## 1nc-K

#### First, Deont is anti-Black racism—this is not about Kant’s personal views, but his transcendental system. Kant’s philosophy depends on the character and capacity individuals have for moral reasoning.

Eze 97—1997 (Emmanuel, Professor of Philosophy @DePaul University, “The Color of Reason” in PostColonial African Philosophy: A Critical Reader [Cambridge: Blackwell Publishing, 1997], 103-131

Over and beyond Buffon or Linnaeus, Kant, in his transcendental philosophy (e.g., *Critique of Pure Reason),* describes ways of orienting oneself geographically in space, mathematically in space and time, and, logically, in the construction of both categories into other sorts of consistent whole. In the *Observations on the Feeling o/the Beautiful and Sublime,* a work which ought to be considered as primarily anthropological, Kant shows the theoretic transcendental philosophical position at work when he attempts to work out and establish how a particular (moral) feeling relates to *humans generally,* and how it differs between men and women, and among different races. For example, "feeling" as it¶ appears in the title of the work refers to a specific refinement of character which is *universally* properly human: that is, belonging to human nature as such. And we recall that for Kant "human nature" resides in the developmental expression of rational-moral "character." Since it is character that constitutes the specificity of human nature, "human nature *proper,"* then whatever dignity or moral worth the individual" may have is derived from the fact that one has struggled to develop one's character, or one's· humanity, as universal. Kant states:¶ In order to assign man into a system of living nature, and thus to characterize him, no other alternative is left than this: that he has a character which he himself creates by being capable of perfecting himself after the purposes chosen by himself. Through this, he, as an animal endowed with reason *(animale rationabile)* can make out of himself a rational animal *(animale rationale).¶* "Character," as the moral formation of personality, seems to be that on which basis humans have worth and dignity,and one consequence of this is that those peoples and "races" to whom Kant assigns minimal or pseudo rational-moral capacity - either because of their non-"white" skin color (evidence of lack of "true talent") or because of the presence of phlogiston in their blood or both - are seriously naturally or inherently inferior to those who have the "gift" of higher rational attainments, evidence of which is seen in their superior "white" skin color, the absence of phlogiston in their blood, and the superior European civilization While the non-European may have "value," it is not certain that he or she has true "worth." According to Kant:¶ everything has either a value or a worth. What has value has a substitute which can replace it as its equivalent; but whatever is, on the other hand, exalted above all values, and thus lacks an equivalent ... has no merely relative value, that is, a price, but rather an inner worth,. that is dignity ... Hence morality, and humanity, in so far as it is capable of morality, can alone possess dignity. ¶ If non-white peoples lack "true" *rational* character (Kant believes, for example, that the character of the *Mohr* is made up of *imagination* rather than reason) and therefore lack "true" *feeling* and moral sense, then they do not have "true" worth, or dignity. The black person, for example, can accordingly be denied full humanity, since full and "true" humanity accrues only to the white European. For Kant European humanity is *the* humanity *par excellence.*

#### Second, Their failure to acknowledge historical racism associated with Kant’s philosophy is a link—no matter what, their principles are rooted in racism.

Pauline Kleingeld 7 [University of Groningen, Faculty of Philosophy, Faculty Member], “KANT’S SECOND THOUGHTS ON RACE”, The Philosophical Quarterly, Volume 57, Number 229, October 2007

What is overlooked by both sides is the possibility that Kant’s principles are race-neutral in their formulation, but that his racism still makes its influence felt in his theory by affecting the articulation of intermediate principles and the selection of central problems to be addressed. Before we can be certain, therefore, that Kant’s racism can be isolated from the rest of his theory, we should investigate carefully exactly what role it plays in his wider moral and political theory. Only by actually investigating its system- atic role in the larger whole of his practical philosophy can we assess the importance of Kant’s racism (or lack thereof), and determine what (if anything) is needed to eradicate it entirely.¶ A strong indication that Kant’s racism really does play a role in his s political theory is that Kant himself makes significant structural changes to the relevant parts of his political theory during the s, when he gives up his hierarchical view of the races. As I shall show in more detail in the next section, he then introduces a new, third, category of public right, namely, ‘cosmopolitan right’, and a new theme in his discussion of cosmopolitanism, namely, the injustice perpetrated by colonial powers. These changes are not necessarily revisions of the principles of Kant’s practical philosophy (although the introduction of the notion of cosmopolitan right as one of the three parts of public right could probably qualify as such), but they certainly go beyond mere adjustments at the level of ‘inessential derivative theses’, and can count as changes to the theory.¶ In the works of the s Kant advocates a ‘cosmopolitan condition’ (cf. IUH : ). What he means by this is a legal regulation of the relationships between states in the form of an international federation. In the mid-s, he introduces a (novel) distinction between ‘international right’ and ‘cosmo- politan right’. The first pertains to states and regulates their interaction; the second pertains to individuals as ‘citizens of the world’, i.e., independently of national affiliation, and regulates the interaction between states and foreign individuals. Cosmopolitan right applies to humans on all continents, and is explicitly incompatible with slavery and colonialism. Clearly, this view would not occur to someone who views whites as superior and non-whites as so radically inferior that the first may use the second as mere means (as slaves). The same holds for Kant’s critique of colonialist injustice, which also appears for the first time in the mid-s.¶ These examples are indicative of the fact that in order to eradicate racism from a theory, often more is needed than merely deleting explicitly racist statements, because the aim will often require introducing additional posi- tive changes as well.27 Even if racism is not seen in the core principles (such as the Categorical Imperative), it may have influenced the intermediate principles which together make up ‘the theory’, or it may express itself in omissions such as Kant’s failure during the s to criticize non-white slavery. Moreover, if present-day Kantian theorists take over the structure of Kant’s s moral or political theory and the set of issues he deemed salient (together with the concomitant blind spots), without realizing that their articulation has been influenced by racist assumptions, they are likely to prolong racism’s distorting effects.

