## 1AC – Framework

#### The starting point of morality is practical reason.

#### 1] Bindingness: A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. Bindingness ow a) its meta-ethical, so it determines what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations b) for obligations to have normative force they must be categorically binding because otherwise actors could contingently disregard them.

#### 2] Action theory: only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### 3] Empirical uncertainty – Evil demon deceiving us or inability to know others’ experience make empiricism/induction an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### 4] All arguments by definition appeal to reason – otherwise you are conceding they have no warrant to structure them and are by definition baseless. Thus reason is an epistemic constraint on evaluating neg arguments.

#### Rationality necessitates a free will – rational action must set before itself objective ends that we can categorically pursue through setting and pursuing ends. All frameworks concede the validity of a free will because otherwise people can’t be held culpable for actions they didn’t cause.

#### Next, the relevant feature of reason is universality – 3 warrants:

#### 1] Absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless, necessitating a priori abstraction from physical experience.

#### 2] A priori principles like reason definitionally apply to everyone since they are independent of human experience therefore ethics is universal.

#### 3] Any non-universal norm is contradictory as it justifies someone’s ability to impede on your ends, which also means universalizability acts as a side constraint on ends-based frameworks.

#### Thus, the standard is consistency with the categorical imperative as enacted through the omnilateral will.

#### Prefer:

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the neg arguments/standard without first willing that we can pursue ends free from others.

#### [2] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [c] Predictions are impossible because anything could lead to a butterfly effect of unexpected consequences i.e. sneezing becoming a tornado and killing thousands

#### [3] The Categorical Imperative unites the abstract with the concrete—this is key to challenging oppression.

Farr 2, 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 **inclus[ive]ion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

#### [4] Practical reasoning demands that agents recognize their universal subjectivity to form commitments with people deemed different.

**O'Neill 2000**, Onora (2000). Bounds of Justice. Cambridge University Press.

In the second place, the ethnocentrism of norm-based reasoning matters for relations between insiders and outsiders. Once upon a time it might not have mattered if those who lived in homogeneous but isolated societies reasoned in ways that could not have been accessible to hypothetical others with whom they had no connection. But today societies, cultures and traditions are not bounded or impervious. So it matters when reasoning is based on principles that are internal to some tradition yet not even accessible to outsiders. Ethnocentric reasoning will fail or falter for those who attempt communication across boundaries; it will lack authority – and may prove inaccessible to others. Norm-based conceptions of reason will not suffice in a pluralist world. If any ways of organizing either thinking or action are to have quite general authority, they cannot presuppose the norms and opinions of a particular time and place. Analogous points might be made about more individualistic, commitment-based conceptions of practical reason. These too need not be intrinsically conservative, since we can revise and change our commitments and projects across our lives. However, such reasoning, although not necessarily selfish, will unavoidably be self-centred: it argues from my commitments, my life-projects and my attachments. My commitments, projects and attachments may not be selfish, but equally they may not be noble: there are those who are moved to rescue their wives from drowning, and those who are not. There are even those whose commitments are selfish, who may be moved to drown their wives when opportunity arises. Even when a project is deeply internalized, its vindication may be meagre. Yet it is not clear what opening is left either for vindication or for criticism within a view that construes actual commitments, actual attachments and actual personal projects as the bed-rock of practical reasoning. These commitments will no doubt prove motivating, but it does not follow that it is rational to live lives that express whatever commitments happen to have been internalized. Can there not be principles for all, and that any attempt to persuade others to principles which do not meet this condition must lack authority. Since in our world reasoning must reach beyond the like-minded, our practical reasoning must often be based on principles that are widely accessible; its authority will vanish if we duck the requirement to keep to such structures. Where we attempt to base practical reasoning on principles that do not meet this requirement, at least some others will find that we put forward principles that they cannot share, and will understandably judge our proposals arbitrary and lacking in authority - in short, unreasoned. This stripped-down Kantian conception of practical reasoning shares the focus of norm-based and commitment-based conceptions of practical reason: it is directed at action, or rather at the norms and commitments, the practices and projects, by which we collectively or individually organize our lives. It is directed at actions as specified by certain act-descriptions, rather than at acts considered as instruments for producing results. Where it differs from norm-based or commitment-based conceptions of practical reasoning is in its view of the scope of reasoning, of the fixity of identities and of the mutual accessibility of traditions. It allows for the thought that what might seem a reason for me or for the insiders of some tradition, even a reason that is burnt into souls, may not be any sort of reason for others. Insiders’ reasoning - Kant spoke of a private use of reason) ? – cannot reach outsiders except by linking it with other reasoning which they can follow. Where this is achieved, practical reasoning may be able to link those who are outsiders to one another's traditions and offer reasons for changes in deep commitments, even in sense of identity.

#### [5] Also, even if ideal-theory is bad, the alternatives are far worse because they don’t rely on fixed principles and devolve into relativism at a particular space and time—you can’t measure something with a ruler constantly changing length, which means we need a standard to hold people to.

#### [6] Practical identities – we find our lives worth living under practical identities such as student but that presupposes agency.

