# Contracts AC

## Framework

#### To affirm means to express agreement[[1]](#footnote-1), I express agreement with the resolution. And, Resolved is defined as[[2]](#footnote-2) firm in purpose or intent; determined, thus the resolution is already determined.

#### There is not one universal moral truth, instead each agent acts on their own conception of the good

#### [1] Realist truths are unknowable and disproven by disagreement

J.L Mackie, Australian Philosopher, The subjectivity of values, 1977, ///AHS PB

[First] The Argument from Relativity The argument from relativity has as its premiss the wellknown variation in moral codes from one society to another and from one period to another, and also the differences in moral beliefs between different groups and classes within a complex community. Such variation is in itself merely a truth of descriptive morality, a fact of anthropology which entails neither first order nor second order ethical views. Yet it may indirectly support second order subjectivism: radical differences between first order moral judgements make it difficult to treat those judgements as apprehensions of objective truths. But it is not the mere occurrence of disagreements that tells against the objectivity of values. Disagreement on questions in history or biology or cosmology does not show that there are no objective issues in these fields for investigators to disagree about. But such scientific disagreement results from speculative inferences or explanatory hypotheses based on inadequate evidence, and it is hardly plausible to interpret moral disagreement in the same way. Disagreement about moral codes seems to reflect people ’ s adherence to and participation in different ways of life. The causal connection seems to be mainly that way round: it is that people approve of monogamy because they participate in a monogamous way of life rather than that they participate in a monogamous way of life because they approve of monogamy. Of course, the standards may be an idealization of the way of life from which they arise: the monogamy in which people participate may be less complete, less rigid, than that of which it leads them to approve. This is not to say that moral judgements are purely conventional. Of course there have been and are moral heretics and moral reformers, people who have turned against the established rules and practices of their own communities for moral reasons, and often for moral reasons that we would endorse. But this can usually be understood as the extension, in ways which, though new and unconventional, seemed to them to be required for consistency, of rules to which they already adhered as arising out of an existing way of life. In short, the argument from relativity has some force simply because the actual variations in the moral codes are more readily explained by the hypothesis that they reflect ways of life than by the hypothesis that they express perceptions, most of them seriously inadequate and badly distorted, of objective values. But there is a well-known counter to this argument from relativity, namely to say that the items for which objective validity is in the first place to be claimed are not specific moral rules or codes but very general basic principles which are recognized at least implicitly to some extent in all society – such principles as provide the foundations of what Sidgwick has called different methods of ethics: the principle of universalizability, perhaps, or the rule that one ought to conform to the specific rules of any way of life in which one takes part, from which one profits, and on which one relies, or some utilitarian principle of doing what tends, or seems likely, to promote the general happiness. It is easy to show that such general principles, married with differing concrete circumstances, different existing social patterns or different preferences, will beget different specific moral rules; and there is some plausibility in the claim that the specific rules thus generated will vary from community to community or from group to group in close agreement with the actual variations in accepted codes. The argument from relativity can be only partly countered in this way. To take this line the moral objectivist has to stay that it is only in these principles that the objective moral character attaches immediately to its descriptively specified ground or subject: other moral judgements are objectively valid or true, but only derivatively and contingently – if things had been otherwise, quite different sorts of actions would have been right. And despite the prominence in recent philosophical ethics of universalization, utilitarian principles, and the like, these are very far from constituting the whole of what is actually affirmed as basic in ordinary moral thought. Much of this is concerned rather with what Hare calls “ideals” or, less kindly, ‘fanaticism’. That is, people judge that some things are good or right, and others are bad or wrong, not because – or at any rate not only because – they exemplify some general principle for which widespread implicit acceptance could be claimed, but because something about those things arouses certain responses immediately in them, though they would arouse radically and irresolvably different responses in others. ‘Moral sense’ or ‘intuition’ is an initially more plausible description of what supplies many of our basic moral judgements than ‘reason’. With regard to all these starting points of moral thinking the argument from relativity remains in full force. [Second] The Argument from Queerness Even more important, however, and certainly more generally applicable, is the argument from queerness. This has two parts, one metaphysical, the other epistemological. If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe. Correspondingly, if we were aware of them, it would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else. These points were recognized by Moore when he spoke of nonnatural qualities, and by the intuitionists in their talk about a ‘faculty of moral intuition’. Intuitionism has long been out of favour, and it is indeed easy to point out its implausibilities. What is not so often stressed, but is more important, is that the central thesis of intuitionism is one to which any objectivist view of values is in the end committed: intuitionism merely makes unpalatably plain what other forms of objectivism wrap up. Of course the suggestion that moral judgements are made or moral problems solved by just sitting down and having an ethical intuition is a travesty of actual moral thinking. But, however complex the real process, it will require (if it is to yield authoritatively prescriptive conclusions) some input of this distinctive sort, either premisses or forms of argument or both. When we ask the awkward question, how we can be aware of this authoritative prescriptivity, of the truth of these distinctively ethical premisses or of the cogency of this distinctively ethical pattern of reasoning, none of our ordinary accounts of sensory perception or introspection or the framing and confirming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer; ‘a special sort of intuition’ is a lame answer, but it is the one to which the clearheaded objectivist is compelled to resort. Indeed, the best move for the moral objectivist is not to evade this issue, but to look for companions in guilt. For example, Richard Price argues that it is not moral knowledge alone that such an empiricism as those of Locke and Hume is unable to account for, but also our knowledge and even our ideas of essence, number, identity, diversity, solidity, inertia, substance, the necessary existence and infinite extension of time and space, necessity and possibility in general, power, and causation. If the understanding, which Price defines as the faculty within us that discerns truth, is also a source of new simple ideas of so many other sorts, may it not also be a power of immediately perceiving right and wrong, which yet are real characters of actions? This is an important counter to the argument from queerness. The only adequate reply to it would be to show how, on empiricist foundations, we can construct an account of the ideas and beliefs and knowledge that we have of all these matters. I cannot even begin to do that here, though I have undertaken some parts of the task elsewhere. I can only state my belief that satisfactory accounts of most of these can be given in empirical terms. If some supposed metaphysical necessities or essences resist such treatment, then they too should be included, along with objective values, among the targets of the argument from queerness. This queerness does not consist simply in the fact that ethical statements are ‘unverifiable’. Although logical positivism with its verifiability theory of descriptive meaning gave an impetus to non-cognitive accounts of ethics, it is not only logical positivists but also empiricists of a much more liberal sort who should find objective values hard to accommodate. Indeed, I would not only reject the verifiability principle but also deny the conclusion commonly drawn from it, that moral judgements lack descriptive meaning. The assertion that there are objective values or intrinsically prescriptive entities or features of some kind, which ordinary moral judgements presuppose, is, I hold, not meaningless but false. Plato ’ s Forms give a dramatic picture of what objective values would have to be. The Form of the Good is such that knowledge of it provides the knower with both a direction and an overriding motive; something ’ s being good both tells the person who knows this to pursue it and makes him pursue it. An objective good would be sought by anyone who was acquainted with it, not because of any contingent fact that this person, or every person, is so constituted that he desires this end, but just because the end has to-be-pursuedness somehow built into it. Similarly, if there were objective principles of right and wrong, any wrong (possible) course of action would have not-to-be-doneness somehow built into it. Or we should have something like Clarke ’ s necessary relations of fitness between situations and actions, so that a situation would have a demand for such- andsuch an action somehow built into it. The need for an argument of this sort can be brought out by reflection on Hume ’ s argument that ‘reason’ – in which at this stage he includes all sorts of knowing as well as reasoning – can never be an ‘influencing motive of the will’. Someone might object that Hume has argued unfairly from the lack of influencing power (not contingent upon desires) in ordinary objects of knowledge and ordinary reasoning, and might maintain that values differ from natural objects precisely in their power, when known, automatically to influence the will. To this Hume could, and would need to, reply that this objection involves the postulating of value-entities or value-features of quite a different order from anything else with which we are acquainted, and of a corresponding faculty with which to detect them. That is, he would have to supplement his explicit argument with what I have called the argument from queerness. Another way of bringing out this queerness is to ask, about anything that is supposed to have some objective moral quality, how this is linked with its natural features. What is the connection between the natural fact that an action is a piece of deliberate cruelty – say, causing pain just for fun – and the moral fact that it is wrong? It cannot be an entailment, a logical or semantic necessity. Yet it is not merely that the two features occur together. The wrongness must somehow be ‘consequential’ or ‘supervenient’; it is wrong because it is a piece of deliberate cruelty. But just what in the world is signified by this ‘because’? And how do we know the relation that it signifies, if this is something more than such actions being socially condemned, and condemned by us too, perhaps through our having absorbed attitudes from our social environment? It is not even sufficient to postulate a faculty which ‘sees’ the wrongness: something must be postulated which can see at once the natural features that constitute the cruelty, and the wrongness, and the mysterious consequential link between the two. Alternatively, the intuition required might be the perception that wrongness is a higher order property belonging to certain natural properties; but what is this belonging of properties to other properties, and how can we discern it? How much simpler and more comprehensible the situation would be if we could replace the moral quality with some sort of subjective response which could be causally related to the detection of the natural features on which the supposed quality is said to be consequential.

