# 1NC

## Short

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**Levinas 74**, *Otherwise than being or beyond essence,* (<https://aaaaarg.fail/upload/emmanuel-levinas-otherwise-than-being-or-beyond-essence.pdf>) p175, //GrouchoMarxist

The concept being, purged of all the content which determines it, is. according to Hegel, not distinguishable from pure nothingness. But already the intellectual power to strip of all content, the boldness of the abstraction and the universalization are sanctioned by this nothingness which undermines being, the decomposition that exhausts being's esse, the finitude of essence. Without the generalization and the corruption that wear it down, there would not be produced the procession of the concept of the individual through negation, whatever could have been the efforts of purely logical generalization. The concept emanates from essence. The nothingness that wearies it mortally perpetuates the truth of idealisms, the privilege of thematization and the interpretation of the being of entities by the objectivity of objects. Without this erosion of essence accomplished by its very esse, nothing would ever have shown itself. For does not the object of perception traverse an indefinite multiplicity of silhouettes to be identified with identity, distinct from any concrete similitude between images? Science which is science of the universal, play of essence playing at being and at nothingness, would never have been born. Essence would never have had to be revealed through a detour, passing through humanity. The energy of its movement in the efficacity of praxis in which the abstract and as it were asthenic concept takes hold of the immediate to fashion it according to its own idea by institutions and laws. Essence, cognition and action are bound to death. It is as though the Platonic Ideas themselves owed their eternity and their purity as universals only to the perishing of the perishable, before requiring a republic so as to come our of their bad idealism and be efficacious. The human subject, the conscious, cognitive and active ego, is then interpreted as the pivot of this return of the concept, this event of finitude. It is as an entity subject to the concept which from all sides envelops its singularity and absorbs it into the universal and into death. One can then wonder if the Phaedo is not part of Socratic irony, which the full wisdom of lucid resignation can allow itself, answering with a smile of understanding and complicity the irony of essence itself. The subject aroused for the play of essence is "the space of a morning" for itself, but then it refuses death, through which, however, it gains access to the concept, and, as universal, puts into act the very essence that would have invested it. This refusal of death in fact measures the depth of its inwardness in essence, or its interest. The belongingness to being is in fact not a rest in a harbor of peace; the dialectic of being and nothingness within essence is an anxiety over nothingness and struggle for existence. From the irony of essence probably come comedy, tragedy and the eschatological consolations which mark the spiritual history of the West, in which to the ultimacy of the concept and of the death of the subject is opposed the hope of escaping the end. Does not the subject then find itself shut up in an alternative? A term is constituted by the understanding of the irony of essence, and by the possibility of being confused with the universal at the moment that thought, which embraces the whole and is engulfed in it, thinks of "nothing less than death." This is an admission of the ultimacy of essence, of the immanence without exit of its play that encloses, the Stoic wisdom in its variations from Zeno to Spinoza and Hegel, a wisdom of resignation and sublimation. The other term of the alternative would likewise lie within this closure and these walls, but it would consist in letting itself be tempted by the labyrinths that open in the instant extracted from its retentions and its protentions - in the pleasure which is still not enough of a "cross section of time" in the instant, is still a dream running along the edge of nightmares and symbolisms, and seeks another time and a "second state" in intoxication and drugs, which are the far off outcomes or prolongations of the Epicurean innocence and purity. In it nonetheless pleasure was separated from the responsibility for another, and already love separated from law, and eroticism seeped in. An illusory solution, it is also inside essence and its play, without finding in essence itself a sense in a new or older signification. The dilemma is without a resoution; essence has no exits: to the death anxiety is added horror of fatality, of the incessant bustling of the there is, the horrible eternity at the bottom of essence. The present study puts into question this reference of subjectivity to essence which dominates the two terms of the alternative brought out. It asks if all meaning proceeds from essence. Does subjectivity draw its own meaning from it? Is it brought out as a struggle for existence, to let itself be seduced by the power of powers, in the violences of nationalism, even when it hypocritically pretends to be only at the service of essence and not 177 to will will?

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#### Ethics emerges when the self comes across something that it wants to enjoy but cannot. Ethics must exist as a form of interruption from the inherent drive to consume and assimilate everything we interact with.

