### 1

#### Objective understandings of individual moral fail. The only ethical claims that are normative are ones that stem from the subject’s constitutive instability. Thinking only affects a subject as a being in time and so is not a transcendent feature.

Deleuze, Gilles. Difference and Repitition. Translated by Paul Patton. 1968.

Temporally speaking - in other words, from the point of view of the theory of time - nothing is more instructive than the difference between the Kantian and the Cartesian Cogito. It is as though **Descartes's Cogito** **operated** **with** two logical values: determination and undetermined existence. **The** **determination (I think) implies an undetermined** **existence** (**I am,** because 'in order to think one must exist') - **and** **determines it precisely as the existence of a thinking subject**: I think therefore I am, I am a thing which thinks. **The** entire **Kantian** **critique [is]** amounts to objecting against Descartes that it is impossible for determination to bear directly upon the undetermined. **The determination ('I think')** obviously **implies** something undetermined **('I am'), but** **nothing so far tells us how it is that** **this undetermined is determinable** **by the 'I think'**: 'in the consciousness of myself in mere thought I am the being itself although nothing in myself is thereby given for thought.'8 **Kant** therefore **adds** a third logical value: **the determinable**, or rather the form in which the undetermined is determinable (by the deter­ mination). This third value suffices to make logic a transcendental instance. It amounts to the discovery of Difference - no longer in the form of an empirical difference between two determinations, but **in the form of a transcendental** **Difference** between the Determination as such and what it determines; **no[t] longer in the form of an external difference which separates**, **but in the form of an** **internal Difference which establishes an a priori relation** between thought and being. Kant's answer is well known: the form under which undetermined existence is determinable by the 'I think' is that of time ...9 The consequences of this are extreme: **my undetermined existence can be determined only within time as the existence of a** **phenomenon**, of a passive, receptive phenomenal subject appearing within time. As a result, **the spontaneity of which I am** **conscious in the 'I think' cannot** **be understood as the** **attribute of a substantial** and spontaneous **being**, **but only as the affection** **of a passive self** **which experiences its own thought** - its own intelligence, that by virtue of which it can say I - being exercised in it and upon it but not by it. Here begins a long and inexhaustible story: I is an other, or the paradox of inner sense. **The activity of thought applies** to a receptive being, **to a passive subject which represents that activity to itself rather than enacts it**, which experiences its effect rather than initiates it, and which lives it like an Other within itself. **To 'I think' and 'I am' must be added the** **self** - **that is, the passive position** (what Kant calls the receptivity of intuition); to the determination and the undetermined must be added the form of the determinable, **namely** **time**. Nor is 'add' entirely the right word here, since it is rather a matter of establishing the difference and interiorising it within being and thought. It is as though the **I were fractured** from one end to the other: fractured **by** the pure and empty form of **time**. In this form it is the correlate of the passive self which appears in time. **Time signifies a** fault or a **fracture in the I and a passivity in the self**, and the correlation between the passive self and the fractured I constitutes the discovery of the transcendental, the element of the Copernican Revolution. **Descartes could draw his conclusion only by expelling time, by reducing the Cogito to an instant** and entrusting time to the operation of continuous creation carried out by God. More generally, the supposed identity of the I has no other guarantee than the unity of God himself. For this reason, the substitution of the point of view of the 'I' for the point of view of 'God' = than is commonly supposed, so long as the former retains an identity that it owes precisely tt. If the greatest tmttattve of transcendental philosophy was to introduce the form of time into thought as such, then this pure and empty form in turn signifies indissolubly the death of God, the fractured I and the passive self. It is true that Kant did not pursue this initiative: both God and the I underwent a practical resurrection. Even in the speculative domain, the fracture is quickly filled by a new form of identity - namely, active synthetic identity; whereas the passive self is defined only by receptivity and, as such, endowed with no power of synthesis. On the contrary, we have seen that receptivity, understood as a capacity for experiencing affections, was only a consequence, and that the passive self was more profoundly constituted by a synthesis which is itself passive (contemplation ontraction). · The possibility of receiving sensations or impressions follows from this. It is impossible to maintain the Kantian distribution, which amounts to a supreme effort to save the world of representation: here, synthesis is understood as active and as giving rise to a new form of identity in the I, while passivity is understood as simple receptivity without synthesis. The Kantian initiative can be taken up, and the form of time can support both the death of God and the fractured I, but in the course of a quite different understanding of the passive self. In this sense, it is correct to claim that neither Fichte nor Hegel is the descendant of Kant - rather, it is Holderlin, who discovers the emptiness of pure time and, in this emptiness, simultaneously the continued diversion of the divine, the prolonged fracture of the I and the constitutive passion of the self.10 Holderlin saw in this form of time both the essence of tragedy and the adventure of Oedipus, as though these were complementary figures of the same death instinct. Is it possible that Kantian philosophy should thus be the heir of Oedipus?

