### 1NC: Omnilateral Will (Long)

#### Justifying moral claims require adherence to the rules of the activity. A. Practice rules determine obligations—baseball players ought to hit home runs, but this doesn’t apply to someone playing chess. The activity we’re engaged in provides contextual background in deciding the normativity of our actions. B. Solves infinite regress—answering the question of why an agent ought to take an action is impossible because one can keep asking “why” to infinity—the only legitimate answer to a question about your chess move is that you’re playing chess.

#### Practical reflection is an inescapable aspect of agency.

Ferrero Luca Ferrero (University of Wisconsin at Milwaukee) “Constitutivism and the Inescapability of Agency” Oxford Studies in Metaethics, vol. IV January 12th 2009 pp. 6-8 JW

3.2 Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any ordinary enterprise is ipso facto to engage in the enterprise of agency. In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13 3.3 The second feature that makes agency stand apart from ordinary enterprises is agencyʼs closure. Agency is closed under the operation of reflective rational assessment. As the case of radical re-evaluations shows, ordinary enterprises are never fully closed under reflection. There is always the possibility of reflecting on [ordinary enterprises] their justification while standing outside of them. Not so for rational agency. The constitutive features of agency (no matter whether they are conceived as aims, motives, capacities, commitments, etc.) continue to operate even when the agent is assessing whether she is justified in her engagement in agency. One cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency. This does not mean that agency falls outside of the reach of reflection. But even reflection about agency is a manifestation of agency.14 Agency is not necessarily self-reflective but all instances of reflective assessment, including those directed at agency itself, fall under its jurisdiction; they are conducted in deference to the constitutive standards of agency. This kind of closure is unique to agency. What is at work in reflection is the distinctive operation of intentional agency in its discursive mode. What is at work is not simply the subjectʼs capacity to shape her conduct in response to reasons for action but also her capacity both to ask for these reasons and to give them. Hence, agencyʼs closure under reflective rational assessment is closure under agencyʼs own distinctive operation: Agency is closed under itself.15

#### Impacts: A. Aff framework devolves to the NC—to even reflect about the legitimacy of your standard concedes the authority of agency since it’s in every action. B. The constitutive properties of action cannot be aggregated. Adding two circles together doesn’t make anything more circular because their circularity isn’t an additive consequence but something inherent to their form.

#### Next, rational reflection requires that the maxims we act upon be universalizable. Any reasoner would know that two plus two equals four because there is no a priori distinction between agents so norms must be universally valid. And- willing coercion is a contradiction in conception because you extend your own freedom while simultaneously undermining your ability to act in the first place. In order to prevent coercion individuals must submit to the omnilateral will.

Kant Immanuel Kant (leading Kantian scholar) The Metaphysical Elements of Justice, trans. John Ladd. 1797. Indianapolis: Hackett Publsihing, 1999.

When I declare (by word or deed), “I will that an external thing shall be mine,” I thereby declare it obligatory for everyone else to refrain from the object of my will. This is an obligation that no one would have apart from this juridical act of mine. Included in this claim, however, is an acknowledgement of being reciprocally bound to everyone else to a similar and equal restraint with respect to what is theirs. The obligation involved here comes from a universal rule of the external juridical relationship. Consequently, I am not bound to leave what is another’s untouched if everyone else does not in turn guarantee to me with regard to what is mine that he will act in accordance with exactly the same principle. This guarantee does not require a special juridical act, but is already contained in the concept of being externally bound to a duty on account of the universality, and hence also the reciprocity, of an obligation coming from a universal rule. Now, with respect to an external and contingent possession, a unilateral Will cannot serve as a coercive law for everyone, since that would be a violation of freedom in accordance with universal laws. Therefore, only a Will binding everyone else—that is, a collective, universal (common), and powerful Will—is the kind of Will that can provide the guarantee required. The condition of being subject to general external (that is, public) legislation that is backed by power is the civil society. Accordingly, a thing can be externally yours or mine only in a civil society.

#### Thus, the standard is consistency with the omnilateral will. Prefer the standard: all frameworks presuppose liberty. People can only be held responsible for unethical actions if they chose to do them, but choice itself requires that people can pick which actions to take without threat of force. For example, if someone holds a gun to my head and makes me steal someone’s apple, I am not truly culpable because I wasn’t free.

#### Impact analysis: only freedom violations intrinsic to the structure of the action are relevant. A. Consequentialism is incoherent. 1. Every consequence causes another consequence in a chain of infinite events. That means either every action would have infinite value or there’s no way to weigh. 2. Consequentialism requires a heuristic to determine the probability of consequences occurring, but that means we must also calculate the probability of this heuristic to determine probability, and so on to infinity. B. We can’t be culpable for consequences—external forces determine them.

Hegel 20 George Wilhelm Friedrich Hegel The Philosophy of Right 1820

**The will has** before it **an outer reality**, upon which it operates. But to be able **to do this, it must have a representation of** this **reality**. True **responsibility** **is** **mine only** in **so far as the outer reality** **was within my consciousness**. The will, because this external matter is supplied to it, is finite; or rather because it is finite, the matter is supplied. When I think and will rationally, I am not at this standpoint of finitude, nor is the object I act upon something opposed to me. The finite always has limit and boundary. There stands opposed to me that which is other than I, something accidental and externally necessary; it may or may not fall into agreement with me. But I am only what relates to my freedom; and the act is the purport of my will only in so far as I am aware of it. Œdipus, who unwittingly slew his father, is not to be arraigned as a patricide. In the ancient laws, however, less value was attached to the subjective side of the act than is done to-day. Hence arose amongst the ancients asylums, where the fugitive from revenge might be received and protected. 118. **An act**, when it has become an external reality, and is connected with a varied outer necessity, has manifold consequences. These consequences, being the visible shape, whose soul is the end of action, belong to the act. But at the same time the inner act, **when realized** as an end **in the external world**, **is handed** over **to external forces, which attach** to it **something** quite **different from what it is in itself**, **and thus carry** it away into **strange** and **distant consequences. It is the right of the will to adopt only the first consequences, since they alone lie in the purpose.**

