### Pictures of oscar

A dog on a leash on a grassy hill

Description automatically generated with low confidenceA black dog on a tile floor

Description automatically generated with medium confidence

### 1NC--

**The 1AC’s abstraction from the material consequences of racialized violence-- their race-neutral rhetoric and humanistic principles reduces systemic racism to a problem of recognition that prevents effective mobilization against white supremacy**

Tommy J. **Curry and Curry 18** [Tommy, PhD, Prof. of Philosophy @ TAMU, Gwenetta, PhD, Ass. Prof. of Gender and Race Studies @ Alabama], “On the Perils of Race Neutrality and Anti-Blackness: Philosophy as an Irreconcilable Obstacle to (Black) Thought,” American Journal of Economics and Sociology, Vol. 77, Nos. 3-4 (May-September 2018). DOI: 10.1111/ajes.12244

We begin with the first author’s reflections on philosophy and its recurring problem of denying the realities of race and racism, reflections that have arisen as a Black (male) philosopher whose life has been threatened for doing Black philosophy. The experience of confronting death, being fearful of being killed doing my job as a critical race theorist, and being threatened with violence for thinking about racism in America has a profound effect on concretizing what is at stake in our theories about anti-Black racism. Whereas my work on race and racism in philosophy earlier in my career was dedicated to the problems created by the mass ignorance of the discipline to the political debates and ethnological history of Black philosophers in the 19th and 20th centuries, I now find myself thinking more seriously about the way that **philosophy**, really theory itself—our present categories of knowledge, such as race, class, and gender, found through disciplines—actually **hastens the deaths of subjugated peoples in the U**nited **S**tates. **Academic philosophy routinely abstracts away from**—directs thought to not attend to the realities of death, dying, and despair created by—**antiBlack racism. Black, Brown, and Indigenous populations are routinely rationalized as disposable flesh. The deaths of these groups launch philosophical discussions** of social injustice and spark awareness by whites, **while the deaths of white people direct policy and demand outrage. Because racialized bodies are confined to inhumane living conditions that nurture violence** and despair **that become attributed to the savage nature of nonwhites and evidence of their inhumanity, the deaths of these** **dehumanized peoples are** often **measured against the dangers they are thought to pose to others**.

**The interpretation of the inferior position that racialized groups occupy in the U**nited **S**tates **is grounded in how whites often think of themselves in relation to problem populations. This relationship is** often **rationalized by avoidance and by** the **denials** of whites **about being causally related to the harsh conditions imposed on nonwhites in the world. Philosophy, and its glorification of the rational individual, ignores the complexity of anti-Black racism by blaming the complacency**, if not outright hostility, **towards Blacks on the mass ignorance of white America**. To remedy this problem, Black philosophers are asked to respond by gearing their writings, lectures, and professional presence to further educate and dialogue with white philosophers in order to enable them to better understand anti-Black racism and white supremacy (Curry 2008, 2015). This therapy is often rewarded as scholarship. **Philosophical positions that analyze racism as a problem of miscommunication, misunderstanding, and ignorance** (philosophies predicated on the capacity of whites to change) **are rewarded and praised as the cutting edge and most impactful theories about race and racism. Reducing racism to a problem of recognition** and understanding **allows white philosophers to remain absolved of their contribution to the apathy that white America has to the death** and subjugation **Black Americans endure** at the hands of the white race.

To some readers, speaking about races as different groups with opposite, if not antagonistic, social lives seems to run contrary to the idea that there are no real races, just people, only the human race. This is the core of **race-neutral theory** in academic philosophy. Race neutrality **asserts that while race, class, and gender may** in fact **differentiate bodies, the capacity for reason—the human essence beneath it all—is what is ultimately at stake in the recognition of difference**. While **this mantra** has been offered to whites since the integrationist strategies of the U.S. Supreme Court in the 1950s under Chief Justice Earl Warren, it **has had little effect in restructuring the psychology of white individuals or remedying** the **institutional** practices of **racism that continue to exclude** or punish **Black Americans**. How are Black scholars to speak about racism, specifically the violence and death that seem to gravitate towards Black bodies if the rules of philosophy and the fragility of white Americans insist that racism is not the cause of the disproportionate death Black Americans suffer and race is not a significant factor in Black people’s lives?