#### This mobility of identity parallels a mobility in truth; our relation to ethics constantly changes – this necessitates experimentation with our moral norms and their particularities

Nathan Jun (Ph.D., Philosophy and Literature, Purdue University; M.A., Philosophy, University of Pennsylvania) and Daniel W. Smith, Prof Philo @ Purdue University “Deleuze and Ethics.” 2011. Edinburgh University Press

C. Ewing famously suggested that to value something, to treat it as good, is to treat it as something “we ought to welcome, [to] rejoice in if it exists, [to] seek to produce if it does not exist . . . to approve its attainment, count its loss a deprivation, hope for and not dread its coming if this is likely, [and] avoid what hinders its production” (Ewing 1947: 149). It is worth noting at the outset that Deleuze isn’t as interested in the question of “what is good” or “what is valuable” as he is in the capacity of human beings to value things (or, if you like, to “create values”). Every human being is both a product of a unique and complicated multiplicity of forces, including the inward-directed forces of self-creation, as well as a producer of difference, change, movement, and transformation. These are the processes – which collectively, fol- lowing Deleuze, we can simply call “life” or “being alive” – through which human beings experience value. Life, understood in this sense, is what interests Deleuze. There is little doubt that Deleuze values life – or, rather, that Deleuzian philosophy regards life as valuable, i.e., as something that is in some sense worthy of being valued. On the other hand, could life or anything else be “intrinsically good” in a Deleuzian universe, if by this we mean that the value of life obtains independently of its relations to other things, or that life is somehow worthy of being valued on its own account, etc.? For Deleuze, after all, it would not make sense to speak of life, or anything else, in this way, since by its very nature life is relational and dynamic. Thus if life is worthy of being protected, pursued, promoted, etc., it cannot be because of traditional distinctions between intrinsic and instrumental value. Deleuze’s valorization of “difference” and scorn of “representation” surely hint at, if they do not altogether reveal, a solution to this issue. Time and again Deleuze, like Nietzsche, emphasizes the importance of loving and affirming life. It is likewise clear that this “Leben-liebe” is both a condition and a consequence of creativity, experimentation, the pursuit of the new and the different. To the extent that representation and its social incarnations are opposed to life, they are condemnable, marked by “indignity.” This strongly suggests that for Deleuze, again, life is loveable, valuable, and good; that it is worthy of being protected and promoted; that whatever is contrary to it is worthy of disapproba- tion and opposition. At the same time, however, we must recall that the life of which he speaks is something virtual, and there is no guarantee that its actualizations will be af rmative and active. Of course, this is simply one more reason why Deleuze emphasizes experimentation, on the one hand, and eternal vigilance, on the other. Our experiments may lead to positive transformations, they may lead to madness, they may lead to death. What starts out as a reckless and beautiful affirmation of life can result in a death camp. It is not enough, therefore, to experiment and create; one must be mindful of, and responsible for, one’s creations. The process requires an eternal revolution against life-denial wherever and however it arises – eternal because without a telos, and without a telos because life-denial as such can never be completely stopped. It can only be contained or, better, outrun. Whatever goodness is created along the way, Deleuze thinks, will always be provisional, tentative, and contingent, but this is hardly a reason not to create it. Deleuzian value theory, then, aspires to be an eternal revolution against representation which is itself an eternal process of creation and transformation, an eternal practice of freedom. The good or ethical life is both a goal as well as the in nite network of possibilities we travel in its pursuit. Ethics traces the multiple locations at which means and ends overlap or blur together, the multiple sites at which our desires become immanent to their concrete actualizations, the multiple spaces within which the concrete realizations of our desire become immanent to those desires. For Deleuze, such sites and spaces are constantly shifting into and out of focus, moving into and out of existence. Concrete moral and political goals sought as an end are constituted by our seeking them. Thus the process of seeking freedom or justice is a process of eternal movement, change, becoming, possibility, and novelty which simul- taneously demands eternal vigilance, and endurance. There is neither certainty nor respite at any point. There are no stable identities, no tran- scendent truths, no representations or images. There are only the vari- able and reciprocal and immanent processes of creation and possibility themselves. Deleuze thinks every human being is the product of a unique and complicated multiplicity of forces. Consequently only individuals are in a position to discover, through processes of experimentation, what is valuable in their lives, what they ought to pursue and avoid, etc., in a particular set of circumstances. Only through the process of pursu- ing alternative practices can one begin to discover the manifold possi- bilities of life. Deleuze’s explicitly rejects the idea that there is any sort of “natural” hierarchy of values among individuals. As he notes time and again in Capitalism and Schizophrenia, the authority of oppressive assemblages is always justified by assuming that certain peoples’ values are, in some sense, weightier than those of others, and it is precisely the function of normativity to conceal the arbitrary and arti cial nature of this assumption under the guise of universalizability and transcendence. The process of creating value therefore requires an eternal revolution against the forces of repression wherever and however they arise. It lacks any kind of telos or end goal, since there is always a micro-fascism lurking at the heart of every system of personal value-construction which can, and often will, reterritorialize and overcode that system. Again, such a micro-fascism is every bit as instrumental in producing value as, say, the desire for freedom. It is not the case, therefore, that we ought to oppose what is anti-life, but rather that we must if we are to ever achieve value at all. The fact that the discovery of value is always provisional, tentative, and contingent is hardly a reason not to pursue it. In the end, there may be no ultimate means by which to distinguish one way of living from another, but it is precisely our inability to secure such a means which necessitates an ongoing commitment to ethical life. As I suggested earlier, traditional ethical philosophy suffers from approaching ethics the wrong way round. The maneuver seems to be as follows:

#### Thus, the standard is embracing an ethics of particular experimentation. That’s defined as recognizing there’s no set norm that we follow in all situations and test different maxims to see which are life affirming. There is no rule against a specific type of behavior just pragmatically reshaping our norms to affirm life.

