it did the dinosaurs millions of years ago. Each of these scenarios would involve significant physical and/or non-physical harms to existing people and their interests. Physically, people might suffer premature and possibly also painful deaths, for example. It is not hard to imagine examples in which the process of extinction could cause premature death. A nuclear winter that killed everyone or even just every woman under the age of 50 is a clear example of such a case. Obviously, some types of premature death themselves cannot be reasons to reject a principle. Every person dies eventually, sometimes earlier than the standard expected lifespan due to accidents or causes like spontaneously occurring incurable cancers. A cause such as disease is not a moral agent and therefore it cannot be wrong if it unavoidably kills a person prematurely. Scanlon says that the fact that a principle would reduce a person’s well-being gives that person a reason to reject the principle: ‘components of well-being figure prominently as grounds for reasonable rejection’ (Scanlon 1998, 214). However, it is not settled yet whether premature death is a setback to well-being. Some philosophers hold that death is a harm to the person who dies, whilst others argue that it is not.7 I will argue, however, that regardless of who is correct in that debate, being caused to die prematurely can be reason to reject a principle when it fails to show respect to the person as a rational agent. Scanlon says that recognizing others as rational beings with interests involves seeing reason to preserve life and prevent death: ‘appreciating the value of human life is primarily a matter of seeing human lives as something to be respected, where this involves seeing reasons not to destroy them, reasons to protect them, and reasons to want them to go well’ (Scanlon 1998, 104). The ‘respect for life’ in this case is a respect for the person living, not respect for human life in the abstract. This means that we can sometimes fail to protect human life without acting wrongfully if we still respect the person living. Scanlon gives the example of a person who faces a life of unending and extreme pain such that she wishes to end it by committing suicide. Scanlon does not think that the suicidal person shows a lack of respect for her own life by seeking to end it because the person whose life it is has no reason to want it to go on. This is important to note because it emphasizes the fact that the respect for human life is person-affecting. It is not wrong to murder because of the impersonal disvalue of death in general, but because taking someone’s life without their permission shows disrespect to that person. This supports its inclusion as a reason in the contractualist formula, regardless of what side ends up winning the ‘is death a harm?’ debate because even if death turns out not to harm the person who died, ending their life without their consent shows disrespect to that person. A person who could reject a principle permitting another to cause his or her premature death presumably does not wish to die at that time, or in that manner. Thus, if they are killed without their consent, their interests have not been taken into account, and they have a reason to reject the principle that allowed their premature death.8 This is as true in the case of death due to extinction as it is for death due to murder. However, physical pain may also be caused to existing people without killing them, but still resulting in human extinction. Imagine, for example, surgically removing everyone’s reproductive organs in order to prevent the creation of any future people. Another example could be a nuclear bomb that did not kill anyone, but did painfully render them infertile through illness or injury. These would be cases in which physical pain (through surgery or bombs) was inflicted on existing people and the extinction came about as a result of the painful incident rather than through death. Furthermore, one could imagine a situation in which a bomb (for example) killed enough people to cause extinction, but some people remained alive, but in terrible pain from injuries. It seems uncontroversial that the infliction of physical pain could be a reason to reject a principle. Although Scanlon says that an impact on well-being is not the only reason to reject principles, it plays a significant role, and indeed, most principles are likely to be rejected due to a negative impact on a person’s well-being, physical or otherwise. It may be queried here whether it is actually the involuntariness of the pain that is grounds for reasonable rejection rather than the physical pain itself because not all pain that a person suffers is involuntary. One can imagine acts that can cause physical pain that are not rejectable — base jumping or life-saving or improving surgery, for example. On the other hand, pushing someone off a cliff or cutting him with a scalpel against his will are clearly rejectable acts. The difference between the two cases is that in the former, the person having the pain inflicted has consented to that pain or risk of pain. My view is that they cannot be separated in these cases and it is involuntary physical pain that is the grounds for reasonable rejection. Thus, the fact that a principle would allow unwanted physical harm gives a person who would be subjected to that harm a reason to reject the principle. Of course the mere fact that a principle causes involuntary physical harm or premature death is not sufficient to declare that the principle is rejectable — there might be countervailing reasons. In the case of extinction, what countervailing reasons might be offered in favour of the involuntary physical pain/ death-inducing harm? One such reason that might be offered is that humans are a harm to the natural environment and that the world might be a better place if there were no humans in it. It could be that humans might rightfully be considered an all-things-considered hindrance to the world rather than a benefit to it given the fact that we have been largely responsible for the extinction of many species, pollution and, most recently, climate change which have all negatively affected the natural environment in ways we are only just beginning to understand. Thus, the fact that human extinction would improve the natural environment (or at least prevent it from degrading further), is a countervailing reason in favour of extinction to be weighed against the reasons held by humans who would experience physical pain or premature death. However, the good of the environment as described above is by definition not a personal reason. Just like the loss of rational life and civilization, therefore, it cannot be a reason on its own when determining what is wrong and countervail the strong personal reasons to avoid pain/death that is held by the people who would suffer from it.9 Every person existing at the time of the extinction would have a reason to reject that principle on the grounds of the physical pain they are being forced to endure against their will that could not be countervailed by impersonal considerations such as the negative impact humans may have on the earth. Therefore, a principle that permitted extinction to be accomplished in a way that caused involuntary physical pain or premature death could quite clearly be rejectable by existing people with no relevant countervailing reasons. This means that human extinction that came about in this way would be wrong. There are of course also additional reasons they could reject a similar principle which I now turn to address in the next section. 2.4. Existing people could endure non-physical harms I said earlier than the fact in itself that there would not be any future people is an impersonal reason and can therefore not be a reason to reject a principle permitting extinction. However, this impersonal reason could give rise to a personal reason that is admissible. So, the final important reason people might think that human extinction would be wrong is that there could be various deleterious psychological effects that would be endured by existing people having the knowledge that there would be no future generations. There are two main sources of this trauma, both arising from the knowledge that there will be no more people. The first relates to individual people and the undesired negative effect on well-being that would be experienced by those who would have wanted to have children. Whilst this is by no means universal, it is fair to say that a good proportion of people feel a strong pull towards reproduction and having their lineage continue in some way. Samuel Scheffler describes the pull towards reproduction as a ‘desire for a personalized relationship with the future’ (Scheffler 2012, 31). Reproducing is a widely held desire and the joys of parenthood are ones that many people wish to experience. For these people knowing that they would not have descendants (or that their descendants will endure painful and/or premature deaths) could create a sense of despair and pointlessness of life. Furthermore, the inability to reproduce and have your own children because of a principle/policy that prevents you (either through bans or physical interventions) would be a significant infringement of what we consider to be a basic right to control what happens to your body. For these reasons, knowing that you will have no descendants could cause significant psychological traumas or harms even if there were no associated physical harm. The second is a more general, higher level sense of hopelessness or despair that there will be no more humans and that your projects will end with you. Even those who did not feel a strong desire to procreate themselves might feel a sense of hopelessness that any projects or goals they have for the future would not be fulfilled. Many of the projects and goals we work towards during our lifetime are also at least partly future-oriented. Why bother continuing the search for a cure for cancer if either it will not be found within humans’ lifetime, and/or there will be no future people to benefit from it once it is found? Similar projects and goals that might lose their meaning when confronted with extinction include politics, artistic pursuits and even the type of philosophical work with which this paper is concerned. Even more extreme, through the words of the character Theo Faron, P.D. James says in his novel The Children of Men that ‘without the hope of posterity for our race if not for ourselves, without the assurance that we being dead yet live, all pleasures of the mind and senses sometimes seem to me no more than pathetic and crumbling defences shored up against our ruins’ (James 2006, 9). Even if James’ claim is a bit hyperbolic and all pleasures would not actually be lost, I agree with Scheffler in finding it not implausible that the knowledge that extinction was coming and that there would be no more people would have at least a general depressive effect on people’s motivation and confidence in the value of and joy in their activities (Scheffler 2012, 43). Both sources of psychological harm are personal reasons to reject a principle that permitted human extinction. Existing people could therefore reasonably reject the principle for either of these reasons. Psychological pain and the inability to pursue your personal projects, goals, and aims, are all acceptable reasons for rejecting principles in the contractualist framework. So too are infringements of rights and entitlements that we accept as important for people’s lives. These psychological reasons, then, are also valid reasons to reject principles that permitted or required human extinction.