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It is to say that ethics is an important issue for us because it governs the way in which we relate with one another. This assumption is not unfounded: indeed, St. Thomas tells us that "harm should not be given to an other". Kant's Categorical Imperative indicates that the moral agent should "treat humanity, whether in his/her own person or the person of another, not only as a means but also as an end in itself." And Mill's "principle of utility" implies others when he notes that ethics is rooted in the notion of the greatest happiness for the greatest number. If ethics is concerned with the other, then it would appear that in order to fill out a complete account of ethics, the means by which two people come in contact with each other will be vitally important. Here, then is the root of Levinas' concern: to establish the source of contact between persons or the source of interpersonal meaning, and in finding this meaning, Levinas finds the ethical. To a non-philosopher, the source of contact between persons seems to be a superficial question. The answer is, at first, easy. The other person is met in experience everyday, on the street, in the classroom, in the workplace, etc. To a philosopher, however, the question is not so easy: we in the tradition recognize the difficulties inherent in interpersonal contact. Does the other person have a mind? Is the other a creation of my imagination, as Descartes asks looking out of his study at the automata that pass by dressed in coats and hats? In light of these questions, though, we can never truly deny the existence of the other in the context of the street, the classroom, or the workplace, even if we can deny such contact in a theoretical context. It is on the level of life, then, as opposed to that of theory, that Levinas has his appeal. Levinas comes directly out of the tradition established by Descartes, Kant and Husserl. "Every idea is a work of the mind," writes Descartes in his Meditations. 2 Ideas are created, invented by a mind, not discovered. This leaves Descartes with a problem: "How can [ideas] that have their origin in the mind nevertheless give us knowledge of independently real substances."3 He answers this question through proofs for God's existence and divine veracity. But as the tradition progresses, Kant notes that God cannot be used within philosophy to the extent that Descartes would like. Thus, Descartes is left alone in his world with only his ideas: there is no contact with an other who is not an other in one of his ideas. Husserl takes this to its logical consequences in the fifth of his Cartesian Meditations and notes that the other is "there," present to me, but only in the sense that the other has for me. He writes, "Consciousness makes present a 'there too', which nevertheless is not itself there and can never become an 'itself-there'."4 The other of Husserl's Cartesian Meditations is not an extra-mental other, that is, one who exists independently of me; rather, the other is only the meaning that I constitute for the other. In other words, **the** meaning of being an **other comes down to my interpretation of the other**, an interpretation **which is the working of my own mind** quite apart from what or whether the other may be. If we can accept this notion that ideas are inventions of the mind, that ideas are, when it comes down to it, only interpretations of something, and if ethics, in fact, is taken to refer to real other persons who exist apart from my interpretations, then we are up against a problem: **there is no way** in which **ideas**, on the current model, **refer to independently existing other persons, and as such, ideas cannot be used to found an ethics.** There can be no pure practical reason until after contact with the other is established. Given this view towards ideas, then, anytime I take the person in my idea to be the real person, I have closed off contact with the real person; I have cut off the connection with the other that is necessary if ethics is to refer to real other people. This is a central violence to the other that denies the other his/her own autonomy. Levinas calls this violence "totalization" and it occurs whenever I limit the other to a set of rational categories, be they racial, sexual, or otherwise. Indeed, it occurs whenever I already know what the other is about before the other has spoken. Totalization is a denial of the other's difference, the denial of the otherness of the other. That is, it is the inscription of the other in the same. If ethics presupposes the real other person, then such totalization will, in itself, be unethical. If reducing the other to my sphere of ideas cuts off contact with the other, then we are presupposing that contact with the other has already been