#### I contend that public entities have an obligation to restrict some constitutionally protected free speech.

#### First, speech acts that intend to incite revolution dissolve the authority of the sovereign and must be prohibited.

Varden 10 Helga Varden (Associate Professor of Philosophy at the University of Illinois) “A Kantian Conception of Free Speech” May 22nd 2010 Freedom of Expression in a Diverse World Volume 3 of the series AMINTAPHIL: The Philosophical Foundations of Law and Justice pp 39-55 <http://link.springer.com/chapter/10.1007%2F978-90-481-8999-1_4> JW

To understand Kant’s condemnation of seditious speech, remember that Kant, as mentioned above, takes himself to have shown that justice is impossible in the state of nature or that there is no natural executive right. Since Kant considers himself to have successfully refuted any defense of the natural executive right, he takes himself also to have shown that no one has the right to stay in the state of nature. This, in turn, explains why Kant can and does consider seditious speech a public crime. The intention behind seditious speech is not merely to criticize the government or to discuss theories of government critically, say. In order to qualify as seditious, the speaker’s intention must be to encourage and support efforts to subvert the government or to instigate its violent overthrow, namely revolution. To have such a right would be to have the right to destroy the state. Since the state is the means through which right is possible, such a right would involve having the right to annihilate right (6: 320). That is, since right is impossible in the state of nature, to have a right to subversion would be to have the right to replace right with might. Since the state is the only means through which right can replace might, the state outlaws it. And since it is a crime that “endanger[s] the commonwealth” rather than citizens qua private citizens, it is a public crime (6: 331).

#### Second, hate speech relies on historical oppression, which obligates the state to intervene.

Varden 10 Helga Varden (Associate Professor of Philosophy at the University of Illinois) “A Kantian Conception of Free Speech” May 22nd 2010 Freedom of Expression in a Diverse World Volume 3 of the series AMINTAPHIL: The Philosophical Foundations of Law and Justice pp 39-55 <http://link.springer.com/chapter/10.1007%2F978-90-481-8999-1_4> JW

Kant’s distinction between public and private right can also be used to make sense of controversial issues of hate speech, speech amounting to harassment, and blackmail. First, an explanation why all these kinds of speech will not only be regulated in relation to public spaces, but also private (non-governmental) workplaces. The reason why public spaces of interaction and private workplaces are equally important targets of public law issues from the fact that in capitalist economies, at least, the state has permitted its citizens to become dependent upon private employment to secure access to means and hence to exercise external freedom. Just as the state must ensure that all public spaces are spheres within which its citizens can interact as free, equal and independent bearers of rights, the state must also ensure that an economy on which its citizens are dependent for access to material means functions in the same way. That is to say, insofar as the state permits the capitalist system to become part of the public solution to enabling rightful private property for all, it must also govern that economic system by public law. The state cannot permit such systemic dependence without also ensuring that the systems are not under private control. To permit this would be to permit some private citizens to obtain coercive control over the freedom of other citizens, which is precisely not to ensure that universal law regulates all citizens’ interactions.13 Such private dependency relations are therefore necessarily in conflict with the state’s function, namely to reconcile its monopoly on coercion with each citizen’s innate right to freedom. The right to freedom, as we saw, is the right to independence from rather than dependence upon any private person’s arbitrary choices, which is realized only by subjecting interacting persons’ freedom reciprocally to universal laws of freedom as enabled by the public authority. By issuing public law to govern any systems, including private ones, upon which the citizens’ exercise of their rights is depen- dent, the state secures rightful conditions for all. Even if we accept that issues of systemic dependency explain why the state will regulate public spaces as well as some apparently private interactions, such as in the workplace, it is not immediately clear why the regulation of hate speech and speech amounting to harassment is necessary.14 Why are these kinds of speech not protected by free speech legislation – and why do they fall under public rather than private law? The answer lies in the way in which these kinds of speech track severe and pervasive historical oppression. Hate speech and harassment are [is] exemplified by personal insults on the basis of factors like race, ethnicity, gender, sexual orientation, disability and socioeconomic class. Moreover, it seems that achieving the insult is possible only because there has been a significant history of oppression of the insulted person. After all, blond jokes can’t really rise to the status of insult, but sexist comments about my gender can.15 Still, as we saw above, the fact that speech is offensive or annoying is not enough to make them proper objects of law, so what makes these cases different? On the Kantian view I have been developing, hate speech and speech amounting to harassment are not outlawed because they track private wrongdoing as such, but rather because they track the state’s historical and current16 inability to provide some group(s) of citizens with rightful conditions of interaction. This type of public law tries to remedy the fact that some citizens have been and still are ‘more equal than others’. Hence, if the state finds that it is still unable successfully to provide conditions under which protection and empowerment of its historically oppressed, and thus vulnerable, are secured, then it is within its rightful powers to legally regulate speech and harassment to improve its ability to do so. By putting its weight behind historically oppressed and vulnerable citizens, the state seeks to overcome the problems caused by its lack of recognition in the past and its current failure to provide conditions in which its citizens interact with respect for one as free and equal. Therefore, whether or not any instance of speech actually achieves insult is inconsequential, for that is not the justification for the state’s right to outlaw it. Rather, laws regulating speech and harassment track the state’s systemic inability to provide rightful interaction for all of its citizens. Note that this argument does not, nor must it, determine which particular usages of hate speech and speech amounting to harassment should be banned. It only explains why certain kinds and circumstances of speech and harassment can and should be outlawed and why public law, rather than private law, is the proper means for doing so. Determining which types and how it should be banned is matter for public debate and reflection followed by public regulation on behalf of all citizens.

## AT: Free Speech Good Turns

### O/V

#### 1. The resolution says “any constitutionally protected speech.”

Collins English Dictionary defines “any” Collins English Dictionary Complete and Unabridged, “any” 12th Edition 2014 <http://www.thefreedictionary.com/any> JW

one, some, or several, as specified, no matter how much or many, what kind or quality, etc: any cheese in the cupboard is yours; you may take any clothes you like.

#### That means the aff has to prove that all forms of constitutional speech should be protected. If I prove that there is at least one form of constitutional speech that should be prohibited, you vote neg.

#### 2. All freedoms entail some limitations under the omnilateral will, even in a libertarian government. I have the freedom to swing my arm, but it ends at your nose because that would interfere with your freedom. Both of the contention arguments prove a similar violation of freedom occurs—I’ll prove that in extensions. The NC is just a more nuanced version of their turn.