#### Now, negate: the AC is an absolute principle; it claims there cannot be any instance in which (res) might be the right choice, which ignores the possibility of alternate circumstances we can’t respond to until we respond ad hoc. A universal statement like the resolution can’t have universal truth; its truth is contextual, which contradicts the principles of experimentation. Turns case – blanket prohibitions like the aff posit general cultural norms without room for exception – that culminates in an elimination of difference as the root of oppression.

Brad Evans “Foucault’s Legacy: Security, War, and Violence in the 21st Century,” Security Dialogue vol.41, no. 4, August 2010, pg. 422-424

Imposing **liberalism has often come at a price. That price has tended to be a continuous recourse to war.** While the militarism associated with liberal internationalization has already received scholarly attention (Howard, 2008), Foucault was concerned more with the continuation of war once peace has been declared.4 Denouncing the illusion that ‘we are living in a world in which order and peace have been restored’ (Foucault, 2003: 53), he set out to disrupt the neat distinctions between times of war/military exceptionalism and times of peace/civic normality. War accordingly now appears to condition the type of peace that follows. None have been more ambitious in map-­ ping out this war–peace continuum than Michael Dillon & Julian Reid (2009). Their ‘liberal war’ thesis provides a provocative insight into the lethality of making live. Liberalism today, they argue, is underwritten by the unreserved righteousness of its mission. Hence, while there may still be populations that exist beyond the liberal pale, it is now taken that they should be included. **With ‘liberal peace’ therefore predicated on the pacification/elimination of all forms of political difference in order that liberalism might meet its own moral and political objectives, the more peace is commanded, the more war is declared in order to achieve it:** ‘In proclaiming peace . . . liberals are nonetheless committed also to making war.’ This is the ‘martial face of liberal power’ that, contrary to the familiar narrative, is ‘directly fuelled by the universal and pacific ambitions for which liberalism is to be admired’ (Dillon & Reid, 2009: 2). Liberalism thus stands accused here of universalizing war in its pursuit of peace: However much liberalism abjures war, indeed finds the instrumental use of war, especially, a scandal, war has always been as instrumental to liberal as to geopolitical thinkers. In that very attempt to instrumentalize, indeed universalize, war in the pursuit of its own global project of emancipation, the practice of **liberal rule itself becomes profoundly shaped by war**. However much it may proclaim liberal peace and freedom, its own allied commitment to war subverts the very peace and freedoms it proclaims (Dillon & Reid, 2009: 7). While Dillon & Reid’s thesis only makes veiled reference to the onto-­ theological dimension, they are fully aware that its rule depends upon a certain religiosity in the sense that war has now been turned into a veritable human crusade with only two possible outcomes: ‘endless war or the transformation of other societies and cultures into liberal societies and cul-­ tures’ (Dillon & Reid, 2009: 5). Endless war is underwritten here by a new set of problems. Unlike Clausewitzean confrontations, which at least provided the strategic comforts of clear demarcations (them/us, war/peace, citizen/soldier, and so on), these wars no longer benefit from the possibility of scoring outright victory, retreating, or achieving a lasting negotiated peace by means of political compromise. Indeed, deprived of the prospect of defining enmity in advance, war itself becomes just as complex, dynamic, adaptive and radically interconnected as the world of which it is part. That is why ‘any such war to end war becomes a war without end. . . . **The project of removing war from the life of the species becomes a lethal and, in principle, continuous and unending process’** (Dillon & Reid, 2009: 32). Duffield, building on from these concerns, takes this unending scenario a stage further to suggest that since wars for humanity are inextricably bound to the global life-­chance divide, it is now possible to write of a ‘Global Civil War’ into which all life is openly recruited: Each crisis of global circulation . . . marks out a terrain of global civil war, or rather a tableau of wars, which is **fought on and between the modalities of life itself. . . .** What is at stake in this war is the West’s ability to contain and manage international poverty while maintaining the ability of mass society to live and consume beyond its means (Duffield, 2008: 162). Setting out civil war in these terms inevitably marks an important depar-­ ture. Not only does it illustrate how **liberalism gains its mastery by posing** fundamental questions of life and death – that is, who is to live and who can be killed – disrupting the narrative that ordinarily takes sovereignty to be the point of theoretical departure, civil war now appears to be driven by **a globally ambitious biopolitical imperative** (see below). Liberals have continuously made reference to humanity in order to justify their use of military force (Ignatieff, 2003). War, if there is to be one, must be **for the unification of the species**. This humanitarian caveat is by no means out of favour. More recently it underwrites the strategic rethink in contemporary zones of occupation, which has become biopolitical (‘hearts and minds’) in everything but name (Kilcullen, 2009; Smith, 2006). While criticisms of these strategies have tended to focus on the naive dangers associated with liberal idealism (see Gray, 2008), insufficient attention has been paid to the contested nature of all the tactics deployed in the will to govern illiberal populations. Foucault returns here with renewed vigour. He understood **that forms of war have always been aligned with forms of life.