#### 2] All other frameworks fail

Mack 4 [(Peter, MBBS, FRCS(Ed), FRCS (Glasg), PhD, MBA, MHlthEcon) “Utilitarian Ethics in Healthcare.” International Journal of the Computer, the Internet, and Management Vol. 12, No.3. 2004. Department of Surgery. Singapore General Hospital.] SJDI

Medicine is a costly science, but of greater concern to the health economist is that it is also a limitless art. Every medical advance created new needs that did not exist until the means of meeting them came into existence. Physicians are reputed to have an infinite capacity to do ever more things, and perform ever more expensive interventions for their patients so long as any of their patients’ health needs remain unfulfilled. The traditional stance of the physician is that each patient is an isolated universe. When confronted with a situation in which his duty involves a competition for scarce medications or treatments, he would plead the patient’s cause by all methods, short of deceit. However, when the physician’s decision involves more than just his own patient, or has some commitment to public health, other issues have to be considered. He then has to recognise that the unbridled advocacy of the patient may not square with what the economist perceives to be the most advantageous policy to society as a whole. Medical professionals characteristically deplore scarcities. Many of them are simply not prepared to modify their intransigent principle of unwavering duty to their patients’ individual interest. However, in decisions involving multiple patients, making available more medication, labour or expenses for one patient will mean leaving less for another. The physician is then compelled by his competing loyalties to enter into a decision mode of one versus many, where the underlying constraint is one of finiteness of the commodities. Although the medical treatment may be simple and inexpensive in many instances, there are situations such as in renal dialysis, where prioritisation of treatment poses a moral dilemma because some patients will be denied the treatment and perish. Ethics and economics share areas of overlap. They both deal with how people should behave, what policies the state should pursue and what obligations citizens owe to their governments. The centrality of the human person in both normative economics and normative ethics is pertinent to this discussion. Economics is the study of human action in the marketplace whereas ethics deals with the “rightness” or “wrongness” of human action in general. Both disciplines are rooted in human reason and human nature and the two disciplines intersect at the human person and the analysis of human action. From the economist’s perspective, ethics is identified with the investigation of rationally justifiable bases for resolving conflict among persons with divergent aims and who share a common world. Because of the scarcity of resources, one’s success is another person’s failure. Therefore ethics search for rationally justifiable standards for the resolution of interpersonal conflict. While the realities of human life have given rise to the concepts of property, justice and scarcity, the management of scarcity requires the exercise of choice, since having more of some goods means having less of others. Exercising choice in turn involves comparisons, and comparisons are based on principles. As ethicists, the meaning of these principles must be sought in the moral basis that implementing them would require. For instance, if the implementation of distributive justice in healthcare is founded on the basis of welfare-based principles, as opposed to say resource-based principles, it means that the health system is motivated by the idea that what is of primary moral importance is the level of welfare of the people. This means that all distributive questions should be settled according to which distribution maximises welfare. Utilitarianism is fundamentally welfarist in its philosophy. Application of the principle to healthcare requires a prior understanding of the welfarist theory as expounded by the economist. Conceptually, welfarist theory is built on four tenets: utility maximisation, consumer sovereignty, consequentialism and welfarism. Utility maximisation embodies the behavioural proposition that individuals choose rationally, but it does not address the morality of rational choice. Consumer sovereignty is the maxim that individuals are the best judge of their own welfare. Consequentialism holds that any action or choice must be judged exclusively in terms of outcomes. Welfarism is the proposition that the “goodness” of the resource allocation be judged solely on the welfare or utility levels in that situation. Taken together these four tenets require that a policy be judged solely in terms of the resulting utilities achieved by individuals as assessed by the individuals themselves. Issues of who receives the utility, the source of the utility and any non-utility aspects of the situation are ignored.

#### 3] Non util ethics are impossible

Greene 10 – Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University (The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings, accessed: www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

**What turn-of-the-millennium science** **is telling us is that human moral judgment is not a pristine rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural**. **Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions**. Moreover, **anyone who claims to have such a theory**, or even part of one, **almost certainly doesn't**. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that **rationalist deontologists will remain unmoved by the arguments presented here**. Instead, I suspect, **they** **will insist that I have simply misunderstood what** Kant and like-minded **deontologists are all about**. **Deontology, they will say, isn't about this intuition or that intuition**. It's not defined by its normative differences with consequentialism. **Rather, deontology is about taking humanity seriously**. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). **This is, no doubt, how many deontologists see deontology. But this insider's view**, as I've suggested, **may be misleading**. **The problem**, more specifically, **is that it defines deontology in terms of values that are not distinctively deontological**, though they may appear to be from the inside. **Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love**, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." **This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things**. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of **the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics**. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that **consequentialists**, as much as anyone else, **have respect for persons**, **are against treating people as mere objects,** **wish to act for reasons that rational creatures can share, etc**. **A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process**. **Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. **If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get** characteristically deontological **answers**. Some **will be tautological**: **"Because it's murder!"** **Others will be more sophisticated: "The ends don't justify the means**." "You have to respect people's rights." **But**, as we know, **these answers don't really explain anything**, because **if you give the same people** (on different occasions) **the trolley case** or the loop case (See above), **they'll make the opposite judgment**, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. **Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism**. Although these explanations are inevitably incomplete, **there seems to be "something deeply right" about them because they give voice to powerful moral emotions**. **But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question**.