### AT: Speech is in space & time (some BS)

#### 1. Speech can inherently interfere with others ends. If you’re standing on the edge of a cliff and I shout “BOO” behind you causing you to fall over, I’ve violated your freedom. When you use hate speech, you inherently rely on historical oppression to get your point across which violates the freedom of the recipient of your speech. Similarly, when you incite revolution, you intend to create harm and dissolve the conditions of the body politic, which dissolve freedom. Both of my contention arguments meet their libertarian interpretation.

#### Speech does have the power to coerce.

Varden 10 Helga Varden (Associate Professor of Philosophy at the University of Illinois) “A Kantian Conception of Free Speech” May 22nd 2010 Freedom of Expression in a Diverse World Volume 3 of the series AMINTAPHIL: The Philosophical Foundations of Law and Justice pp 39-55 <http://link.springer.com/chapter/10.1007%2F978-90-481-8999-1_4> JW

Third, speech must be distinguished from uses of words that debilitate others in virtue of their causal effect on their bodies. After all, words are communicated by means of sound waves, which exist in space and time and hence can have coercive power in relation to our bodies. For example, I believe that this account affirms the view that if your words debilitate another’s physical functioning, whether inten- tionally or unintentionally, there is private wrongdoing. If you standing on the edge of a cliff, and I sneak up behind you and say ‘Boo!’, I am responsible for the consequences. In this case, it is the effect of the noise on your body, say the surprise or that you are startled, rather than the word (‘boo’) that hinders your external freedom, namely by hindering your choice to stay on the edge of the cliff. In the same vein, playing Herbjørg Kråkevik’s latest album extremely loudly out the windows of my house night and day – say, to enlighten my ignorant neighbors as to the benefits of listening to contemporary Norwegian folk music – has the debilitating effect that those close by cannot concentrate on work, relax or sleep. Ultimately, the extremely loud music will result in their inability to function physically. Therefore, also in this case my speech clearly deprives others of what is theirs, namely the functioning of their bodies due to the stress created by being subject to constant high levels of noise. Nevertheless, it is not the words or their content that constitutes my wrongdoing, but the noise. The point is that when such acts significantly affect each other’s physical ability to set and pursue ends with our respective means, they are coercive; such actions hinder others’ external freedom.2 And note that this is fully consistent with Kant’s general claim that speech as such is not a private wrong since the wrongdoing involved in the three cases above arises from the fact that there is more than speech going on.

### AT: Libertarianism

#### 1. Libertarianism is bad—it creates conditions that allow others to be completely dependent on others. For example, exploitation occurs when an employer pays their employee two dollars an hour but they have no choice but to work for them, it makes one person dependent on the other which is a violation of freedom. Only the AC framework provides the general conditions for freedom.

#### 2. The AC framework is just a more nuanced version of the NC. I’m not consequentialist because I don’t talk about the effect of freedom, but the framework is about ensuring a rational structure for the government to be consistent with everyone’s independence.

### Intent 1st

#### The intent foresight distinction exists – harms are foreseen if they aren’t intrinsic to the nature of our action.

Quinn Warren S. Quinn “Actions, Intentions, and Consequences: The Doctrine of Double Effect” Philosophy and Public Affairs, Vol. 18, No. 4. (Autumn, 1989), pp. 334-351. <http://links.jstor.org/sici?sici=0048-3915%28198923%2918%3A4%3C334%3AAIACTD%3E2.0.CO%3B2-P> JW

This clear distinction between the intentional structures of the contrasting cases is the key to a new and better formulation of the doctrine. To put things in the most general way, we should say that it distinguishes between agency in which harm comes to some victims, at least in part, from the agent's deliberately involving them in something in order to further his [their] purpose precisely by way of their being so involved (agency in which they figure as intentional objects)16 and harmful agency in which either nothing is in that way intended for the victims or what is so intended does not contribute to their harm.17 Let us call the first kind of agency in the production of harm direct and the second kind indirect. According to this version of the doctrine, we need, ceteris paribus, a stronger case to justify harmful direct agency than to justify equally harmful indirect agency.I8 Put this way, the doctrine solves the original problem of show[s]ing a genuine difference in the intentional structures of our contrasting cases, even under a strict interpretation of what is intended. And it makes no appeal to the problematic notion of "closeness." For direct agency requires neither that harm itself be useful nor that what is useful be causally connected in some especially close way with the harm it helps bring about.19 There is another, related advantage. With this version of the doctrine, we can sidestep all potentially controversial questions about whether the agents in our various cases kill or harm intentionally. It is enough that we can identify the things they uncontroversially intend as contributing to their goal.

## Kant ROTB

### 1NC: Oppression Method

#### Kantianism is the best methodology to reject oppression.

#### 1. Their position is in a double bind. Either a) they agree with the NC that rationality governs all norms of society, in which case they have no grounds to kritik it because it establishes all notions of truth and their argument is like a snake biting its own tail, or b) they attempt to transcend my framework’s rational norms, but they don’t have a robustly justified alternative conception of truth, morality and politics, making their position nihilist. Nihilism is net worse because it would allow atrocities like slavery to be perpetrated.

#### 2. The NC is a prerequisite to the aff framework- oppression means ‘unjust coercion’ but my framework actually defines what it means to coerce in the first place and consequences aren’t relevant.

#### 3. Abstract reasoning empirically spurs social change- changes hearts and minds.

Goldstein 14 Rebecca Newberger Goldstein (Former professor of Philosophy at Rutgers and Columbia, PhD from Princeton). “Why Study Philosophy? 'To Challenge Your Own Point of View'.” 27 February 2014. http://www.theatlantic.com/education/archive/2014/02/why-study-philosophy-to-challenge-your-own-point-of-view/283954/t

It’s amazing how long it takes us, but we do make progress. And it’s usually philosophical arguments that first introduce the very outlandish idea that we need to extend rights. And it takes more, it takes a movement, and activism, and emotions, to affect real social change. It starts with an argument, but then it becomes obvious. The tracks of philosophy’s work are erased because it becomes intuitively obvious. The arguments against slavery, against cruel and unusual punishment, against unjust wars, against treating children cruelly—these all took arguments. Which philosophical arguments have you seen shifting our national conversation, changing what we once thought was obvious? About 30 years ago, the philosopher Peter Singer started to argue about the way animals are treated in our factory farms. Everybody thought he was nuts. But I’ve watched this movement grow; I’ve watched it become emotional. It has to become emotional. You have to draw empathy into it. But here it is, right in our time—a philosopher making the argument, everyone dismissing it, but then people start discussing it. Even criticizing it, or saying it’s not valid, is taking it seriously. This is what we have to teach our children. Even things that go against their intuition they need to take seriously. What was intuition two generations ago is no longer an intuition; and it’s arguments that change it. We are very inertial creatures. We do not like to change our thinking, especially if it’s inconvenient for us. And certainly the people in power never want to wonder whether they should hold power. So it really takes hard, hard work to overcome that.