** Liberal wars are no exception. Fought in the name of endangered humanity, humanity itself finds its most meaningful expression through the battles waged in its name: At this point we can invert Clausewitz’s proposition and say **that politics is the continuation of war by other means**. . . . While it is true that political power puts an end to war and establishes or attempts to establish the reign of peace in civil society, it certainly does not do so in order to suspend the effects of power or to neutralize the disequilibrium revealed in the last battle of war (Foucault, 2003: 15). What in other words occurs beneath the semblance of peace is far from politically settled: political struggles, these clashes over and with power, these modifications of relations of force – the shifting balances, the reversals – in a political system, all these things must be interpreted as a continuation of war. And they are interpreted as so many episodes, fragmentations, and displacements of the war itself. We are always writing the history of the same war, even when we are writing the history of peace and its institutions (Foucault, 2003: 15). David Miliband (2009), without perhaps knowing the full political and philo-­ sophical implications, appears to subscribe to the value of this approach, albeit for an altogether more committed deployment: NATO was born in the shadow of the Cold War, but we have all had to change our thinking as our troops confront insurgents rather than military machines like our own. The mental models of 20th century mass warfare are not fit for 21st century counterinsurgency. That is why my argument today has been about the centrality of politics. People like quoting Clausewitz that warfare is the continuation of politics by other means. . . . We need politics to become the continuation of warfare by other means. Miliband’s ‘Foucauldian moment’ should not escape us. Inverting Clausewitz on a planetary scale – hence promoting the collapse of all meaningful distinctions that once held together the fixed terms of Newtonian space (i.e. inside/outside, friend/enemy, citizen/soldier, war/peace, and so forth), he firmly locates the conflict among the world of peoples. With global war there-­ fore appearing to be an internal state of affairs, vanquishing enemies can no longer be sanctioned for the mere defence of things. A new moment has arrived, in which **the destiny of humanity as a whole is being wagered on the success of humanity’s own political strategies**. No coincidence, then, that authors like David Kilcullen – a key architect in the formulation of counterinsurgency strategies in Iraq and Afghanistan, argue for a global insurgency paradigm without too much controversy. **Viewed from the perspective of power, global insurgency is after all nothing more than the advent of a global civil war fought for the biopolitical spoils of life.** Giving primacy to counter-­ insurgency, it foregrounds the problem of populations so that questions of security governance (i.e. population regulation) become central to the war effort (RAND, 2008). Placing the managed recovery of maladjusted life into the heart of military strategies, it insists upon a joined-­up response in which sovereign/militaristic forms of ordering are matched by biopolitical/devel-­ opmental forms of progress (Bell & Evans, forthcoming). Demanding in other words a planetary outlook, it collapses the local into the global so that life’s radical interconnectivity implies that absolutely nothing can be left to chance. While liberals have therefore been at pains to offer a more humane recovery to the overt failures of military excess in current theatres of operation, warfare has not in any way been removed from the species. Instead, humanized in the name of local sensitivities, doing what is necessary out of global species necessity now implies that war effectively takes place by every means. Our understanding of civil war is invariably recast. Sovereignty has been the traditional starting point for any discussion of civil war. While this is a well-established Eurocentric narrative, colonized peoples have never fully accepted the inevitability of the transfixed utopian prolificacy upon which sovereign power increasingly became dependent. Neither have they been completely passive when confronted by colonialism’s own brand of warfare by other means. Foucault was well aware of this his-­ tory. While Foucauldian scholars can therefore rightly argue that alternative histories of the subjugated alone permit us to challenge the monopolization of political terms – not least ‘civil war’ – for Foucault in particular there was something altogether more important at stake: there is no obligation whatsoever to ensure that reality matches some canonical theory. Despite what some scholars may insist, politically speaking there is nothing that is necessarily proper to the sovereign method. It holds no distinct privilege. Our task is to use theory to help make sense of reality, not vice versa. While there is not the space here to engage fully with the implications of our global civil war paradigm, it should be pointed out that since its biopolitical imperative removes the inevitability of epiphenomenal tensions, nothing and nobody is necessarily dangerous simply because location dictates. With enmity instead depending upon the complex, adaptive, dynamic account of life itself, **what becomes dangerous emerges from within the liberal imaginary of threat. Violence accordingly can only be sanctioned against those newly appointed enemies of humanity** – a phrase that, immeasurably greater than any juridical category, necessarily affords enmity an internal quality inherent to the species complete, for the sake of planetary survival. Vital in other words to all human existence, **doing what is necessary out of global species necessity requires a new moral assay of life that, pitting the universal against the particular, willingly commits violence against any ontological commitment to political difference**, even though universality itself is a shallow disguise for the practice of destroying political adversaries through the contingency of particular encounters. Necessary Violence Having established that the principal task set for biopolitical practitioners is to sort and