This article is an attempt to debunk the seemingly neutral starting point of academic philosophy. **For decades, Black philosophers have attempted to** educate white philosophers and **reorient the philosophical anthropologies of the discipline. Black, Brown, and Indigenous philosophers have dedicated their lives** and careers **to educating white philosophers** and students, **with little to no effect on the composition** and disposition **of the discipline**. While it is not uncommon for philosophy departments to say they support diversity, the reality is that many, if not most, Black philosophers continue to write about the problem of racism, their experiences of marginalization, and the violence they suffer from white colleagues, disciplinary organizations, and universities. **This article should be read as an attempt not to amend the Western metaphysical tradition but to reveal the obstacles that indicate its perennial failure**. It is the position of the authors that many of the demands for disciplinary change are often expressed as politics, when in reality **there are issues of metaphysics** (the concerns of being) **and philosophical anthropology** (the concerns about the (non)being capable of thinking) **that are unaddressed in much of the current literature**. Section I of this article describes what Black philosophy has taken to be the problem of racism in academic philosophy more broadly. Since the 1970s Black philosophers have criticized, attacked, and attempted to reform the discipline with little effect. This section interrogates why that is the case. Section II argues that the failure of philosophy to change is a problem of metaphysics or the illusion that Blackness is compatible with the idea of the white human. Section III presents the social scientific evidence demonstrating the seeming permanence of anti-Black racism and the dangerous nature of colorblind ideology, which does not recognize that societal organization and racism determine the life chances of Blacks. This article ends with a suggestion of what Black philosophy would look like if its primary mandate were not to persuade whites to remedy their own racist practices, but to diagnose and build strategies against the present problems of racism in philosophy before us.

**Even if they win that their colorblindness is theoretically ideal, it is practically impossible because racialized bodies are marked by their skin color – the psychological construction of Black as inferior makes their impacts inevitable – philosophy’s segregation of black scholarship is not neutral.**

Tommy J. **Curry and Curry 18** [Tommy, PhD, Prof. of Philosophy @ TAMU, Gwenetta, PhD, Ass. Prof. of Gender and Race Studies @ Alabama], “On the Perils of Race Neutrality and Anti-Blackness: Philosophy as an Irreconcilable Obstacle to (Black) Thought,” American Journal of Economics and Sociology, Vol. 77, Nos. 3-4 (May-September 2018). DOI: 10.1111/ajes.12244

Eduardo Bonilla-Silva (2010: 15) explains that **colorblind racism emerged as a new racial ideology in the late 1960s** concomitantly with the crystallization of the “new racism” as America’s new racial structure. **Whites could no longer get away with the overt racist practices** that were used before the civil rights movements **but instead depended on more subtle ways to maintain their racial dominance** without using race. In today’s society, there are very few whites who outwardly consider themselves to be racist, but they will still support systems that create inequalities among minority populations.

Bonilla-Silva’s (1996) account of racism leads him to develop the idea of racialized social systems, a term that refers to societies where economic, political, social, and ideological levels are partially structured by the placement of actors in racial categories. Bonilla-Silva theorizes that **the racialized system incentivizes how racialized persons develop their identities within racist structures. Race is not simply imposed on bodies but is psychologically invested in by individuals in terms of how dominant racial groups identify themselves in relationship to the** **groups** and individuals **they construct as inferiors. For some groups assimilation is possible. This is the case for ethnic groups like the Irish and the Jews because their skin color is closer to that of whites, but it would be impossible for Black groups to similarly disappear. Colorblindness could exist in theory, but in reality, people see skin color, and in America, white skin stands for superiority.**

Racial **segregation** has been a mainstay of the American race problem since the beginning of slavery. Assigning the places that Blacks belonged, whether it be in the fields or as the “house Negro,” **has been one of the primary ways that racism has been enforced against Blacks**. Even after the end of slavery, **Jim Crow was established to terrorize Blacks into staying confined by their segregated spaces**. We would argue that **even today**, the established racial dynamic in America maintains racial segregation. In The Hidden Cost of Being African American, Thomas Shapiro (2004: 152) has shown how **whites have been able to move into the neighborhoods with the better schools and resources with the help of their inheritances**. Many of the people he interviewed about their housing location stated that they did not look at race when deciding to move to certain neighborhoods but rather they focused on the lifestyle and “standards” of the people. **Most stated that “it just happened” that there were no African Americans at the school their child attends. These understandings of “standards” and lifestyle are nested in the notion that white culture defines the norms and standards**. Eduardo Bonilla-Silva’s concept of “white habitus” explains the tendency whites have for racial segregation, namely, their preference for moving to all-white neighborhoods and the effects this practice has on African Americans.