**Korsgaard 92** CHRISTINE M. Korsgaard 92 [I am a Professor of Philosophy at Harvard University, where I have taught since 1991. From July 1996 through June 2002, I was Chair of the Department of Philosophy. (The current chair is Sean Kelly.) From 2004-2012, I was Director of Graduate Studies in Philosophy. (The current DGS is Mark Richard.) Before coming here, I held positions at Yale, the University of California at Santa Barbara, and the University of Chicago, as well as visiting positions at Berkeley and UCLA. I served as President of the Eastern Division of the American Philosophical Association in 2008-2009, and held a Mellon Distinguished Achievement Award from 2006-2009. I work on moral philosophy and its history, practical reason, the nature of agency, personal identity, normativity, and the ethical relations between human beings and the other animals], “The Sources of Normativity”, THE TANNER LECTURES ON HUMAN VALUES Delivered at Clare Hall, Cambridge University 16-17 Nov 1992, BE

The Solution: Those who think that the human mind is internally luminous and transparent to itself think that the term “self-consciousness” is appropriate because what we get in human consciousness is a direct encounter with the self. Those who think that the human mind has a reflective structure use the term too, but for a different reason. The reflective structure of the mind is a source of “self-consciousness” because it forces us to have a conception of ourselves. As Kant argues, this is a fact about what it is like to be reflectively conscious and it does not prove the existence of a metaphysical self. From a third person point of view, outside of the deliberative standpoint, it may look as if what happens when someone makes a choice is that the strongest of his conflicting desires wins. But that isn’t the way it is for you when you deliberate. When you deliberate, it is as if there were something over and above all of your desires, something that is you, and that chooses which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself. To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself.6 An agent might think of herself as a Citizen in the Kingdom of Ends. Or she might think of herself as a member of a family or an ethnic group or a nation. She might think of herself as the steward of her own interests, and then she will be an egoist. Or she might think of herself as the slave of her passions, and then she will be a wanton. And how she thinks of herself will determine whether it is the law of the Kingdom of Ends, or the law of some smaller group, or the law of the egoist, or the law of the wanton that is the law that she is to herself. The conception of one’s identity in question here is not a theoretical one, a view about what as a matter of inescapable scientific fact you are. It is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking. So I will call this a conception of your practical identity. Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone’s friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature; your obligations spring from what that identity forbids.

## 1AC – Contention

#### I affirm; A just government ought to recognize an unconditional right of workers to strike.

#### [1] Right to Strike defends liberty for workers to both set and pursue their own ends and resist coercion from others, Gourevitch ’18:

Gourevitch, Alex. “A Radical Defense of the Right to Strike.” *Jacobin* 2018. https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression

Workers have an interest in resisting the oppression of class society by using their collective power to reduce, or even overcome, that oppression. Their interest is a liberty interest in a double sense. First, resistance to that class-based oppression carries with it, at least implicitly, a demand for freedoms not yet enjoyed. A higher wage expands workers’ freedom of choice. Expanded labor rights increase workers’ collective freedom to influence the terms of employment. Whatever the concrete set of issues, workers’ strike demands are always also a demand for control over portions of one’s life that they do not yet enjoy. Second, strikes don’t just aim at winning more freedom — they are themselves expressions of freedom. When workers walk out, they’re using their own individual and collective agency to win the liberties they deserve. The same capacity for self-determination that workers invoke to demand more freedom is the capacity they exercise when winning their demands. Freedom, not industrial stability or simply higher living standards, is the name of their desire. Put differently, the right to strike has both an intrinsic and instrumental relation to freedom. It has intrinsic value as an (at least implicit) demand for self-emancipation. And it has instrumental value insofar as the strike is an effective means for resisting the oppressiveness of a class society and achieving new freedoms. But if all this is correct, and the right to strike is something that we should defend, then it also has to be *meaningful*. The right loses its connection to workers’ freedom if they have little chance of exercising it effectively. Otherwise they’re simply engaging in a symbolic act of defiance — laudable, perhaps, but not a tangible means of fighting oppression. The right to strike must therefore cover at least some of the coercive tactics that make strikes potent, like sit-downs and mass pickets. It is therefore often perfectly justified for strikers to exercise their right to strike by using these tactics, even when these tactics are illegal. Still, the question remains: why should the right to strike be given moral priority over other basic liberties? The reason is not just that liberal capitalism produces economic oppression but that the economic oppression that workers face is in part created and sustained by the very economic and civil liberties that liberal capitalism cherishes. Workers find themselves oppressed *because* of the way property rights, freedom of contract, corporate authority, and tax and labor law operate. Deeming these liberties inviolable doesn’t foster less oppressive, exploitative outcomes, as its defenders insist — quite the opposite. The right to strike has a stronger claim to be protecting a zone of activity that serves the aims of justice itself — coercing people into relations of less oppressive social cooperation. Simply put, to argue for the right to strike is to prioritize democratic freedoms over property rights.

#### [2] Right to strike ensures a process of collective bargaining – absent a right to strike it would literally force workers to work against their will, violating freedom, Croucher ’11:

Croucher, Richard, Mark Kely, and Lilian Miles. "A Rawlsian basis for core labor rights." *Comp. Lab. L. & Pol'y J.* 33 (2011): 297. Yoaks