adjudicate between the species, modern societies reveal a distinct biopolitical aporia (an irresolvable political dilemma) in the sense that making life live – selecting out those ways of life that are fittest by design – inevitably writes into that very script those lives that are retarded, backward, degenerate, wasteful and ultimately dangerous to the social order (Bauman, 1991). Racism thus appears here to be a thoroughly modern phenomenon (Deleuze & Guattari, 2002). This takes us to the heart of our concern with biopolitical rationalities. When ‘life itself’ becomes the principal referent for political struggles, power necessarily concerns itself with those biological threats to human existence (Palladino, 2008). That is to say, since life becomes the author of its own (un)making, the **biopolitical assay of life necessarily portrays a commitment to the supremacy of certain species types: ‘a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from that norm**, against those who pose a threat to the biological heritage’ (Foucault, 2003: 61). Evidently, what is at stake here is no mere sovereign affair. Epiphenomenal tensions aside, racial problems occupy a ‘permanent presence’ within the political order (Foucault, 2003: 62). Biopolitically speaking, then, since it is precisely through the internalization of threat – the constitution of the threat that is now from **the dangerous ‘Others’ that exist within** – that societies reproduce at the level of life the ontological commitment to secure the subject, since everybody is now possibly dangerous and nobody can be exempt, for political modernity to function one always has to be capable of killing in order to go on living: Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire **populations are mobilized for the purpose of wholesale slaughter** in the name of life necessity; massacres have become vital. . . . The principle underlying the tactics of battle – that one has to become capable of killing in order to go on living – has become the principle that defines the strategy of states (Foucault, 1990: 137). When Foucault refers to ‘killing’, he is not simply referring to the vicious act of taking another life: ‘When I say “killing”, I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection and so on’ (Foucault, 2003: 256). Racism makes this process of elimination possible, for it is only **through the discourse and practice of racial (dis)qualification that one is capable of introducing ‘a break in the domain of life that is under power’s control: the break between what must live and what must die’** (Foucault, 2003: 255). While kill- ing does not need to be physically murderous, that is not to suggest that we should lose sight of the very real forms of political violence that do take place in the name of species improvement. As Deleuze (1999: 76) duly noted, when notions of security are invoked in order to preserve the destiny of a species, when the defence of society gives sanction to very real acts of violence that are justified in terms of species necessity, that is when the capacity to legitimate murderous **political actions in all our names and for all our sakes becomes altogether more rational, calculated, utilitarian**, hence altogether more frightening: When a diagram of power abandons the model of sovereignty in favour of a disciplinary model, when it becomes the ‘bio-­power’ or ‘bio-­politics’ of populations, controlling and administering life, it is indeed life that emerges as the new object of power. At that point law increasingly renounces that symbol of sovereign privilege, the right to put someone to death, but allows itself to produce all the more hecatombs and genocides: not by returning to the old law of killing, but on the contrary in the name of race, precious space, conditions of life and the survival of a population that believes itself to be better than its enemy, which it now treats not as the juridical enemy of the old sovereign but as a toxic or infectious agent, a sort of ‘biological danger’. Auschwitz arguably represents the most grotesque, shameful and hence meaningful example of necessary killing – the violence that is sanctioned in the name of species necessity (see Agamben, 1995, 2005). Indeed, for Agamben, since one of the most ‘essential characteristics’ of modern biopolitics is **to constantly ‘redefine the threshold in life that distinguishes and separates what is inside from what is outside’, it is within those sites that ‘eliminate radically the people that are excluded’ that the biopolitical racial imperative is exposed in its most brutal form** (Agamben, 1995: 171). The camp can therefore be seen to be the defining paradigm of the modern insomuch as it is a ‘space in which power confronts nothing other than pure biological life without any media-­ tion’ (Agamben, 1995: 179). While lacking Agamben’s intellectual sophistry, such a Schmittean-­inspired approach to violence – that is, sovereignty as the ability to declare a state of juridical exception – has certainly gained wide-­ spread academic currency in recent times. The field of international relations, for instance, has been awash with works that have tried to theorize the ‘exceptional times’ in which we live (see, in particular, Devetak, 2007; Kaldor, 2007). While some of the tactics deployed in the ‘Global War on Terror’ have undoubtedly lent credibility to these approaches, in terms of understanding violence they are limited. Violence is only rendered problematic here when it is associated with some act of unmitigated geopolitical excess (e.g. the invasion of Iraq, Guantánamo Bay, use of torture, and so forth). This is unfortunate. Precluding any critical evaluation of the contemporary forms of violence that take place within the remit of humanitarian discourses and practices, **there is a categorical failure to address how necessary violence continues to be an essential feature of the liberal encounter**. Hence, with post-interventionary forms of violence no longer appearing to be any cause for concern, the nature of the racial imperative that underwrites the violence of contemporary liberal occupations is removed from the analytical arena.