#### 4. Universalizability recognizes that we can’t ignore other people- this is essential to inclusion of other agents.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. The individual is not allowed to exclude others **as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

### Good stuff

#### The constitutive nature of agency makes critiquing my framework impossible.

Ng 15 Karen Ng (Assistant Professor of Philosophy at Vanderbilt University) “From the Critique of Reason to the Critique of Ideology: On the Relation between Life and Consciousness from Hegel to Critical Theory” 2015 JW

In order to determine exactly how the relation between life and consciousness can be methodologically instructive for a critique of ideology, I want to begin by clarifying the paradox inherited from the critique of reason that is constitutive of the critique of ideology. In its most general statement, and following Raymond Geuss’ characterization, ideology critique is inherently reflexive or self-referential: a critique of a form of life as ideological necessarily belongs to the very “object-domain” that it both describes and criticizes.4 Just as the critique of reason operates within the bounds of reason, ideology critique belongs to and is conditioned by the very social formation that it seeks to understand, critique, and transform. This self-referentiality, necessitated by the project of self-critique, is perhaps the formal characteristic that distinguishes traditional from critical theories. In traditional theory, critique and the object of critique (or more broadly, subject and object) are kept strictly apart and express no necessary or internal relationship. (Horkheimer associates this with the Cartesian point of view, whose contemporary incarnates include scientism and/or positivism).5 Critical theories, however, find themselves on both sides of the subject/object divide, and must be able to account for themselves as parts of their objects of investigation. Initially, we might picture here a snake biting its own tail, insofar as the critique of ideology is an activity that arises out of the very form of life it criticizes. Far from a mere idiosyncrasy, the selfreferentiality of critique tracks two essential and essentially connected modern developments. The first is the modern conception of the self, most commonly conceived under the heading of “self-consciousness.” In its most minimal determination, selfconsciousness denotes a certain reflectiveness and self-awareness of one’s own constitutive conditions from within those conditions themselves.6 For Kant, this meant coming to an understanding of the transcendental conditions of possibility for knowledge within the limits of possible experience; for Hegel, it meant attempting to establish the totality of conditions necessary for spirit’s development and self-understanding, a totality that he called, “actuality” (Wirklichkeit);7 for Marx, it meant determining the conditions of the production of material life, a production that always takes place as a social and historical act.8 What we see in this progressive self-critical examination of one’s own conditions from Kant to Marx is not only increasing concreteness (from transcendental conditions of possibility to conditions of actuality to material (economic) conditions), but an increasing awareness of history and historical conditions as self-determined, and hence, as a potential site of freedom and transformation. Thus, the self-referentiality of critique, what Habermas called modernity’s consciousness of time,9 at the same time tracks a second modern injunction, namely, the normative demand to live a free life.10 In seeking to understand and criticize our own constitutive conditions, ideology critique exposes the ambivalence of those conditions from within, exemplifying a distinctively modern form of reflective, historical self-consciousness. Another common way of characterizing this reflexivity is to identify ideology critique as a mode of immanent critique.11 Very roughly defined, immanent critique is a form of self-critique that arises out of the contradictions, inconsistencies, paradoxes, inversions, crises, protests, failures, exclusions, and even tragedies of social formations. The locus classicus for the project of immanent critique is Hegel’s Phenomenology of Spirit, where the formation and experience of modern self-conscious life is traced according to the failures of spirit to live up to its own self-given criteria for truth, goodness, and most importantly, freedom.12 More specifically, and in a way analogous to the distinguishing feature of critical theories, Hegel unfolds the experience, development, and transformation of consciousness by demonstrating the entwinement of subject and object at every stage. Critique is immanent not only because consciousness continually finds itself in its object (an object of thought, another person, social reality), but further, because the incongruencies and conflicts that arise immanently in the course of experience are transformative of both subject and object, producing new forms of consciousness, new norms, and new social realities.13 From this very general description of the reflexivity of ideology critique, we can immediately identify two well-known problems with this approach, problems that have led many theorists—both within and outside the confines of critical theory—to abandon the project of ideology critique altogether.14 The first can be called the problem of totalization: in being unable to step outside of a form of life in order to criticize it, in living in, by, and through the very conditions that one seeks to understand, critique appears to be so fully integrated into that which it criticizes that it becomes very difficult to distinguish between ideology and non-ideology.15 Thus, Adorno writes of the “complicity of cultural criticism with culture,”16 suggest[s]ing that practices of critique might come to merge so seamlessly with their object so as to render their critical edge entirely obsolete. It appears here that the closure of ideology is so complete, its reach so all-encompassing, that there is simply no place for the critic to stand.

#### But, attempts to transcend the human condition make critique useless.

Ng 15 Karen Ng (Assistant Professor of Philosophy at Vanderbilt University) “From the Critique of Reason to the Critique of Ideology: On the Relation between Life and Consciousness from Hegel to Critical Theory” 2015 JW

Now if one wants to reject this characterization, we are led into a second problem: to avoid the notion of a fully ideologically saturated form of life, the critic can assume a position that is outside of, or transcends, her object of critique. In transcending the object of critique, the critic can easily identify its object as ideological from a neutral standpoint outside the reach of ideology. Of course, this conception is equally fraught with problems. In assuming a position of transcendence, the critic finds herself open to a whole host of objections, including paternalism, arbitrariness, foundationalism, a naïve conception of the relation between reality and appearances, and a conception of truth that exists outside the bounds of the conditions of truth. Most importantly, by ejecting itself from its object of critique, the position of transcendence reverts back to the traditional theory that ideology critique was meant to overcome in the first place.17

#### Commitment to universal reason is the only way to create social change.

Drescher 6 Gary L. Drescher (Visiting Fellow at the Center for Cognitive Studies at Tufts University, PhD in Computer Science from MIT). “Good and Real: Demystifying Paradoxes from Physics to Ethics.” Bradford Books. 5 May 2006.