There is another right for us to address here under the first principle. Even the right to bargain collectively as asserted by the ILO is, taken in isolation, a hollow right. It is necessary to have the possibility of recourse to industrial action in some form to back one’s bargaining position in order for a right to bargain to be substantive. If it is illegal for workers to take any action opposing an employer’s interests, then the right to bargain is meaningless, since the employer is free to ignore workers’ attempts to negotiate. We therefore must consider not only the rights to organise and bargain collectively, but also the right of labour to act collectively. The paradigmatic form of such a right of labour, the one most often discussed, is the right to strike, though other forms of industrial action exist. A right to strike is often mooted and has been seriously considered by the ILO for adoption as a declared right, though the ILO has not heretofore put it forward as a core right in the way it has other rights. That the ILO should be relatively conservative in asserting the rights of labour is unsurprising, given its tripartite structure and diplomatic position. However, the ILO has in various places outside of its most fundamental documents acknowledged that the right to bargain collectively implies a right to strike.39 The right to strike appears as a special and controversial case, then, but we argue that from a rights perspective it is a simple, fundamental freedom. The right to conduct industrial action is in effect that to withdraw their labour in some way (quitting, striking, going slow) unless collective demands are met. As individuals, every worker, if they are not a slave (and slavery is explicitly not permitted under Rawls’s first principle) has a right to withdraw their own labour, and might of course threaten this in individual negotiations with their employer. Effectively, what occurs in industrial action is a pooling of individual rights into collective rights, via the individual freedom to associate with our peers, and in this respect we may still discuss these collective rights qua individual rights under Rawls’s first principle of justice. That is, individuals may be said to have an individual right to join in collective industrial action to improve their conditions. Of course, it will be argued that there is no right to strike if it involves a breach of contract. However, no contract can literally force labour – if it did that, it would breach the right to freedom from slavery. Rather, it can only schedule penalties, typically financial, where labour is not performed. In effect, as long as the freedom to contract is limited by the right to freedom from slavery, there is an implied freedom to strike. Thus, it is because of the very lack of complete freedom to make contracts that prevents us having a primary right to bargain that we do have a primary freedom to strike. We cannot, according to Rawls, sign away our basic freedom to refuse to do any particular job.40 Of course, a complete ban on bargaining would make striking pointless. We can say we have a fundamental right to strike, but that we won’t want to exercise it unless we also have a right to bargain. And we will now argue that there a substantive right to bargain collectively is assured under the second principle of justice.

#### [3] Put away your turns: strikes are an omission of action

**Benjamin 78** Walter Benjamin, On Violence, Reflections: Essays, Aphorisms, Autobiographical Writings [Walter Bendix Schönflies Benjamin was a German Jewish philosopher, cultural critic and essayist]

This is above all the case in the class struggle, in the form of the workers' guaranteed right to strike. Organized labor is, apart from the state, probably today the only legal subject en­titled to exercise violence. Against this view there is certainly the objection that an omission of actions, a nonaction, which a strike really is, cannot be described as violence. Such a consideration doubtless made it easier for a state power to conceive the right to strike, once this was no longer avoidable. But its truth is not unconditional, and therefore not unrestricted. It is true that the omission of an action, or service, where it amounts simply to a "severing of relations," can be an entirely nonviolent, pure means. And as in the view of the state, or the law, the right to strike conceded to labor is certainly not a right to exercise violence but, rather, to escape from a violence indirectly exercised by the employer, strikes conforming to this may undoubtedly occur from time to time and involve only a "withdrawal" or "estrangement" from the employer. The mo­ment of violence, however, is necessarily introduced, in the form of extortion, into such an omission, if it takes place in the context of a conscious readiness to resume the suspended action under certain circumstances that either have nothing whatever to do with this action or only superficially modify it. Understood in this way, the right to strike constitutes in the view of labor, which is opposed to that of the state, the right to use force in attaining certain ends. The antithesis between the two conceptions emerges in all its bitterness in face of a revolu­tionary general strike. In this, labor will always appeal to its right to strike, and the state will call this appeal an abuse, since the right to strike was not "so intended," and take emer­gency measures.

## 1AC – Underview

#### 1] AFF theory is no RVI, Drop the debater, competing interps, and the highest layer of the round under an interp that aff theory is legit regardless of voters a) infinite abuse since otherwise it would be impossible to check NC abuse b) it would justify the aff never getting to read theory which is a reciprocity issue c) Time crunched 1ar means it becomes impossible to justify paradigm issues and win the shell. d) the 2n can dump on a script to a CI and go for RVI’s making it impossible to check abuse e) The 1ar is too short to win theory and substance f) The 2n can always create infinite reasonability arguments the 2ar can’t get through

#### 2] No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n.

#### 3] Brain studies prove racial bias is flexible, and that orienting groups around institutional change best breaks them down.

Cikara and Van Bavel 15 (Mina Cikara is an Assistant Professor of Psychology and Director of the Intergroup Neuroscience Lab at Harvard University. Her research examines the conditions under which groups and individuals are denied social value, agency, and empathy. Jay Van Bavel is an Assistant Professor of Psychology and Director of the Social Perception and Evaluation Laboratory at New York University. The Flexibility of Racial Bias: Research suggests that racism is not hard wired, offering hope on one of America’s enduring problems. June 2, 2015. <https://www.scientificamerican.com/article/the-flexibility-of-racial-bias/>)