#### 4] That justifies util – it’s impartial, specific to public actors, and resolves infinite regress which explains all value.

Greene 15 — (Joshua Greene, Professor of Psychology @ Harvard, being interviewed by Russ Roberts, “Joshua Greene on Moral Tribes, Moral Dilemmas, and Utilitarianism”, The Library of Economics and Liberty, 1-5-15, Available Online at <https://www.econtalk.org/joshua-greene-on-moral-tribes-moral-dilemmas-and-utilitarianism/#audio-highlights>, accessed 5-17-20, HKR-AM) \*\*NB: Guest = Greene, and only his lines are highlighted/underlined

Guest: Okay. So, I think utilitarianism is very much misunderstood. And this is part of the reason why we shouldn't even call it utilitarianism at all. We should call it what I call 'deep pragmatism', which I think better captures what I think utilitarianism is really like, if you really apply it in real life, in light of an understanding of human nature. But, we can come back to that. The idea, going back to the tragedy of common-sense morality is you've got all these different tribes with all of these different values based on their different ways of life. What can they do to get along? And I think that the best answer that we have is--well, let's back up. In order to resolve any kind of tradeoff, you have to have some kind of common metric. You have to have some kind of common currency. And I think that what utilitarianism, whether it's the moral truth or not, is provide a kind of common currency. So, what is utilitarianism? It's basically the idea that--it's really two ideas put together. One is the idea of impartiality. That is, at least as social decision makers, we should regard everybody's interests as of equal worth. Everybody counts the same. And then you might say, 'Well, but okay, what does it mean to count everybody the same? What is it that really matters for you and for me and for everybody else?' And there the utilitarian's answer is what is sometimes called, somewhat accurately and somewhat misleadingly, happiness. But it's not really happiness in the sense of cherries on sundaes, things that make you smile. It's really the quality of conscious experience. So, the idea is that if you start with anything that you value, and say, 'Why do you care about that?' and keep asking, 'Why do you care about that?' or 'Why do you care about that?' you ultimately come down to the quality of someone's conscious experience. So if I were to say, 'Why did you go to work today?' you'd say, 'Well, I need to make money; and I also enjoy my work.' 'Well, what do you need your money for?' 'Well, I need to have a place to live; it costs money.' 'Well, why can't you just live outside?' 'Well, I need a place to sleep; it's cold at night.' 'Well, what's wrong with being cold?' 'Well, it's uncomfortable.' 'What's wrong with being uncomfortable?' 'It's just bad.' Right? At some point if you keep asking why, why, why, it's going to come down to the conscious experience--in Bentham's terms, again somewhat misleading, the pleasure and pain of either you or somebody else that you care about. So the utilitarian idea is to say, Okay, we all have our pleasures and pains, and as a moral philosophy we should all count equally. And so a good standard for resolving public disagreements is to say we should go with whatever option is going to produce the best overall experience for the people who are affected. Which you can think of as shorthand as maximizing happiness--although I think that that's somewhat misleading. And the solution has a lot of merit to it. But it also has endured a couple of centuries of legitimate criticism. And one of the biggest criticisms--and now we're getting back to the Trolley cases, is that utilitarianism doesn't adequately account for people's rights. So, take the footbridge case. It seems that it's wrong to push that guy off the footbridge. Even if you stipulate that you can save more people's lives. And so anyone who is going to defend utilitarianism as a meta-morality--that is, a solution to the tragedy of common sense morality, as a moral system to adjudicate among competing tribal moral systems--if you are going to defend it in that way, as I do, you have to face up to these philosophical challenges: is it okay to kill on person to save five people in this kind of situation? So I spend a lot of the book trying to understand the psychology of cases like the footbridge case. And you mention these being kind of unrealistic and weird cases. That's actually part of my defense.

### 1NC

#### The Debt Ceiling expansion gives Democrats two months to finalize and pass Biden’s spending package – every moment is necessary to resolve intraparty disputes

Cochrane 10/7 Cochrane, Emily. Emily Cochrane is a correspondent based in Washington. She has covered Congress since late 2018, focusing on the annual debate over government funding and economic legislation, ranging from emergency pandemic relief to infrastructure. "Senate Leaders Agree to Vote on Short-Term Debt Ceiling Increase." N.Y. Times, 7 Oct. 2021, www.nytimes.com/2021/10/07/us/politics/debt-ceiling-senate.html.