#### Third, There is no outside of identity; the idea of a universal and transcendental psyche/reason is illusory. Their paradigms seek to exclude Black experience and erase the reality of Black sub-personhood.

Charles **Mills 98** —John Evans Professor of Moral and Intellectual Philosophy—1998 [Blackness Visible: Essays on Philosophy and Race (Ithaca: Cornell University Press), 9-10.

**The universalizing pretensions of Western philosophy**, which by its very abstractness and distance from vulgar reality seemed to be all-inclusive of human experience, **are** thereby **shown to be illusory. White (male) philosophy's confrontation of Man and Universe**, or even Person and Universe, **is** really **predicated on taking personhood for granted and** thus **excludes the** differential **experience of those who have ceaselessly had to fight to have their personhood recognized** in the first place. Without even recognizing that it is doing so, **Western philosophy abstracts away from what has been the central feature of the lives of Africans transported against their will to the Americas: the denial of black humanity and the reactive, defiant assertion of it.** Secure in the uncontested sum of the leisurely Cartesian derivation, **whites find it hard to understand the metaphysical rage and urgency permeating the non-Cartesian sums of those invisible native sons and daughters** who, since nobody knows their name, have to be the men who cry "I am!" and the women who demand "And ain't I a woman?"17 From the beginning, therefore, the problems faced by those categorized as persons and those categorized as subpersons will be radically different. **One can no longer speak with quite such assurance of the problems of philosophy; rather, these are problems for particular groups of human beings, and for others there will be different kinds of problems that are far more urgent. A relativizing of the discipline's traditional hierarchies of importance and centrality thus becomes necessary.**

#### The alternative is an embracement of racial realism only embracement of the racial realist concept would enable an accurate understanding of racism and anti-Black violence.

**Curry 08** - (Tommy [Associate Professor of Philosophy at Texas A&M University] “SAVED BY THE BELL: DERRICK BELL’S RACIAL REALISM AS PEDAGOGY” PHILOSOPHICAL STUDIES IN EDUCATION – 2008 Vol. 39)