The city of Baltimore was rocked by protests and riots over the death of [Freddie Gray](http://www.baltimoresun.com/news/maryland/freddie-gray/), a 25-year-old African American man who died in police custody. Tragically, Gray’s death was only one of a recent in a series of racially-charged, often violent, incidents. On [April 4th](http://www.nytimes.com/2015/04/08/us/south-carolina-officer-is-charged-with-murder-in-black-mans-death.html?_r=0), Walter Scott was fatally shot by a police officer after fleeing from a routine traffic stop. On [March 8th](http://www.huffingtonpost.com/2015/03/08/frat-racist-sae-oklahoma_n_6828212.html), Sigma Alpha Epsilon fraternity members were caught on camera gleefully chanting, “There Will Never Be A N\*\*\*\*\* In SAE.” On [March 1st](http://www.latimes.com/local/lanow/la-me-ln-on-skid-row-empathy-for-homeless-man-fatally-shot-20150302-story.html#page=1), a homeless Black man was shot in broad daylight by a Los Angeles police officer. And these are not isolated incidents, of course. Institutional and systemic racism reinforce discrimination in countless situations, including [hiring](http://www.nber.org/papers/w9873), [sentencing](http://psycnet.apa.org/psycinfo/1998-07453-006), [housing](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2915460/pdf/nihms222293.pdf) , and even [mortgage lending](http://webarchive.urban.org/publications/1000504.html). It would be easy to see in all this powerful evidence that racism is a permanent fixture in America’s social fabric and even, perhaps, an inevitable aspect of human nature. Indeed, the mere act of labeling others according to their age, gender, or race is a reflexive habit of the human mind. Social categories, like race, impact our thinking quickly, often outside of our awareness. Extensive research has found that these implicit racial biases—negative thoughts and feelings about people from other races—are automatic, pervasive, and difficult to suppress. Neuroscientists have also explored racial prejudice by exposing people to images of faces while scanning their brains in fMRI machines. [Early](http://www.mitpressjournals.org/doi/abs/10.1162/089892900562552#.VVoK7NNVhBc) [studies](http://pss.sagepub.com/content/15/12/806.full) found that when people viewed faces of another race, the amount of activity in the amygdala—a small brain structure associated with experiencing emotions, including fear—was associated with individual differences on implicit measures of racial bias. This work has led many to conclude that racial biases might be part of a primitive—and possibly hard-wired—neural [fear response](http://www.sciencemag.org/content/309/5735/785.short) to racial out-groups. There is little question that categories such as race, gender, and age play a major role in shaping the biases and stereotypes that people bring to bear in their judgments of others. However, research has shown that how people categorize themselves may be just as fundamental to understanding prejudice as how they categorize others. When people categorize themselves as part of a group, their self-concept shifts from the individual (“I”) to the collective level (“us”). People form groups rapidly and favor members of their own group even when groups are formed on [arbitrary grounds](http://onlinelibrary.wiley.com/doi/10.1002/ejsp.2420010202/abstract), such as the simple flip of a coin. These findings highlight the remarkable ease with which humans form coalitions. Recent research confirms that coalition-based preferences trump race-based preferences. [For example](http://onlinelibrary.wiley.com/doi/10.1111/ajps.12152/full), both Democrats and Republicans favor the resumes of those affiliated with their political party much more than they favor those who share their race. These coalition-based preferences remain powerful even in the absence of the animosity present in electoral politics. [Our research](http://psp.sagepub.com/content/35/3/321.short) has shown that the simple act of placing people on a mixed-race team can diminish their automatic racial bias. In a series of experiments, White participants who were randomly placed on a mixed-race team—the Tigers or Lions—showed little evidence of implicit racial bias. Merely belonging to a mixed-race team trigged positive automatic associations with all of the members of their own group, irrespective of race. Being a part of one of these seemingly trivial mixed-race groups [produced similar effects on brain activity](http://pss.sagepub.com/content/19/11/1131.short)—the amygdala responded to team membership rather than race. Taken together, these studies indicate that momentary changes in group membership can override the influence of race on the way we see, think about, and feel toward people who are different from ourselves. Although these coalition-based distinctions might be the most basic building block of bias, they say little about the other factors that cause group conflict. Why do some groups get ignored while others get attacked? Whenever we encounter a new person or group we are motivated to answer [two questions as quickly as possible](http://www.sciencedirect.com/science/article/pii/S1364661306003299): “is this person a friend or foe?” and “are they capable of enacting their intentions toward me?” In other words, once we have determined that someone is a member of an out-group, we need to determine what kind? The nature of the relations between groups—are we cooperative, competitive, or neither?—and their relative status—do you have access to resources?