Senator Chuck Schumer of New York, the majority leader, announced that he reached an agreement with Senator Mitch McConnell of Kentucky, the minority leader, to raise the federal borrowing limit through early December. “We have reached agreement to extend the debt ceiling through early December, and it’s our hope that we can get this done as soon as today.” “Republican and Democratic members and staff negotiated through the night in good faith. The pathway our Democratic colleagues have accepted will spare the American people any near-term crisis.” Video player loading Senator Chuck Schumer of New York, the majority leader, announced that he reached an agreement with Senator Mitch McConnell of Kentucky, the minority leader, to raise the federal borrowing limit through early December.CreditCredit...T.J. Kirkpatrick for The New York Times Oct. 7, 2021Updated 3:17 p.m. ET WASHINGTON — Top Senate Democrats and Republicans said on Thursday that they had struck a deal to allow the debt ceiling to be raised through early December, temporarily staving off the threat of a first-ever default on the national debt after the G.O.P. agreed to temporarily drop its blockade of an increase. Senator Chuck Schumer, Democrat of New York and the majority leader, announced that he had reached an agreement with Senator Mitch McConnell of Kentucky, the minority leader, to clear the way for a vote as early as Thursday on a short-term extension, with potentially as few as 11 days left before a possible default. The movement came the day after Mr. McConnell partly backed down from his refusal to allow any such increase to move forward, offering a temporary reprieve as political pressure mounted to avoid being blamed for a fiscal calamity. “It’s our hope that we can get this done as soon as today,” Mr. Schumer said on Thursday morning on the Senate floor. But one day after Mr. McConnell indicated that Republicans would stand aside and allow the short-term increase to advance, he and his top deputies were laboring on Thursday to ensure his members will put aside their objections and clear the path for a vote. “We gotta see if the deal is done,” President Biden told reporters during a trip to Illinois. “I’m not sure of that yet.” The agreed-upon bill would boost the legal debt cap by $480 billion, which the Treasury Department estimates would be enough to allow the government to continue borrowing through at least Dec. 3. The current debt limit was reinstated at $28.4 trillion on Aug. 1, and the Treasury Department has been using so-called extraordinary measures to delay a breach of the borrowing cap since then. The agency estimated that the government would no longer be able to pay all of its bills by Oct. 18, once those fiscal accounting maneuvers were exhausted. Without congressional action before then, economists and lawmakers have warned of catastrophic economic consequences, including the U.S. government having to choose between making payments on the interest on its debt or sending out Social Security checks and other crucial assistance. The legislation under consideration on Thursday did not offer a hard deadline for when cash would run out, and it would not restart the Treasury Department’s ability to employ extraordinary measures, such as curbing certain government investments, a Treasury official said. Some Republicans said they thought the set dollar figure would ensure the limit would not be reached again until at least January. The actual “X-date” will be determined by tax revenues that the government receives and expenditures that it must make near the end of the year. Making such projections has been especially difficult this year because the pandemic relief programs that are in place have made it harder to predict when money is coming and going. “There is no way to predict with any precision exactly how much you would need to increase the debt limit by to get to a certain date,” said Shai Akabas, the director of economic policy at the Bipartisan Policy Center, an independent think tank. But in aiming for Dec. 3, the deal may position the next debt limit fight to overlap once again with negotiations over avoiding a government shutdown, as funding is set to lapse on that same day if Congress does not approve new spending legislation beforehand. Democrats hope nearly two additional months will give them space to focus on finalizing and enacting most of President Biden’s domestic agenda, including hammering out an array of intraparty disagreements over an expansive multi-trillion-dollar social safety net and climate change package. In raising the prospect of a stopgap extension on Wednesday, Mr. McConnell had said that Republicans would allow Democrats to use normal procedures to consider it. But that commitment appeared in doubt on Thursday afternoon, as Republicans privately objected and leaders toiled to line up the votes needed. Should even one senator demand a recorded vote, at least 10 Republicans would be needed to join every Democrat to muster the 60 votes needed to move the bill forward. Image The movement on debt ceiling negotiations came the day after Senator Mitch McConnell backed down partially from his refusal to allow any such increase to move forward. Credit...T.J. Kirkpatrick for The New York Times “We’re having conversations with our members and kind of figuring out where people are, but, as you might expect, this is not an easy one to whip,,” said Senator John Thune of South Dakota, the No. 2 Republican. He added that, “in the end we’ll be there, but it will be a painful birthing process.” Some Republicans were wary of angering their base by allowing the bill to move forward, especially after former President Donald J. Trump issued a statement on Wednesday that attacked Mr. McConnell for “folding to the Democrats.” Mr. Trump seemed to be pressuring Republicans to force a showdown in the face of a looming default, saying that Mr. McConnell had “all of the cards with the debt ceiling, it’s time to play the hand.” Even if Republicans clear the way to allow the measure to pass, it does nothing to address the crux of the partisan stalemate over the debt. Most notably, Republicans have not dropped their demand that Democrats ultimately use an arcane and time-consuming budget process known as reconciliation to lift the debt ceiling into next year. Democrats are currently using that process to steer around Republican opposition and push through a sprawling domestic package that would address climate change, expand the social safety net with more health care and education benefits, and increase taxes on the wealthy and corporations. “The pathway our Democratic colleagues have accepted will spare the American people any near-term crisis,” Mr. McConnell said on the Senate floor. The extension, he added, also means “there’ll be no question they’ll have plenty of time” to use the reconciliation process to approve a long-term increase.

#### Pushing a WTO takes time, energy, and political capital away from domestic legislation – big pharma and EU allies

Bhadrakumar 5/9 M K Bhadrakumar is a former Indian diplomat. "Biden’s talk of vaccine IP waiver is political theater." Asia Times, May 9, 2021, asiatimes.com/2021/05/bidens-talk-of-vaccine-ip-waiver-is-political-theater.

On the other hand, Biden, whose political life of half a century was largely spent in the US Congress, is well aware of the awesome clout of the pharmaceutical companies in American politics. From that lobby’s perspective, the patent waiver “amounts to the expropriation of the property of the pharmaceutical companies whose innovation and financial investments made the development of Covid-19 vaccines possible in the first place,” as a senior scholar at the Johns Hopkins Center for Health Security puts it. The US pharmaceutical industry and congressional Republicans have already gone on the offensive blasting Biden’s announcement, saying it undermines incentives for American innovation. Besides, the argument goes, even with the patent waiver, vaccine manufacturing is a complex process and is not like simply flipping a switch. Senator Richard Burr, the top Republican on the US Senate Health Committee, denounced Biden’s decision. “Intellectual property protections are part of the reason we have these life-saving products,” he said. “Stripping these protections only ensures we won’t have the vaccines or treatments we need when the next pandemic occurs.” The Republican senators backed by Republican Study Committee chairman Jim Banks propose to introduce legislation to block the move. Clearly, Biden would rather spend his political capital on getting the necessary legislation through Congress to advance his domestic reform agenda rather than spend time and energy to take on the pharmaceutical industry to burnish his image as a good Samaritan on the world stage. Conceivably, Biden could be counting on the “text-based negotiations” at the WTO dragging on for months, if not years, without reaching anywhere. The US support for the waiver could even be a tactic to persuade pharmaceutical firms to back less drastic steps like sharing technology and expanding joint ventures to boost global production quickly. So far Covid-19 vaccines have been distributed primarily to the wealthy countries that developed them, while the pandemic sweeps through poorer ones such as India, and the real goal is, after all, expanded vaccine distribution. Biden is well aware that there will be huge opposition to the TRIPS waiver from the United States’ European allies as well. The British press has reported that the UK has been in closed-door talks at the World Trade Organization in recent months along with the likes of Australia, Canada, Japan, Norway, Singapore, the European Union and the US, who all opposed the idea.

#### Package is sufficient, necessary, and the last opportunity to solve climate change – extinction

Leber 10/7 Leber, Rebecca. Rebecca Leber covers climate change for Vox. Before joining Vox, she was an environmental reporter at Mother Jones, where her investigations exposed government corruption and fossil fuel industry disinformation. She has worked as a staff writer at Grist, The New Republic, and ThinkProgress. A dozen more outlets have published her work over her decade as a climate journalist. "A last chance for US climate action: Democrats’ Build Back Better and infrastructure bills." Vox, 7 Oct. 2021, www.vox.com/22685920/democrats-infrastructure-build-back-better-climate-change.