Still, to the extent that evolution has rigged us with a disposition toward empathy and other cooperation-promoting emotions (as in Frank’s account), we might simply behave cooperatively without needing a rationale for doing so (just as you do not need a rationale to keep your heart beating—it’s simply built that way). But empathy is notoriously limited. We do not, for instance, grieve deeply each time we read of a stranger being murdered. And empirically, from the extent of violent, selfish, or predatory behavior in the world, we can see that whatever altruistic disposition our genes or upbringing may impose, it can in fact be overridden by other considerations, for better (violence used in self defense, perhaps, in small-scale or even large-scale conflicts) or for worse (harming people to rob them, or persecute them, or just for fun). Moreover, there are many inclinations that, even if they result from specific genetic predispositions, we want to override. For instance, suppose there is a genetic predisposition to alcoholism. If you learned that you had inherited the alcoholism genes, you would not necessarily resign yourself to becoming an addict, nor should you. A more sensible response would be to take special care to avoid the expression of that disposition. Or, a sense of empathy (whether hardwired or not) may disincline you to violate the bodily integrity of another. But if you are a surgeon, you must learn to suppress that aversion in order to make an incision through flesh. Dennett (1995), Gould (1981), and other critics of (some construals of) sociobiology point out that many putative genetically predisposed behavioral tendencies—for example, toward sexism or aggression in some situations— do not thereby constitute imperatives, either behavioral or ethical, even if the supposed genetic influences are real. But the same holds true for any genetic influences that tend to promote altruism or cooperation. The ethical imperative, if any, must still come from somewhere else. In short, whatever emotional impulse we may have toward altruism and empathy, and to whatever extent it may be genetically hardwired, it does not obviate the need for explicit judgments about right and wrong. If it did not seem correct to act with kindness and fairness, even at a net personal cost—if there were no sensible reason for so acting, beyond a raw impulse to do so—then we would have reason to regard the raw impulse as pointlessly self-destructive—like a disposition to alcoholism or a purely visceral (so to speak) aversion to surgery—and we would have reason to attempt to overcome it. And it is plausible that that attempt would have at least partial success, since empirically an impulse to altruism or empathy can be and often is overridden, for reasons good and bad. Thus, although a dog or cat is not in danger of having its friendly behavior diminished by a belief that the behavior lacks a rational foundation (because it presumably forms no opinion about rational foundations), humans may be subject to that risk. And conversely, a belief that our kindly inclinations are correct is likely to help cultivate and amplify those inclinations. An explicit **belief in the obligation to treat others fairly enables us to go beyond** what is compelled by **the limited emotional experience of caring.** Furthermore, we all experience temptations to do what is wrong if it profits us greatly. If there is an explicit belief that an obligation to be altruistic and principled is real, that it has a rational basis, then this belief presumably has some effect, at least in borderline cases. The belief is likely to push in one direction, whereas a belief that an altruistic inclination has no rational privilege over any other sort of inclination we might experience would likely push the other way. It is not surprising that our built-in inclinations do not suffice to explain ethics. The biological evolution of altruistic behavior, construed as a learning process, can be viewed as an early step in reasoning about ethics—a step taken by evolution itself, rather than by an individual intelligence. But as with other learning carried out by evolution, we may expect this early step to be rudimentary compared to what we can reason about explicitly. By analogy, evolution has also implicitly learned about some basic properties of physical objects; this knowledge is embodied in whatever hardwired competence we have for perceiving, manipulating, and navigating among the objects in our ordinary environments. But however helpful a point of departure this hardwired knowledge may be, it is naive by comparison with the knowledge developed by physicists. It would be a terrible mistake to settle for our crude, hardwired version of either physics or ethics. Similar considerations apply to socially inculcated tendencies toward cooperation. Many aspects of what we now recognize to be moral conduct began as revolutionary, unprecedented defiance of prevailing mores. For such progress to occur, social values themselves cannot be the ultimate origin of ethics. Consider the range of ethical beliefs and corresponding behaviors actually exhibited by large groups of people: from Nazism to humanism, from slavery and manifest destiny to freedom rides and Gandhian resistance. All these and more are demonstrably within the scope of human genetic, social, and psychological constraints. If a theory of ethics is to have finer resolution than this entire observed range, it must therefore appeal to more than social and biological constraints. It must invoke a sense of right and wrong that goes beyond a mere description of how our neural circuitry or social acclimation incline us to behave. And we often do feel that our actions are grounded in part in an appeal to an **abstract** knowledge of right and wrong. Although you may dislike violence, you may nonetheless support, say, law enforcement, or a war or a revolution, due to being convinced of the justness of the cause. Or you may refrain from doing something that would benefit you—lying or stealing, for example—because you consider it wrong. Even if sufficiently strong self-interest overrides moral qualms—you may feel, roughly, that you were unable to resist the temptation to do it anyway—the moral qualms may still be felt to exert an influence, albeit not a decisive one. Explicit **appeal to principle** is perhaps felt most strongly in the case of socially controversial matters—as democracy, slavery, executions, women’s suffrage, and gay rights have been at various times, for example—when we are called upon to choose and defend a position among conflicting popular alternatives. Of course, our introspection in such situations could be deceptive. It may be that our actions are caused by factors entirely other than beliefs about right and wrong, and that such beliefs merely occur to us as rationalizations of those actions. Quite plausibly this is often the case, just as more generally the reasons that we think are responsible for our doing or believing anything may just be retroactive rationalizations that substitute for the true cause. In many cases, though, when we see our beliefs or choices change under the weight of new evidence or arguments, we reasonably conclude that that evidence or argument likely caused the difference. Plausibly, then, explicit deliberations about right and wrong are at least sometimes influential in determining our actions. Thus, at a minimum, explicit beliefs about right and wrong may exert influence when the balance among other factors is roughly even, or when one must take sides in a social conflict. More importantly, though, even if explicit ethical theorizing does not proximally influence our actions much in routine situations, the other factors that do operate in such situations may themselves be shaped in the long run by explicit ethical reasoning (among other factors). This consideration applies especially to social influences, punishments and rewards, and feelings of pride or shame. Even when we conform to social pressures without knowing their origin, we are acting under the extended influence of whatever reasoning (and whatever other factors) helped sculpt those pressures over the years and millennia. By analogy, our biological form is determined by the accumulation of our ancestral mutations, even though mutation rarely affects an individual reproductive step. Similarly, the culturally cumulative effect of explicit reasoning about ethics quite possibly predominates over other factors, even if the immediate impact of explicit reasoning is negligible at almost every step. Attempts to logically derive ethical foundations without ethical presupposition should not be thought to suggest that such a derivation is necessary (or sufficient) to promote ethical conduct. Similarly, appeal to thought experiments involving agents with idealized rationality or idealized predictive powers does not suggest that people would need to have such powers in order to behave ethically. And of course, we would be foolish to pretend that we humans are ideally rational and hence able to behave ethically by sheer exercise of reason. Alas, we must not forgo the systematic incentives and sanctions that, in reality, we need in order to supplement the influence of our limited rationality. Still, I maintain it is both true and important that a sufficiently rational person would indeed have rational grounds, without prior ethical supposition, for benevolent and principled behavior, even if (unrealistically) all additional factors promoting such behavior were absent. It is important because if an arbitrarily rational person would find no reason for ethical behavior per se, that would be a reductio ad absurdum of the belief that one should behave ethically. Then, to the extent that we tried to base our actions on careful deliberation, we would be led away from ethical conduct, not toward it—benevolence and rationality would be adversarial rather than symbiotic. It may well be easier to motivate our ethical conduct by appealing to intuitions such as this is right, this is fair, and think about the other person’s feelings—rather than by the intellectual machismo of appealing only to abstract arguments about acausal means–end relations. Similarly, we would not need or want to try to motivate our every move on a bicycle by an analysis of Newtonian mechanics. Both in physics and in ethics, even if we accept the principles extracted from reasoning about idealized toy scenarios, the explicit application of those principles to everyday situations is often impractically complex. Anticlimactically, after all the analysis, we must revert to trusting our intuitions much of the time—intuitions that, I speculate, are implemented in part by means–end-recognizing machinery along the lines of what is sketched in chapter 5 above. (Dennett 1995 documents discussion of a similar point about intuition versus explicit reasoning at least as far back as the 1800s.) Nonetheless, by understanding how our intuitions could possibly be competent to know the truth about physical objects, or about ethics—by knowing that there are underlying mechanical principles whose ramifications our brains could be computing, even if the details of the computations are not introspectively accessible—and **by knowing the general form of those principles, we can** better **judge which** of our **intuitions to trust, and refine those intuitions.** Knowing physics may not help much in riding a bicycle, but it does help in designing a bicycle, not to mention a spaceship. And it helps us dismiss entire categories of spurious intuitions, such as those that pursue perpetual-motion machines or telekinesis. Knowing how our sense of balance works explains why we should trust it to stay upright while walking, but not while piloting an airplane inside clouds. Similarly, an account of ethical foundations can steer us away from grounding our choices in ancient mystical dictates, or in exclusive consideration of selfish causal consequences, while helping us understand why an intuitive balancing of categorical-imperative factors may be a more sound guide. In sum, ethical theory, explicit belief about right and wrong, is not omnipotent in determining our behavior, but it is influential. Good theories of ethics can encourage us to behave well; bad theories can promote correspondingly unethical behavior. Grounding ethics in reciprocal altruism unduly encourages selfishness; ultimate **reliance on social, legal, or religious tradition** or authority tends to **entrench the oppressive** or persecutorial **aspects of those institutions**; and perhaps most insidiously, denial that there is a rational foundation for ethics exerts influence toward ethical relativism, which tends to imply that any adopted ethical standard is as good as any other—and thence toward ethical nihilism, the doctrine that there is no real distinction between right and wrong.