#### [2] Finding moral truth through rational discourse is impossible, since ethical theories themselves determine what counts as evidence, not an external framework.

**Joyce 02[[3]](#footnote-3):**

This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain“linguistic frameworks” (as Carnap calls them) bringwith themnewterms andways of talking: accepting the language of “things” licenses making assertions like “The shirt is in the cupboard”;accepting mathematics allows one to say “There is a prime number greater than one hundred”; accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionallyphilosophers have interested themselves inthe external question –the issue of the adequacy of the framework itself**:** “Do objects exist?”, “Does the world exist?”, “Are there numbers?”, “Are the propositions?”, etc. Carnap’s argument is that theexternalquestion**,** as it has been typically construed,does not make sense. From a perspective that accepts mathematics, the answer to the question “Do numbers exist?” is justtrivially“Yes.”From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness,etc., of the adoption. But the (traditional)philosopher’s questions – “But is mathematics true?”, “Are there really numbers?” – are pseudo-questions**.** By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space.Tostep out of the thing language andask “But does the world exist?” is a mistake, Carnap thinks, because the very notion of “existence” is a term which belongs to the thing language, and can be understood only within that framework, “hence this concept cannot be meaningfully applied to the system itself.” 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: persons who disputewhether propositions exist, whether properties exist**,** etc., do not know what they are arguing over, thus theyare not arguing over the truth of a proposition, but over the practical value of their respective positions**.** Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

#### [3] Open Question: Its impossible for goodness to be synonymous with an observable natural property like pleasure, since if we ask “is pleasure good”, either A) pleasure is the exact same thing as good, in which case our answer is the meaningless tautology “good is good” or B) Pleasure is not the same as goodness.

#### However, the result is not moral nihilism. Agents justify their actions based on individual moral preferences and deal with ethical dilemmas by prioritizing certain beliefs. Thus it is constitutive feature of humanity to rationally maximize value under a particular index of the good.

David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998, ///AHS PB

Fortunately, I do not have to defend normative foundationalism. One problem with accepting moral justification as part of our ongoing practice is that, as I have suggested, we no longer accept the world view on which it depends. But perhaps a more immediately pressing problem is that we have, ready to hand, an alternative mode for justifying our choices and actions. In its more austere and, in my view, more defensible form, this is to show that choices and actions maximize the agent ’s expected utility, where utility is a measure of considered preference. In its less austere version, this is to show that choices and actions satisfy, not a subjectively defined requirement such as utility, but meet the agent ’ s objective interests. Since I do not believe that we have objective interests, I shall ignore this latter. But it will not matter. For the idea is clear; we have a mode of justification that does not require the introduction of moral considerations. 11 Let me call this alternative nonmoral mode of justification, neutrally, deliberative justification. Now moral and deliberative justification are directed at the same objects – our choices and actions. What if they conflict? And what do we say to the person who offers a deliberative justification of his choices and actions and refuses to offer any other? We can say, of course, that his behavior lacks moral justification, but this seems to lack any hold, unless he chooses to enter the moral framework. And such entry, he may insist, lacks any deliberative justification, at least for him. If morality perishes, the justificatory enterprise, in relation to choice and action, does not perish with it. Rather, one mode of justification perishes, a mode that, it may seem, now hangs unsupported. But not only unsupported, for it is difficult to deny that deliberative justification is more clearly basic, that it cannot be avoided insofar as we are rational agents, so that if moral justification conflicts with it, morality seems not only unsupported but opposed by what is rationally more fundamental. Deliberative justification relates to our deep sense of self. What distinguishes human beings from other animals, and provides the basis for rationality, is the capacity for semantic representation. You can, as your dog on the whole cannot, represent a state of affairs to yourself, and consider in particular whether or not it is the case, and whether or not you would want it to be the case. You can represent to yourself the contents of your beliefs, and your desires or preferences. But in representing them, you bring them into relation with one another. You represent to yourself that the Blue Jays will win the World Series, and that a National League team will win the World Series, and that the Blue Jays are not a National League team. And in recognizing a conflict among those beliefs, you find  rationality thrust upon you. Note that the first two beliefs could be replaced by preferences, with the same effect. Since in representing our preferences we become aware of conflict among them, the step from representation to choice becomes complicated. We must, somehow, bring our conflicting desires and preferences into some sort of coherence. And there is only one plausible candidate for a principle of coherence – a maximizing principle. We order our preferences, in relation to decision and action, so that we may choose in a way that maximizes our expectation of preference fulfillment. And in so doing, we show ourselves to be rational agents, engaged in deliberation and deliberative justification. There is simply nothing else for practical rationality to be. The foundational crisis of morality thus cannot be avoided by pointing to the existence of a practice of justification within the moral framework, and denying that any extramoral foundation is relevant. For an extramoral mode of justification is already present, existing not side by side with moral justification, but in a manner tied to the way in which we unify our beliefs and preferences and so acquire our deep sense of self. We need not suppose that this deliberative justification is itself to be understood foundationally. All that we need suppose is that moral justification does not plausibly survive conflict with it.

#### And because agents takes their own ability to act as intrinsically valuable, permissibility is avoided through a system of mutual self restraint where agents refrain from impeding upon the actions of other agents, under the expectation that others will due the same out of their own rational self interest. This is achieved through a system of contracts which both parties’ consent to in order to regulate behavior.

David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998 [2], ///AHS PB

I shall not rehearse at length an argument that is now familiar to at least some readers, and, in any event, can be found in that book. But let me sketch briefly those features of deliberative rationality that enable it to constrain maximizing choice. The key idea is that in many situations, if each person chooses what, given the choices of the others, would maximize her expected utility, then the outcome will be mutually disadvantageous in comparison with some alternative – everyone could do better. 14 Equilibrium, which obtains when each person ’ s action is a best response to the others ’ actions, is incompatible with (Pareto-) optimality, which obtains when no one could do better without someone else doing worse. Given the ubiquity of such situations, each person can see the benefit, to herself, of participating with her fellows in practices requiring each to refrain from the direct endeavor to maximize her own utility, when such mutual restraint is mutually advantageous. No one, of course, can have reason to accept any unilateral constraint on her maximizing behavior; each benefits from, and only from, the constraint accepted by her fellows. But if one benefits more from a constraint on others than one loses by being constrained oneself, one may have reason to accept a practice requiring everyone, including oneself, to exhibit such a constraint. We may represent such a practice as capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreement is the basis of morality. Consider a simple example of a moral practice that would command rational agreement. Suppose each of us were to assist her fellows only when either she could expect to benefit herself from giving assistance, or she took a direct interest in their well-being. Then, in many situations, persons would not give assistance to others, even though the benefit to the recipient would greatly exceed the cost to the giver, because there would be no provision for the giver to share in the benefit. Everyone would then expect to do better were each to give assistance to her fellows, regardless of her own benefit or interest, whenever the cost of assisting was low and the benefit of receiving assistance considerable. Each would thereby accept a constraint on the direct pursuit of her own concerns, not unilaterally, but given a like acceptance by others. Reflection leads us to recognize that those who belong to groups whose members adhere to such a practice of mutual assistance enjoy benefits in interaction that are denied to others. We may then represent such a practice as rationally acceptable to everyone. This rationale for agreed constraint makes no reference to the content of anyone ’ s preferences. The argument depends simply on the structure of interaction, on the way in which each person ’ s endeavor to fulfill her own preferences affects the fulfillment of everyone else. Thus, each person ’ s reason to accept a mutually constraining practice is independent of her particular desires, aims and interests, although not, of course, of the fact that she has such concerns. The idea of a purely rational agent, moved to act by reason alone, is not, I think, an intelligible one. Morality is not to be understood as a constraint arising from reason alone on the fulfillment of nonrational preferences. Rather, a rational agent is one who acts to achieve the maximal fulfillment of her preferences, and morality is a constraint on the manner in which she acts, arising from the effects of interaction with other agents

#### Thus the standard is consistency with contractarianism. Only my framework answers the question “why be moral”, since agents have a reason to restrain their conflict due to self-interest. And, the framework outweighs on actor specificity: States are not physical actors, but instead derive their authority from a set of contracts that give them the authority to constrain action. This means that states must abide by contracts, including in their interactions with other states, since if contracts could be permissibility abandoned the entirety of the state form would have no moral standing. Independently prefer the framework:

#### [1] Contractarianism requires parties to be on equal footing when entering agreements, as otherwise the agreement is corrupted by the unequal influence of those in power. Because some inequality is inevitable, ideal solutions can only be found by abstracting away into a hypothetical bargaining situation.