Given this knowledge, what are philosophers of education to do? In what sense does the actual knowledge of race and the reality of racism, despite the delicate sensibilities that have arisen in the integrationist era that aim for racial harmony, become a necessary knowledge about the world and a necessary component of Black’s education in it? In America**, white-Black race relations are systemic, and reproduced culturally, institutionally, and socially from generation to generation.**16 **This systemic racism confers a permanent minority status to Blacks that is ignored in contemporary treatments of race**. However, this is a very recent trend, as Black thinkers were embracing realist perspectives in education as early as the 1930s. Johnson for example argued, The conscious aim of Negro life is to improve this status, thus escaping the physical as well as the more intangible cultural handicaps of this status. This is conceivably one of the functions of education. But escape is not possible merely through the denial of the status, nor the denial of the past, nor through the simple adoption of the symbols of freedom.17 Throughout history, **Black thinkers have acknowledged the particular problems created by their unique racial status, and understood that a general humanist education fixed on abstract norms that did not attend to the particular experience of their oppression and the specific problems that oppression entails was useless.** In most current curricula, an emphasis is placed on the ability of Blacks and whites to get beyond the problem of race that hindered past generations. While some educators acknowledge that **race is still a looming concern, its significance is routinely downplayed in an effort to convey the popular maxim that** “**there is only one race—the human race**.” But **this humanist position routinely fails to explain the persistence of Black victimization at the hands of whites. If we are all human, why is race written into the legal and social policies of American society**? For Bell, Blacks should not disown their racial status but embrace its totality**.** He says, **“acceptance of the racial realist concept would enable [Blacks] to understand and respond to recurring aspects of our subordinate status. It would free them to think and plan within a context of reality rather than idealism**.”18 By Bell’s thinking, accepting **the consequences of a Black racial identity is a much better instrument by which Blacks can diagnose the ills of American racism, than the common home remedy of denial.** Today however, many Black thinkers cannot resolve themselves against the post-Civil Rights imperative that maintains that it is unethical to emphasize the role that race plays in determining the reality of Blacks. According to Bell, black people are trapped in a racial time warp. We are buffeted by the painful blows of continuing bias, [but maintain] that the disadvantages we suffer must be caused by our deficiencies because, we are told without even a trace of irony, racism is a thing of the past.19 Despite the philosophical insights and explanative power of Bell’s position, Black **philosophers primarily rely on the existence of an imagined racial equality in the post-Civil Rights era utopia as the foundation from which race should be theorized. The efforts made by Black scholars to avoid charges of essentialism, nationalism, and ideological myth making cannot be overemphasized in this regard, as it is in the avoidance of these charges that Black thinkers are rewarded for their production of “knowledge,” regardless of the ability this “knowledge” has to describe actual racial relations in the world.** Today, the story of the Civil Rights struggle is commonly told in a linear fashion, as if progress in race relations followed a teleological evolution—from an ignorant time when racial status was taken to signify real and meaningful differences between people to the present enlightened time, when race is properly understood in mainstream culture not to make a difference except as vestiges of unfortunate historical oppression or in terms of vague and largely privatized “ethnic heritage.”20 **Making the jettisoning of race the pinnacle of American race socialization is consistent with a normative universalism that equates truth and progress with the elimination of racial distinctions. While this animating telos has been uncritically accepted by the masses of Black folk in America as a condition of our eventual recognition as citizens, the result has been an intergenerational existential crisis in which Blacks are torn between their hopes for to end racism and the need to emphasize racial identity to describe racism’s persistence.** Unlike most theories, Bell’s **racial realism challenges the philosophy of education to encounter the possibility of theorizing about race from a much-denied position that accepts its permanence. Since racism has not ended, there is no need to think as if it has. Some thinkers would claim that it is unnecessarily pessimistic, but the extent to which anti-Black racism affects and determines the lives of African-descended people suggests it is a healthy dose of reality.**

#### Furthermore, The ROB is to engage in realist dialogue. In order to reverse our flawed understanding of philosophy we have to approach issues from how things are not how they should be. of the time, meaning that debate is the perfect place to begin conversations of realism because it addresses student’s flawed understanding of ethics even before they go out in the real world and use these theories to guide aciton. It is true on two levels, a) the Curry evidence indicates realism is the only way to effectively have conversations that have a healthy dose of reality, b) we also answer your framework because only looking at actual social conditions can guide action

Ideal theory cannot guide action since its starting point has diverged from the descriptive model of the real world. Non-ideal theory is key for ethical motivation. **MILLS:**

Charles W. Mills, “Ideal Theory” as Ideology, 2005

(“Ideal Theory” as Ideology CHARLES W. MILLS 2004 UH-DD)

“A first possible argument might be the simple denial that moral theory should have any concern with making realistic assumptions about human beings, their capacities, and their behavior. Ethics is concerned with **the ideal**, so it **doesn’t have to worry about the actual.** But even **for** mainstream **ethics this wouldn’t work, since,** of course, ***ought* is supposed to imply *can* the ideal has to be achievable** by humans. Nor could it seriously be cal imed that moral theory is concerned only with mapping beautiful ideals, not their actual implementation. If any ethicist actually said this, it would be an astonishing abdication of the classic goal of ethics, and its link with practical reason. **The normative** here **would** then **be** weirdly **detached from the prescriptive**: this is the good and the right—but we are not concerned with their actual realization. Even for Plato, a classic example in at least one sense of an ideal theorist, this was not the case: the Form of the Good was supposed to motivate us, and help philosophers transform society. Nor could anyone seriously say that ideal theory is a good way to approach ethics because **as a matter of fact(not** as a **conceptual necessity** following from what “model” or “ideal” means), **the normative here** **hascome close to converging with the descriptive: ideal- as-descriptive**-model has **approximated to ideal-as-idealized**-model. **Obviously,** the dreadful and dismaying course of human **history has not** remotely **been** a record of close-to-**ideal** behavior, but rather of behavior that has usually been quite the polar opposite of the ideal, with oppression and inequitable treatment of the majority of humanity (whether on grounds of gender, or nationality, or class, or religion, or race) being the norm. **So the argument cannot be that as a matter of definitional truth**, or factual irrelevance, or factual convergence, ideal theory is required. The argument has to be, as in the quote from Rawls above, that this is the best way of doing normative theory, better than all the other contenders. But why on earth should anyone think this? Why should anyone think that abstaining from theorizing about oppression and its consequences is the best way to bring about an end to oppression? Isn’t this, on the face of it, just completely implausible?”