—largely determine the course of intergroup interactions. Groups that are seen as competitive with one’s interests, and capable of enacting their nasty intentions, are much more likely to be [targets of hostility](http://www.sciencedirect.com/science/article/pii/S2352154614000382) than more benevolent (e.g., elderly) or powerless (e.g., homeless) groups. This is one reason why sports rivalries have such psychological potency. [For instance](http://pss.sagepub.com/content/early/2011/01/26/0956797610397667.full), fans of the Boston Red Sox are more likely to feel pleasure, and exhibit reward-related neural responses, at the misfortunes of the archrival New York Yankees than other baseball teams (and vice versa)—especially in the midst of a tight playoff race. (How much fans take pleasure in the misfortunes of their rivals is also linked to how likely they would be to harm fans from the other team.) Just as a particular person’s group membership can be flexible, so too are the relations between groups. Groups that have previously had cordial relations may become rivals (and vice versa). Indeed, psychological and biological responses to out-group members can change, depending on whether or not that out-group is perceived as threatening. For example, people exhibit greater pleasure—they smile—in response to the misfortunes of stereotypically competitive groups (e.g., investment bankers); however, this malicious pleasure is [reduced](http://spp.sagepub.com/content/3/1/63.full) when you provide participants with counter-stereotypic information (e.g., “investment bankers are working with small companies to help them weather the economic downturn). Competition between “us” and “them” can even distort our judgments of distance, making threatening out-groups [seem much closer](http://psp.sagepub.com/content/38/7/959.short) than they really are. These distorted perceptions can serve to [amplify intergroup discrimination](http://www.pnas.org/content/111/25/9079.abstract): the more different and distant “they” are, the easier it is to disrespect and harm them. Thus, not all out-groups are treated the same: some elicit indifference whereas others become targets of antipathy. Stereotypically threatening groups are especially likely to be targeted with violence, but those stereotypes can be tempered with other information. If perceptions of intergroup relations can be changed, individuals may overcome hostility toward perceived foes and become more responsive to one another’s grievances. The flexible nature of both group membership and intergroup relations offers reason to be cautiously optimistic about the potential for greater cooperation among groups in conflict (be they black versus white or citizens versus police). One strategy is to bring multiple groups together around a common goal. [For example](http://www.pnas.org/content/106/15/6187.short), during the fiercely contested 2008 Democratic presidential primary process, Hillary Clinton and Barack Obama supporters gave more money to strangers who supported the same primary candidate (compared to the rival candidate). Two months later, after the Democratic National Convention, the supporters of both candidates coalesced around the party nominee—Barack Obama—and this bias disappeared. In fact, merely [creating a sense of cohesion](http://www.sciencedirect.com/science/article/pii/S002210311400095X) between two competitive groups can increase empathy for the suffering of our rivals. These sorts of strategies can help reduce aggression toward hostile out-groups, which is critical for creating more opportunities for constructive dialogue addressing greater social injustices. Of course, instilling a sense of common identity and cooperation is extremely difficult in entrenched intergroup conflicts, but when it happens, the benefits are obvious. Consider how the community leaders in New York City and Ferguson responded differently to protests against police brutality—in NYC political leaders expressed grief and concern over police brutality and moved quickly to make policy changes in policing, whereas the leaders and police in Ferguson responded with high-tech military vehicles and riot gear. In the first case, multiple groups came together with a common goal—to increase the safety of everyone in the community; in the latter case, the actions of the police likely reinforced the “us” and “them” distinctions. Tragically, these types of conflicts continue to roil the country. Understanding the psychology and neuroscience of social identity and intergroup relations cannot undo the effects of systemic racism and discriminatory practices; however, it can offer insights into the psychological processes responsible for escalating the tension between, for example, civilians and police officers. Even in cases where it isn’t possible to create a common identity among groups in conflict, it may be possible to blur the boundaries between groups. In [one recent experiment](http://www.sciencedirect.com/science/article/pii/S002210311400095X), we sorted participants into groups—red versus blue team—competing for a cash prize. Half of the participants were randomly assigned to see a picture of a segregated social network of all the players, in which red dots clustered together, blue dots clustered together, and the two clusters were separated by white space. The other half of the participants saw an integrated social network in which the red and blue dots were mixed together in one large cluster. Participants who thought the two teams were interconnected with one another reported greater empathy for the out-group players compared to those who had seen the segregated network. Thus, reminding people that individuals could be connected to one another despite being from different groups may be another way to build trust and understanding among them. A mere month before Freddie Gray died in police custody, President Obama addressed the nation on the 50th anniversary of Bloody Sunday in Selma: “We do a disservice to the cause of justice by intimating that bias and discrimination are immutable, or that racial division is inherent to America. To deny…progress – our progress – would be to rob us of our own agency; our responsibility to do what we can to make America better." The president was saying that we, as a society, have a responsibility to reduce prejudice and discrimination. These recent findings from psychology and neuroscience indicate that we, as individuals, possess this capacity. Of course this capacity is not sufficient to usher in racial equality or peace. Even when the level of prejudice against particular out-groups decreases, it does not imply that the level of institutional discrimination against these or other groups will necessarily improve. Ultimately, only collective action and institutional evolution can address systemic racism. The science is clear on one thing, though: individual bias and discrimination are changeable. Race-based prejudice and discrimination, in particular, are created and reinforced by many social factors, but they are not inevitable consequences of our biology. Perhaps understanding how coalitional thinking impacts intergroup relations will make it easier for us to affect real social change going forward.