### 2NR O/V

You can only ground morality in a conception of agency- anything else causes infinite regress because we can question why to ask for given reasons. Only practical reason is inescapable because questioning why to act rationally is self-defeating. That’s Ferrero.

I’ll win that Kant is an effective method, but that debate is secondary because if I win the meta-level thesis of enlightenment morality then ethics is not a question of which value system is better or worse but which one is capital T true; they can’t weigh the a posteriori impacts of the aff against the NC since consequences aren’t relevant.

### Universality Good

#### Universalizability recognizes that we can’t ignore other people- this is essential to inclusion of other agents.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. The individual is not allowed to exclude others **as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

### AT: reasoner is white

#### My method can be combined with embodiment and is a pre-req to material strategies. The practical reasoner is NOT white, male and cis-gendered- they’re intersubjective.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy.

### Alt Worse

#### Rejecting reason causes more oppression by letting people make intuitive excuses- reason isn’t perfect but it’s inevitable.

**Hill and Boxill 1**Thomas E. Hill (Professor of philosophy at Chapel Hill) and Bernard Boxill (Professor of African American philosophy at Chapel Hill). Kant and Race. In Race and Racism. March 2001. http://www.faculty.umb.edu/lawrence\_blum/courses/465\_11/readings/Race\_and\_Racism.pdf