David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998, ///AHS PB

What a rational person would agree to in existing circumstances depends in large part on her negotiating position vis-à-vis her fellows. But her negotiating position is significantly affected by the existing social institutions, and so by the currently accepted moral practices embodied in those institutions. Thus, although agreement may well yield practices differing from those embodied in existing social institutions, yet it will be influenced by those practices, which are not themselves the product of rational agreement. And this must call the rationality of the agreed practices into question. The arbitrariness of existing practices must infect any agreement whose terms are significantly affected by them. Although rational agreement is in itself a source of stability, yet this stability is undermined by the arbitrariness of the circumstances in which it takes place. To escape this arbitrariness, rational persons will revert from actual to hypothetical agreement, considering what practices they would have agreed to from an initial position not structured by existing institutions and the practices they embody. The content of a hypothetical agreement is determined by an appeal to the equal rationality of persons. Rational persons will voluntarily accept an agreement only insofar as they perceive it to be equally advantageous to each. To be sure, each would be happy to accept an agreement more advantageous to herself than to her fellows, but since no one will accept an agreement perceived to be less advantageous, agents whose rationality is a matter of common knowledge will recognize the futility of aiming at or holding out for more, and minimize their bargaining costs by coordinating at the point of equal advantage. Now the extent of advantage is determined in a twofold way. First, there is advantage internal to an agreement. In this respect, the expectation of equal advantage is assured by procedural fairness. The step from existing moral practices to those resulting from actual agreement takes rational persons to a procedurally fair situation, in which each perceives the agreed practices to be ones that it is equally rational for all to accept, given the circumstances in which agreement is reached. But those circumstances themselves may be called into question insofar as they are perceived to be arbitrary – the result, in part, of compliance with constraining practices that do not themselves ensure the expectation of equal advantage, and so do not reflect the equal rationality of the complying parties. To neutralize this arbitrary element, moral practices to be fully acceptable must be conceived as constituting a possible outcome of a hypothetical agreement under circumstances that are unaffected by social institutions that themselves lack full acceptability. Equal rationality demands consideration of external circumstances as well as internal procedures.

**That means reject non ideal theory: a) normativity: absent a universal standard to hold people to, we can never say certain things are always wrong or address injustice in a consistent way. b) Ideal theory is key to preventing epistemic bias, since it forces us to abstract away from our identities and factors that may cloud our judgement in order to see what is universally just for everyone, not just those like us. C) every ethical theory can be misused – but that isn’t a problem with ethical principles, that is a problem with us – also means we should reclaim the true function of these ethical concepts in places like debate to challenge the way they are misunderstood.**

#### [2] If the affirmative framework is “Consistency with contractarianism”, the negative must concede the affirmative framework. A] Strat Scew: New framing forces a 1ar restart, but the 2N can dump for 6 minutes, framing out all my substantive offense B] Resolvability: 1) The judge only renders an accurate based on the contract of the ballot and 2) the only reason we abide by things like speech times and the topic is based on a contract between the debaters. C] Topic ED: AFC forces you to actually engage the topic instead of just going for preclusive framing every round, uniquely true with my aff since international contracts are a key issue in nuclear ethics. D] Reading theory on why the particular framework chosen is bad, checks against arguments that auto affirm E] Switch Side Debate solves back all of your offense since 1] you can discuss what you want when you affirm and 2] We both affirm 3 rounds so an unbeatable aff is 100% fair.

## Offense

#### I defend that states ought to eliminate their nuclear arsenals. Now Affirm:

#### [1] States have signed international contracts to denuclearize.

Geneva Academy 14[https://www.geneva-academy.ch/joomlatools-files/docman-files/Nuclear%20Weapons%20Under%20International%20Law.pdf] “Nuclear Weapons under International Law: an Overview” October 2014\\GHAS [bracketed for expanding acronyms] recut AHS PB

The centrepiece of the disarmament regime relating to nuclear weapons is the 1968 Nuclear Non-Proliferation Treaty (NPT), which entered into force in 1970, and which has since gained near universal adherence. 29 The Treaty has been termed a ‘grand bargain’ in which the non-nuclear weapon states (NNWS) forsake the nuclear option in exchange for a legal obligation on the part of the nuclear weapon states (NWS) 30 to refrain from transferring the weapons to any other states, and to disarm and eventually eliminate their arsenals. In addition to the non-proliferation elements in Article I 31 and Article II, 32 the Treaty guarantees all parties the ‘inalienable right’ to peaceful uses of nuclear technology in Article IV, and, in Article VI, also requires the [Nuclear Weapon States] NWS to ‘pursue negotiations in good faith’ towards the reduction and eventual elimination of nuclear arsenals.…The NPT has, though, come under increasing pressure mainly due to a lack of implementation of the disarmament elements of the treaty. Indeed, Article VI remains a constant source of debate (and tension) between NWS and NNWS that are states parties to the Treaty. In all its jurisprudence the ICJ has commented on the interpretation of Article VI only once, in the Nuclear Weapons Advisory Opinion, in which it adopted an expansive interpretation of the legal obligation:The legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result – nuclear disarmament in all its aspects – by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith. 34Furthermore, in dispositive F in the Advisory Opinion, the judges of the ICJ stated, unanimously, that ‘there exists an obligation to pursue in good faith and bring to a conclusion negotiation leading to nuclear disarmament in all its aspects under strict and effective international control.’ Thus, while disagreement persists regarding the precise nature and scope of the obligation in this provision, Article VI is a binding legal obligation, not merely a goal.

#### [2] Nuclear Weapons artificially skew bargaining power in favor of certain states since

#### [A] Nuclear states capacity for destruction creates a skewed power dynamic, where the fear of retaliation influences their credibility in making contracts, the same way an boss holds an implicit power over their workers.

#### [B] They can use nukes to actively coerce other states into a unequal position.

[PAUL BRACKEN](https://warontherocks.com/author/paul-bracken/), Professor of political science and business at Yale University, BLACKMAIL UNDER A NUCLEAR UMBRELLA FEBRUARY 7, 2017 ,<https://warontherocks.com/2017/02/blackmail-under-a-nuclear-umbrella/> ///AHS PB

Still, it is a good time to analyze blackmail once again in the present. Many things have changed since the Cold War. When it comes to nuclear strategy, multipolarity is the order of the day in the [second nuclear age](https://www.amazon.com/Second-Nuclear-Age-Strategy-Politics/dp/1250037352/ref%3Dsr_1_fkmr0_1?s=books&ie=UTF8&qid=1486412811&sr=1-1-fkmr0&keywords=bracken+second+nuclear+age+holt). A nuclear context now blankets many more parts of the world, in East Asia, South Asia, and the Middle East. Whether or not nuclear blackmail is attempted, the nuclear context of any kind of blackmail surely does. Today [nine countries have the bomb](http://www.icanw.org/the-facts/nuclear-arsenals/), so the opportunity for blackmail is greater for this reason alone. Further, the risk-avoiding behavior of the Cold War might not apply in a second nuclear age. The early strategists who worried about nuclear blackmail did not have the “curse of knowledge” of Cold War history. The cautious behavior of the first nuclear age may well repeat itself in the second. But then again, it might just be a historical relic. We simply do not know. There is an important distinction that is needed to analyze the blackmail issue today between nuclear blackmail and blackmail in a nuclear context. The two are quite different. The latter — blackmail in a nuclear context — illuminates important issues that go unseen and unanalyzed when our framework focuses on straight out nuclear blackmail. Nuclear blackmail is the threat to use atomic weapons to compel someone to take an action they do not wish to take. It contrasts with nuclear deterrence — the threat to retaliate to prevent an unwanted action. Let’s illustrate this with an imaginary example from the United States in the Vietnam War: Washington tells North Vietnam to get its armies out of South Vietnam or Hanoi will be leveled with a nuclear strike. This is nuclear blackmail. It would also be nuclear blackmail if the United States told Russia to vacate Ukraine in 30 days or suffer a military offensive using tactical nuclear weapons. Blackmail in a nuclear context is different. It tries to compel someone to do something when one or more parties involved possess nuclear arms but when there’s no specific threat to use atomic weapons. Here’s another imaginary example: North Korea says that, if the United States continues to increase strategic pressure (with draconian sanctions, a blockade, roll up of overseas assets, jailing of all overseas North Korean officials, shutting down air space) to compel the Kim family regime to abandon its nuclear weapon program, Pyongyang will respond in ways that could easily lead to large scale war and that no options are off the table. The consequences, North Korean officials insist, will spill over to China, South Korea, and Japan. Here, both countries use blackmail threats. But neither the U.S. threat or the North Korean counter-threat is specific or explicit. Neither country says exactly what action will be taken, nor do they say that atomic weapons will be fired. Both sides will likely attempt to avoid looking like a calculating game theory strategist, using cynical power advantage to get what they want. Yet blackmail is still present on both sides. Washington threatens Pyongyang to give up its program, and Pyongyang threatens Washington to back off. Or consider another example: Suppose China puts tactical nuclear weapons on its man-made islands in the South China Sea. Presumably this is to get the United States to back off from intrusive, provocative probes of the air and sea space around them. Suppose China says nothing, but the placement of weapons is purposefully leaked. Is this nuclear blackmail? Absent a specific demand from Beijing to Washington referencing their nuclear weapons, it is not. Yet, clearly, the nuclear context matters a lot in all of these examples because all parties are likely to think about “where things might go” if the crisis intensifies. The distinction between “nuclear blackmail” and “blackmail in a nuclear context” is not some academic difference without a meaning. North Korea knows well that the United States has nuclear arms, and the United States knows the same about North Korea. Even if the United States has no plan or strategic intent, or even thought, about firing nuclear weapons, Pyongyang is likely to calculate that it does or at least that it might. Washington may well know that it is not going to fire these weapons, but it has a hard time convincing North Korea of this. The reverse holds too. Regardless of North Korean or Chinese strategies, plans, intent, or thinking, the United States will worry about a crisis in a different way because of nuclear weapons. An important conclusion follows from this discussion: The mere existence of nuclear weapons changes the context, regardless of plans, strategic culture, or psychology. It may well be that narrow nuclear blackmail (“Give up Kashmir immediately or we’ll attack Mumbai with atomic weapons”) is not very likely anymore. But, the opportunities for blackmail in a nuclear context are greatly increased today.