#### Here’s a theoretical justification

#### Solves resource disparities – anyone can analytically make pragmatic arguments

Substantive justifications o/w theoretical justifications

### 2

#### They should lose for reading Kant:

#### A] Kant’s criteria for personhood violently excludes the disabled.

Lucas G. Pinheiro 17 [(Lucas G. Pinheiro, ) The Ableist Contract Intellectual Disability and the Limits of Justice in Kant’s Political Thought, Cambridge Core Online publication date: March 2017, pp 43-78] AT

With these theoretical considerations in mind, this chapter probes the political and moral spaces occupied by intellectually disabled subjects in the political, ethical, and moral thought of Immanuel Kant. To this end, I place particular emphasis on the ways in which Kant’s “empirical” observations on disability fundamentally impact his political formulations of justice, freedom, citizenship, personhood, and the human species. My approach to interpreting intellectual disability in Kant’s theory of justice begins with a close reading of his practical definitions of disability in lesser-known works on anthropology, physical geography, and natural history. I then deploy this reading as a source for contextualizing his political ideas and thus uncovering the meaning and political significance of his exclusionary terminology in the Metaphysics of Morals as it pertains to the treatment of intellectually disabled subjects in his theory of justice. It is important to note that, in the context of Kant’s political and moral philosophy, I use the term “contract” figuratively, since my argument applies broadly to contractarian ideas of rights, freedom, civil society, and justice in the history of modern political thought as a whole. So, with respect to Kant, “contract” operates as a placeholder for the totality of his political constituency which is composed by his moral laws, doctrines of rights and duties (private and public), theory of the state, scale of progress, and formulation of civil society. To be sure, Kant’s political ideas – including his definitions of justice, personhood, freedom, rights, duties, citizenship, and the state – are not limited to the Metaphysics of Morals, just as they are not exclusive to his writings on practical and transcendental philosophy. Much the contrary, in fact, Kant articulates his political theory through an expansive and eclectic array of sources, scattered across an impressively diverse range of fields and genres well beyond his strictly political writings and moral philosophy.8 Although perhaps unfamiliar to a contemporary political theory audience, Kant’s empirical works encompass a detailed, rich, and intricate sociopolitical system, whose relevance to his political ideas I attempt to recover by interpreting his onomasiology of intellectual disability. Indeed, as I will argue, Kant’s understanding of disability affects and informs his theory of justice in such constitutive ways that its continual neglect has resulted in an insufficiently critical and accurate interpretation of Kant’s political thought writ large. From a broader perspective, my interpretation of disability in Kant seeks to recast the political thrust of Kant’s theory by rearticulating its relationship to other strains of the Kantian corpus that, while less accepted, less philosophical, and undoubtedly less agreeable, are, on my account, no less politically and philosophically significant to his thought than the “strictly” political and philosophical works. As of late, a host of scholars in disability studies have vocally contested Kant’s moral theory of personhood. This burgeoning literature on Kant and disability is largely composed of critical responses to the works of Jeff McMahan (1995, 1996, 2002, 2005, 2009) and Peter Singer (1994, 2009), both of whom vindicate non-human moral standing by grounding the corporeal existence of animals within an ethically defensible, intra-species moral realm, akin to that of Kant’s person. In his work, McMahan (2009: 583–4) invokes cognitive disability as the premise of a reduction argument that figures the severely intellectually disabled as a rhetorical device tasked with exposing the logical contradiction of theories that grant moral status to the severely mentally disabled while denying it to non-human animals with commensurate cognitive capacities. Singer likewise argues that, since many non-human animals possess cognitive capacities that are often on a par with or superior to, those of severely intellectually disabled humans, it is altogether groundless and unjustifiable – that is, “speciesist” – to deny the former group (animals) moral standing while extending it to the latter (the disabled) (1994, 2009: 567–8). In building their philosophical arguments for intra-species moral standing, both Singer (2009: 573–4) and McMahan (2002: 245–6, 252–5) rely prominently on Kant’s personhood–animality split as a means to support their formulations of extra-corporeal moral status, grounded on intellectual predispositions and cognitive capacities. Yet, both philosophers part ways with Kant insofar as they believe human animality and species membership should play no role as criteria for determining moral life (Singer 2009: 572–3; McMahan 2002: 148, 209–17).9 McMahan’s (2009: 604) idea that “differences of moral status are grounded in differences of psychological capacity” prefigures Singer’s (2009: 575) suggestion to “abandon the idea of the equal value of all humans” and replace it with a “graduated view in which moral status depends on some aspects of cognitive ability.” As a result, both Singer and McMahan advocate integrating non-human animals to a moral community of “persons” at the expense of denying personhood to humans who fall below a Kantian moral threshold rooted entirely in cognitive capacity as opposed to human animality. Unsurprisingly, Singer and McMahan have received ample criticism from scholars seeking to include or maintain the cognitively disabled within the bounds of our moral community of persons. As I see it, the central and most politically salient aspect of these critiques resides in the Kantian discourse Singer and McMahan mobilize in support of their projects. Pushing back against rationalist conceptions of moral status, philosopher Eva Kittay (2001, 2005a, 2005b, 2009a, 2009b) has argued that species membership alone should suffice as a criterion for equal moral status among human beings. Licia Carlson (2009, 2010), who furthers Kittay’s critique of