#### 4] Optimism has succeeded in improving material conditions and must be sustained to achieve racial equality

(read After Yellow if time permits)

**Kennedy 14** (Randall L. Kennedy is the Michael R. Klein Professor of Law at the Harvard Law School. Kennedy focuses research on the intersection of racial conflict and legal institutions in American life. Kennedy attended Princeton University (A.B., 1977) and the University of Oxford, (Rhodes Scholar) and Yale Law School (J.D., 1982). "Black America's Promised Land: Why I Am Still a Racial Optimist" – American Prospect – Fall http://prospect.org/article/black-americas-promised-land-why-i-am-still-racial-optimist)

Beneath the malaise is a deep current of racial pessimism that has a long history in American and African American thought. Pessimists believe that racial harmony predicated on fairness is not part of the American future. They posit that the United States will not overcome its tragic racial past. They maintain that blacks are not and cannot become members of the American family (even with a black family occupying the White House). They believe that the United States is a white nation that will always be governed on behalf of white folk. For pessimists, the Obama presidency is no sign of racial transcendence; to the contrary, it is a demonstration of the intractability of American pigmentocracy. F or them, the Obama ascendancy shows that in order to rise to the top of American politics, a black politician must be willing to forgo substantively challenging the racial status quo (though he is allowed to cavil about it rhetorically). For them, the Obama administration simply mirrors the racial diversification of an existing order in which a relatively small sector of upper-crust blacks prosper while the condition of the black masses stagnates or deteriorates—the consequence of a misbegotten theory of racial trickle-down. For them, the Obama era is littered with bitter incongruity: While a black man is commander-in-chief, Michael Brown and thousands like him are stalked, harassed, brutalized, and occasionally killed in Ferguson-like locales across America. The pedigree of black racial pessimism is impressive. In its ranks one finds such figures as Henry McNeal Turner, Marcus Garvey, Elijah Muhammad, Malcolm X, Stokely Carmichael, Randall Robinson, and the extraordinary W.E.B. Du Bois. One encounters Frederick Douglass declaring in 1847, “I cannot have any love for this country … or for its Constitution. I desire to see its overthrow as speedily as possible, and its Constitution shriveled in a thousand fragments.” In that tradition, one also finds Derrick Bell, professor of law at Harvard, teaching in the 1990s that the United States is irredeemably imprisoned by its past, that “racism is an integral, permanent, and indestructible component of this society,” and that “black people will never gain full equality in this country.” The tradition of black racial pessimism has its white counterpart. According to Thomas Jefferson, “The two races, equally free, cannot live in the same government.” Alexis de Tocqueville doubted that “the white and black races will ever live in any country upon an equal footing,” but believed “the difficulty to be still greater in the United States than elsewhere.” According to Abraham Lincoln, differences between blacks and whites “will forever forbid the two races living together on terms of social and political equality.” But the pessimists, black and white, have not been the only influence on American thought about the prospects for racial progress. Arrayed against them are optimists who contend that blacks are (or can become) members of the American family and insist that racial harmony bottomed on fairness is attainable. This, in fact, has been the predominant tradition among blacks. Its adherents include Booker T. Washington, Thurgood Marshall, Roy Wilkins, Mary McLeod Bethune, Jesse Jackson, and John Lewis (joined by whites such as the founders of the National Association for the Advancement of Colored People and Presidents Lyndon Johnson and Bill Clinton). The most memorable spokesman for the optimistic tradition was Martin Luther King Jr. On April 3, 1968, the night before he was assassinated, he told his followers to take heart because he knew that, eventually, they would overcome the obstacles they faced. He knew this because he had “been to the mountaintop” and glimpsed the Promised Land, though he might not make it there himself. King was vague, however, about the Promised Land’s boundaries and topography. He had famously spoken of a nation where individuals will be judged not by the color of their skin but by the content of their character. Yet that formulation is popular partly because it is open to contending interpretations. Is it a condemnation of all racial distinctions? Or is it a condemnation only of invidious racial distinctions? Is it meant to posit a rule of non-discrimination that should go into effect immediately even at the cost of barring efforts to rectify past racial wrongdoing? Or is it meant to posit a rule of nondiscrimination that should go into effect only after the consequences of past wrongdoings have been ameliorated? These questions underlie the debate that has been raging for decades over competing conceptions of the racial Promised Land. In one conception, the Promised Land is a society henceforth substantially free of intentional racial discrimination in major domains of the public sphere. In this society, no effort is made to rectify the oppressive consequences of past racial misconduct because, it is argued, trying to do so is futile, unfair to those innocent of past wrongdoing, and conducive to the perpetuation of race-mindedness. This view has been propounded vigorously in the legal writings of Justices Clarence Thomas and Antonin Scalia, mainly in critiques of affirmative action. Chief Justice John Roberts, also a champion of this view, expressed it epigrammatically when, abjuring a race-conscious plan for school integration, he quipped that the best way to stop racial discrimination is to stop racially discriminating—no matter whether the aim is to assist or oppress a vulnerable group. Under this conception, we enter the racial Promised Land when racial discrimination is a negligible feature of social life, even if the vestiges of racial subordination in the past are evident and consequential. Let’s call this model of racial justice the conservative conception of the racial Promised Land. The progressive conception of the racial Promised Land is more ambitious. It envisions two essential landmarks. The first is the requirement of the conservatives that invidious racial discrimination be reduced to a negligible influence. The second condition is that the vestiges of past discrimination—the racial gaps that so dramatically scar the social landscape—be erased. Pursuant to the progressive perspective, we will reach the racial Promised Land when blackness is no longer a uniform that, holding other variables steady, signals that its wearer bears a notably higher risk than whites of premature death, impoverishment, unemployment, incarceration, victimization by criminality, homelessness, police harassment, and similar afflictions. Today, one can go into a hospital, visit the ward for newborns, and make accurate estimates about the babies’ varying life trajectories on the basis of their racial identities. When accurate estimates of this sort are no longer possible, progressives contend, we will have reached the racial Promised Land. Some observers insist that what I have dubbed the conservative model of the racial Promised Land is at hand or at least nearby. They maintain that, for the most part, we have overcome. They proclaim “Mission Accomplished” or at least mission near-accomplished. This is mistaken. Intentional invidious racial discrimination constitutes a force in American life that is far from negligible. It is a substantial headwind that blacks and other racial minorities face in many key areas, including housing, finance, employment, criminal justice, electoral politics, and markets for romance and marriage. There is a library of empirical literature establishing this fact beyond sensible controversy—studies based on similarly situated but racially disparate testers who meet different fates when they seek to buy