Shapiro’s work parallels the findings of Bonilla-Silva’s theory of white habitus. Bonilla-Silva et al. (2006: 233) describe “white habitus” as a racialized, uninterrupted socialization process that conditions and creates whites’ racial taste, perceptions, feelings, and emotions and their views on racial matters. The most pronounced effect of white habitus is that “it promotes a sense of group belonging (a white culture of solidarity) and negative views about nonwhites.” **In these all-white spaces, whites become the standard or norm while anything or anyone different becomes unnatural or problematic**. White habitus promotes minorities being viewed based on stereotypes and generalizations perpetuated by the media or through other second-hand sources. **The greatest irony of Bonilla-Silva et al.’s interviews was their finding that “whites do not interpret their racial isolation and segregation from Blacks as something racial.”** This qualitative project shows that **even when whites are communally segregated** from Blacks, **they do not interpret this as a racialized or racist environment**. The absence of Blacks is thought to be compatible with how white Americans think about colorblindness. The idea of white superiority, or whiteonly neighborhoods, is not understood by many white Americans as racist. In one of Shapiro’s (2004: 152) interviews, the participant states that she has “Black friends.” However, Bonilla-Silva et al. (2006: 248) point out that when whites claim to have Black friends, they usually are referring to formal activities such as sports or classroom work groups. Once the activity is over the relationship ends; the so-called Black “friends” are not actual neighbors or friends who live within their social environment. **Academic philosophy operates similarly**.

**Racism deems Black life disposable and demands racialized violence – we’re not an ad-hom that criticizes the positionality or personal views of their authors – their philosophy is actively used as an expression of white supremacy and to rationalize the deaths of Black men and women.**

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**Far too often, the Black philosopher is charged with making sense of the irrationality of white America’s erroneous perceptions of Black, Brown, and Indigenous people. The histories of terror, death, rape, and murder are** often **said to be remnants of the past. To speak of anti-Black racism as an ever-threatening doom**—a looming threat of death and dying—**after** the presidency of Barack **Obama seems heresy to many white Americans**. Despite the horrors that now confront the United States under the presidency of Donald Trump, it is often very difficult for Black speakers to convince white audiences of the divergent worlds codified by anti-Blackness. Black philosophers, especially Black men, often try to persuade academic audiences, who fear being in the same room as them, of their humanity through the academic endeavor. Because this Black person is a professor, there is, standing in front of the white audience, evidence that Black people are not all criminals, and that Black males specifically are not all violent or dangerous. In performing what a human being is thought to be by whites, the Black philosopher imitates that human for whites in hopes of being interpreted as human and consequently heard. To be a Black philosopher is to assert that the perilous nature of being Black is outside of the human. Whereas white philosophers often share a similar language with other whites, namely, that all people are human beings and rational individuals, Black philosophers who study race often speak in terms of their negations: non-being. Harris (2018) refers to this as “necro-being.” Curry (2016, 2017, 2018a, 2018b) speaks of the Man-Not. Wilderson (2009) writes of the slave.

**To be Black is to render the very grammar of the academy delusional. To speak of impending death and sub-personhood** and explain the experiences of violence and dehumanization that accompany this position to white individuals who only think of their existence in terms of always being human and persons is ineffable. **Perhaps** the theorist Calvin **Warren best captures this problem in his book Ontological Terror**: Blackness, Nihilism, and Emancipation. Warren (2018: 2) argues:

**The human being provides an anchor for the declaration, and since the being of the human is invaluable, then Black life must also matter, if the Black is a human** (the declaration anchors mattering in the human’s Being). **But we reach a point of terror with this syllogistic reasoning. One must take a step backward and ask the fundamental question: is the Black, in fact, a human being?** Or **can Black(ness) ground itself in the being of the human? If it cannot, then on what bases can we assert the mattering of Black existence?**

The consequence of attending to the problem of Blackness and the realities of death is that **the theories that emerge to account for what is taken to be the accidental positionality of whites who are thought to be human**, individuals, citizens, and persons **must make sense of a reality where to be Black is to be nonhuman, savage, alien, and reified and consequently subject to violence and wished dead. As** the late Critical Race Theorist, **Derrick Bell** (1997: 23) **once said**:

**We have never understood that the essence of the racism we contended against was not simply that we were exploited in slavery**, degraded by **segregation, and** frustrated by **the unmet promises of equal opportunity. The essence of racism in America was the hope that we who were Black would not exist**.