The United States — the largest carbon polluter in history — is closer than it’s ever been to taking sweeping and lasting action on the climate crisis. The bad news is that if Democrats can’t pull it off, they may never get another opportunity like this — and the planet certainly won’t. Democratic leaders are trying to pass two major pieces of legislation — the $1 trillion bipartisan infrastructure bill and the up to $3.5 trillion Build Back Better Act — that they say can slash US pollution by up to 45 percent in the coming decade. In the outlined Build Back Better Act, Congress would flex its power to transform the electricity sector so that it runs on mostly clean energy, steer the transportation sector toward electric vehicles, and finally take action on methane pollution, one of the most harmful greenhouse gases. But there have been many recent moments when the precarious dealmaking in Congress seemed close to falling apart. One of the biggest sticking points has been with West Virginia Sen. Joe Manchin, who has questioned the party’s approach to passing both bills simultaneously. “What’s the urgency that we have?” Manchin asked on CNN’s State of the Union in late September. In part because of Manchin’s opposition, even progressive leaders have begun to manage expectations, signaling the ultimate bill will be less ambitious. Sen. Bernie Sanders of Vermont suggested that the $3.5 trillion figure would see some “give and take.” The package is likely to shrink to $2.3 trillion or less, the New York Times reported on Wednesday. So what is the urgency? Democrats only have one year before midterm elections could take away their narrow majorities in the House and Senate. That would leave them powerless to pass any legislation without help from Republicans. At the same time, the planet faces a rapidly closing window to avert the worst catastrophes of global warming. Every fraction of a degree will translate into lives and livelihoods lost. The world can’t afford another decade of American inaction, and what Congress does next will help determine the future of the climate. A last chance for Democrats Historically, the president’s party loses seats in Congress in midterm elections. Next November, Democrats could lose their narrow control of Congress if they lose even one Senate seat or more than a few House seats. “The middle of that Venn diagram — when we have leaders who care about science and we still have that window of opportunity — is now,” said Lena Moffitt, campaign director at the climate advocacy group Evergreen Action. Democrats in Congress are also relying on a roughly once-a-year process, known as budget reconciliation, to try and push the Build Back Better Act through the Senate. Reconciliation allows them to pass a budget with a simple majority, instead of the 60 votes that are usually required in the Senate. There might not be time or political will to make a similar move in 2022. And some Democrats remain unwilling to eliminate the Senate filibuster, which is the other way they could pass progressive policies. In short, if the historical pattern holds, Democrats may not get another chance under President Biden — or even this decade — to take serious action on climate. Some Republicans have been hinting at taking climate change more seriously, but much of the party’s leadership continues to downplay and deny climate science. The next time the US has an opening like this, climate change will likely be dramatically worse — and that much harder to stop. A flooded street of shops at night reflecting the lights in the water. Hurricane Ida caused record flooding in New Jersey in September. Climate change is already intensifying extreme weather such as tropical storms and heat waves. Anadolu Agency via Getty Images The best chance for the global climate Climate scientists have warned that once the atmosphere warms more than 1.5 degrees Celsius, we will live in a drastically changed world. If countries, corporations, and individuals don’t take immediate action to reduce pollution, the world may hit that grim milestone in just 10 years. Over the long term, if the world continues on its current polluting path, the world will warm more than double that amount, risking catastrophes humanity has never had to confront. The window to chart a new course is rapidly closing. And the world’s “last, best chance” to take decisive collective action is less than a month away, as John Kerry, who serves as President Biden’s climate envoy, has said. In early November, world governments will gather in Glasgow for the United Nations climate conference, COP26. Following up on the Paris climate accord, countries will pledge more ambitious pollution targets and tackle the challenge of financing a worldwide transition to clean energy. The US bears the most responsibility of any country for global warming, having released 20 percent of the world’s greenhouse pollution since 1850. Today, the country ranks second in emissions behind China. But the US also has the power to magnify its impact if it leads by example, or if it flexes its influence on the global economic system, for example by affecting global prices of fossil fuels by ending government subsidies. Climate experts say progress at the COP26 conference depends on the United States proving it can do its part, for symbolic as well as practical reasons. This is the first year the US officially returns to global negotiations after former President Donald Trump withdrew the country from the Paris climate accord. Now, Biden has to lead by example by showing that the country can swiftly change direction for good, demonstrating progress on its national pledge of cutting emissions 50 to 52 percent by 2030. “There is this sense of exhaustion about how long is it going to take for one of the biggest emitters in the world to do its fair share,” said Rachel Cleetus, the clean energy policy director at the Union of Concerned Scientists. It’s unclear whether Congress will deliver on climate-change legislation by the time the international community meets in Glasgow. But any steps forward would send “a very important signal that can really help catalyze more ambition from other countries,” Cleetus said.

## 1NC—Underview

#### They get theory but it’s not always DTD- 1ar time advantage-, abuse is self-imposed b/c they could always better develop the shell in the 1ar, over-punishment- reading theory cancels out the abuse, and no reason short speech means drop the debater- just get more efficient, short shells already force 2n split

#### NIBS – need to elaborate on what in the 1NC could be considered a NIB before you drop me fot his.

#### Open Argument is false—goodnes can be correlated and we can determine pain via slavery for example. They have to observe that the state of nature is violent anyway to reach their conclusions about Hobbes. It’s fine if we determine “good is good” as well, governments calculate with util all the time

#### Consequentalism doesn’t fail – butterlfy effect wrong, we’d stop calculating at the point of disutility, oyou aren’t held culpable for things you aren’t in your control e.g. us china war, india wouldn’t be held liable for the billiosns dead

## 1NC—Framework

**Use a paradigm of comparative worlds where both debaters must prove the world of their advocacy is more desirable than their opponent’s. Prefer**

**1. Topic education – forcing them to defend a plan requires research about the topic and how it would impact the real world – truth testing allows them to debate purely about the semantics of the resolution which is completely divorced from reality and is not educational**

**This outweighs – they made the weighing argument for use – we only have 2 months to discuss the topic which means this form of education is uniquely important and outweighs phil ed and discussions of logic since those are applicable on any topic and don’t require debate against a researched opponent**

**2. Reciprocity – truth testing justifies multiple NIBS like skep and a prioris which gives them a structural advantage – they can say IP doesn’t exist, the WTO doesn’t exist, nations don’t exist, etc. all of which we have to disprove before proving that the world of the resolution is undesirable**

**This also solves their offense about NIBS – skep wouldn’t negate under our interp**

**3. Clash – we create a stasis point for discussion over real world policies and we clarify what each person advocates vs. vague and generic notions of truth and falsity**

**4. Truth testing excludes key critical positions that test oppressive rhetoric, which is key to accessibility, which is a multiplier for other impacts since debate doesn’t matter if we can’t access them.**

#### 5. Reject the idea the burden logically affirms – that means you auto affirm regardless of the content of the debate which destroys clash and topic education.

#### Off aff burden choice –

#### Counter-interp: I’ll defend the converse

#### 1. Neg ground – they pick the burden that shields the aff from relevant negative argumentation which arbitrarily shreds the quantity of quality of neg ground and stacks the deck too far in favor of the affirmative – this arbitrarily insulates the aff from relevant criticism and prevents them from being adequately tested against a well-prepared opponent – that kills topic education since they always pick the framework that best favors their offense which kills quality neg engagement and kills fairness

#### 2. Predictability – Makes negating impossible if debaters don’t have specific cases adaptable to each possible framework. Their interp encourages affs to run obscure burdens that they know their opponents are not prepared for – destroys fairness because with certain unpredictable burdens you simply can’t have cases prepared to adapt to them. Predictability is also key to education because it ensures we are prepared to debate on issues substantively.

