## FW

#### Ethics cannot detach from the human condition – only theories based on the nature of the subject are applicable and can guide action because the lived experience and physiology is a side constraint. Constructive empiricism is a litmus test – observable phenomenon ensures ethical statements are grounded in verifiable truths.

#### Thus, the meta-ethic is egoism –

#### 1] Opacity – individuals can’t access another’s perspective – we can never fully understand who someone else is or what they think so actions are based off individual desire and self-interest.

#### 2] Linguistics – moral truths aren’t extrinsic facts to be discovered but indeterminate linguistic categories of artificial creation.

Parrish 05 [Rick Parrish (assistant professor of Political Science at West Texas A&M University). "Derrida’s Economy of Violence in Hobbes’ Social Contract," John Hopkins University Press, Volume 7, Issue 4. 2005. Accessed 7/29/21. [https://muse.jhu.edu/article/244119/](https://muse.jhu.edu/article/244119//) //Xu]

Perhaps the single most telling quote from Hobbes on this point comes from The Philosophical Rudiments Concerning Government and Society (usually known by its Latin name, De Cive), in which he states that “to know truth, is the same thing as to remember that it was made by ourselves by the very usurpation of the words.”[24](https://muse.jhu.edu/article/244119#f24) “For Hobbes truth is a function of logic and language, not of the relation between language and some extralinguistic reality,”[25](https://muse.jhu.edu/article/244119#f25) so the “connections between names and objects are not natural.”[26](https://muse.jhu.edu/article/244119#f26) They are artificially constructed by persons, based on individual psychologies and desires. These individual desires are for Hobbes the only measure of good and bad, because value terms “are ever used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves.”[27](https://muse.jhu.edu/article/244119#f27) Since “there are no authentical doctrines concerning right and wrong, good and evil,”[28](https://muse.jhu.edu/article/244119#f28) these labels are placed upon things by humans in acts of creation rather than discovered as extrinsic facts. Elaborating on this, Hobbes writes that “the nature, disposition, and interest of the speaker, such as are the names of virtues and vices; for one man calleth wisdom, what another calleth fear; and one cruelty what another justice.”[29](https://muse.jhu.edu/article/244119#f29) A more simplistic understanding of the brutality of the state of nature, which David Gauthier calls the “simple rationality account,”[30](https://muse.jhu.edu/article/244119#f30) has it that mere materialistic competition for goods is the cause of the war of all against all, but such rivalry is a secondary manifestation of the more fundamental competition among all persons to be the dominant creator of meaning. Certainly, Hobbes writes that persons most frequently “desire to hurt each other” because “many men at the same time have an appetite to the same thing; which yet very often they can neither enjoy in common, nor yet divide it; whence it follows that the strongest must have it, and who is strongest must be decided by the sword.”[31](https://muse.jhu.edu/article/244119#f31) But this competition for goods only arises as the result of the more primary struggle that is inherent in the nature of persons of meaning creators. In the state of nature, “where every man is his own judge,”[32](https://muse.jhu.edu/article/244119#f32) persons will “mete good and evil by diverse measures,”[33](https://muse.jhu.edu/article/244119#f33) creating labels for things as they see fit, based on individual appetites. One of the most significant objects that receives diverse labels in the state of nature is 'threat'. Even if most people happen to construe threat similarly, there will be serious disagreement regarding whether or not a specific situation fits a commonly-held definition.”

#### 3] Psychology – fMRI studies prove there’s not unified temporal identity – we can only care about our current self-interests.

Opar 14 [Alisa Opar (features editor at Audubon magazine). “Why We Procrastinate”. Nautilus. August 14, 2014. Accessed 7/31/21. <https://nautil.us/issue/16/nothingness/why-we-procrastinate> //Recut Xu]