Instead of racism being defined as a set of attitudes or beliefs about racial groups held by biased individuals, the authors prefer to understand racism as

a complex nexus, a cognitive architecture used to invent, reimagine, and evolve the presumed political, social, economic, sexual, and psychological superiority of the white races in society, while materializing the imagined inferiority and hastening the death of inferior races. Said differently, racism is the manifestation of the social processes and concurrent logics that facilitate the death and dying of racially subjugated peoples. (Curry 2017a: 4)

**Racism is a social process that demands the extinguishing of Black life. Racism craves death**. It is constructed, then legitimized through cultural and individual complacency. **When a young Black boy is killed, the instruments of the state, the authority of the police, and the vulnerability of the Black male body converge in the ultimate expression of violence** that results in death. **The public then rationalizes this exercise of state violence** and the individual will of the police officer who killed the Black boy **through empathy**. The white individual who sees the dead Black male body understands the need to kill the Black boy because Blackness socially expresses criminality, danger, and the possible death of a white life. **This fear of Blackness creates empathy for the officer who killed the Black boy**. He is thought of by the white interpreter who is watching the dead Black male body as a corpse. The fear shared between the officer and white onlooker is legitimated by the state because the state offers its society security from this Black male threat. **This is how populations feared by the society are simultaneously constructed and destroyed**.

This brief example describes the depth of the problem involved with racism. **Black philosophers are not simply objecting to the thoughts individuals hold about different groups of people, but how the thoughts that white individuals hold can be supported and expressed in violence against Black men and women in the world**. Because a white supremacist world supports the fears of the white racist, **the** individual **racist’s anti-Blackness is aspirational. It is expressed as a will for there to be no Black bodies** there. **As such, the human becomes an untenable account of Black life, given this disposability**. The world is simply not organized in such a way that allows Blackness to not be seen, perceived, and dehumanized in relation to whites. **No amount of evidence** or argument **seems to be able to displace the faith philosophers have in education, dialogue, and mutual understanding** between Blacks and whites as the remedies of racism (Curry 2008). Generations of nonwhite philosophers have spent their careers and research showing the discipline the horrors of racism, xenophobia, and ethno-nationalist thinking, but there has been little to no change in departments or the discipline at large.

For many philosophers, the idea that racism is permanent is unthinkable. Despite the words and works of Black political theorists like the lawyer Robert F. Williams or Dr. Huey P. Newton, or even more canonically established Black figures like W. E. B. DuBois, Carter G. Woodson, Frantz Fanon, or Derrick Bell, philosophy as a discipline and **philosophers** more generally **refuse to acknowledge that racism remains the core and most determining aspect of America’s social processes**. Enamored by the stories of Blacks suffering, many scholarly conversations about Blackness and racism focus on the harm that Black individuals suffer at the hands of whites or the discipline of philosophy. Relatively few works actually analyze racism structurally or beyond identity at all. **Philosophical analyses do not revolve around death or the material consequences of anti-Blackness**. Instead, the fear and anxiety that Black philosophers and graduate students share with whites become more worthwhile topics.

**This turns the aff – America is organized around the subjugation and death of non-white people – discriminatory applications of their policy are inevitable absent a recognition of racialization in the law – their colorblindness is mutually exclusive with the necessary upheaval of the racial dynamics that necessitate inequality.**

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It is now accepted fact that **scientists have been able to demonstrate that race does not exist on a biological level, but instead was constructed by society**. Classifying race as a social construct conveys that there is a “process of endowing a group or concept with a delineation, name or reality” (Delgado and Stefancic 2012: 155). Race has a reality to it, a substance given by the historical and cultural projections of the specific society within which it is birthed. **While philosophers commonly entertain**, at least at the theoretical level, **the idea that race does not have any real consequence, that is a pernicious supposition**. Tessman and On (2001: 5) suggest that “**an analysis of racialization as the process of the social construction of race can lead theorists away from the possibility of race-conscious strategies for struggling against racism**.” **If the issues surrounding race and racism are not addressed, minorities will still fall victim to unfair treatment in education, housing, and the court systems**.