established. And if contact with the other cannot be established through ideas, then we must look elsewhere. Thus, Levinas looks not to reason, but to sensibility, to find the real other person. Sensibility, for Levinas, goes back to a point before thought originates, before the ordering of a world into a system or totality.5 Sensibility is passive, not active as thought is, and it is characterized primarily by enjoyment. Life as it is lived, (rather than understood), is lived as the satisfaction of being "filled" with sensations, the satisfaction of feeding on the environment. Departing from Heidegger who maintains that we live from things through their function as tools and implements, Levinas maintains that we live from these things as nourishments. I eat my bread; in the activity of eating it becomes a part of my body. I bathe in the music of Beethoven's "Moonlight Sonata"; in the activity of bathing. I "digest" the music. It becomes me. This "living from" is a matter of consumption, a matter of taking what is other and making it become a part of me. Levinas writes: Nourishment, as a means of invigoration, is the transmutation of the other into the same, which is the essence of enjoyment; an energy that is other, recognized as other, recognized ... as sustaining the very act that is directed upon it becomes, in enjoyment, my own energy, my strength, me.6 This taking on of what nourishes me conveys a separation between me and what has yet to nourish me. "Enjoyment is made," writes Levinas, "of the memory of its thirst; it is a quenching."7 Enjoyment then includes the memory of once not having been satisfied with what now satisfies me. Thus, enjoyment also involves stepping back from my environment; "living from ... delineates independence itself, the independence of enjoyment and happiness ..."8 Before enjoyment, there is me and the other thing that has yet to nourish me, even if the otherness of what will nourish me becomes apparent only in enjoyment, in the "memory" of its thirst. I can represent the bread, but this will not feed me. I must eat it. But then in eating my bread, the memory of hunger, evinces a separation between the bread and me. Thus, in enjoyment, the self emerges already as the subject of its need. If Levinas is correct, then, the human being starts first as happy, satisfied with the plenum of sensations. He/she enjoys them. This enjoyment as independence is the initial formation of the I. But, this self, the self of enjoyment, constitutes an egoism. It is happy, but selfish. The self of enjoyment journeys into the world to make everything other part of itself, and it succeeds very well at this task. Cohen summarizes all of this nicely: [Sensation] is called "happiness" because at this level of sensibility the subject is entirely self-satisfied, self-complacement [sic], content, sufficient. Instead of [rational] synthesis, there are vibrations; instead of unifications, there are excitations; rather than an ecstatic self, there are margins of intensities, scattered stupidities, involutions without centers—egoism and solitude without substantial unity; a sensational happiness ... This event does not happen to subjectivity, this eventfulness, this flux, is subjectivity.9 Thus, Levinas finds on the level of sensibility a subjectivity that is more primordial than rational subjectivity.10 It is not limited by the sphere of one's own ideas, but by the egoist self that goes out to enjoy the world. What is important here is that, unlike the sphere of ideas, sensibility reaches further out into the domain of the extra-mental.11 Having established subjectivity on the level of sensibility provides Levinas with a place "where" the other can be met, not in the cabinet of consciousness, but on the street, in the classroom, or in the workplace, where the egoism of enjoyment has the possibility of becoming "filled" with sensations. Furthermore, establishing subjectivity on the level of sensibility leads Levinas to a point where he can establish that the human subject is, first and foremost, passive. Sensations come to me from the outside only to be swallowed up on the inside. But, unlike the contents of ideas, sensations are discovered, given. They are not invented. The ethical moment, **the moment in which the moral "ought" shows itself, is found**, for Levinas, **on the level of sensibility when the** egoist **self comes across something that it wants to enjoy,** something that it wants to make a part of itself**, but cannot**. That which the self wants to enjoy but cannot is the other person. The reason that it cannot enjoy the other person is not rooted in some deficiency of sensibility, but in the other person who pushes back, as it were, who does not allow him/herself to be consumed in the egoism of my enjoyment. The other resists consumption