## Underview

#### [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, reject theory 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. 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.

#### [2] The role of the ballot is to endorse the debater who proves the truth or falsity of the resolution – 1] Text – five dictionaries define negate as to deny the truth of[[4]](#footnote-4). Text first – Text comes first – a) Key to jurisdiction since the judge can only endorse what is within their burden b) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it. 2] Inclusion: a) other ROBs open the door for personal lives of debaters to factor into decisions and compare who is more oppressed which causes violence in a space where some people go to escape. b) Anything can function under truth testing insofar as it proves the resolution either true or false. Specific role of the ballots exclude all offense besides those that follow from their framework which shuts out people without the technical skill or resources to prep for it. 3] Any deviation from the exact text of the resolution kills fairness and allows infinite non-topical positions since there is no brightline for how much is too much. 4] ROBs that aren’t phrased as binaries maximize leeway for interpretation as to who is winning offense and intervene to see who is closest at solving a problem. Truth testing solves since it’s solely a question of if something is true or false, there isn’t a closest estimate.

#### [] Presumption affirms: A) the definition of negate means minus offense denying the truth of the resolution we must affirm B) All statements of truth rest upon other assumptions, so if we presume everything false, then we can never prove anything true.

#### [] Permissibility flow aff – a) Negation by contradiction – Both P and not P cannot be true simultaneously, which means proving not P is false proves P true, meaning lack of sufficient reason for not P justifies P b) Permissibility is sufficient to prove an “ought” statement under the framework of sufficient reason. Hanser[[5]](#footnote-5), An agent who has insufficient reason for doing what he does need not on that account be acting morally impermissibly. So let us say that an agent acts morally permissibly if and only if his action embodies a practical inference whose premises’ justifying force, if any, is not successfully undermined or defeated by any moral considerations. Let us call such practical inferences “permissible.” An agent acts permissibly, then, if and only if his action embodies a permissible practical inference.6 (For the sake of simplicity I shall sometimes, in what follows, revert to the preliminary formulation of the view, omitting the qualification about moral considerations.) Returning to the observation with which this section began, we can see that the inferential account easily explains why permissibility judgments cannot have mere occurrences as their objects. The power to act is a rational power: it is the power to do things for reasons. According to the inferential account, acting permissibly is a matter of not going astray (in a certain way) in one’s exercise of this power. It is a matter, roughly speaking, of basing one’s practical conclusions on adequate reasons. Adverbial permissibility judgments thus evaluate actions qua exercises of agency and not merely qua physical occurrences. What of actions performed for no reason, assuming for the moment that such actions are possible? We can think of an agent who acts for no reason as drawing [draws] a practical conclusion on the basis of no premises at all. If there is a moral reason for him not to act as he does, then the (nonexistent) justifying force of his premises is defeated by a moral consideration, and so he acts impermissibly. If there are no moral reasons for him not to act as he does, then the (nonexistent) justifying force of his premises is not defeated by any moral considerations, and so he acts permissibly. Even if there are actions performed for no reason, then, this needn’t be seen as a fatal blow to the inferential account. A few further clarifications are in order before we move on. An agent may pursue multiple, independent ends in performing a single action, and even when he has but one final end, some of his means to that end will themselves function as subordinate ends. The practical inference embodied by an action, then, should be taken to encompass a complex inferential chain, not just a single inferential step. Furthermore, even when an agent does explicitly rehearse a chain of inferential steps prior to acting, he does not typically rehearse the inference embodied by his action all the way down to its ultimate conclusion. Suppose an agent explicitly reasons, “I can w by xing; so let me x; I can x by fing; so let me f.” If fing is something he already knows how to do, this is where his reasoning will stop. But when it comes to acting, he won’t “just” f. He’ll f in some particular way—with his right hand, say, and with a certain amount of force. Most likely, the agent will be unable fully to conceptualize his manner of fing. He will be able to specify it only demonstratively—his ultimate conclusion, were he explicitly to think it, would be something like, “so I’ll f like this” (as he moves his right hand in a certain way). The conclusion of the practical inference must be taken to include more than the mere “so let me f” if the inferential account of permissibility is to be plausible. Suppose an agent consciously reasons, “I can protect the baby from the cold draft by closing this door; so let me close this door.” He then closes the door quite forcefully—forcefully enough to awaken the baby. Assuming that he could easily have closed the door quietly, it is arguable that he acted impermissibly. The inferential account would be unable to capture this if the inference embodied by his action were to encompass no more than what the agent explicitly thought, for there was no reason why he shouldn’t close the door. What he had a decisive reason not to do was close the door so forcefully. The inferential account of permissibility must not be confused with the superficially similar view that an agent acts permissibly if and only if he acts from a morally admirable motive, such as universal benevolence or respect for the moral law. The inferential account does not even imply that an agent acts impermissibly if he acts from a morally discreditable motive, such as malice or greed. What matters is not the moral status of the agent’s reason for acting, considered on its own, but the justificatory relation between that reason and that for which it is a reason. What matters is whether the agent’s reason for acting is sufficient to justify him in doing what he does. Suppose an agent rescues a drowning swimmer because he expects a reward. He may not act virtuously, and his action may lack moral worth, but he acts permissibly. A more admirable reason for saving the swimmer’s life was available, and a more admirable agent would have availed himself of it, but the agent’s actual reason nonetheless provided him with sufficient justification for doing what he did. Finally, note that the inferential account makes a purely formal claim, in the following sense: while it links the notion of acting permissibly to that of an agent’s acting for a reason sufficient to justify him in doing what he does, it says nothing substantive about what constitutes a successful justification. On this issue it is, I think, quite properly silen

#### [] Many-Worlds Interpretation is most consistent with the rest of physics. Means there is sufficient reason in one of them. Vaidman 02[[6]](#footnote-6), The reason for adopting the MWI is that it avoids the collapse of the quantum wave. (Other non-collapse theories are not better than MWI for various reasons, e.g., nonlocality of Bohmian mechanics; and the disadvantage of all of them is that they have some additional structure.) The collapse postulate is a physical law that differs from all known physics in two aspects: it is genuinely random and it involves some kind of action at a distance. According to the collapse postulate the outcome of a quantum experiment is not determined by the initial conditions of the Universe prior to the experiment: only the probabilities are governed by the initial state. Moreover, Bell 1964 has shown that there cannot be a compatible local-variables theory that will make deterministic predictions. There is no experimental evidence in favor of collapse and against the MWI.

**[] Principle of explosion – the existence of one contradiction means any contradiction is justifiable since contradictions are binary rather than on a scale, which means any contradiction affirms.**

**[] Statements have inherent truth value absent the content – the form of every statement necessitates it has some epistemic value, as it can be assessed as either true or false, which means the aff has truth value to epistemology even if it is false.**

####  [] Ought[[7]](#footnote-7) is defined as express[ing] obligation, but both moral and legal obligations can exist

**Glos 69[[8]](#footnote-8),** The mutual relation of law and ethics can profitably be investigated only if ethics is understood as a normative science.31 If we compare legal norms with ethical norms, it appears that the contents of **ethical norms are in agreement with a given concept or principle, whereas legal norms originate from a certain lawgiver regardless of contents.** It follows that legal and ethical norms may be likened to two circles which cover the same area: legal and ethical norms may coincide, and the same **norm[s] may at the same time be both a legal and an ethical norm; but there are legal norms the contents of which have no relevance in ethics** (norms regulating highway traffic), **and there are legal norms which may contradict ethical norms** (norms according to which a soldier is bound to fight and kill).