#### 3. Logic – abdicating defense of the burden is illogical and arbitrary – there’s no basis for just refusing to debate the burden and undermines basic argumentation

#### No strat skew – having good frontlines/writing a good 1AC to answer 1NC objections solve

#### No timeskew – we both have 13 minutes to speak, AND no impact since no empirical sidebias

#### Aff gets first and last word – they get the 6 min AC to preempt and warrant and if they can’t overcome timeskew, that’s just bad debating and case writing, get faster – 2AR collapse solves since they get perception advantage

#### Debatability is fake – no reason why debates over competing burdens or frameworks are unresolvable

#### We’ll concede topic education is the most important and we’ll turn topic education – the resolutiona, question is not does property exist, given the fact their WTO card talks about implementaiton and how property protections are present and there’s a whole wealth of literature that already stablishes that, the resolutional question is whether reducing that thing(IP) is desirable or not, proven by how most affirmatives, for example, are about COVID or Jordan, etc. Their WTO card is *not* about *do property rights exist* but whether property rights should be lowered for, and I’m quoting their evidence here, “the desire for better public heallth.” Util is also better for topic education because it means we can read things like the infrastructure da, innovation da, cap k, military aid DA, politics, etc – none of which can be accessed under your interp which just results in stale “hohoho does property exist” debates

#### On Reciprocity, our burden is proving intellectual property reductions are bad, yours is proving intellectual property reductions are good – that’s fair and also ensures equal debate, and is also justified by comparative world

## 1NC—Contention 1

#### 1] Objective truth does exist – saying it doesn’t is repugnant – justifies people saying slavery good, etc. and claiming moral equivalency since no one can contest it. Intutions should outweigh – they’re the foundation of all moral frameworks, and the reason philosophers philosophize is to build the best coherent normative moral theory

#### A. Science proves that util is true – humans are hardwired for survival by evolution even if there are slight deviations among individuals – that’s Greene

#### B. saying it doesn’t is repugnant – justifies people saying slavery good, etc.

#### C. no opacity – don’t need to perfectly understand people to know what they want on average which is the role of governments – mack assumes a lack of perfect information and still says util true

#### D. Truth does exist absent language – pain and death are intrinsically bad and pleasure is intrinsically good even if we don’t have words to describe those things – they’re chemical reactions

#### Hobbes collapses to util – all defenses of the state are instrumentalist

Dore, 12 -- Professor of Law, Saint Louis University School of Law. [Isaak I. Dore, Deconstructing and Reconstructing Hobbes, 72 La. L. Rev. (2012) Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol72/iss4/1>]

Hobbes’s political philosophy is not deontological. He poses no founding principles for political society as inherently good; indeed he makes no claim that the good is even knowable. Instead his philosophy rests on an entirely utilitarian consequentialist edifice. His conceptual approaches to the nature of civil society, the scope and content of sovereign obligation, the divine covenant, the state of nature, and the dictates of right reason which compel the move to civil society are instrumentalist in nature, designed to ensure “safety and commodious living” for all.

Hobbes’s theory of political society is based upon a theory of duty, and his theory of duty belongs essentially to the natural law tradition. Hobbes thus regards the laws of nature as eternal and unchangeable and, as the commands of God, they oblige all men who reason properly to believe in an omnipotent being under whose jurisdiction they must subject themselves in order to pursue individual goals under secure conditions. Without such a power, Hobbes regards man as having a natural tendency to slip into a state of nature, a postulate for which he does not seek historical justification but rather for which he cites examples of domestic and international anarchy to show that his postulate has validity in current circumstances and is also potentially applicable to future situations. Thus the state of nature may occur at any point in the historical life of a collection of people, i.e., before or after the institution of civil government. It is thus not an evolutionary doctrine but an analytic device designed to promote security, prosperity, equality and liberty.

The eternal and unchangeable laws of nature do not, however, always oblige in the same way and the principles which control the manner of their application vary with different circumstances: thus one set of principles governs man in society without civil government; another set applies to relations between men living in political societies; a third set of principles governs the obligations of the sovereign, and there is yet a fourth set governing the exceptions which suspend the normal duties of the subject to the sovereign. Yet in every situation the duties of men in the state of nature and the duties of both sovereign and subject in civil society are a consequence of a continuous obligation to obey the beneficial laws of nature. Therefore even the civil law of the sovereign does not create the duties of his subjects, his law merely expresses in a different form the antecedent law of nature.

The duty of the citizen to obey the civil law springs from the fact that he has made a valid covenant of obedience and that under natural law valid covenants must be honored. At the same time however, the scope of the civil law is not unlimited and although its authority remains beyond challenge in its own field, there are some classes of action, which cannot be regulated by civil law, and here the private conscience is the sole guide to action. The civil magistrate cannot take cognizance of the intentions of the citizen except where they are made manifest by deeds or words. But the secret intentions of men are also subject to natural law. Thus in the following instances civil law is incapable of replacing the private conscience so that action is governed by private interpretation of the law of nature:

(1) where the sovereign has lost effective control (for example, due to civil war, foreign invasion etc.) and can no longer guarantee conditions of mutual security;

(2) where a party to a covenant is reasonably feared to be about to break the covenant and the sovereign will not, for whatever reason, enforce the covenant;

(3) where any person or authority (including the sovereign) does or commands any action that threatens the life of the citizen

In any of these instances, however, the sovereign may apply sanctions (including death) against the citizen for disobeying him because (a) in doing so the sovereign cannot commit any “injury” to the subject who has authorized all his actions; and because (b) he commits no “iniquity” against natural law provided that in his opinion the act is justified. It can be seen therefore that the action of both sovereign and subject can be justified in these limited circumstances, even though the subject takes a course of action which the sovereign punishes.

Although Hobbes takes as the purpose of the covenant the maintenance of political society in which the citizen has no liberty to disobey sovereign commands, his theory of self-preservation must concede to the individual the right to disobey a command which threatens his life. Hobbes’s theory of sovereignty may, in view of the foregoing discussion, be summarized in a series of propositions:

(1) The political sovereign is created by covenant which is the means whereby men renounce their right to govern themselves individually and transfer that right to a single person or a body of persons who will guarantee security, prosperity, equality and liberty.

(2) The subjects strengthen the power of the sovereign to the extent that they renounce their right of self-preservation.

(3) The power of the sovereign is strengthened to the extent that the subjects give up their right to resist the sovereign.

(4) There are certain basic life-sustaining values that the subjects cannot renounce.

(5) The civil covenant remains valid on the condition that there exist conditions of mutual security subsequent to the covenant being entered into.

(6) Only the unfettered exercise of sovereign power can ensure that these conditions prevail with the requisite degree of permanency and certainty.

(7) The free exercise of sovereignty becomes a condition of the continuing validity of the political covenant and, therefore, of the existence of civil society.

(8) In view of this, no exercise of sovereignty can be a breach of any secular covenant and hence no subject can be injured by the sovereign.

(9) The sovereign is, in any case, not a party to the covenant and cannot therefore break it.