reason-centric moral theories, questions the political discourse through which these conceptions of personhood have been articulated. She recalls, for example, that viewing humans as animals “is precisely the basis on which the most horrific atrocities are justified” (2010: 160). Carlson also outlines important ways in which critiques of speciesism, such as Singer’s, “rely on ableist assumptions and arguments” (2010: 157). Although Kittay and Carlson do not comment directly on Kant’s specific formulation of moral personhood, they effectively highlight how and why elevating cognitive capacity to the role of arbiter for moral life, as is the case with Kant’s theory of personhood, has deeply problematic repercussions for the intellectually disabled.10 Other scholars writing on disability and political theory have also expressed profound skepticism toward rationalist formulations of moral personhood rooted in Kant’s categorical imperative.11 One notable critic of Kantian personhood from the standpoint of disability is Barbara Arneil (2009), whose key charge against Kant’s moral theory is his crowning of rational autonomy as the foundation for human dignity (2009: 224). In its quest to “protect human dignity through the mutual recognition of others as rational self-legislating ‘persons,’” Arneil remarks, Kant’s moral theory consequently figures the “irrational” as “not ‘autonomous’ and strictly speaking not ‘persons’ and therefore not due the dignity accorded to ‘rational beings’” (2009: 224–5).12 Moreover, Arneil exposes how Kant’s formulation of personhood has pervasively found its way to the backdrop of influential political theories of justice by the likes of John Rawls and Charles Taylor. Because Kant locates personhood in the human ability to reason, Arneil argues that contemporary authors who draw on Kant (such as Taylor) are consequently “forced to define those incapable of ‘rationality’ as outside the ‘normal’ meaning of personhood,” as possessing an unrealizable potential to become human (2009: 225, 228). Together, these works by critical disability scholars illustrate how Kant’s moral philosophy has sustained a political discourse that categorically exempts the disabled from the remits of justice. Overall, three important conclusions can be drawn from the literature on Kant and disability. First, scholars working on intellectual disability and political theory have provided convincing arguments as to how Kantian conceptions of personhood misrecognize the inherent humanity of the intellectually disabled. Second, these scholars have compellingly identified why, from a political standpoint of justice, liberty, and equality, it is desirable to move away from such reason-centric formulations of moral status that privilege the able-minded over the intellectually disabled. Third, many of these commentators have conclusively outlined how Kant’s moral philosophy is conceptually, albeit indirectly, implicated in the political marginalization of the disabled persons. Notwithstanding the merits of their projects, the authors in question have limited their critiques of Kant’s political thought to his moral and practical philosophies, or what is colloquially known as the “pure” segment of his work. Take Tobin Siebers’ (2011: 89) following claim for instance: “Theories of rationality […] configure rationality itself in terms of the objective properties and identifying characteristics of those agents whom Kant called rational beings, and these characteristics do not allow for the inclusion of people with disabilities.” Siebers’ point here illustrates a general trend in critiques of Kant’s moral philosophy from the perspective of disability in which Kant’s empirical views on the disabled are persistently overlooked. Because of this oversight, discussions of Kant and disability are limited to speculative arguments that hinge on the impenetrability of Kant’s moral theory by the intellectually disabled. As such, Kant’s extensive definitions of cognitive disability and lively figurations of disabled subjects have yet to be weighed against the political arguments of his moral and practical philosophy in an effort to assess how these views may effectively, rather than merely potentially, impact the meaning of his ideas about justice and thus sway their political and theoretical significance. As I argue throughout this chapter, Kant’s empirical writings on disability are critical to this scholarly debate for two reasons. First, it is in these texts that Kant entertains political questions concerning the civil and moral standing of intellectually disabled subjects. Second, Kant’s empirical works are essential to our understanding of his transcendental philosophy and political system, especially regarding the categorical imperative, because it is here – in his construction of the intellectually disabled – that Kant outlines the identity of those exceptional, irrational beings barred from the political concessions of justice. By turning my attention to how, where, and why Kant’s approach to justice fails with respect to the intellectually disabled, I intend to cast light on what I consider to be the margins of his moral philosophy and, as a result, delineate the limits of his political theory of justice. This marginal space wherein the intellectually disabled are enclosed exemplifies what Uday Mehta (1999) describes as the explicit exclusion of the unfamiliar, along with the erasure of their “sentiments, feelings, sense of location, and forms of life” (1999: 20–1). Such occult “spaces” of exception are, in Mehta’s words, “places that when identified by the grid of Enlightenment rationality [become] only spots on a map or past points on the scale of civilizational progress, but not dwellings in which peoples lived and had deeply invested identities” (1999: 21).13 To the extent that it moves toward recasting the meaning of his theory of justice, my interpretation of disability in Kant endeavors to reaffirm the political and conceptual significance of disability to the history of political thought and contemporary politicized identity. Read as such, I intend for the reach of my argument to stretch beyond interpretations of Kant. By demonstrating just how problematic Kant’s conception of justice is with regards to intellectual disability, this chapter consequently interrogates contemporary political theories whose ambit of justice, in being bound by reason, effectively forecloses the intellectually disabled from freedom, citizenship, and personhood.