#### [] Affirming is hard: A) the neg is reactive so you can always make the perfect pre round strategy B) the neg has a 6 minute collapse to dump on the short 1ar and C) Bidirectional neg theory means that you can always win rounds with no prep

#### [] The resolution refers to states and arsenals as general categories, this means that absent presumption the negative must prove a whole res obligation for states to keep their nukes, not single empirical examples where it would be good. This follows from the fact that each part of the plural is substantively different and if the statement is mapped as XYZ=P, just proving X country should denuclearize doesn’t prove that Y and P should.

#### [] The neg may not make analytic arguments – T skew- 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- this o/w since its infinite abuse since the 1ar becomes impossible

#### [] The neg may only make one response or one turn to each individual argument in the AC, but they must make exactly one response to each of these arguments a) this ensures we have a reciprocal number of arguments b) clash: this forces debaters to choose their best answers, rather than just overwhelm the aff, leading to good clash. The second plank also ensures that they actually engage the aff, so we have clash, which is key because it’s main educational benefit from debate.

#### [] The neg may not read consequentialism a) advantages massive prep squads and programs with tons of coaches to cut a ridiculous amount of evidence. This means underprivileged debaters lose to prep outs without any debate skill tested b) phil ed – consequentialism disincentives forms of critical thinking inherent to philosophy unique to LD since they only care about results of policies. c) Resolvability – we cannot predict the outcome of a situation insofar as no situation is ever replicated exactly, and even if it can, there’s no guarantee the outcome will be the same.

#### [] To defend a counter-advocacy that isn’t the squo the neg must prove that if we don’t do the aff, we’ll do their advocacy. For example, if Professor Procrastinate is asked to write a review that he’s best qualified to write, but knows that if he says “yes” he’ll never actually complete the review, he ought to say no since this is better than the actual alternative

#### [] If I win one layer vote aff a) timeskew - the nc has 7min to uplayer and make the round impossible to win, I have to collapse at some point which means they can just dump on all my arguments on one layer and win every round b) engagement – me winning on any layer forces the neg to care about engaging with the aff since they will have to defend all their arguments which means they read better ones which is key to good substantive education.

**[] Allow new 2ar responses to nc arguments but not new 2n responses a) reciprocity- the nc has 7 minutes of rebuttal time while I only have 4 minutes, the 2ar makes it 7-7 b) time skew- I don’t have time to extend and respond to 7 min of arguments in 4 mins. And, timeskew first a) It is impossible to make arguments without sufficient time regardless of how fast I can read since you have equal ability to be as fast b) its structural so it frames substantive evaluation**

[] **The neg must gain offense from at most one route to the ballot and that route must be unconditional. To clarify, a route to the ballot consists of an independent layer of the debate that articulates a distinct judge obligation that justifies negation. A) this is key to aff strat since otherwise the neg can just layer the debate round and collapse to whatever layer the aff inevitably undercovers in the 1ar, B) clash- this interp forces the neg to engage in the AC rather than just reading several preclusive layers**

[] **If the affirmative is disclosed 30 minutes before the round, the neg must disclose the full NC strategy 15 minutes before the round – a) Reciprocity – It’s equal prep time, there’s no reason you should know the exact aff and I have to split my prep between everything disclosed on your wiki, prep comes first cause it controls quality of arguments b) Engagement – disclosure cuts both ways, I can have better 1ar argument that interact with the NC if I can focus my prep on your strategy.**

**The neg may not read necessary but insufficient burdens a) Strat Skew- You can uplayer with 7 minutes of NIBs I have to beat back before I can access offense which is terrible for a 4 min 1ar, it is impossible for aff to overwhelm the neg because you always have longer times and reactive speeches to overcome any unfairness b) Norms- It would justify infinite neg abuse because neg would just read 7 min of autonegate arguments which is the biggest impact to fairness because its impossible to correct**

**All negative positions must be unconditional a) strat skew- you can read a bunch of 10 second advocacies and I’ll never know what to respond to that you will extend in the 2N which makes every round impossible. b) Reciprocity- I am held to my position, the 1AC, which means you must be held to your positions.**

## Framework Add ons

#### [] Utilitarianism collapses into contractarianism.

John J. Thrasher, Assistant Professor in the Philosophy Department and the Smith Institute for Political Economy and Philosophy at Chapman University, Reconciling Justice and Pleasure in Epicurean Contractarianism, Ethical Theory and Moral Practice, Vol. 16, No. 2 (April 2013), pp. 423-436 ///AHS PB

If you do not, on every occasion, refer each of your actions to the goal of nature, but instead turn prematurely to some other [criterion] in avoiding or pursuing [things], your actions will not be consistent with your reasoning (KD 25). This goal of reasoning and action is the absence of pain and the tranquility that comes from living without fear (KD 3).4 This kind of pleasure, ataraxia, is unhindered tranquility, rather than a sensation of active pleasure.5 It is a psychological fact, according to Epicurus, that we do actually seek ataraxia and that our lives go best, from a subjective point of view, when we pursue ataraxia. It is the natural goal of beings like us. If fear of the gods, death, and pain constitute sickness of the soul, removing those ailments constitutes its health. This psycho logical hedonism creates the justification for the normative hedonism that practical reason ing should aim at ataraxia.6 The normative ideal of Epicurean practical rationality is a hedonistic form of instrumental rationality with the final end of ataraxia. In the parlance of modern decision theory, it is a maximizing theory of rationality. Given a set of ordered preferences, individuals chose rationally when they choose to act on their highest valued goals. To choose less pleasure rather than more pleasure when given the choice is paradig matically irrational and contrary to nature. Given this conception of practical rationality and virtue, it is hard to see how one can single-mindedly pursue pleasure and accept the constraints of justice. Traditionally, virtue ethical theories solve this problem by making the virtue of justice constitutive of happiness with deontic restraints built into the formal conditions of happiness.7 To use the Rawlsian terminology, the right flows naturally out of the good.8 This solution, however, will not work for the Epicurean. Unlike in Aristotelian or Stoic virtue theory, the standard of Epicurean happiness is not an objective, formal standard, but rather the subjective, psychological state of ataraxia. The Epicurean has a reason to (j> only if he or she believes that (J)-ing will reliably lead to the final end of ataraxia. If all reasons are instrumental in this sense, how is it possible for the Epicurean to have reason to constrain his or her pursuit of the goal of nature by the deontic demands of justice? To give a plausible account of justice, the Epicurean needs to explain how to justify the demands of justice as a means to the final end of ataraxia. One version of this problem arises in the context of friendship. Epicurus claims . .every friendship is worth choosing for its own sake, though it takes its origin from the benefits it confers on us" (VS 23). Given this statement about the value of friendship and KD 25, how can friendship be non-instrumentally valuable while also being beneficial because of the benefit it confers? Some have argued that genuine friendship is impossible unless we amend the basic egoistic element of Epicurean practical rationality.9 In contrast, Matt Evans argues that there are two basic approaches to understanding friendship in a consistently egoistic way (Evans 2004, 413). Friendship as "indirect egoism" involves incorporating the good of a friend or of friendship generally into one's own good. This is the interpretation that Timothy O'Keefe favors (O'Keefe 2001a). The alternative is Evans's preferred view, "direct egoism," that one's own good "stands or falls" with the good of one's friend (Evans 2004, 413). Indirect egoism is, for O'Keefe, a two-level hedonistic theoiy. Choice of desires is governed directly by hedonic concerns and those desires then pick out particular actions, which are only indirectly related to the original hedonic calculus (O'Keefe 2001a, 300-302). In contrast, Evans's direct egoism applies the hedonic calculus to action selection. Evans maintains that Epicureans can "reason their way to friendship" through direct egoistic means (Evans 2004, 423). What is true of friendship will likely be true of justice so it is imperative to determine whether the Epicurean hedonic calculus is meant to apply to actions (direct egoism), desires (indirect egoism), or something else entirely. The direct egoist interpretation has the benefit of being the easiest to reconcile with KD 25. The indirect egoist interpretation makes it easier to understand how the Epicurean can incorporate friendship and justice into hedonism. Another possibility, between direct and indirect egoism, is what Gregory Kavka calls "rule egoism" (Kavka 1986, chap. 9). Although Kavka developed his version of rule egoism in the context of understanding Hobbes's ethical theory, there are enough similarities between the two accounts for a plausible Epicurean version as well. The hedonic calculus applies directly to rules rather than to desires or action. Furthermore, rules can be generalizations over desires or actions, e. g. "don't cultivate a desire for riches" or "seek out friends." The first is a rule that indicates what desires will lead to pleasure whereas the second is a rule that indicates a particular set of actions that will likely lead to pleasure, namely having friends. Rule egoism has several benefits over direct and indirect egoism. First, it is more general. Both actions and desires are mentioned throughout KD and VS as the possible object of choice. Rule egoism recognizes the importance of both actions and desires to the end of ataraxia and accounts for both in terms of rules. Second, rule egoism is simpler and likely more reliable than direct or indirect egoism. It is reasonable to expect that the typical Epicurean would be bewildered in the face of the multiplicity and complexity of choices that would face him or her on any given day. The stress of deliberating over actions on the direct egoist interpretation of KD 25 would often create anxiety rather than tranquility. Similarly, it is not clear that, given the complexity of the world, the direct approach would reliably lead to ataraxia. The indirect approach is not better on this count partly because desires do not necessarily pick out unique action in decision situations, partly because the indirect egoist faces the same problem as the direct egoist at the level of desires. By using rules, however, the Epicurean can rely on the knowledge embodied in the rules without having to deliberate in each case. This explains the reason that Epicurus spends so much time in his writing listing rules and maxims. He gives rules about how to reduce sexual passion (VS 18), the irrationality of suicide (VS 38), the danger of envy (KS' 53), and the dangers of great wealth (VS 67). In all of these cases, and many more, Epicurus is passing on wisdom about how to reliably achieve ataraxia. He is playing the part, of a guide who has walked down life's tangled road and is reporting to those who have yet to see everything he has seen. These maxims or rules are the embodiment of the successful use of practical rationality in the past. Following these types of rules is, therefore, an application of direct egoism in an indirect way. Given the limited cognitive capacity and time of the Epicurean rational agent, relying on rules as a guide can be, following Gigerenzer and Goldstein, a "fast and frugal" way of reasoning based on heuristics communicated as rules or maxims (Gigerenzer and Goldstein 1996). Instead of choosing over the expected outcome of individual acts, the rule egoist chooses sets of rules to follow based on the expected outcome of following that rule or set of rules (Kavka 1986, 358-359). In the next section we will see how understanding Epicurean practical rationality as "rule-hedonism" makes it possible to reconcile Epicurean practical rationality with justice. 3 The Possibility of the Contract Once we understand Epicurean practical rationality as applying to rules rather than to particular actions or desires, we can see how the Epicurean can reconcile the imperatives of practical rationality with the demands of justice. A particular social contract is a set of rules that regulates behavior in certain public settings. The Epicurean agrees to a particular set of rules in order to more reliably achieve and maintain personal ataraxia. We might wonder, however, why the Epicurean would need a contract at all. Why wouldn't the first personal application of practical rationality be sufficient for ataraxia? Why is the social contract necessary? In a world of practically rational Epicureans, the social contract seems either otiose or harmful. Either the contract recommends what practical rationality would recommend or it conflicts with practical rationality. On its face, Epicurean contractarianism looks either unnecessary or impossible. I will argue here that the Epicurean social contract is both necessary and possible. The social contract is necessary, as I will argue in the next section, for its coordinating, assuring, and specifying functions. The social contract is possible because of the role that rules can play in Epicurean practical rationality. In this section I will argue that the Epicurean social contract is consistent with Epicurean practical rationality and, hence, possible, while fulfilling an important social role. The Epicurean social contract is fundamentally instrumental; it is a "pledge of reciprocal usefulness neither to harm one another nor be harmed" (KD 35). To be consistent with Epicurean practical rationality, then, the contract must secure benefits that would not be possible without the contract. If, however, one only has reason to enter into a contract because of the benefits, what reason does one have to follow the contract when there are no benefits and only costs? This is the heart of the concern that the Epicurean cannot be a good citizen. If citizenship involves the possibility of sacrifice, why should we expect the Epicurean to comply? Here again, we see the same kind of problem that we saw in §2 concerning friendship; the solution is also similar.