## 1nc-Theory shell 1

1. Interpretation: All affirmative theory arguments that delineate acceptable 1NC practices must be read in the 1AC. To clarify, this implies that the aff can’t read new theory or meta-theory in the 1AR.
2. Violation: Pre-emptive.
3. Standard: Strat skew – the 1AR nullifies 7 minutes of neg speech time if they get to read a new shell, which is quantitatively worse, and coupled with 1AC theory arguments they can get a huge time advantage on theory come the 2NR, which is my one time to respond. Also, outweighs because a) they get the 2AR to collapse to whatever issues they want and make new weighing arguments that I can’t predict and b) they have a 7 to 6 time advantage on 1AR theory. Kills fairness since they’re quantitatively ahead on multiple levels. Also bad for education since they get bidirectional interps in the 1AR, which means they can read theory every time and ignore substance. Pre-emptive 1AC theory solves back since I get multiple speeches to respond or adapt and if I’m abusive, we actually have time to talk about it.
4. Voter: 1) Fairness – the judge is constrained by the ballot, which tells you to vote for whoever did the better debating, but they can’t determine that if the round is skewed against someone. 2) Education – it’s the constitutive aim of the activity and schools fund participation on the basis of education, so it’s necessary for debate to exist at all. Drop the debater if they violate since they have the opportunity to meet this interp while I have to spend time pre-empting all of their possible decisions, so you shouldn’t give them a free pass to keep going after their abuse.
5. Framework: Theory is competing interps since a) any brightline for reasonability is arbitrary, which forces intervention; only minimization makes sense and b) it fosters a race to the top by promoting proactively better norms for debate. No RVI since a) it strategically disincentives theory to check unfair positions, b) commits the logical fallacy of denying the antecedent, since just because you prove that you’re being fair doesn’t mean that you win.

## Case

#### [1] Intellectual property is part of our metaphysical construction that preserves agency – anything else robs us of innate property

Pozzo 06 [Riccardo Pozzo, Immanuel Kant sobre propriedade intelectual. Trans/Form/Ação, (São Paulo), v.29(2), 2006, p.11-18, <https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en> // JB]

The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on his work confers him a moral right that is indeed a personal right. It is also a right to exploit economically his work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other. In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. Kant, however, was firm in embracing intellectual property. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to intellectual property as an “inalienable right (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411).

#### Reducing IP is a form of free-riding that fails the universality test, but also uses the creators of the medicine as means to an end.

Dyke 18 Dyke, Raymond. “The Categorical Imperative for Innovation and Patenting - IPWatchdog.com: Patents &amp; Patent Law.” IPWatchdog.com | Patents &amp; Patent Law, 1 Oct. 2018, www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/.//dhsNJ

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust.

#### Squo solves – Turn, plan increases price of scarce materials and results in costly, ineffective facilities

Mcmurry-Heath 8/18 (Michelle Mcmurry-Heath, [physician-scientist and president and CEO of the Biotechnology Innovation Organization.], 8-18-2021, “Waiving intellectual property rights would harm global vaccination“, STAT, accessed: 8-19-2021, https://www.statnews.com/2021/08/18/waiving-intellectual-property-rights-compromise-global-vaccination-efforts/) ajs

Covid-19 vaccines are already remarkably cheap, and companies are offering them at low or no cost to low-income countries. Poor access to clinics and transportation are barriers in some countries, but the expense of the shot itself is not. In fact, if the World Trade Organization grants the IP waiver, it could make these vaccines more expensive.

Here’s why. Before Covid-19 emerged, the world produced at most [5.5 billion doses](https://www.barrons.com/articles/a-plan-to-break-the-vaccine-manufacturing-bottleneck-51621952245) of various vaccines every year. Now the world needs an additional [11 billion doses](https://www.who.int/director-general/speeches/detail/director-general-s-opening-remarks-at-the-g7-summit---12-june-2021) — including billions of doses of mRNA vaccines that no one had ever mass-manufactured before — to fully vaccinate every eligible person on the planet against the new disease.

Even as Covid-19 vaccines were still being developed, pharmaceutical companies began retrofitting and upgrading existing facilities to produce Covid-19 vaccines, at a cost of $40 to $100 million each. Vaccine developers also licensed their technologies to well-established manufacturers, like the Serum Institute of India, to further increase production. As a result, almost every facility in the world that can quickly and safely make Covid-19 vaccines is already doing so,\