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#### We conceive of a law as an articulation of ethical principals. Therefore you negate as the use of drugs is an issue of criminal justice insofar as it hinders our ability to become liable to the other.

**Baxi 07**, *Judging Emmanuel Levinas? Some Reflections on Reading "Levinas, Law, Politics"* (<https://www.jstor.org/stable/pdf/20533227.pdf?refreqid=excelsior%3A1c3db874e4ede6b828aa085c0fc34445>) //GrouchoMarxist

Modern law (as legislation) typically converts languages of responsibility to the other in terms of liability W. N. Hohfeld, in his classic work Fundamental Legal Conceptions, constructed liability in terms of subjection to power. He was careful enough to say that legal liability remains a form of subjection to power that may be pleasurable (as in the case of being subject to testamentary intention bequeath ing property) as well as painful (as in case of punishment). However, the relations between legal liability and moral responsibility invite different modes of response in legal theory as well as the administration of justice, depending on the different zones constituted by civil' and criminal' law. We notice later the ways in which some contributors to this volume engage Levinasian notions of responsibility to civil' liability. A similar engagement in the zone of criminal liability has yet to occur. How for example one may read H. L .A. Harts meditations on guilt, pun ishment and responsibility from Levinasian perspectives? How may we address the celebrated criminal law defence of diminished responsibility, a state of affairs in which the alleged criminal conduct may still justifiably escape the award of legal punishment? Further, how may we relate the work of Alf Ross, (notably his Guilt and Responsibility), meditating versions of 'hard' and soft' determinisms, as influencing the itineraries of justified legal punishment?6 Both the constitution of the vulnerable other and the basis of legal liability construct notions of responsibility towards the other in terms of the distinction between the infliction of lawful harms and injuries and those that legislation or adjudication (or both) consider unlawful.' Modern law thus addresses the problematic of the limits of imposition of lawful harms/wrongs that may be inflicted on others. Obviously, the way in which this stands addressed matters a good deal (whether in terms of degree of agency, causation, scope, and forms of ex ante or post facto attribution of liability/responsibility, and the always uncertain futures of law reform concerning such matters). However, legal liability remains a distinct genre compared with moral responsibility. And never wholly at stake remains the issue: whether the constitution of the vulnerable others (those whom we may lawfully harm, hurt, and wrong) is, or ought to be, in the first place, ethical/moral'. Unlike the dominant discourse of legal and political theory, Levinas fore grounds the domain of ethics as reconstituting bur' responsibility towards the suffering and vulnerable others. Above all, Levinas enunciates a notion of 'justice among incomparable ones (OTB, 16, emphasis added). Justice here figures as a provocation of 'responsibility against my will' in which all 'my inwardness' stands signified and symbolized par excellence in 'the form of despite-me, for another' and in which' I am ordered toward the face of the other' (OTB, 11). The call of responsi bility remains antecedent to my freedom for 'it is a sacrifice without reserve, without holding back', a form of an 'involuntary election not assumed by the elected one' (OTB, 15). How may 'one' grasp this call to justice overflowing the banks of legal liability? The nearest categories of law one comes across are of course those that urge strict liability (liability without the need to prove intentional fault or default) even some standards of absolute liability (where no defense whatsoever may be per mitted). There are no clear, or easy, ways of transporting this call of Levinas for sacrifice without reserve' and my responsibility for the vulnerable other into the cultures and practices of modern law and politics. Nor, as far as I grasp Levinas, the singular T - owing to others responsibility against my will' - may fully be made to address the differently constructed orders of our 'we-nesses'. Modern law con structs different orders of cascading 'we-nesses' via the invention of artificial legal personality, whether comprising orders of collectivized business associations, labour movements, political parties and related para-communities ? such as epistemic communities, or even diverse human rights and social movement entities. How far does the Levinasian T thus fully situated proceed to any authentic response to calls for radical responsibility, for, and in the face of, the vulnerable other? Human rights and social movement folks radically and rightly insist that public power ought to constitute new radical estates of power as public trust. In this Levinaisan moment emerges as a crucial difference between forms of suffering and sanitized thought-ways (a distinction still surviving Martin Heidegger, despite his callous and unforgivable Nazi endorsement). In one swift and sure move, Levinas cancels as well as perhaps reconstitutes the idea of nomadic, and monadic, bourgeois (and now its variously globalizing) forms of selfhood (sameness), which ruptures fully the thus erected existential and ethical distance between the same' and the other'. Put another way, Levinas challenges the figuration of homo econmicus embodying the logics and paralogics of the common law. Levinas always remained concerned not just with the problematic of the 'self and the other but also with the co-equal presence of the 'third', the distant other other', almost always presenting the great risks of deformation in the 'sciences of man (OTB, 57). The other is both my neighbor as well as a distant third, who all too often 'presents himself [herself] to me' as the 'temptation to murder', a passion for killing which often results in war, which renders 'morality derisory, and in 'the diabolic criminality of absolute evil' manifest in genocide and other 'horribly perfect'7 forms of racism. The temptation also presents itself via various forms of reduction of the other to the same'. The construction of an ethic of goodness in Levinas remains haunted both by quotidian and radical forms of evil. This leads him to invent the discourse of ethics as 'the first philosophy' casting an infinite responsibility on each one of us to confront the face of the suffering and vulnerable other. 'Infinite' for Levinas signifies a desire 'in which the desirable arouses rather than satisfies' (TI, 50). The desire for human justice via human law illustrates perfectly well the ceaseless pursuit that may never be fulfilled except in approximation and yet without which the law will always signify enmity towards the suffering and vulnerable others. It is unlimited 'not only in the sense that men are obligated without having consciously placed themselves under obligations, but in the sense that their very effort to discharge them only increases their com mitments'8 and arises beyond any 'prior relationship or any obligation at all' (Manderson, 153). Levinas himself expressed it as constituting an original right, before all law and politics from which all human rights flow.

## Long-ish

### 1NC

#### Solipsism is the nail in the coffin for traditional theories of ethics. There is no way to confirm that any other perceived consciousness is feeling pain, or is a rational agent. External markers of consciousness are insufficient to confirm that there is actually an “experience” taking place.