The British philosopher Derek Parfit espoused a severely reductionist view of personal identity in his seminal book, Reasons and Persons: It does not exist, at least not in the way we usually consider it. We humans, Parfit argued, are not a consistent identity moving through time, but a chain of successive selves, each tangentially linked to, and yet distinct from, the previous and subsequent ones. The boy who begins to smoke despite knowing that he may suffer from the habit decades later should not be judged harshly: “This boy does not identify with his future self,” Parfit wrote. “His attitude towards this future self is in some ways like his attitude to other people.” Parfit’s view was controversial even among philosophers. But psychologists are beginning to understand that it may accurately describe our attitudes towards our own decision-making: It turns out that we see our future selves as strangers. Though we will inevitably share their fates, the people we will become in a decade, quarter century, or more, are unknown to us. This impedes our ability to make good choices on their—which of course is our own—behalf. That bright, shiny New Year’s resolution? If you feel perfectly justified in breaking it, it may be because it feels like it was a promise someone else made. “It’s kind of a weird notion,” says Hal Hershfield, an assistant professor at New York University’s Stern School of Business. “On a psychological and emotional level we really consider that future self as if it’s another person.” Using fMRI, Hershfield and colleagues studied brain activity changes when people imagine their future and consider their present. They homed in on two areas of the brain called the medial prefrontal cortex and the rostral anterior cingulate cortex, which are more active when a subject thinks about himself than when he thinks of someone else. They found these same areas were more strongly activated when subjects thought of themselves today, than of themselves in the future. Their future self “felt” like somebody else. In fact, their neural activity when they described themselves in a decade was similar to that when they described Matt Damon or Natalie Portman. And subjects whose brain activity changed the most when they spoke about their future selves were the least likely to favor large long-term financial gains over small immediate ones. Emily Pronin, a psychologist at Princeton, has come to similar conclusions in her research. In a 2008 study, Pronin and her team told college students that they were taking part in an experiment on disgust that required drinking a concoction made of ketchup and soy sauce. The more they, their future selves, or other students consumed, they were told, the greater the benefit to science. Students who were told they’d have to down the distasteful quaff that day committed to consuming two tablespoons. But those that were committing their future selves (the following semester) or other students to participate agreed to guzzle an average of half a cup. We think of our future selves, says Pronin, like we think of others: in the third person.

#### Absent a unifying force, competing truth claims are irresolvable and collapses into the State of Nature –

#### 1] Ambiguity – individuals assert differing perspectives and culminates in irresolvable conflict absent a unifying mediator which renders truth and ethics indeterminate through unending contestation.

#### 2] Violence – individuals must act in self-preservation. Without a force to provide protection, each person acts violently to defend themselves, resulting in infinite uncontrolled violence.

#### To escape the State of Nature, individuals unite to imbue a sovereign with absolute authority to define ethics – individuals can disobey the sovereign only when alienated from self-preservation.

Lopata 73 [Bracketed for Gendered Language. Benjamin B. Lopata (B.Phil from Balliol College, Oxford). “Property Theory in Hobbes.” Political Theory, Vol. 1, No. 2 (May, 1973), pp. 203-218. Accessed 7/31/2021. <https://www.jstor.org/stable/191194?seq=1#metadata_info_tab_contents> //Xu]

Hobbes is preeminently a philosopher of peace. He sees self-preser- vation, the protection of one's life, as the basic human aim-the summum bonum; his political philosophy is an attempt to indicate the optimum conditions which lead to the preservation of life. Hobbes believes in the necessity of an absolute sovereign, a conclusion which he reaches by considering the condition of man in the state of nature, a logical precondition of civil society. The state of nature is not a historical condition; rather, it is a situation in which there is no supreme power to impose the order necessary for self-preservation. It is, as Watkins (1965: 72) notes, "an 'ideal' or limiting case." Hobbes (1958: 106) characterizes the state of nature as "a war of every man against every man," a condition in which the life of man is "solitary, poor, nasty, brutish, and short" (Hobbes, 1958: 107). There are three principle causes of quarrel in the state of nature: "first, competition; secondly, diffidence; thirdly, glory" (Hobbes, 1958: 106). Hobbes believes that men, in their pursuit of felicity, their constant competition for power after power have the right to all things in the state of nature; this condition is conducive to war, since, as Goldsmith (1966: 88) notes, In such a state of nature, although A and B do not necessarily have a right to the same thing, they may have. B's right does not exclude A's right; in a state of nature, no man can acquire an exclusive right to anything. A may claim what B currently has. Furthermore, since men are naturally diffident, or fearful of one another, each will be likely to preserve his safety by attacking his neighbor, since he fears his neighbor might well do the same to him. Finally, men are vain and constantly seek glory; each views himself as superior to other man and wants others to recognize this fact. Men will, according to Hobbes (1958: 106), use violence "for trifles, as a word, a smile, a different opinion, and any other sign of under-value." These motivations, coupled with the natural equality of all men-an equality predicated on the ability of the weakest to kill the strongest-are the parameters which explain the continuous state of war in the Hobbesian state of nature. Hobbes believes that man is a creature who is primarily motivated by his passions; reason cannot tell men what to desire but only how best to gratify their passions. Indeed, for Hobbes (1958: 109), it is as a result of mcn's passions that the move from the state of nature to civil society is effected: "The passions that incline men to peace are fear of death, desire of such things as are necessary to commodious living, and a hope by their industry to obtain them." Of these passions, it is fear which is the predominant spur to peace, as Professor Plamenatz (1963: 12) notes: "And where there is anarchy, the passion which will make men submit once again to law and government will not be a passion weakened by anarchy but a passion which anarchy makes strong. And that passion, as Hobbes says, is fear." Men desire peace; it is a reason which suggests the laws of nature which make peace achievable, laws which are in effect conditional maxims of prudence, rather than divinely inspired duties binding on all men. Hobbes' laws of nature, as John Dewey (1918: 110) observes, "are equivalent to the counsels and precepts of prudence, that is to say, of judgment as to the proper means for attaining the end of a future enduring happiness." The basic law of nature is "to seek peace and follow it" (Hobbes, 1958: 110), a maxim which in turn, for Hobbes, spawns the other precepts which make that peace a reality. In accordance with the laws of nature, all [people] men covenant with each other to transfer their "power and strength" (Hobbes, 1958: 142) to a third person: "I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition, that you give up your right to him and authorize all his actions in like manner." Hobbes believes that it is only when all [people] men transfer their rights to a sovereign, thereby enabling [the sovereign] him to enforce [its] his will as law, that the goal of peace will be achieved. Consequently, Hobbes' sovereign is absolute, individual [people] men retaining only the right to disobey the sovereign if [it] he threatens their self-preservation; self-preservation is, in the final analysis, the very motivation which impels [people] men to form a commonwealth and cannot, therefore, be alienated. For Hobbes, then, as Michael Oakeshott (1946: xvi) has observed, civil society offers the removal of some of the circumstances that, if they are not removed, must frustrate Felicity. It is a negative gift, merely making not impossible that which is desirable. Here in civil society is neither fulfillment nor wisdom to discern fulfillment, but peace, a Pax Romana, a tranquilitas.