Although the concept of race is socially constructed, the populations most affected by racialization and racial disparities agree that **there are still real consequences to race because of its embeddedness within** practically **all facets of American society. Race consciousness is necessary to diagnose the function** and effects **of racialization in law, policy, and social interactions**

. As the sociologist Michael Banton (2001: 164) argues, some elements of the racial idiom are still needed in law because “the concept of a racial group is the price to be paid for a law against indirect discrimination.” Contrary to the idea that race is mere societal rhetoric, Banton argues that the language of race is needed in law to combat prejudice and discrimination against victim groups. This point is made extremely clear by the data presented by Michelle Alexander in The New Jim Crow: Colorblindness in the Age of Mass Incarceration. She argues that **racism is a driving force behind social organization—an architecture around which social hierarchy and disparity accumulate. Racism explains why the penal system is filled with Black men who are incarcerated and how labeling them as felons**, primarily due to the criminalization of drugs, **causes them to lose their basic civil rights**. The Anti-Drug Abuse Act of 1988, passed by Congress as part of the War on Drugs, called for strict lease enforcement and eviction of public housing tenants who engage in criminal activity (Alexander 2010: 142). In the spirit of the Anti-Drug Abuse Act, the Clinton Administration sought to strengthen the law in 1996, adding **the “One Strike and You’re Out”** legislation whose goal is to prevent people with criminal records from being able to live in public housing. This **measure to “crack down” on crime has had a debilitating effect on the family lives of people of color living in public housing units**.

**America is organized around the subjugation, death, and political suppression of racialized people’s voice**. Even under the ethno-nationalist regime of Donald Trump, there is a reactionary consensus that has reemerged, namely, that a truly white supremacist society is colorblind. This follows a similar logic as the dissent of Justice John Harlan in Plessy v. Ferguson (1896):

The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage and holds fast to the principles of constitutional liberty. But in the view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.

**Notice** how **the assumption** behind Harlan’s words asserts **that the law guarantees equality, while the disparities in society are due to the racial superiority of the white race. In this sense, race is irrelevant in law, but undergirds the dynamics that produce inequality in the society**. Harlan believed that white supremacy was natural. He suggested, like many white liberals and conservatives today, that race should not matter in policy and the law, and that the social consequences that befall racial groups are the result of their superior or inferior racial traits.

Not even a decade ago, white America celebrated being post-racial. The election of President Barack Obama seemed to be a great leap forward and evidence that the United States, as a majority white country, had indeed moved to a place where race did not indicate the capacity of an individual. However, racial progress is interpreted differently by the oppressed populations. **Racism has always existed in American society and continues to be a major problem for** many **people of color** who live in the United States. **The** recent **election of** President Donald **Trump showed that there are always going to be consequences for disrupting** the grand narrative of **white supremacy**. Perhaps the best way to understand this backlash that resulted in the election of Trump is through a measure of covert or overt racism. **While many philosophers maintain that it is desirable to live in a colorblind society where race does not matter, social science research has vehemently rejected this notion**. Joe Feagin’s theory of systemic racism is beneficial for race analysis because it places white agents at the front of racial oppression. **Feagin** (2012: 937) **refers to systemic racism as “the foundational, large-scale and inescapable hierarchical system of US racial oppression devised and maintained by whites and directed at people of color.”** Racism is seen from a structural view and negatively impacts people of color because whites dominate the structures that dictate the order and organization of society. Systemic racism, as described by Feagin (2006), consists of six parts: the patterns of impoverishment and unjust enrichment and their transmission over time; the resulting vested group interests and the alienating racist relations; the cost and burdens of racism; the important role of white elites; the rationalization of racial oppression in a white-racist framing; and continuing resistance to racism. Feagin challenges Harlan’s explanation for white supremacy: instead of **whites** being inherently superior, they **rely on institutional racism to produce social structures that reward and elevate whites**.