**Searle ‘80**, (John. R.) *Minds, brains, and programs. Behavioral and Brain Sciences* //GrouchoMarxist

One way to test any theory of the mind is to ask oneself what it would be like if my mind actually worked on the principles that the theory says all minds work on. Let us apply this test to the Schank program with the following experiment. Suppose that I'm locked in a room and given a large batch of Chinese writing. Suppose furthermore (as is indeed the case) that I know no Chinese, either written or spoken, and that I'm not even confident that I could recognize Chinese writing as Chinese writing distinct from, say, Japanese writing or meaningless squiggles. To me, Chinese writing is just so many meaningless squiggles. Now suppose further that after this first batch of Chinese writing I am given a second batch of Chinese script together with a set of rules for correlating the second batch with the first batch. The rules are in English, and I understand these rules as well as any other native speaker of English. They enable me to correlate one set of formal symbols with another set of formal symbols, and all that 'formal' means here is that I can identify the symbols entirely by their shapes. Now suppose also that I am given a third batch of Chinese symbols together with some instructions, again in English, that enable me to correlate elements of this third batch with the first two batches, and these rules instruct me how to give back certain Chinese symbols with certain sorts of shapes in response to certain sorts of shapes given me in the third batch. Unknown to me, the people who are giving me all of these symbols call the first batch "a script," they call the second batch a "story. ' and they call the third batch "questions." Furthermore, they call the symbols I give them back in response to the third batch "answers to the questions." and the set of rules in English that they gave me, they call "the program." Now just to complicate the story a little, imagine that these people also give me stories in English, which I understand, and they then ask me questions in English about these stories, and I give them back answers in English. Suppose also that after a while I get so good at following the instructions for manipulating the Chinese symbols and the programmers get so good at writing the programs that from the external point of view that is, from the point of view of somebody outside the room in which I am locked -- **my answers to the questions are absolutely indistinguishable from those of native Chinese speakers**. Nobody just looking at my answers can tell that I don't speak a word of Chinese. Let us also suppose that my answers to the English questions are, as they no doubt would be, indistinguishable from those of other native English speakers, for the simple reason that I am a native English speaker. From the external point of view -- from the point of view of someone reading my "answers" -- the answers to the Chinese questions and the English questions are equally good. But in the Chinese case, unlike the English case, I produce the answers by manipulating uninterpreted formal symbols. As far as the Chinese is concerned, I simply behave like a computer; I perform computational operations on formally specified elements. For the purposes of the Chinese, I am simply an instantiation of the computer program. Now the claims made by strong AI are that the programmed computer understands the stories and that the program in some sense explains human understanding. But we are now in a position to examine these claims in light of our thought experiment. 1 As regards the first claim, it seems to me quite obvious in the example that I do not understand a word of the Chinese stories. **I have inputs and outputs that are indistinguishable from those of the native Chinese speaker, and I can have any formal program you like, but I still understand nothing.**