#### [] Utilitarianism requires a system of individual preference in order to be normative, which means my framework is a prior question.

Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print ///AHS PB BRACKETED FOR CLARITY

A position both subjectivist and absolutist seems implicit in the views of many defenders of one of the most influential modern moral theories, utilitarianism. John Stuart Mill suggests such a position in his attempt to offer a sort of proof for the principle of utility - subjectivist in saying that 'the sole evidence it is possible to produce that anything is desirable is that people do actually desire it', and absolutist in insisting 'that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons'. 22 But there is an evident awkwardness in this union of subjectivism and absolutism noticeable in Mill's own statement, which in passing from a seemingly relativist premiss (that each person's happiness is a good to that person) to an absolutist conclusion (that the general happiness is a good to all persons) has generally been held to exemplify the fallacy of composition. Utilitarianism finds itself under pressure to move away from a conception of value at once subjective and absolute. The most plausible way to resist this pressure would seem to be to accept a universalistic conception of rationality, and to argue that since rationality is identified with the maximization of value, and rationality is universal, then what is maximized, value, must similarly be universal -- the same from every standpoint. If however utilitarianism remains true to its roots in the economic conception of rationality, then either subjectivism or absolutism gives way. On the one hand value may be conceived as relative, but a special form of value, moral value, is introduced, which is the measure of those considered preferences held from a standpoint specially constrained to ensure impartiality. On the other hand value may be conceived as objective, as the measure of an inherent characteristic of states of experience -- enjoyment -- that affords a standard or norm for preference. This is not the place to embark on a discussion of these positions, so that we shall merely (but dogmatically) affirm that a hundred years of ever more sophisticated efforts to avoid Mill's fallacy have not advanced the cause of utilitarianism a single centimetre. But we shall of course give more serious attention, especially to the second of the above ways of defending utilitarianism, as we continue the exposition of our own theory.

#### [] Other things besides the experience of pleasure and pain can motivate value in and of themselves.

Robert Nozick, Libertarianish Philosopher, The Experience Machine, 1974, ///AHS PB

… Suppose there were an experience machine that would give you any experience you desired. Superduper neuropsychologists could stimulate your brain so that you would think and feel you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain. Should you plug into this machine for life, preprogramming your life ’ s experiences? If you are worried about missing out on desirable experiences, we can suppose that business enterprises have researched thoroughly the lives of many others. You can pick and choose from their large library or smorgasbord of such experiences, selecting your life ’ s experiences for, say, the next two years. After two years have passed, you will have ten minutes or ten hours out of the tank, to select the experiences of your next two years. Of course, while in the tank you won ’ t know that you ’ re there; you ’ ll think it ’ s all actually happening. Others can also plug in to have the experiences they want, so there ’ s no need to stay unplugged to serve them. (Ignore problems such as who will service the machines if everybody plugs in.) Would you plug in? What else can matter to us, other than how our lives feel from the inside ? Nor should you refrain because of the few moments of distress between the moment you ’ ve decided and the moment you ’ re plugged. What ’ s a few moments of distress compared to a lifetime of bliss (if that ’ s what you choose), and why feel any distress at all if your decision is the best one? What does matter to us in addition to our experiences? First, we want to do certain things, and not just have the experience of doing them. In the case of certain experiences, it is only because first we want to do the actions that we want the experiences of doing them or thinking we ’ ve done them. (But why do we want to do the activities rather than merely to experience them?) A second reason for not plugging in is that we want to be a certain way, to be a certain sort of person. Someone floating in a tank is an indeterminate blob. There is no answer to the question of what a person is like who has long been in the tank. Is he courageous, kind, intelligent, witty, loving? It ’ s not merely that it ’ s difficult to tell; there ’ s no way he is. Plugging into the machine is a kind of suicide. It will seem to some, trapped by a picture, that nothing about what we are like can matter except as it gets reflected in our experiences. But should it be surprising that what we are is important to us? Why should we be concerned only with how our time is filled, but not with what we are? Thirdly, plugging into an experience machine limits us to a man-made reality, to a world no deeper or more important than that which people can construct. There is no actual contact with any deeper reality, though the experience of it can be simulated. Many persons desire to leave themselves open to such contact and to a plumbing of deeper significance. 1 This clarifies the intensity of the conflict over psychoactive drugs, which some view as mere local experience machines, and others view as avenues to a deeper reality; what some view as equivalent to surrender to the experience machine, others view as following one of the reasons not to surrender! We learn that something matters to us in addition to experience by imagining an experience machine and then realizing that we would not use it. We can continue to imagine a sequence of machines each designed to fill lacks suggested for the earlier machines. For example, since the experience machine doesn ’ t meet our desire to be a certain way, imagine a transformation machine which transforms us into whatever sort of person we ’ d like to be (compatible with our staying us). Surely one would not use the transformation machine to become as one would wish, and thereupon plug into the experience machine! 2 So something matters in addition to one ’ s experiences and what one is like. Nor is the reason merely that one ’ s experiences are unconnected with what one is like. For the experience machine might be limited to provide only experiences possible to the sort of person plugged in. Is it that we want to make a difference in the world? Consider then the result machine, which produces in the world any result you would produce and injects your vector input into any joint activity. We shall not pursue here the fascinating details of these or other machines. What is most disturbing about them is their living of our lives for us. Is it misguided to search for particular additional functions beyond the competence of machines to do for us? Perhaps what we desire is to live (an active verb) ourselves, in contact with reality. (And this, machines cannot do for us.) Without elaborating on the implications of this, which I believe connect surprisingly with issues about free will and causal accounts of knowledge, we need merely note the intricacy of the question of what matters for people other than their experiences. Until one finds a satisfactory answer, and determines that this answer does not also apply to animals, one cannot reasonably claim that only the felt experiences of animals limit what we may do to them.