It may seem that this is mistaken, because there are cases where knowing what is in conformity with duty requires more sophisticated intellectual argumentation than is available to ‘common human reason’. This may or may not be true. In any case, the objection now under consideration maintains that Kant’s remark is mistaken for a different and perhaps more fundamental reason. It can allow that, suitably qualiﬁed, Kant’s remark is right that ‘common human reason’ can always know what is in conformity with duty. The qualiﬁcation is that to be able to know what is in conformity with duty common human reason must always have the morally relevant facts vividly before it. But, so the objection goes, emotions, passions, and attitudes often make it extremely difﬁcult if not impossible for common human rea-son to have the morally relevant facts vividly before it. As Aristotle reminds us, the emotions, passions, and attitudes focus our attention on certain facts and distract our attention from other facts. The conﬁdent person tends to overlook facts that a fearful person notices; and an angry person tends to overlook facts that a happy person notices. In other words, emotions, passions, and attitudes tend to make certain facts vivid, and to make others obscure. Indeed they often make morally irrelevant facts vivid, and morally relevant facts obscure. But if common human reason must have the morally relevant facts vividly before it to know what is in conformity with duty, the emotions, passions, and attitudes can make it very difﬁcult for common human reason to know what is in conformity with duty. We can see this in a case that Kant himself constructs: according to him, a person cannot will that his maxim not to assist others in need be made a law of nature because many cases could occur in which he would need the assistance of others. But this argument depends on the possibility of such cases being sufficiently vivid to the person in question, and we know that they will not be if he is very proud and self-confident. Generally, if the maxims we can will to be universal laws depend on the factual beliefs we have vividly before us, and the maxims we can will to be universal laws determine what we think is right, our emotions, passions, and attitudes can determine what we think is right. The problem is that if our emotions and passions can make morally irrelevant facts vivid, and morally relevant facts obscure, they can mislead us into thinking that what is right is wrong, and that what is wrong is right. If this is correct, conﬁdent, complacent, well-positioned white people will not only ﬁnd it difficult to do what they know to be right; they will ﬁnd it still more difﬁcult to know what is right, even when they sincerely claim that they are trying to do so. Indeed, such sincere people are likely to be particularly dangerous for, feeling their own sincerity, they will be unlikely to believe that they can be mistaken. We do not think that Kant was altogether unaware of this problem, for he frequently warned of the dangers of self-deception. His mistake seems to have been to suppose we can always overcome our self-deceptions, and bring the morally relevant facts vividly before us, by a sufficiently strenuous rational self-examination. Still, the solution to this difficulty is not to abandon reliance on reason. On the contrary, we can only solve this difficulty if we rely even more on reason. It was reason that led us to appreciate that the emotions, passions, and attitudes can distort the results of reason’s efforts to determine what is right; and it was reason that led us to see that rational self-examination alone may not always enable us to bring all the morally relevant facts vividly before us. Finally, it is reason that will enable us to solve the problem, which in general is to ﬁnd some way to bring the morally relevant facts before common human reason. The ﬁrst step, of course, is to listen to what others are saying. Reason will only lead us to the truth if we listen to what others are saying. But we are not repeating this fact made familiar by every defender of freedom of expression. Listening to others with different viewpoints, different emotions and attitudes, and consequently different blind spots is a beginning, but it is not enough. The conﬁdent and complacent do not listen sympathetically to those they feel to be their inferiors, even when they invite these inferiors to speak. Somehow we must design institutions that will help us to listen to others sympathetically. Morally relevant facts that are obscure to us may be vivid to others, and if we listen to them sympathetically these facts may become vivid to us too. Rousseau believed that institutions that reduced inequalities and dependencies would help us to listen to others sympathetically. We believe he was right, but that is not the point we want to press now. Our point is that only by rational reﬂection together with adequate understanding of the social and psychological roots of racism can we design the institutions that will help us to listen to others sympathetically and consequently to know what is in conformity with duty.

### AT: Kant Racist

#### TURN-Kant changed his beliefs about slavery because of his theory.

Kleingeld 7 Pauline Kleingeld (Professor at the University of Groningen). “KANT’S SECOND THOUGHTS ON RACE.” Philosophical Quarterly. 2007. <http://www.rug.nl/staff/pauline.kleingeld/kleingeld-kant-on-race-pq.pdf>