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"Every idea is a work of the mind," writes Descartes in his Meditations. 2 Ideas are created, invented by a mind, not discovered. This leaves Descartes with a problem: "How can [ideas] that have their origin in the mind nevertheless give us knowledge of independently real substances."3 He answers this question through proofs for God's existence and divine veracity. But as the tradition progresses, Kant notes that God cannot be used within philosophy to the extent that Descartes would like. Thus, Descartes is left alone in his world with only his ideas: there is no contact with an other who is not an other in one of his ideas. Husserl takes this to its logical consequences in the fifth of his Cartesian Meditations and notes that the other is "there," present to me, but only in the sense that the other has for me. He writes, "Consciousness makes present a 'there too', which nevertheless is not itself there and can never become an 'itself-there'."4 The other of Husserl's Cartesian Meditations is not an extra-mental other, that is, one who exists independently of me; rather, the other is only the meaning that I constitute for the other. In other words, **the** meaning of being an **other comes down to my interpretation of the other**, an interpretation **which is the working of my own mind** quite apart from what or whether the other may be. If we can accept this notion that ideas are inventions of the mind, that ideas are, when it comes down to it, only interpretations of something, and if ethics, in fact, is taken to refer to real other persons who exist apart from my interpretations, then we are up against a problem: **there is no way** in which **ideas**, on the current model, **refer to independently existing other persons, and as such, ideas cannot be used to found an ethics.** There can be no pure practical reason until after contact with the other is established. Given this view towards ideas, then, anytime I take the person in my idea to be the real person, I have closed off contact with the real person; I have cut off the connection with the other that is necessary if ethics is to refer to real other people. This is a central violence to the other that denies the other his/her own autonomy. Levinas calls this violence "totalization" and it occurs whenever I limit the other to a set of rational categories, be they racial, sexual, or otherwise. Indeed, it occurs whenever I already know what the other is about before the other has spoken. Totalization is a denial of the other's difference, the denial of the otherness of the other. That is, it is the inscription of the other in the same. If ethics presupposes the real other person, then such totalization will, in itself, be unethical. If reducing the other to my sphere of ideas cuts off contact with the other, then we are presupposing that contact with the other has already been established. And if contact with the other cannot be established through ideas, then we must look elsewhere. Thus, Levinas looks not to reason, but to sensibility, to find the real other person. Sensibility, for Levinas, goes back to a point before thought originates, before the ordering of a world into a system or totality.5 Sensibility is passive, not active as thought is, and it is characterized primarily by enjoyment. Life as it is lived, (rather than understood), is lived as the satisfaction of being "filled" with sensations, the satisfaction of feeding on the environment. Departing from Heidegger who maintains that we live from things through their function as tools and implements, Levinas maintains that we live from these things as nourishments. I eat my bread; in the activity of eating it becomes a part of my body. I bathe in the music of Beethoven's "Moonlight Sonata"; in the activity of bathing. I "digest" the music. It becomes me. This "living from" is a matter of consumption, a matter of taking what is other and making it become a part of me. Levinas writes: Nourishment, as a means of invigoration, is the transmutation of the other into the same, which is the essence of enjoyment; an energy that is other, recognized as other, recognized ... as sustaining the very act that is directed upon it becomes, in enjoyment, my own energy, my strength, me.6 This taking on of what nourishes me conveys a separation between me and what has yet to nourish me. "Enjoyment is made," writes Levinas, "of the memory of its thirst; it is a quenching."7 Enjoyment then includes the memory of once not having been satisfied with what now satisfies me. Thus, enjoyment also involves stepping back from my environment; "living from ... delineates independence itself, the independence of enjoyment and happiness ..."8 Before enjoyment, there is me and the other thing that has yet to nourish me, even if the otherness of what will nourish me becomes apparent only in enjoyment, in the "memory" of its thirst. I can represent the bread, but this will not feed me. I must eat it. But then in eating my bread, the memory of hunger, evinces a separation between the bread and me. Thus, in enjoyment, the self emerges already as the subject of its need. If Levinas is correct, then, the human being starts first as happy, satisfied with the plenum of sensations. He/she enjoys them. This enjoyment as independence is the initial formation of the I. But, this self, the self of enjoyment, constitutes an egoism. It is happy, but selfish. The self of enjoyment journeys into the world to make everything other part of itself, and it succeeds very well at this task. Cohen summarizes all of this nicely: [Sensation] is called "happiness" because at this level of sensibility the subject is entirely self-satisfied, self-complacement [sic], content, sufficient. Instead of [rational] synthesis, there are vibrations; instead of unifications, there are excitations; rather than an ecstatic self, there are margins of intensities, scattered stupidities, involutions without centers—egoism and solitude without substantial unity; a sensational happiness ... This event does not happen to subjectivity, this eventfulness, this flux, is subjectivity.9 Thus, Levinas finds on the level of sensibility a subjectivity that is more primordial than rational subjectivity.10 It is not limited by the sphere of one's own ideas, but by the egoist self that goes out to enjoy the world. What is important here is that, unlike the sphere of ideas, sensibility reaches further out into the domain of the extra-mental.11 Having established subjectivity on the level of sensibility provides Levinas with a place "where" the other can be met, not in the cabinet of consciousness, but on the street, in the classroom, or in the workplace, where the egoism of enjoyment has the possibility of becoming "filled" with sensations. Furthermore, establishing subjectivity on the level of sensibility leads Levinas to a point where he can establish that the human subject is, first and foremost, passive. Sensations come to me from the outside only to be swallowed up on the inside. But, unlike the contents of ideas, sensations are discovered, given. They are not invented. The ethical moment, **the moment in which the moral "ought" shows itself, is found**, for Levinas, **on the level of sensibility when the** egoist **self comes across something that it wants to enjoy,** something that it wants to make a part of itself**, but cannot**. That which the self wants to enjoy but cannot is the other person. The reason that it cannot enjoy the other person is not rooted in some deficiency of sensibility, but in the other person who pushes back, as it were, who does not allow him/herself to be consumed in the egoism of my enjoyment. The other resists consumption.

#### We conceive of a law as an articulation of ethical principals. Therefore you negate as the use of drugs is an issue of criminal justice insofar as it hinders our ability to become liable to the other.

**Baxi 07**, *Judging Emmanuel Levinas? Some Reflections on Reading "Levinas, Law, Politics"* (<https://www.jstor.org/stable/pdf/20533227.pdf?refreqid=excelsior%3A1c3db874e4ede6b828aa085c0fc34445>) //GrouchoMarxist