**And that justifies the framework, insofar as their isn’t just one thing that is intrinsically valuable, we need to use a system of contracts and constraint to balance between them.**

#### [] Utilitarianism is unable to categorically call things right or wrong through time.

Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print ///AHS PB BRACKETED FOR CLARITY

Changes in the demand function, reflecting changed individual preferences, have the same consequence. Certain factors increase or decrease in usefulness as demand changes. Typically, changes in demand accompany changes in technology -- the classic example, of demand for the services of blacksmiths, illustrates this. Thus we must replace our initial picture of fixed endowments determined by their maximization of welfare by a new picture, in which endowments constitute only a temporary barrier against direct redistribution, but are themselves subject to adjustment as changes occur in production or exchange or demand. This new picture should give us pause before we join the utilitarian celebration. Under static conditions basing rights on the utilitarian principle may seem acceptable. But the speciousness of this acceptability becomes apparent when we examine the dynamics of a society in which rights become subject to continual readjustment. It becomes apparent that, to quote Winch once more, 'The rights to factors are then vested in the government and their association with individuals is a temporary matter of convenience.' 20 Although this vesting is implicit in the utilitarian account, it is concealed if the changes in rights resulting from economic development are ignored.

#### [] Even if an objective moral system exists agents still need to be motivated to act.

John Hacker-Wright, Associate Professor of Philosophy at the University of Guelph, Canada, Philippa Foot, published 2018, <https://plato.stanford.edu/entries/philippa-foot/> ///AHS PB

Among Foot’s most anthologized, celebrated, controversial, and widely cited articles is undoubtedly “Morality as a System of Hypothetical Imperatives” (1972, MSHI). In this article, Foot takes an about-face on the issue of the rationality of morality. In MSHI she retains the view from “Moral Beliefs” that self-interest is rationally required: we must have desires for what is evidently in our self-interest or else we are irrational. Yet, she drops the view that morality coincides with self-interest, and ends up with the position that morality only provides reasons if we have desires that we might rationally lack. Unfortunately, although Foot notes her change of view, she does not revisit her previous position to argue at any length against her earlier view.[[3](https://plato.stanford.edu/entries/philippa-foot/notes.html#note-3)] The term ‘hypothetical imperative’ comes from Immanuel Kant’s moral philosophy, in which it is contrasted with the ‘categorical imperative’. A hypothetical imperative is a command, or ought-statement, that depends for its reason-giving force on the agent having a certain purpose. For example, someone’s ability to say that I ought to purchase an airplane ticket to New York today typically depends on whether I have the purpose of going there. If I lack that purpose, or give up on it, then there is no sense in which one could continue to maintain that I ought to buy the ticket. By contrast, categorical imperatives do not depend on our possession of any special purpose for their reason-giving force; they have normative authority for us regardless of our purposes. In MSHI Foot sets out to challenge the then widely held assumption that morality must consist of categorical imperatives because whether something is your moral obligation seems obviously not to depend on whether one has a certain purpose or desire. She undertakes to show that the surface grammar of moral judgments, stating what we ought morally to do, is misleading; when we make claims about what someone ought morally to do, we certainly appear to be making categorical claims. We tell children that they should not fib even when a successful fib would serve their overriding purpose of escaping blame or punishment. Yet Foot argues that this appearance is deceptive, making her case for this point by drawing an analogy between morality and etiquette. Etiquette and morality are different in many ways, but they both tell us what we ought to do. In fact, as Foot points out, rules of etiquette are usually presented in the same categorical form as moral considerations; etiquette tells us what must and must not be done, period. Imperatives such as, “You should not discuss money”, or “Don’t make personal remarks” use a categorical form. Foot calls these “non-hypothetical uses” of ought (VV 160). Yet Foot takes it to be obvious that one can rationally ignore the rules of etiquette. Hence, the rules of etiquette do not give me any reason to act on them unless I have the purpose of doing what I ought to do from the point of view of etiquette. Of course, there is still a sense in which the rules of etiquette are unconditional. I am ‘gauche’ if I flout the requirements of etiquette, regardless of my purposes. Still, Foot thinks it cannot be said that I necessarily have reason to conform to those rules, drawing the conclusion that if a hypothetical use of ‘should’ gave a hypothetical imperative, and a non-hypothetical use of ‘should’ gave a categorical imperative, then ‘should’ statements based on rules of etiquette, or rules of a club would be categorical imperatives. (VV 160–161) Yet these ‘should’ statements do not really give us categorical imperatives. We therefore cannot trust the surface grammar of our ‘should’ or ‘ought’ statements to tell us whether we have a categorical or a hypothetical imperative. Foot sees the commands of morality as like those of etiquette. Though they are stated in categorical form, there is no reason to think that someone who acts against them is necessarily irrational. It is perfectly plausible to think that they give reasons only if we have the purpose of doing what we should do from the moral point of view. As with etiquette, the claims of morality are, in some sense, unconditional: one does not escape being wicked simply by lacking the purpose of being moral. As Foot states, the man who rejects morality because he sees no reason to obey its rules can be convicted of villainy but not of inconsistency. (VV 161) That is because such an amoral agent does not act against any purpose that he has, and is therefore not irrational, though he is still immoral.

# Frontlines

### Extension

#### There is no objective moral truth, instead every agent acts on what they are rationally motivated to do. Because we always prioritize some actions based on what we independently deem moral, agents are always concerned with maximizing their ability to act on the good. Only contracts justifies a system of mutual restraints that respects the rational motivation of each agent. That affirms since a) Countries have entered a contract not to have nukes in I-law and b) nukes allow for unequal footing through a domination of other countries’ motivation which destroys any ability to generate contracts.

### A2 justifies murdering disabled people

#### Ideal theory absracts away hypothetical to bargaining position.

#### People don’t know if they or a love one will be in that statee, so possibility.

### Must be apolitical

[https://sci-hub.tw/https://doi.org/10.1111/1467-9760.00027](https://sci-hub.tw/https%3A/doi.org/10.1111/1467-9760.00027)

In a society in which persons have not only different substantive views of what is good and right, but different justi®catory views about what grounds the good and the right, only the agnostic understanding is feasible or permissible. It would compromise the integrity of those persons who personally endorse ideas of objective value and a morality independent of deliberation, whether on secular or religious grounds, to agree to social structures that would deny their understandings. But this consideration, which rules out the denial of norms not constitutive of nor justi®ed in deliberation, proves to require the agnostic insistence that such norms may not be used in social justi®cation. For it would compromise the integrity of persons to agree to social structures resting on any normative understanding that they did not share. Although many will reject the normative suf®ciency of deliberative rationality, it offers common ground to all those for whom such ground is possible at all. Among persons who have differing substantive and justi®catory views of the good and the right, those who reject deliberative rationality have no basis on which they can unite themselves with persons who do not share their particular overall normative stance, and cannot be included in a society constituted as a ``cooperative venture for mutual advantage.''

Let us return to the idea of the members of society as characterized each by a life-plan. But we should now acknowledge that although some elements in one's life-plan may be treated as optional, others may be seen as required. Christians do not suppose that their acceptance of a god, or their obligation to worship, are optional features of their life-plans. Kantians do not suppose that conforming the maxims of their actions to the requirements of the categorical imperative is optional; utilitarians do not suppose that directing their actions to the greatest happiness of the greatest number is optional. These all constitute requirementsÐ different for different personsÐbut each re¯ecting a commitment that is not part of the idea of deliberative rationality. A contractarian society must be publicly agnostic with respect to these views. But it must be benevolently agnostic, insofar as the holders of these views share a commitment to interact with those who have different convictions on terms that it would make sense for all to accept. No outlook may be privileged, but none may be banned or impeded. And I take this to be the intent of the First Amendment clauses concerning religion, expanded to cover the entire space of evaluative and normative concern.