**Vote negative to endorse Black philosophy as a site to engage in radical theorizations—any attempt at integration commodifies forces Black philosophy to a form for white philosophers to deem respectable scholarship –reorientation away from universal reason is key.**

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At its most basic level, philosophy is an activity of inquiry into the world which is supposed to guarantee its practitioners some level of assuredness in the ways we interpret the realities before us. If we take African American philosophy to be philosophical activity, then we should expect, by necessity of being philosophy, that Africana philosophy should result in the same methodological rigor—some assuredness in the ways that Africana people have used to interpret their realities. Unfortunately, the present day crisis of African American philosophy makes this simple formulation an impossibility. By making the methodological rigor of Africana philosophy dependent on its popular acceptance; its closeness to the political dogmas of our racial era, we condemn our area of study to under-specialization whereby our works of philosophical genius, past and present, will be judged solely by the degree to which they extend the universalizing character of Europe and her theories. **To the extent that African American philosophy chooses to abandon the genealogical patterns of Black thought for philosophically privileged associations with white thinkers, it remains derelictical—continuing to neglect its only actual duty**—the duty **to inquiry into the reality of African-descended people as they have revealed it**.

We begin with the premise that **racism permeates the discipline of philosophy**. We are attempting to bring attention to the ways in which **authentic Black philosophy has been revised and denatured into a form that whites in the discipline accept as philosophical**. Whereas all disciplines have norms or rules of scholarly rigor, **philosophy demands that Black thinking and thought tend towards specific political ends in order to be considered philosophy**. Whether or not the thought and texts of Black philosophers are correctly interpreted, understood, or even read ultimately becomes irrelevant to the larger political orientation of the discipline.

**Black philosophers are read as extensions of white thought. A Black philosophical figure is relevant only to the extent that [they] he or she can be understood as the unrealized intentionality of canonical white figures. Black historical figures are made philosophical by the extent to which their voice can be imagined as what Dewey, Hegel, Addams, or Foucault would have said if they thought more seriously about race** and racism. Consequently, writes Curry (2011b: 141):

**Black thinkers function as the racial hypothetical of European thought whereby Black thought is read as the concretization of European reflections turned to the problem of race, and Black thinkers are seen as racial embodiments of white thinkers’ philosophical spirits**. In this vein, the most studied Black philosophers are read as the embodiment of their white associates; **W. E. B. Du Bois is read as the Black Hegel, the Black James, the Black Dewey, and Frantz Fanon as a Black Sartre**, or Black Husserl. **This demonization of Black thinkers by the various manifestations of the European logos as necessary to the production of AfricanAmerican philosophy is a serious impediment to the development of a genuine genealogy** of the ideas **that actually define Africana philosophy’s Diasporic identity**.

**The insistence that Black philosophy parallel white philosophical traditions, such as pragmatism, feminism, and Rawlsianism, and arrive at integrationism as the concluding political goal suggests that the study of Black philosophy is little more than a disciplinary ruse.**

**Critical Race Theory is consistently revised away from materialist interpretations** of racism and racist institutions **towards a focus on the history and racism of particular white European thinkers** (Curry 2017b). This derelictical demand is so powerful that **Black philosophers are rarely asked to verify, empirically or historically, their theories about racism. Instead, they are evaluated on the basis of the extent to which white philosophers can or do agree with their position**. Said differently, the racism of philosophy is so overwhelming and severe that **the question of whether or not a claim or statement about racism or Black people is true or false is arbitrated by whether or not there is a white consensus supporting or rejecting the claim**. Often, manifestly false statements about Black people are made by white and Black philosophers that are taken to be fact because white philosophers and the discipline at large agree to act and think as if the statement is true. These debates often concern easily verifiable facts of underrepresentation, the use of discourse and education to solve racism, and gender dynamics both intra- and inter-racially.

The problem of dereliction emphasizes the point that **philosophy is constructed with a white audience and public in mind. The admission of Black, Brown, and Indigenous students** into graduate programs across the country **is not meant to fundamentally change or reorient the discipline**. As a matter of professional survival, **racialized minority students are being professionalized to accept that their work must focus on global problems and sustain the supposed universalism of reason, ethics, and dialogue**, even while they rhetorically claim they reject such an orientation. Ensuring that young Black philosophers fear being labeled as too radical, or having their work designated as controversial or unsafe, is reason enough to self-censor and revise the original thinking of Black scholars. As such, **Black philosophy becomes a discipline accepted as philosophy by the extent to which it mirrors, or Blackfaces, the insights of white thinkers and theories**. Philosophy departments have ensured that conversations go unattended that concern the permanence of racism and the histories of trauma and bidirectional violence amongst Blacks (Hernandez et al. 1993; Cascardi and Avery-Leaf 2015; Curry and Utley 2018c). They have also ignored the imperialism and colonial heritage of feminism and the paternal benevolence that white women receive from patriarchal power and sexism, despite decades of research that documents the truth of such positions in the social sciences and history (Newman 1999, 2007; Glick and Fiske 2001).