Modern law (as legislation) typically converts languages of responsibility to the other in terms of liability W. N. Hohfeld, in his classic work Fundamental Legal Conceptions, constructed liability in terms of subjection to power. He was careful enough to say that legal liability remains a form of subjection to power that may be pleasurable (as in the case of being subject to testamentary intention bequeath ing property) as well as painful (as in case of punishment). However, the relations between legal liability and moral responsibility invite different modes of response in legal theory as well as the administration of justice, depending on the different zones constituted by civil' and criminal' law. We notice later the ways in which some contributors to this volume engage Levinasian notions of responsibility to civil' liability. A similar engagement in the zone of criminal liability has yet to occur. How for example one may read H. L .A. Harts meditations on guilt, pun ishment and responsibility from Levinasian perspectives? How may we address the celebrated criminal law defence of diminished responsibility, a state of affairs in which the alleged criminal conduct may still justifiably escape the award of legal punishment? Further, how may we relate the work of Alf Ross, (notably his Guilt and Responsibility), meditating versions of 'hard' and soft' determinisms, as influencing the itineraries of justified legal punishment?6 Both the constitution of the vulnerable other and the basis of legal liability construct notions of responsibility towards the other in terms of the distinction between the infliction of lawful harms and injuries and those that legislation or adjudication (or both) consider unlawful.' Modern law thus addresses the problematic of the limits of imposition of lawful harms/wrongs that may be inflicted on others. Obviously, the way in which this stands addressed matters a good deal (whether in terms of degree of agency, causation, scope, and forms of ex ante or post facto attribution of liability/responsibility, and the always uncertain futures of law reform concerning such matters). However, legal liability remains a distinct genre compared with moral responsibility. And never wholly at stake remains the issue: whether the constitution of the vulnerable others (those whom we may lawfully harm, hurt, and wrong) is, or ought to be, in the first place, ethical/moral'. Unlike the dominant discourse of legal and political theory, Levinas fore grounds the domain of ethics as reconstituting bur' responsibility towards the suffering and vulnerable others. Above all, Levinas enunciates a notion of 'justice among incomparable ones (OTB, 16, emphasis added). Justice here figures as a provocation of 'responsibility against my will' in which all 'my inwardness' stands signified and symbolized par excellence in 'the form of despite-me, for another' and in which' I am ordered toward the face of the other' (OTB, 11). The call of responsi bility remains antecedent to my freedom for 'it is a sacrifice without reserve, without holding back', a form of an 'involuntary election not assumed by the elected one' (OTB, 15). How may 'one' grasp this call to justice overflowing the banks of legal liability? The nearest categories of law one comes across are of course those that urge strict liability (liability without the need to prove intentional fault or default) even some standards of absolute liability (where no defense whatsoever may be per mitted). There are no clear, or easy, ways of transporting this call of Levinas for sacrifice without reserve' and my responsibility for the vulnerable other into the cultures and practices of modern law and politics. Nor, as far as I grasp Levinas, the singular T - owing to others responsibility against my will' - may fully be made to address the differently constructed orders of our 'we-nesses'. Modern law con structs different orders of cascading 'we-nesses' via the invention of artificial legal personality, whether comprising orders of collectivized business associations, labour movements, political parties and related para-communities ? such as epistemic communities, or even diverse human rights and social movement entities. How far does the Levinasian T thus fully situated proceed to any authentic response to calls for radical responsibility, for, and in the face of, the vulnerable other? Human rights and social movement folks radically and rightly insist that public power ought to constitute new radical estates of power as public trust. In this Levinaisan moment emerges as a crucial difference between forms of suffering and sanitized thought-ways (a distinction still surviving Martin Heidegger, despite his callous and unforgivable Nazi endorsement). In one swift and sure move, Levinas cancels as well as perhaps reconstitutes the idea of nomadic, and monadic, bourgeois (and now its variously globalizing) forms of selfhood (sameness), which ruptures fully the thus erected existential and ethical distance between the same' and the other'. Put another way, Levinas challenges the figuration of homo econmicus embodying the logics and paralogics of the common law. Levinas always remained concerned not just with the problematic of the 'self and the other but also with the co-equal presence of the 'third', the distant other other', almost always presenting the great risks of deformation in the 'sciences of man (OTB, 57). The other is both my neighbor as well as a distant third, who all too often 'presents himself [herself] to me' as the 'temptation to murder', a passion for killing which often results in war, which renders 'morality derisory, and in 'the diabolic criminality of absolute evil' manifest in genocide and other 'horribly perfect'7 forms of racism. The temptation also presents itself via various forms of reduction of the other to the same'. The construction of an ethic of goodness in Levinas remains haunted both by quotidian and radical forms of evil. This leads him to invent the discourse of ethics as 'the first philosophy' casting an infinite responsibility on each one of us to confront the face of the suffering and vulnerable other. 'Infinite' for Levinas signifies a desire 'in which the desirable arouses rather than satisfies' (TI, 50). The desire for human justice via human law illustrates perfectly well the ceaseless pursuit that may never be fulfilled except in approximation and yet without which the law will always signify enmity towards the suffering and vulnerable others. It is unlimited 'not only in the sense that men are obligated without having consciously placed themselves under obligations, but in the sense that their very effort to discharge them only increases their com mitments'8 and arises beyond any 'prior relationship or any obligation at all' (Manderson, 153). Levinas himself expressed it as constituting an original right, before all law and politics from which all human rights flow.