### Role of State

<https://kuscholarworks.ku.edu/bitstream/handle/1808/12403/Constituting%20Democracy-1989.pdf?sequence=1>

Politics may now appear asthe remedy for those ills. We may appeal here to the view ofJames Buchanan, who distinguishes the protective state, which seeks to eliminate coercion and deception from the relations ofhuman beings, from the productive state, which aims at the cooperative provision of those public goods that are inefficiently realized in market competition because offree-riding possibilities for evading ordisplacing costs.2 One way of characterizing this view of the role of politics is to represent it asmaking possible market success (byeliminating force and fraud), and remedying market failure (by eliminating free-riding). But the reference tomarket success and market failure might misleadingly suggest the subordination of the political realm to the economic. I am not proposing that we think of persons as concerned exclusively or necessarily even primarily withwhat are normally considered economic goods, so that they would view politics simply as instrumental to their economic ends. The rationale of politics is to supplant or constrain strategic interaction, whenever, left to itself, it would result in an outcome that although individually stable would be mutually disadvan tageous—stable, in that no person can benefit by unilaterally changing herbehavior, butdisadvantageous, in thatall persons could benefit were each to change her behavior. This failure represents the fundamental structural problem in interaction. It can arise whenever different persons value outcomes differently—whenever our conceptions of the good may lead us toopposed evaluations ofthe possible outcomes ofour interaction. We need not be economic men—or economic women— identifying our good with the size ofour individual commodity-bundle, to face the problems of strategicinteraction, and to need the remediesof politics. Consider, then, persons whoseconceptionsof the good lead them, in the absence of constraints, into mutually disadvantageous interaction. We need assume no deep hostility or conflictamong these persons. To be sure, such conflict is possible—as between two persons, castaways on a very small and ill-favored island, each rightly viewing the presence of the other as a threat to his own survival. In these unfortunate circumstances, strategic interaction may result in a conflict assuredly fatal to one if not both of the persons; the logic is that of Hobbes's natural condition of humankind. Each may recognize this conflict to be disadvantageous, not only to himselfbut to hisfellow, and yet peace may escape them. And the best they can even hope for is an uneasy truce. I mention this situation only to contrast it with the very different context that invitespolitics—the contextof personseach of whomwelcomes the presence of the others as potential participants in, to borrow Rawls's useful phrase, "a cooperative venture for mutual advantage," (R. p. 4)3 but who recognizes also that individual differences in the evaluation of possible outcomes threaten to deprive each of the fruits of such a venture, and to do so despite each person's best efforts to advance her own interests. These persons seek, not only to avoid the costs of interference that even enemies might wish to avoid, but to gain the benefits that may be realizedfrom the complementarity of resources and the division of labor. For such persons, and only for such persons, is there a political good.

### Random cards

#### Agents must want to be moral

David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998, ///AHS PB

To proceed, I must offer a minimal characterization of the morality that faces a foundational crisis. And this is the morality of justified constraint. From the standpoint of the agent, moral considerations present themselves as constraining his choices and actions, in ways independent of his desires, aims, and interests. Later, I shall add to this characterization, but for the moment it will suffice. For it reveals clearly what is in question – the ground of constraint. This ground seems absent from our present world view. And so we ask, what reason can a person have for recognizing and accepting a constraint that is independent of his desires and interests? He may agree that such a constraint would be morally justified; he would have a reason for accepting it if he had a reason for accepting morality. But what justifies paying attention to morality, rather than dismissing it as an appendage of outworn beliefs? We ask, and seem to find no answer. But before proceeding, we should consider three objections. The first is to query the idea of constraint. Why should morality be seen as constraining our choices and actions? Why should we not rather say that the moral person chooses most freely, because she chooses in the light of a true conception of herself, rather than in the light of the false conceptions that so often predominate? Why should we not link morality with self-understanding? Plato and Hume might be enlisted to support this view, but Hume would be at best a  partial ally, for his representation of “virtue in all her genuine and most engaging charms, … talk[ing] not of useless austerities and rigors, suffering and self-denial,” but rather making “her votaries … , during every instant of their existence, if possible, cheerful and happy,” is rather overcast by his admission that “in the case of justice, … a man, taking things in a certain light, may often seem to be a loser by his integrity.” 6 Plato, to be sure, goes further, insisting that only the just man has a healthy soul, but heroic as Socrates ’defense of justice may be, we are all too apt to judge that Glaucon and Adeimantus have been charmed rather than reasoned into agreement, and that the unjust man has not been shown necessarily to be the loser. 7 I do not, in any event, intend to pursue this direction of thought. Morality, as we, heirs to the Christian and Kantian traditions, conceive it, constrains the pursuits to which even our reflective desires would lead us. And this is not simply or entirely a constraint on self-interest; the affections that morality curbs include the social ones of favoritism and partiality, to say nothing of cruelty. The second objection to the view that moral constraint is insufficiently grounded is to query the claim that it operates independently of, rather than through, our desires, interests, and affections. Morality, some may say, concerns the well-being of all persons, or perhaps of all sentient creatures. 8 And one may then argue, either with Hume, that morality arises in and from our sympathetic identification with our fellows, or that it lies directly in well-being, and that our affections tend to be disposed favorably toward it. But, of course, not all of our affections. And so our sympathetic feelings come into characteristic opposition to other feelings, in relation to which they function as a constraint. This is a very crude characterization, but it will suffice for the present argument. This view grants that morality, as we understand it, is without purely rational foundations, but reminds us that we are not therefore unconcerned about the well-being of our fellows. Morality is founded on the widespread, sympathetic, other-directed concerns that most of us have, and these concerns do curb self-interest, and also the favoritism and partiality with which we often treat others. Nevertheless, if morality depends for its practical relevance and motivational efficacity entirely on our sympathetic feelings, it has no title to the prescriptive grip with which it has been invested in the Christian and Kantian views to which I have referred, and which indeed Glaucon and Adeimantus demanded that Socrates defend to them in the case of justice. For to be reminded that some of the time we do care about our fellows and are willing to curb other desires in order to exhibit that care tells us nothing that can guide us in those cases in which, on the face of it, we do not care, or do not care enough – nothing that will defend the demands that morality makes on us in the hard cases. That not all situations in which concern for others combats self-concern are hard cases is true, but morality, as we ordinarily understand it, speaks to the hard cases, whereas its Humean or naturalistic replacement does not.

#### Not fully cut just s says that we can like try to make better contracts by asking people/ IE ammenidng laws. Means new rules require consent. Changing from the sqou

To show the relevance of agreement to the justification of constraints, let us assume an ongoing society in which individuals more or less acknowledge and comply with a given set of practices that constrain their choices in relation to what they would be did they take only their desires, aims, and interests directly into account. Suppose that a disposition to conform to these existing practices is prima facie advantageous, since persons who are not so disposed may expect to be excluded from desirable opportunities by their fellows. However, the practices themselves have, or at least need have, no basis in agreement. And they need satisfy no intuitive standard of fairness or impartiality, characteristics that we may suppose relevant to the identification of the practices with those of a genuine morality. Although we may speak of the practices as constituting the morality of the society in question, we need not consider them morally justified or acceptable. They are simply practices constraining individual behavior in a way that each finds rational to accept. Suppose now that our persons, as rational maximizers of individual utility, come to reflect on the practices constituting their morality. They will, of course, assess the practices in relation to their own utility, but with the awareness that their fellows will be doing the same. And one question that must arise is: Why these practices? For they will recognize that the set of actual moral practices is not the only possible set of constraining practices that would yield mutually advantageous, optimal outcomes. They will recognize the possibility of alternative moral orders. At this point it will not be enough to say that, as a matter of fact, each person can expect to benefit from a disposition to comply with existing practices. For persons will also ask themselves: Can I benefit more, not from simply abandoning any morality, and recognizing no constraint, but from a partial rejection of existing constraints in favor of an alternative set? Once this question is asked, the situation is transformed; the existing moral order must be assessed, not only against simple noncompliance, but also against what we may call alternative compliance. To make this assessment, each will compare her prospects under the existing practices with those she would anticipate from a set that, in the existing circumstances, she would expect to result from bargaining with her fellows. If her prospects would be improved by such negotiation, then she will have a real,

1. http://www.dictionary.com/browse/affirm [↑](#footnote-ref-1)
2. http://www.dictionary.com/browse/resolved [↑](#footnote-ref-2)
3. Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47. [↑](#footnote-ref-3)
4. [http://dictionary.reference.com/browse/negate, http://www.merriam-webster.com/dictionary/negate, http://www.thefreedictionary.com/negate, http://www.vocabulary.com/dictionary/negate, http://www.oxforddictionaries.com/definition/english/negate] [↑](#footnote-ref-4)
5. Matthew Hanser, “Permissibility and Practical Inference” *Ethics* Vol. 115, No. 3, April 2005, pp. 447-449 http://www.jstor.org/stable/10.1086/428457 [↑](#footnote-ref-5)
6. Stanford Encyclopedia of Philosophy. 2002. "Many-Worlds Interpretation of Quantum Mechanics." [↑](#footnote-ref-6)
7. Ought, Merriam Webster, first defintion [↑](#footnote-ref-7)
8. George E. Glos, The Normative Theory of Law, 11 Wm. & Mary L. Rev. 151 (1969), <http://scholarship.law.wm.edu/wmlr/vol11/iss1/6>. SM [↑](#footnote-ref-8)