Black philosophy is forced to interpret the world in the most elementary terms of white theory. Ellen Pence, one of the founders of the Duluth model, admitted that she simply made up the idea that patriarchy and sexist attitudes are causally linked to intimate partner violence, but Black philosophy commits itself to propagating this theory despite countless studies showing this is not true in white culture, and has never been the case amongst Blacks (Pence 1999; Mills 2009; Caetano et al. 2005). The intellectual repression of Black philosophers is so severe that popularly held opinions and majority (white) consensus can dictate the interpretations of race, class, and gender amongst Blacks. Many of the theories proposed by Black philosophers concerning racism, intimate partner violence, classism and privilege, underrepresentation, and sexism are routinely found to be out of line with, if not outright rejected by, the scientific accounts of the very same social problems. **The social sciences**, history, and epidemiology **have shown that the causes of social problems in white communities often have very different causes when analyzed in Black or Brown communities. In philosophy, however, there are no distinctions in causation. All social ills stem from** ignorance, patriarchy, or **some incredibly general theory that often lacks cultural specificity or racial nuance**. To appear legitimate, these categories simply mimic the already established thinking of whites and in doing so gain the appearance of truth. No matter the empirical findings or authoritative literatures by experts in other disciplines, all conversations about racism and Black folk that run contrary to the endorsed whites are effectively banned by social stigma and punished through professional ostracism.

**Black philosophy has a responsibility to engage the Black experience as a genuine site of existential reflection and epistemological tool making. The idea that Black experience and reality must be accounted for by white theories of causality or aim towards the same ends of white philosophy is delusional. Black philosophy must engage in radical theorizations that can be traced back to the problems tackled in the texts and debates of Black thinkers**. The **social prognoses suggested** by Black philosophers **should also have some accountability to the realities that Black people are facing in the U**nited **S**tates, **if not the world**. There is no time for idle thought that simply attempts to imitate white theories of causality and canonical traditions in order to be accepted. How can we demonstrate the importance of Black philosophy, if not for what we observe and verify in the lives of Black people in the world? **Its ability to express the full complexity of Black life and death in theory at the most abstract levels of thought is what is at stake in the Black philosophical project**.

### X

#### Vote them down – their framework justifies homophobia

Soble quotes Kant, 03 Alan Soble, 2003, “Kant and Sexual Perversion,” The Monist 86:1 (Jan. 2003), pp. 55-89., <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2324025>, SJBE

Kant immediately continues by completing his sparse inventory of three objectionable, sexually unnatural, practices: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

#### It's also pretty Ableist

Ryan**:** Ryan [Philosophy student] “Cognitive Disability, Misfortunate, and Justice.” *Introduction to Ethics, Binghamton University.* 2011. RP

In Kant's deontological ethics, one has a duty to treat humanity not as a means, but as an ends. However, Kant's criterion for being part of humanity and moral agency is not biological. In order to be considered fully human, and a moral agent, one must be autonomous and rational. If one lacks rationality and autonomy they cannot escape the chain of causality to act freely from moral principles, and hence are not moral agent's. Kant's moral program fails to account for those who are cognitively impaired because they lack autonomy and rationality. Since Kant's requirement for moral agency is so cut-and-dry and leaves no room for ambiguity, there is no clear moral distinction made between the cognitively impaired and other non- human animals. In the case of Kant, there could be no universal moral law from the categorical imperative that would apply to the cognitively impaired and not non-human animals as well. McMahan reaches the same conclusion as Kant, namely that, there is no meaningful moral distinction to be made between the cognitively impaired and other non-human animals. McMahan takes it to be the case that certain psychological attributes and capacities constitute a minimum for us to value a person as a moral agent. The cognitively impaired fall below the threshold for moral agency because they do not have certain psychological attributes and capacities that McMahan takes to be constitutive of moral agency. Therefore, as morality dictates we be impartial, we cannot give favor to the cognitively impaired over animals with similar psychological endowments. According to McMahan we have no non-arbitrary basis to do so. While McMahan agrees that many accept that we have reasons to give priority to those most proximal to us (which would give the family of someone cognitively impaired reason to favor them over a similarly endowed non-human animal) it does not give a reason for society as a whole to give this preference. Kant and McMahan are similar, in that their standards for moral agency exclude the cognitively impaired (rationality/autonomy and psychological capacities respectively). In Kant's morality, those who are rational and autonomous are to be treated as ends in themselves. In the case of the cognitively impaired, there is no such requirement. Similarly, in McMahan's moral theory, those who are human and unfortunate are entitled to compensation by society under the dictates of justice. However, according to McMahan the cognitively impaired are not human in the relevant sense (possessing certain psychological capacities and features) so they are not entitled to compensation. In excluding the cognitively impaired from moral agency, both Kant and McMahan reach a conclusion that many of us find unsettling, in which we might give the cognitively impaired a moral preference over a similarly endowed non-human animal, is because of a responsibility to respect the family members of the cognitively endowed, not because they have any value as moral agents in themselves.