automobiles, rent housing, get jobs, or obtain loans. And then there are the lessons of everyday life that suggest forcefully that in crucial interactions with police officers, prosecutors, judges, and other authorities armed with discretion, outcomes differ, all too often, depending on the race of the person being assessed. It is difficult to imagine that the dismal train of events surrounding the deaths of Trayvon Martin or Michael Brown would have been identical had they been white. Even more distant is the progressive conception of the racial Promised Land. In practically every key index of well-being, a chasm separates the circumstances in which whites and blacks typically find themselves. The income gap separating blacks and whites widened from about $19,000 in the late 1960s to about $27,000 in 2011. The wealth gap increased from $75,000 in 1984 to $85,000 in 2011. Blacks are nearly three times more likely to live in deep poverty than whites. Black men are six times as likely as white men to be incarcerated. And on. And on. And on. We have failed to reach the racial Promised Land in either its conservative or its progressive definition. With respect to both of these destinations, our society remains far afield. Still, I put myself in the optimistic camp. Why? I am hopeful first and foremost because of the predominant trajectory of African Americans—a history that John Hope Franklin framed with the apt title From Slavery to Freedom. In 1860, four million African Americans were enslaved while another half-million were free but devoid of fundamental rights in many of the jurisdictions where they lived. In 1860, the very term “African American” was something of an oxymoron because the Supreme Court had ruled in Dred Scott v. Sandford that no black, free or enslaved, could be a citizen of the United States. But within a decade, the Thirteenth Amendment (1865) abolished slavery, the Fourteenth Amendment (1868) established birthright citizenship and required all states to accord all persons due process and equal protection of the laws, and the Fifteenth Amendment (1870) prohibited states from withholding the right to vote on account of race, color, or previous condition of servitude. People who had been sold on the auction block as youngsters helped to govern their locales as public officials when they were adults. In 1861, Jefferson Davis of Mississippi resigned from the United States Senate to join the Confederate States of America, which he led as president. In 1870, Hiram Revels, the first black member of Congress, occupied the seat that Davis abandoned. The First Reconstruction was overwhelmed by a devastating white supremacist reaction. But the most fundamental reforms it established proved resilient, providing the basis for a Second Reconstruction from the 1950s to the 1970s. During that period, too, the distance traveled by blacks was astonishing. In 1950, segregation was deemed to be consistent with federal constitutional equal protection. No federal law prevented proprietors of hotels, restaurants, and other privately owned public accommodations from engaging in racial discrimination. No federal law prohibited private employers from discriminating on a racial basis against applicants for jobs or current employees. No federal law effectively counteracted racial disenfranchisement. No federal law outlawed racial discrimination in private housing transactions. In contrast, by 1970 federal constitutional law thoroughly repudiated the lie of separate but equal. The 1964 Civil Rights Act forbade racial discrimination in privately owned places of public accommodation and many areas of private employment. The 1965 Voting Rights Act provided the basis for strong prophylactic action against racial exclusion at the ballot box. The 1968 Fair Housing Act addressed racial exclusion in a market that had been zealously insulated against federal regulation. None of these interventions were wholly successful. All were compromised. All occasioned backlash. But the racial situation in 1970 and afterwards was dramatically better than what it had been in 1950 and before. Today, at a moment when progress has stalled, we need to recall how dramatically and unexpectedly conditions sometimes change. Until recently who’d-a thunk it possible for the president to be an African American? In the 1980s, I used to ask law students how long affirmative action programs ought to last. Champions of such programs, seeking to ensure their longevity, would say that affirmative action would be needed until the country elected a black president. That reply would elicit appreciative laughter as listeners supposed that that formula would preserve affirmative action for at least a century. But then along came Barack Obama and with him the remark that soon became a cliché: “I never thought that I’d live to see a black president.” Obama’s election is much more than a monument to one politician’s talent and good fortune. Changes in public attitudes, law, and custom have clearly elevated the fortunes of African Americans as individuals and black America as a collectivity. Hard facts may give plausibility to the pessimistic tradition, but they make the optimistic tradition compelling. Despite the many wrongs that remain to be righted, blacks in America confront fewer racist impediments now than ever before in the history of the United States. The courage, intelligence, persistence, idealism, and sacrifice of Fannie Lou Hamer and Rosa Parks, Julian Bond and Bob Moses, Medgar Evers and Bayard Rustin, Viola Liuzzo and Vernon Dahmer—and countless other tribunes for racial justice—have not been expended for naught. The facts of day-to-day life allow blacks to sing more confidently than ever before James Weldon Johnson’s magnificent hymn “Lift Every Voice and Sing,” often referred to as the Black National Anthem: Sing a song full of the faith that the dark past has taught us Sing a song full of the hope that the present has brought us Facing the rising sun of our new day begun Let us march on till victory is won. My optimism involves more than a sociological prediction. I am also swayed by my intuition regarding which of these hypotheses—the pessimistic or the optimistic—will do the most good. Hope is a vital nutrient for effort; without it, there is no prospect for achievement. The belief that we can overcome makes more realistic the possibility that we shall overcome. Optimism gives buoyancy to thinking that might otherwise degenerate into nihilism, encourages solidarity in those who might otherwise be satisfied by purely selfish indulgence, invites strategic planning that can usefully harness what might otherwise be impotent indignation, and inspires efforts that might otherwise be avoided due to fatalism. On Election Day 1996, exit polling showed General Colin Powell beating President Bill Clinton by a comfortable margin. But Powell was not Clinton’s opponent. Senator Bob Dole was. Powell had considered seeking the Republican Party nomination but declined in the end to do so. Before he made that decision, polls suggested that he could win the nomination and the general election, but friends were skeptical. Powell recalls that Earl Graves, the publisher of Black Enterprise magazine, told him, “Look, man … [w]hen [white voters] go in that booth, they ain’t going to vote for you.” Maybe Graves was correct. Real voting might have produced different results from the polls. Furthermore, whereas the actual candidates had suffered a year of merciless scrutiny on the campaign trail, Powell on Election Day was a mere hypothetical candidate who suffered from none of the wear and tear that a presidential contest exacts. At the end of a campaign, the general might not have remained so attractive. Still, Powell’s apparent popularity does provide a basis for conjecturing that America’s readiness to elect a black president had been an unrecognized part of the political landscape for longer than many had appreciated. Powell may well have denied himself the opportunity to make a successful historic leap by being self-defeatingly pessimistic. A major fear of many blacks is that acknowledging progress will prompt underestimation of racial obstacles that blacks at every socioeconomic level continue to face. When Americans are polled about their perceptions of racial affairs, whites are typically more