(10) The sovereign is however bound by natural law to a system of divine obligations which require of him not merely to safeguard the lives of his subjects, but also to provide for them other “contentments of life,” or the means to live well.

(11) Stable civic order is, in the final analysis, ensured by men internalizing social norms in foro interno. The power of the sovereign to punish must be directed to this end. The purpose of punishment must not be revenge but some social good, including reformation of the offender so that norms are eventually internalized and accepted not out of fear of repressive sanctions but out of a belief in their inherent utility.

In this sense, it is clear that Hobbes is a moralist in so far as he, far from holding might to be right, believes that might in the context of political sovereignty has to be based upon right, “right” being understood as consequential utility.

#### Egoism is false – that undermines the entire framework – proves cooperation possible and the sovereign unnecessary – multiple warrants from the Caditz card:

#### His empirical claim is based on a non-representative sample of fighting age men during wartime in Europe fueled by confirmation bias – obviously not sufficient to make a totalizing claim about human psychology

#### Studies confirm – evidence in humans and other animals demonstrates generosity

#### It’s not falsifiable since nothing could ever count as unselfish and it forces a false dilemma since you can be both an egoist and altruist

#### Egoism is self-defeating and non-universalizable – the mere attempt to promulgate egoism acts contrary to the egoist principle since it is contrary to one’s interests to convince others to adopt the egoist view

#### Turn – the sovereigns want IP protections right now which proves that it’s consistent with the will of the sovereign. Independently, IPR is good for the sovereign for protecting economic innovations and profits, which strengthens the will of the profit

#### Yes Neg Turns—a] key to testing the aff b] their a point lists no reason for why the neg cannot read turns that we ake the state of nature easier to moderate by increasing economic profits c] Even if you fiat the will, that doesn’t mean that the state *wants* to do it. You could fiat the state’s deconstruction, which would obviously be bad for the sovereign but not good for the will. Fiat != what’s good for the state, climate legislation proves

## 1NC—Contention 2

#### 1] All of their arguments are that property rights shouldn’t exist because they’re bad or cause some end result htat is bad – that is literally utilitarianism

#### 2] Prefer carded evidence that IP protections exist over uncarded assertions by the aff debater – we have people that are scholars in their field that are describing a history of IP legislations, they have… themselves… a high schooler…

#### 3] IP exists – here’s come cases that prove this

Gambino 11 — (Megan Gambino, Writer on Smithsonian Magazine, “Ten Famous Intellectual Property Disputes“, 6-21-2011, Available Online at https://www.smithsonianmag.com/history/ten-famous-intellectual-property-disputes-18521880/, accessed 10-10-2021, HKR-AR)

1. S. Victor Whitmill v. Warner Bros. Entertainment Inc.

In the recent movie The Hangover Part II, Stu Price, a strait-laced dentist played by actor Ed Helms, wakes up after a night of debauchery in Bangkok to find a tribal tattoo wrapped around his left eye, his skin still painfully pink. Price’s tattoo is identical to the one Mike Tyson has, and it alludes to the boxer’s cameo in the original 2009 movie The Hangover.

Tyson’s tattoo artist S. Victor Whitmill filed a lawsuit against Warner Bros. Entertainment on April 28, just weeks before the movie’s May 26 opening. Since he obtained a copyright for the eight-year-old “artwork on 3-D” on April 19, he claimed that the use of his design in the movie and in advertisements without his consent was copyright infringement. Warner Bros., of course, saw it as a parody falling under “fair use.”

On May 24, 2011 Chief Judge Catherine D. Perry of the United States District Court for the Eastern District of Missouri denied an injunction on the movie’s release, but said Whitmill still had a case. If it meant avoiding a long trial, Warner Bros. said, in early June, that it would be willing to “digitally alter the film to substitute a different tattoo on Ed Helms’s face” when the movie is released on home video. But that ending was avoided on June 17, when Warner Bros. and Whitmill hashed out an agreement of undisclosed terms.

2. Isaac Newton v. Gottfried Wilhelm Leibniz

By the early 18th century, many credited the German mathematician and philosopher Gottfried Wilhelm Leibniz with inventing the study of calculus. Leibniz had, after all, been the first to publish papers on the topic in 1684 and 1686. But when Englishman Isaac Newton published a book called Opticks in 1704, in which he asserted himself as the father of calculus, a debate arose. Each of the thinkers’ respective countries wanted to stake a claim in what was one of the biggest advances in mathematics.

Newton claimed to have thought up the “science of fluxions,” as he called it, first. He apparently wrote about the branch of mathematics in 1665 and 1666, but only shared his work with a few colleagues. As the battle between the two intellectuals heated up, Newton accused Leibniz of plagiarizing one of these early circulating drafts. But Leibniz died in 1716 before anything was settled. Today, however, historians accept that Newton and Leibniz were co-inventors, having come to the idea independently of each other.

3. Kellogg Co. v. National Biscuit Co.

In 1893, a man named Henry Perky began making a pillow-shaped cereal he called Shredded Whole Wheat. John Harvey Kellogg said that eating the cereal was like “eating a whisk broom,” and critics at the World Fair in Chicago in 1893 called it “shredded doormat.” But the product surprisingly took off. After Perky died in 1908 and his two patents, on the biscuits and the machinery that made them, expired in 1912, the Kellogg Company, then whistling a different tune, began selling a similar cereal. In 1930, the National Biscuit Company, a successor of Perky’s company, filed a lawsuit against the Kellogg Company, arguing that the new shredded wheat was a trademark violation and unfair competition. Kellogg, in turn, viewed the suit as an attempt on National Biscuit Company’s part to monopolize the sh

redded wheat market. In 1938, the case was brought to the Supreme Court, which ruled in favor of the Kellogg Company on the grounds that the term “shredded wheat” was not trademarkable, and its pillow shape was functional and therefore able to be copied after the patent had expired.

4. Marcantonio Raimondi v. Albrecht Dürer

Artist Albrecht Dürer discovered in the early 1500s that a fellow engraver by the name of Marcantonio Raimondi was copying one of his most famous works, a woodcut series of engravings called the Life of the Virgin. To make his prints, Raimondi carved detailed replicas of Dürer’s wood blocks. The prints, with Dürer’s “A” above “D” signature, could pass as Dürer originals, and Raimondi made considerable profits off of them. Dürer took issue and brought his case to the court of Venice. Ultimately, the court ruled that Raimondi could continue making copies, as long as he omitted the monogram.