#### B] Kantian philosophy is homophobic – this is not an ad hominem – this is a conclusion of his ethics and the formula of humanity.

Soble 03 quotes Kant [Alan Soble, The Monist 86:1 (Jan. 2003), pp. 55-89. Kant and Sexual Perversion]

Kant immediately continues by completing his sparse inventory of three objectionable, sexually unnatural, practices [quote begins here] “A second crimen carnis contra naturam is intercourse between sexus homogenii, in which the object of sexual impulse is a human being but there is homogeneity instead of heterogeneity of sex. . . . This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by a crimen carnis secundum naturam), but the person is set aside, the self is degraded below the level of the animals, and humanity is dishonoured. The third crimen carnis contra naturam occurs when the object of the desire is in fact of the opposite sex but is not human. Such is sodomy, or intercourse with animals. This, too, is contrary to the ends of humanity and against our natural instinct. It degrades mankind below the level of animals, for no animal turns in this way from its own species.75

**This is not “Kant believed some other bad thing.” The argument follows from the necessity of avoiding contradiction in conception by willing the perpetuation of the species. Kant thought the homosexual maxim of sex without reproduction had no such function, so it constituted sacrificing your rational agency for the subordinate end of pleasure**.

**Vote them down – their abhorrent reps promote terrible ideologies in the debate space.**

#### Reps comes first:

#### [1] Reversibility: once oppressive rhetoric is used it cannot be taken back

#### [2] Norm setting: we are part of a larger debate community with extensive norms – letting bad discourse be rampant kills the community

**[3] Competition: debate is an educational competition with no place for offensive rhetoric – that kills access to the lasting benefit debate provides**

### 3

#### Kantianism implies a perfect duty of non-interference. That implies respect for property rights.

Stephan Kinsella, Friday, May 27, 2011, Argumentation Ethics and Liberty: A Concise Guide

In essence, Hoppe's view is that argumentation, or discourse, is by its nature a conflict-free way of interacting, which requires individual control of scarce resources. In genuine discourse, the parties try to persuade each other by the force of their argument, not by actual force: Argumentation is a conflict-free way of interacting. Not in the sense that there is always agreement on the things said, but in the sense that as long as argumentation is in progress it is always possible to agree at least on the fact that there is disagreement about the validity of what has been said. And this is to say nothing else than that a mutual recognition of each person's exclusive control over his own body must be presupposed as long as there is argumentation (note again, that it is impossible to deny this and claim this denial to be true without implicitly having to admit its truth). ([TSC](http://mises.org/resources/431/A-Theory-of-Socialism-and-Capitalism), p. 158) Thus, self-ownership is presupposed by argumentation. Hoppe then shows that argumentation also presupposes the right to own homesteaded scarce resources as well. The basic idea here is that the body is "the prototype of a scarce good for the use of which property rights, i.e., rights of exclusive ownership, somehow have to be established, in order to avoid clashes" ([TSC](http://mises.org/resources/431/A-Theory-of-Socialism-and-Capitalism), p. 19). As Hoppe explains, “The compatibility of this principle with that of nonaggression can be demonstrated by means of an argumentum a contrario. First, it should be noted that if no one had the right to acquire and control anything except his own body … then we would all cease to exist and the problem of the justification of normative statements … simply would not exist. The existence of this problem is only possible because we are alive, and our existence is due to the fact that we do not, indeed cannot, accept a norm outlawing property in other scarce goods next and in addition to that of one's physical body. Hence, the right to acquire such goods must be assumed to exist. ([TSC](http://mises.org/resources/431/A-Theory-of-Socialism-and-Capitalism), p. 161)

#### Kant Negates--

#### Legitimate states cannot interfere with individuals’ right to acquire property – 2 impacts:

#### [1] Double bind – either the state abridges the right to own property and loses legitimacy, or the state doesn’t abridge property rights and maintains legitimacy. Negate in the first case since the resolution presupposes a legitimate state which can prohibit the private appropriation of space resources, and negation of the consequent implies negation of the antecedent. Negate in the second case since the resolution would be false.

#### [2] Questions of ethics must start from the presupposition of self-ownership and its relation to property – that means the NC is a prior question to 1ac ethical considerations.

David Boaz 1997 “Libertarianism: A Primer.” Simon & Schuster. pp 61-62. 1997.

Any theory of rights has to begin somewhere. Most libertarian philosophers would begin the argument earlier than Jefferson did. Humans, unlike animals, come into the world without an instinctive knowledge of what their needs are and how to fulfill them. As Aristotle said, man is a reasoning and deliberating animal; humans use the power of reason to understand their own needs, the world around them, and how to use the world to satisfy their needs. So they need a social system that allows them to use their reason, to act in the world, and to cooperate with others to achieve purposes that no one individual couldaccomplish. Every person is a unique individual. Humans are social animals—we like interacting with others, and we profit from it— but we think and act individually. Each individual owns himself or herself. What other possibilities besides self—ownership are there?  • Someone – a king or a master race – could own others. Plato and Aristotle did argue that there were different kinds of humans, some more competent than others and thus endowed with the right and responsibility to rule, just as adults guide children. Some forms of socialism and collectivism are—explicitly or im- plicirly—-based on the notion that many people are not compe- \_ tent to make decisions about their own lives, so that the more  talented should make decisions for them. But that would mean there were no universal human rights, only rights that some have and others do not, denying the essential humanity of those who are deemed to be owned.  • Everyone owns everyone, a fully-fledged communist system. In such a system, before anyone could take an action, he would need to get permission from everyone else. But how could each other person grant permission without consulting everyone else? You’d have an infinite regress, making any action at all logically impossible. ln practice, since such mutual ownership is impossible, this system would break down into the previous one: some- one, or some group, would own everyone else. That is what happened in the communist states: the party became a dictato- rial ruling elite.  Thus, either communism or aristocratic rule would divide the world into factions or classes. The only possibility that is humane, logical, and suited to the nature of human beings is self-ownership. Obviously, this discussion has only scratched the surface of the question of self-ownership; in any event, I rather like Jefferson’s simple declaration: Natural rights are self-evident.

#### That means you vote neg on a risk of offense – any violation of a higher moral standard is also a violation of the consequent, derivative moral standard so violations of the neg framework always take precedent when deciding the ballot.

#### Weighing:

#### [2] Absent a condition of self-ownership, no ethical theory is coherent since there would be no unified conception of an agent. The impact is a double bind – either you accept self-ownership as key to ethical consideration which means you negate on a risk of a violation to the standard (see [1]) or you deny self-ownership and trigger skep. Skep negates – 1) burden of the aff is prove appropriation is unjust, and lack of a moral theory makes that impossible, 2) default to inaction when you don’t know what’s obligated since action always has a risk of negative consequence.