upbeat than blacks. The more affluent they are, the more upbeat white observers tend to be. Inordinately impressed by progress, they all too often prematurely declare victory over racism. Although complacency nourished by an overly rosy view of racial affairs is a real danger, I stand by my conviction that a clear-eyed assessment favors black optimism. Who, after all, have been the figures most beneficial to blacks? Was it the Martin Delany who decamped for Africa, thinking America to be irremediably racist? Or was it the Martin Delany who returned, recruited blacks for the Union, and participated significantly in Southern politics during Reconstruction? Was it the pre-1966 Stokely Carmichael who sang “We Shall Overcome” in the splendid early days of the Student Nonviolent Coordinating Committee (SNCC)? Or was it the post-1966 Stokely Carmichael (later renamed Kwame Ture) whose impatient bitterness helped to destroy the SNCC and rationalize an indulgent exile to Guinea that squandered a substantial talent? Was it my long-time colleague of blessed memory, Derrick Bell, who posited the permanence of racist white dominance? Or was it a student who rightly admired Professor Bell but eschewed his pessimism and followed a different path, a black student who, years later, put Bell’s hypothesis to a test by seeking the highest elected office in the land under the slogan “Yes We Can!”? That student, of course, was Barack Obama, and his presidency has been the setting for much debate between pessimists and optimists. Some detractors, perhaps the angriest, started from a position of raised expectations. They thought that Obama embodied the “audacity of hope” and that he would somehow bring about sweeping changes. Disappointed, they have expressed themselves in the angry, accusatory rhetoric of betrayal. Obama, Cornel West charges, “posed as a progressive and turned out to be counterfeit.” Others condemn Obama but without disappointment. They see their low expectations as having been validated. Certain pessimists have maintained that Obama’s election indicated little in terms of “real” racial progress. They even discount the symbolic significance of his ascendancy, stressing his exceptionality. Although he calls himself black, Obama is the offspring of a black African father and a white American mother and is thus distinguished genealogically from most African Americans. Much was made of his Muslim-sounding name. But some observers maintain that popular acceptance of that, too, should be viewed skeptically. It would have signaled more, they argue, had America elected a black person raised in, say, Detroit with a name such as Tyrone Washington or Jamal Jefferson. Pessimists argue that, substantively, the Obama presidency has delivered no more to blacks than would have been delivered by any other centrist-liberal Democrat (say, Hillary Clinton), and that in certain respects the Obama presidency delivered less because Obama sought excessively to prove that he was a president for all Americans and not merely black Americans. They contend that Obama’s blackness was an asset that he used for personal marketing and that the white establishment seized upon for advertising, “The United States cannot sensibly be accused of practicing or condoning racism! It just elected a black president!” Pessimists will now also enlist the horrifying events in Ferguson, Missouri, to reinforce their claim that despite the civil rights movement, antidiscrimination legislation, affirmative action, and the election of Obama, the narrative of race relations in America is a doleful tale—not a march upward from slavery to freedom, but a trek sideways from plantation to ghetto. What is an optimist in the waning years of the Obama presidency to say in the face of this challenge? Obama’s election signaled a dramatic, substantive change in racial beliefs and attitudes. In 1960, his victory would have been impossible: Too many whites would have been unwilling to vote for a black candidate—any black candidate—because of doubts about the capacities of anyone of black African ancestry. Recall that there were no black cabinet officers until Johnson appointed Robert Weaver as secretary of housing and urban development in 1966, and no black Supreme Court justices until Johnson nominated Thurgood Marshall in 1967. The specter of black intellectual and characterological deficiency stunted the careers of many talented blacks, and still does. That Obama was able to win the presidency—twice—is a sign that rumors of racial inferiority, while still extant, are much diminished in influence. n thinking about the meaning of Obama, it is important, too, to focus on the special status of the presidency. The person who occupies that office is not only the head of the executive branch of the federal government, the person who nominates all federal judges, the commander-in-chief of the armed forces, and thus a person with the wherewithal to destroy most, if not all, of humankind. The president is also the nation’s mourner-in-chief, booster-in-chief, spouse-in-chief, and parent-in-chief. That a black man has been the master of the White House for the past six years does indeed reflect and reinforce a remarkable socio-psychological transformation in the American racial scene. If that is “tokenism,” give us more of it. I have emphasized progress that blacks have made in absolute terms: where they stood 50 years ago and where they stand today. But what about the position of blacks relative to whites—those yawning gaps in wealth, income, educational attainment, and risk of imprisonment that have remained unclosed and that have, in some ways, widened even further during Obama’s tenure? There is no use denying that reality. America remains racially stratified and will continue to be long after the Obama presidency. There is also no use, however, in denying other facets of the American racial reality. One is a comparative view. In considering the appropriate attitude to adopt toward America—allegiance, for example, or dis-affiliation—it is sensible to compare the United States to other divided societies. Negrophobia in America is, alas, all too present. But it pales in comparison with the prejudice against racial, ethnic, religious, and national minorities in many countries around the globe. As bad as the American racial problem is, as urgently as it calls for concentrated attention, its condition is less dire and more encouraging than might be gleaned from an analysis that views the American situation in isolation, divorced from international comparisons. There is also no good purpose served by ignoring manifestations of progress that display themselves even in heartrending crises. Consider the events in Ferguson. The killing of the unarmed teenager, the callous inattentiveness to his body, the militarized police response to protest, and the dubious investigation by local authorities of this tragic death display much of what is terrible in American race relations: an atavistic fear of young black men; quick resort to excessive force against African Americans; racial residential separation; black powerlessness that foments resentment; white dominance that encourages contempt; an utter lack of mutual trust. But the events in Ferguson have also revealed other responses. The federal government took note of what happened and actively involved itself via the president, attorney general, and the director of the FBI. The Ferguson tragedy became the leading news story all over the country. Blacks have not been the only ones calling the police to account and demanding reform. Whites from various walks of life, including right-wing politicians like Rand Paul, have also been doing so. Never in American history, in analogous circumstances, has there been a higher level of interracial empathy. Overcoming the racial burdens—individual, communal, institutional—that encumber us will take unremitting effort, major deployments of intelligence and imagination, daunting amounts of time, huge expenditures of money, and the resolute conviction that America’s racial affairs can and will improve. Is the uncertain prospect of a better future worth that investment? The lessons of American history and a comparison of our society with others around the world impel me to say yes. I am a racial optimist. Only time will tell whether my faith is wise.