#### 4] Exclusivity is wrong – here’s a counter example, one cannot think of the “mRNA sequence” because they literally do not know what it is because of IPP

HRW 6/3 — (Human Rights Watch, “Seven Reasons the EU is Wrong to Oppose the TRIPS Waiver“, 6-3-2021, Available Online at https://www.hrw.org/news/2021/06/03/seven-reasons-eu-wrong-oppose-trips-waiver, accessed 10-5-2021, HKR-AR)

The European Commission claims that intellectual property (IP) is not a barrier to scaling up the manufacturing of vaccines or other health products needed for the Covid-19 response, suggesting that sharing IP would not immediately speed up manufacturing. Right now, there are manufacturers with capacity to produce additional Covid-19 vaccines and other health products at factories in Bangladesh, Canada, Denmark, India, and Israel, but they are unable to contribute because they do not yet have the right licenses. So, **IP is a barrier to them.** The TRIPS waiver proposal sponsors and experts at the leading science journal Nature, Médecins Sans Frontières (MSF) Access Campaign, the Third World Network, and others have presented many other concrete examples of how enforcement of IP rules blocked, delayed, or limited production of chemical reagents for Covid-19 tests, ventilator valves, Covid-19 treatments, and elements of Covid-19 vaccines. IP constraints have not only led to vaccine shortages but have also led to shortages of key raw materials like bioreactor bags and filters.

#### 5] One can own an idea—Johnson and Johnson owns the mRNA sequence that has their vaccine, and they own that idea because of IPR – literally no one else knows what this is.

#### 6] If two people came up with the same process, then whoever filed the patent first and completed paperwork would get rightful ownership of it and it would be their idea, that others couldn’t infringe upon, unless it was voluntarily given up. Also, 0 chance that two companies reach the solution to a disease problem at the same time, so probability is negligible – make them name examples of this

#### 7] Yes consequalist justificaitons – better for topic education all above, also the resolution says “the WTO ought to reduce intellectual property protections for medicine” and since ought implies doing an action, they need to prove that action would be desirable.

#### 8] Calculation is possible – governments do it all the time, and you will calculate who won this round at the end of the debate by weighing the benefits and downsides of voting for the aff/neg. Calculation is not a never-ending spiral and if we spent all of our time calculating that’d be net worse for our utility, so we wouldn’t spiral into non calculation

## Contention 3

#### 1] yes brightline – here’s the one that policy makers use

WTO No Date [World Trade Organization, “TRIPS: What are IPRS”] [DS]

Intellectual property rights are customarily divided into two main areas:

(i) Copyright and rights related to copyright.back to top

The rights of authors of literary and artistic works (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films) are protected by copyright, for a minimum period of 50 years after the death of the author.

Also protected through copyright and related (sometimes referred to as “neighbouring”) rights are the rights of performers (e.g. actors, singers and musicians), producers of phonograms (sound recordings) and broadcasting organizations. The main social purpose of protection of copyright and related rights is to encourage and reward creative work.

(ii) Industrial property.back to top

Industrial property can usefully be divided into two main areas:

One area can be characterized as the protection of distinctive signs, in particular trademarks (which distinguish the goods or services of one undertaking from those of other undertakings) and geographical indications (which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin).

The protection of such distinctive signs aims to stimulate and ensure fair competition and to protect consumers, by enabling them to make informed choices between various goods and services. The protection may last indefinitely, provided the sign in question continues to be distinctive.

Other types of industrial property are protected primarily to stimulate innovation, design and the creation of technology. In this category fall inventions (protected by patents), industrial designs and trade secrets.

The social purpose is to provide protection for the results of investment in the development of new technology, thus giving the incentive and means to finance research and development activities.

A functioning intellectual property regime should also facilitate the transfer of technology in the form of foreign direct investment, joint ventures and licensing.

The protection is usually given for a finite term (typically 20 years in the case of patents).

While the basic social objectives of intellectual property protection are as outlined above, it should also be noted that the exclusive rights given are generally subject to a number of limitations and exceptions, aimed at fine-tuning the balance that has to be found between the legitimate interests of right holders and of users.

#### 2] Their 2 point on contention 3 is literally consequentialist and is describing patent inequality loool. But anyways, that’s not true because they can pay fees to the patent owner, or they can produce their own innovations that can make themselves money through the power of the free market

#### 3] Unger is laughably wrong – if you continue to take cells away, you would die before there was nothing else. An individual can also own something with permanency because that’s how the legal system works and that’s all the cards above.

#### 4] IP protections aren’t ownership – its moreso licensing, which takes all of the advantages out

#### 5] Government interference on Ip violates the property and rights of corporations, that’s a worse precedent which outweighs

**6] Panpsychism cannot prove consciousness of subatomic particles – this interpretation of consciousness renders it meaningless**

**Frankish** 9/20 **16** (Keith – honorary reader at Sheffield College, The Atlantic https://www.theatlantic.com/science/archive/2016/09/panpsychism-is-wrong/500774/

I remain unpersuaded, and I’m not alone in this. Even if we accept that basic physical entities must have some categorical nature (and it might be that we don’t; perhaps at bottom reality is just dispositions), consciousness is an unlikely candidate for this fundamental property. For, so far as our evidence goes, it is a highly localized phenomenon that is specific not only to brains but to particular states of brains (attended intermediate-level sensory representations, according to one influential account). It appears to be a specific state of certain highly complex information-processing systems, not a basic feature of the Universe.

Moreover, *panpsychism gives consciousness a curious status. It places it at the very heart of every physical entity yet threatens to render it explanatorily idle.* For the behavior of subatomic particles and the systems they constitute promises to be fully explained by physics and the other physical sciences. Panpsychism offers no distinctive predictions or explanations. It finds a place for consciousness in the physical world, but that place is a sort of limbo. Consciousness is indeed a hard nut to crack, but I think we should exhaust the other options before we take a metaphysical sledgehammer to it.

**7] Panpsychism is false – combination problem and consciousness**

**Frankish** 9/20 **16** (Keith – honorary reader at Sheffield College, The Atlantic https://www.theatlantic.com/science/archive/2016/09/panpsychism-is-wrong/500774/

There are problems for panpsychism, of course, perhaps the most important being the combination problem. Panpsychists hold that consciousness emerges from the combination of billions of subatomic consciousnesses, just as the brain emerges from the organization of billions of subatomic particles. But how do these tiny consciousnesses combine? We understand how particles combine to make atoms, molecules and larger structures, but what parallel story can we tell on the phenomenal side? How do the micro-experiences of billions of subatomic particles in my brain combine to form the twinge of pain I’m feeling in my knee? If billions of humans organized themselves to form a giant brain, each person simulating a single neuron and sending signals to the others using mobile phones, it seems unlikely that their consciousnesses would merge to form a single giant consciousness. Why should something similar happen with subatomic particles?

A related problem concerns conscious subjects. It’s plausible to think that there can’t be conscious experience without a subject who has the experience. I assume that we and many other animals are conscious subjects, and panpsychists claim that subatomic particles are too. But is that it? Are there any intermediate-level conscious subjects (molecules, crystals, plants?), formed like us from combinations of micro-subjects? It’s hard to see why subjecthood should be restricted to just subatomic particles and higher animals, but equally hard to think of any non-arbitrary way of extending the category.