**Kant radically revised his views on race during the 1790s.** He gives no indication of when or why he changed his views. **He makes no mention of a racial hierarchy anywhere in his published writings of the 1790s**, however, **and** what he does say about related issues **contradicts his earlier views on a racial hierarchy** and a plan of Nature designed to restrict human migration (after their initial dispersal across the globe). I ﬁrst discuss evidence for the thesis that Kant dropped his hierarchical view of the races, and then turn to the status of the concept of race as such in his later work. **In Toward Perpetual Peace and the Metaphysics of Morals, Kant clearly departs from his earlier position in a number of ways. First of all, he becomes more egalitarian with regard to race.**28 **He now grants a full juridical status to non-whites, a status irreconcilable with his earlier defence of slavery. For example, his concept of cosmopolitan right**, as introduced in Toward Perpetual Peace (: ), **explicitly prohibits the colonial conquest of foreign lands:** If one compares with this [viz the idea of cosmopolitan right] the inhospitable behaviour of the civilized states in our part of the world, especially the commercial ones, the injustice that the latter show when visiting foreign lands and peoples (which to them is one and the same as conquering those lands and peoples) takes on terrifying propor- tions. America, the negro countries, the Spice Islands, the Cape, etc., were at the time of their discovery lands that they regarded as belonging to no one, for the native inhabitants counted as nothing to them. **Any European settlement requires contractual agreement with the existing population**, says Kant, unless the settlement takes place so far from other people that there is no encroachment on anyone’s use of land. In the section on cosmopolitan right in the Metaphysics of Morals, **Kant speciﬁcally stipulates that such a contract should not take advantage of the ignorance of the in- habitants with regard to the terms of the contract** (MM : ), a stipulation which presupposes a concern not found in the 1780s texts. The very fact that Kant regards Native Americans, Africans and Asians as (equally) capable of signing contracts, and as persons whose interests and claims present a normative constraint on the behaviour of European powers, indicates a shift in perspective. After all, as long as Kant regarded slavery as appropriate for Native Americans and Africans, he did not con- sider their consent to be important at all. **The same can be said about the fact that he now defends hunting** and shepherding **peoples against en- croachment by Europeans, instead of highlighting their failure to develop agriculture** as he did earlier. **In the Metaphysics of Morals, Kant rejects con- sequentialist justiﬁcations for colonialism (the alleged ‘civilizing’ eﬀects on the ‘savages’)** (MM : ). He also rejects the argument that the European colonists are justiﬁed in claiming ownership over foreign lands and their inhabitants by the fact they ‘establish a new civil union with them and bring these human beings (savages) into a rightful condition’. Instead, Kant main- tains that the latter have the right of ﬁrst possession, and that this right is violated by the European ownership claims (MM : ). Importantly, **Kant has now become unambiguously opposed to chattel slavery.** Robert Bernasconi has claimed that Kant was ‘silent on the slave trade in Africans’ and ‘failed to speak out against chattel slavery’, and that he is ‘aware of no direct statement by Kant calling for the abolition of either African slavery or the slave trade, even if only in principle’.29 Such state- ments do exist, however. In his notes for Toward Perpetual Peace (–), **Kant repeatedly and explicitly criticizes slavery of non-Europeans in the strongest terms, as a grave violation of cosmopolitan right** (: –). **He formulates a scathing critique of the conduct of European powers elsewhere in the world. He sharply criticizes ‘the civilized countries bordering the seas’, whom he accuses of recognizing no normative constraints in their behaviour towards people on other continents** and of regarding the ‘possess- ions and even the person of the stranger as a loot given to them by Nature’. **Kant censures the slave trade** (‘trade in Negroes’), not as an excessive form of an otherwise acceptable institution, but **as in itself a ‘violation’ of the cosmopolitan right of blacks** (: ). Similarly, he criticizes the fact that the inhabitants of America were treated as objects belonging to no one, and ‘were displaced or enslaved’ soon after Europeans reached the continent (: –). After having discussed European behaviour in Africa, America and Asia, he concludes (: ): The principles underlying the supposed lawfulness of appropriating newly discovered and purportedly barbaric or irreligious lands, as goods belonging to no one, without the consent of the inhabitants and even subjugating them as well, are absolutely contrary to cosmopolitan right. In the published version of Toward Perpetual Peace, Kant repeats this judge- ment. He criticizes the ‘very most gruesome and most calculated slavery’30 on the Sugar Islands (PP : ). In the Metaphysics of Morals too (MM : , , ), he categorically and repeatedly condemns chattel slavery.31 **These passages show that Kant changed his earlier views on the status of non-whites. The oft-defended thesis that Kant’s racism remained constant thus needs correction, and one should not use evidence from the 1780s in support of claims about his views in the 1790s.** For example, his statements from the mid-1790s contradict the view that the role of the ‘idle races’ in Kant’s cosmopolitan theory was merely that of a contrast against which Europeans could measure their own progress,32 as well as the view that for Kant, the non-white races counted as a ‘waste’ of nature.33 These inter- pretations are based on Kant’s earlier texts, and therefore they are at most defensible as interpretations of his earlier views, not of his later views on the races. **Kant not only became more egalitarian with regard to race, he also revised his view of the role of race in connection with intercontinental migration.** In some of his earlier writings he called racial diﬀerentiation ‘necessary’ for the preservation of the species during its initial dispersal across the globe (DCHR : ), and claimed that Nature discouraged sub- sequent migrations. As Mark Larrimore has shown, however, these claims were in tension with Kant’s repeated declarations, often in the same writings, that whites are able to live anywhere on earth,34 for they imply that racial diﬀerentiation (or, more precisely, the development of non-whites) is not really necessary for the preservation of the species after all. Kant’s later position simply does not attribute any special role to racial diﬀerentiation (let alone racial hierarchy) for the purpose of global migration. In his 1795 description of what Nature has done to enable humans to live everywhere on earth, Kant omits any mention of predispositions for diﬀer- ent races (PP : –). He now claims that Nature has organized the earth in such a way that humans can and will live everywhere, and that they will eventually use the surface of the earth for interacting peacefully (PP : ). The new category of cosmopolitan right, introduced in Toward Perpetual Peace, is premised on increasing and continuing movement and interaction across borders. He concludes his exposition of cosmopolitan right (which includes his critique of colonialism and slavery) with the hope that In this way, remote parts of the world can establish relations peacefully with one another, relations which ultimately become regulated by public laws and can thus ﬁnally bring the human species ever closer to a cosmopolitan constitution (PP : ). Instead of his earlier claim that blacks and Native Americans cannot govern themselves (: ) and that Europe ‘will probably eventually legislate for all other continents’ (IUH : ), Kant now envisages a world in which people of diﬀerent colours and on diﬀerent continents establish peaceful relations with each other that honour the normative principles laid down in his exposition of cosmopolitan right. **Finally, Kant’s ascription of mental characteristics to the diﬀerent races has changed. For example, he ascribes the ideal of military courage equally to Native Americans and mediaeval European knights** (PP : ). **This stands in marked contrast with his earlier insistence on the weakness and inertia of Native Americans.**

#### Kant’s theory is total separate from his beliefs.

**Farr 02** Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

What **deconstruction will reveal** is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the **disunity between Kant’s theory and his own feelings** about blacks and women. **Although** the theory is consistent and emancipatory and should apply to all persons, **Kant** the man **has his own** personal and moral **problems**. Although Kant’s attitude toward people of African descent was deplorable, **it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its** emancipatory potential**.**

## Framework F/L

### AT: Shmagency

#### 1. Reflecting about whether or not you’re a shmagent makes you an agent because you’re committed to rationally thinking about things so agency is inescapable – that’s Ferrero.

#### 2. Is/ought fallacy – even if we can be shmagents, I’m proving that we ought to be agents.

#### 3. Even if there are reasons that make then unique, they would be conceptually unique, but not different enough to change them to a shmagent. For example people of different races are different but that doesn’t mean normative rules don’t apply to them.

### AT: Tailoring Objection

#### 1. It’s about the reasons intrinsic to your action, not just external parts of your situation. Even if there are contextual elements that affect my situation, if my reasons for action are coercive then it’s still prohibited. This is just semantic games

#### 2. This proves Kantianism could have absurd conclusions in some instances, but they don’t prove why that happens in the instance of the resolution, which means the NC at least works for this topic.

### AT: Bad Action Problem

#### This misunderstands constitutivism – it’s not that every single action is good, but rather that action aims at the general principle of rational reflection which proves we ought to strive to take good actions. I can violate someone’s freedom, but this isn’t good just because it contains the idea of freedom, we must act in a universal sense.

### AT: No A/O Distinction

#### 1. Kant doesn’t depend on act/omission distinction, it depends on the intent/foresight distinction. We can still be culpable for omissions, it just begs the question of whether those omissions intrinsically violate the ends of other agents.

#### 2. This creates infinite obligations. If every second we don’t act means we could be saving other lives, we would be constantly paralyzed by trying to take every action possible