#### Thus, the standard is *consistency with absolute sovereignty* – its procedural – we embody the position of the sovereign and use its decision-making procedure – to clarify, consequences are a sequencing question.

#### Impact Calc –

#### 1] Intentions First – a] sovereignty is formed when individuals cede their intrinsic rights to the sovereign, not some consequence or historical condition b] intent is the only part of the action internal to the subject, so it’s the only thing we can be held ethically responsible for under egoism

#### 2] No Extinction Calculus – a] the sovereign can’t address 1% scenarios since actions always have a chance of extinction on either side which freezes action b] empirical circumstances are interpreted differently which makes impact calculus a matter of conflicting interests but only united through the sovereign

#### Frameworks all share equal value. Weighing between them becomes infinitely regressive as it presupposes there is a higher metric to determine who has the better justifications. That means contestation is vacuous which means a locus of moral duty is sufficient since it has an uncontested obligatory power.

#### What the neg reads doesn’t prove the resolution false but challenges an assumption of it. statements which make assumptions like the resolution should be read as a tacit conditional which is an if p then q statement. for all conditionals, if the antecedent is false, then the conditional as a whole is true.

#### Prefer Additionally –

#### 1] Performativity – when you come to round, you concede the authority of the sovereign because you aren’t living in a state a nature and are able to debate. This means responding to my framework requires my framework to do so.

#### 2] TJFs – morality’s a definition of the word ‘ought’ which means it can be evaluated as a topicality issue

#### a] Resolvability – other debates create a mess of weighing and link turns, but using Hobbes is easily resolvable because it becomes a question of what the sovereign believes.

#### b] Political Education – politicians have to understand the social contract in order to know what powers they have and what they have to provide citizens and debating about Hobbes helps us learn about that.

#### c] Topic Ed – the Hobbesian approach is ideal for dealing with IP in the context of public health disaster.

Ashcroft 05 [Richard E. Ashcroft (MA, PhD Reader in Biomedical Ethics in the Department of Primary Health Care and General Practice at Imperial College London). “Access to essential medicines: a Hobbesian social contract approach”. Dev World Bioeth. 2005 May;5(2):121-41. Accessed 7/31/2021. <https://pubmed.ncbi.nlm.nih.gov/15842722/> //Xu]

The problems I have described in these concluding remarks are serious and difficult. I do not think they are decisive. None of these problems demonstrate either the falsity or incoherence of a Hobbesian approach. Rather, they show that a Hobbesian approach needs further detailed development. I think that the merits of the Hobbesian approach are plain, so far as it takes serious notice of the features of the state of war, the instrumental nature of states and their legal and civil institutions, and the overarching objective of states to preserve their citizens from misery and disaster. More obviously ‘moral’ theories (such as utilitarian theory, or natural rights theories such as Lockean theory or modern human rights theories) are less illuminating, in that they fail to construct compelling perfect obligations lying with specific agents. The Hobbesian account I have constructed here has many loose ends, but I hope I have shown in this paper how a powerful argument for a perfect duty lying on the state to protect its citizens from public health disaster can be constructed, and the foundations of legitimate sovereign enforcement of powers of compulsory license over intellectual property. Public health takes priority over private economic interest. The only question is whether private economic interest is the only, or indeed an, effective means for promoting the public health in conditions of disaster.