## Add ons

### 1NC – Util

#### Our framing comes first - 3 warrants

#### 1 – Solipsism - There’s no way to confirm anybody other than yourself is actually feeling pain or pleasure.

#### A – Means the aff is incapable of proscribing action as anything that can convince us of an experience of pain is therefore an ethical liability meaning you have to calculate the pain of NPCs in Skyrim since they externally express emotion

#### 2 – Is ought gap - Under their framework the mere fact of others experiencing pain is insufficient to prescribe action as people can just ask “why do I care?” That means an ethics that explains responsibility must come first.

#### 3 – Totalization DA – We only have access to our own notions of pain and pleasure. Their framing would mandate a proscription of our sensibilities onto the Other. That makes ethics impossible as alterity and difference are the only ways of creating obligation to the other. When I look in the mirror I don’t feel the same sense of ethical obligation as seeing a homeless person because alterity is what induces responsibility.

### 1NC – Kant

#### Our framework comes first – 2 warrants

#### 1 - Solipsism – I think therefore I am but it’s nonsensical to say I think therefore you are. There is no way to confirm a conscious experience is taking place in anyone other than yourself. That thumps your framework so hard it’s no longer accessible in the phenomenal world.

#### A – Permissibility – Our agency is the only one that can be confirmed. That means that all maxims become automatically universalized. As, for all you can tell, your will is universal law. That makes all actions ethically permissible meaning they cannot prescribe ethical action.

#### B – Action guiding – Under their framework we would have an ethical obligation to anything that can sufficiently express external signs of agency. That means we would have ethical obligations to Skyrim NPCs. That means you cannot act upon their ethics

#### 2 – Metaethics – Obviously people can contradict their agency (I.E theft murder) which means their framework begs the question of why we have to be ethical in the first place.

#### A – Only an ethics that centers responsibility solves, there must be an extra-rational element factor that motivates us to act ethically.

### 1NC – Subjectivity

#### Perception of the other is a prerequisite to knowledge of the self, a consciousness that has nothing to reflect upon wouldn’t know that it existed. Only a force of interruption makes other epistemologies possible.

**Young ND**, *An Introduction to Levinas,* (<http://english.byu.edu/faculty/youngb/levinas/levinas3int.pdf>) //GrouchoMarxist

Besides introducing me to moral responsibility, the Other also makes the world "real." That is, I know the world is not just an illusion because I have it in common with the Other. Reality thus becomes genuinely "exterior"—and at the same time, I become genuinely "interior," because I am now truly differentiated from the external world and because I have been called upon to turn to my resources (what belongs to me and is in some sense a part of my "interior" world) so as to respond to and serve the Other. This "calling upon" and "responding" is the basis of language or conversation; and through language (discourse, conversation) the world becomes "communicable," something that can be shared. The Other is identified with "infinity" (hence the title Totality and Infinity): because I cannot contain or possess the Other or reduce the Other to a finite concept or image, the Other is, in that sense, without bounds. The Other thus produces in me "the idea of Infinity": the idea of something more than I can contain. Since I can never fully satisfy my obligation to the Other, my responsibility for the Other is also "infinite." Ethics is thus not first of all a matter of "reciprocity": I do not owe certain things to the Other only in return for what has been done for me. The obligation toward the Other comes with the relationship itself, which precedes any actions performed or even any thoughts by which I would be able to measure my own and the other's relative obligations. Furthermore, I can never get out of myself in such a way as to "objectively" (from the outside) compare the relative obligations of myself and the other. My unique position as a self depends on my responsibility to the other, which (as far as I am concerned) always precedes and exceeds any obligation the other may have toward me.

* **What does a mirror reflect in the dark? Our consciousness is fundamentally reflexive of the information that enters in. A consciousness with nothing to reflect upon would hypothetically not know it exists therefore nothingness and the other are necessary to knowledge of the self.**

# 2NR

## EXT - Overviews

### Short

#### Nothingness is at the heart of being. Imagine an apple, when you interact with the apple you experience texture, taste, etc. You experience a definitive bundle of characteristics which define an object. If all of those aspects are removed then the apple would no longer exist.

#### Subjectivity approaches things in terms of consumption and assimilation. For example when I see food I consume it, when I gain new information I attempt to fit it into my pre-existing web of knowledge. Our drive for consumption is only interrupted when we come across something that cannot be consumed. That is the Other, the Other is defined as the “not I” that I have an ethical responsibility towards.

#### Drugs impair our ability to recognize and subsequently become obligated to the Other. Drugs and intoxication attempt to create alternate modes of being and experiences of time that place the mind within a labyrinth to escape the absurdity of nothingness as the foundation of our being.

#### Now negate, justice demands an obligation to the Other. Anything else impairs our ability to make ethical proscriptions in the first place. The illegal use of drugs is a matter of criminal justice as the only ethical law is one which holds us accountable to the Other.