#### d] Resource Disparities – philosophical frameworks ensure big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity and require a higher level of analytic thinking that small schools have.

#### e] Predictability – every individual engages within the social contract when going to school or using public infrastructure which means it’s the one political engagement everyone is aware of.

#### ] Performativity – the reason rounds have a winner and loser is because of the judge’s sovereign power to reconcile argumentative clash. Every framework collapse because they all require argumentative evaluation that is our framework.

#### ] Rule Following – agents formulate an arbitrary or unique understanding of rules and it becomes impossible to verify falsity since they perceive it as legitimate. Only the sovereign solves because it is the absolute mediator of truth and conflict.

#### ] Infinite Regress – other theories fail because individuals question why they follow them, but individuals consent to the state by engaging in the social contract.

#### ] Constitutivism – obligations differ based on the nature of agency – a janitor has different obligations than teachers – proves the state has unique obligations that might be inconsistent with morality in general.

#### ] Solves Skep – the sovereign motivates each individual to abide by ethics and laws so they can’t opt out due to constant questioning.

#### ] Motivational Externalism is true-

#### A] Tangibility – it’s the only thing that affects us tangibly and we recognizably prove causal linkages because we see external forces affecting us which O/w on verifiability.

#### B] Actualization – the only way to verify or actualize internal motivation is via action with the external world which means only external forces can guide action

#### C] Pre-requisite – external objects and markers influence internal drives i.e. me seeing ice cream in the external world prompts me to have an internal desire to eat it

#### Ethical theories must have a theory of motivation to function: A] Bindingness – Otherwise individuals could just opt out and ask why we must follow X theory which devolves to skepticism B] Application – If your framework cannot motivate individuals to follow it then it cannot guide action

### Contention

#### I defend the resolution as a general principle.

#### 1] Absolute intellectual property rights are incoherent under absolute sovereignty.

Lopata 73 [Brackets Original and for Gendered Language. Benjamin B. Lopata (B.Phil from Balliol College, Oxford). “Property Theory in Hobbes.” Political Theory, Vol. 1, No. 2 (May, 1973), pp. 203-218. Accessed 7/31/2021. <https://www.jstor.org/stable/191194?seq=1#metadata_info_tab_contents> //Xu]

Hobbes makes the sovereign absolute and self-perpetuating because he believes that it is only such a wide grant of power to the ruler that will enable him effectively to make and enforce law, thereby preventing a return to the state of nature in which life and security are so tenuous. Hobbes necessarily believes that it is the sovereign who determines property rights, since, in the state of nature, men have the right to all things, a prime cause of strife and war. In what is perhaps Hobbes' definitive statement on property, he notes (Hobbes, 1958: 148) that the sovereign possesses the whole power of prescribing the rules whereby every man may know what goods he may enjoy and what actions he may do without being molested by any of his fellow subjects; and this is it men call propriety [sic]. For before constitution of sovereign power, as has already been shown, all men had a right to all things, which necessarily causes war; and therefore this propriety, being necessary to peace and depending on sovereign power, is the act of that power in order to the public peace [sicl. These rules of propriety. or meum and tuum, and of good, evil, lawful, and unlawful in the actions of subjects, are the civil law. The vital fact, for Hobbes, is that the state of nature is a condition in which no property rights exist; since Schlatter (1951: 140) observes, "All men have a right to everything, it is impossible to conceive of this political authority as protecting men's natural rights to property." The evidence considered points to the realization that, unlike the classical liberal, who views the state as protecting natural rights to private property, Hobbes considers the sovereign as the very institution which determines all property relations. There is no private property in the absence of sovereignty; the Leviathan and private property are necessarily concomitant. One need not turn only to Leviathan to find support for this position. In De Cive, Hobbes (1949: 74) writes that since "the opinions of men differ concerning meum and tuum," it "belongs to the chief power to make some common rules for all men and to declare them publicly, by which every man may know what may be called his, what another's." Again, in A Dialogue between a Philosopher and a Student of the Common Laws of England, written toward the end of his life, Hobbes observes: Lawmakers were before that which you call own, or property of goods and lands ... for without statute-law, all men have right to all things.... You see then that no private [individual] man can claim a propriety in any lands, or other goods, from any title from any other man but the King, or them that have the sovereign power [Schlatter, 1951: 140J.

#### 2] The sovereign wants the aff – its international consensus.

Pharm-Tech 5/7 [Pharmaceutical Technology. “Over 120 countries back IP rights waiver on Covid-19 vaccines”. 07 May 2021. Accessed 7/29/21. <https://www.pharmaceutical-technology.com/news/ip-waiver-covid-19-vaccines/> //Xu]

In October last year, India and South Africa had floated the proposal to waive IP rights at the World Trade Organization’s (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council to waive such protections of the agreement for some patents and technology in response to Covid-19. The latest proposal would permit poorer countries to produce vaccine by themselves. India has welcomed the US Government’s stance on the initiative noting that the waiver is a major step to facilitate stepping up the production and availability of inexpensive Covid-19 jabs and vital medicines. The WTO agreement on TRIPS permits members countries to offer more extensive intellectual property protection as per their choice. US Trade representative Katherine Tai said: “This is a global health crisis and the extraordinary circumstances of the Covid-19 pandemic call for extraordinary measures. “The Administration believes strongly in intellectual property protections, but in service of ending this pandemic, supports the waiver of those protections for Covid-19 vaccines.” Responding to Tai’s statement, WTO director-general Ngozi Okonjo-Iweala said: “I am pleased that the proponents are preparing a revision to their proposal and I urge them to put this on the table as soon as possible so that text-based negotiations can commence. “It is only by sitting down together that we will find a pragmatic way forward, acceptable to all members, which enhances developing countries’ access to vaccines while protecting and sustaining the research and innovation so vital to the production of these life-saving vaccines.”

## UV

#### [1] AFF theory is no RVI, Drop the debater, competing interps, under an interp that aff theory is legit regardless of voters a) infinite abuse since otherwise it would be impossible to check NC abuse b) it would justify the aff never getting to read theory which is a reciprocity issue c) Time crunched 1ar means it becomes impossible to justify paradigm issues and win the shell and this comes first because time skew means I couldn’t respond to all neg args so they’re false. And, reject theory and Ks on spikes since it would be a contradiction since they indict each other, but prefer mine since they are lexically prior. This means all contradiction flow aff since I spoke first which makes any contradictions their fault. AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched b) Sets up an invincible 2n since there are a million of unfair things you can collapse to to win every round. Treat each of the spikes as separate offensive theory arguments, which if the neg contests is drop the debater – key to normsetting since it provides strong incentive to set paradigm norms. The neg may not read meta-theory – I only have time to check abuse 1 time but you can do it in the nc and 2n, uplayering my attempt means we never get to the best norm. This means reject any reason why an aff spike is bad since they claim aff theory is unfair. The neg may not read overview answers to aff arguments a) means they never have to engage with aff warrants which means it doesn’t matter how true aff arguments are b) they can uplayer all aff argument for 7 minutes and the 1ar has to shift through it all.

#### [2] No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n. There will always be multiple conflicting interpretations of the resolution but the aff has to start somewhere, which means you should accept mine. And, all neg interps are counter interps since the aff takes an implicit stance on every issue which means any neg theory interp requires an RVI to become offensive. Give me new weighing in the 2ar, I can’t weigh in the 1ar since I have no idea what to way against. No neg analytics – I don’t have time to cover 100 blippy arguments in the NC since you can read 7 min of analytics and extend any of them to win. Answering this triggers a contradiction since it relies on an analytic argument. No new 2N framing issues or responses. a) Destroys aff ability to frame the round, k2 recourse because the neg can uplayer in the 1N unchecked, makes the 4 minute 1AR impossible because either I have to respond to every layer or I have to make a weaker uplayering that is stomped by the 6 min 2N. b) Reciprocity – I can’t make new 2AR responses because there’s no 3N, so you shouldn’t be able to pin the aff to defense. c) Implications are clear out of the AC per arguments – you can respond to the new parts of extended interps like violations and voters, but not the arguments themselves. No neg args – aff autowins help spread the message that affirming is unfair so people will change LD rules to be more structurally fair. No neg responses – they’re circular since they assume they get neg arguments, but that’s what they must prove. evaluate the debate after the 1AC help spread the message that affirming is unfair so people will change LD rules to be more structurally fair.

#### [3] Reject neg fairness concerns since a) 13-7 time skew and 6-minute collapse gives the negative the strategic advantage and means the AFF must split 1AR time. b) The NC has the ability to uplayer and restart the round and have time to generate offense that matters.