### Case

### FW

Pp negates

Safety

Burden

Shcamgency

Consequebtlist or cant verify intents

Every blip is a link

### Contention

Ows- in the context of mediidne where ur cards are generic

#### reducing IP protections for medicines impedes on manufacturers’ abilities to set and pursue ends.

#### Kant justifies a fundamental right to property

Merges 11 [(Robert, Wilson Sonsini Goodrich & Rosati Professor of Law and Technology, University of California, Berkeley, School of Law) “Justifying Intellectual Property,” Harvard University Press, 2011] JL

Kant believed that any object onto which a person projects his or her will may come to be owned. Kant seemed to consider ownership as a primitive concept whose roots run very deep in human consciousness. This is evident from the language he uses. The origin of property, he says, is in a deep and abiding sense of “Mine and Yours.” “That is rightfully mine,” he writes, “if I am so bound to it that anyone who uses it without my consent would thereby injure me.”15

But what is the point of this? Why do people want to be bound to things? In essence, Kant says, to expand their range of freedom— their autonomy.16 People have a desire to carry out projects in the world. Sometimes, those projects require access to and control over external objects. The genesis of property is the desire of an individual to carry out personal projects in the world, for which various objects are necessary. For Kant, this desire must be given its broadest scope, to promote the widest range of human choice, and therefore human projects. Kant accordingly refuses to accept any binding legal rule that makes some objects strictly unownable, because the rationale for such a rule would conflict with the basic need for maximal freedom of action. Freedom to appropriate is so basic, so tied to matters of individual will and personal choice, that Kant finds it unthinkable to rule out large categories of things from the domain of the potentially ownable. As Kant scholar Paul Guyer says, for Kant, “The fundamental principle of morality dictates the protection of the external use of freedom or freedom of action, as a necessary expression of freedom of choice and thus as part of autonomy as a whole. . . .”17 This captures it in a nutshell: freedom of action, including the right to possess, as a necessary expression of freedom of choice, or autonomy.

#### IP is property

Schultz 14 [(Mark, Chair in Intellectual Property Law and the Director of the Intellectual Property and Technology Law Program at the University of Akron School of Law and co-founder and a leader of the Center for Intellectual Property x Innovation Policy at George Mason University) “A free market perspective on intellectual property rights,” American Enterprise Institute, 2/23/2014] JL

Point 1.Intellectual property secures the same values as physical property

As an institution, property secures rights in what we create through our work. In this regard, there’s no cause or need to distinguish intellectual property from any other forms of property. In all cases, a person employs his intellect and talents to impose his plan and will on his environment to bring something new into the world. This is the essence of productive labor, the fruits of which property protects.

Distinguishing between physical and intellectual labor, as some would, is misguided, because both are, at heart, the same activity. Whether it is a carpenter building a house, a farmer planting a field, an author writing a book, a director filming a movie, or an inventor developing a new drug, the activity is, ultimately, productive labor.

#### IP protections are central to human freedom – individuals must retain the right to control their creativity with the prospect of compensation

Merges 11 [(Robert, Wilson Sonsini Goodrich & Rosati Professor of Law and Technology, University of California, Berkeley, School of Law, and co-founder of the Berkeley Center for Law and Technology.) “Justifying Intellectual Property” Harvard University Press, 2011. https://www.law.berkeley.edu/wp-content/uploads/2019/10/JIP-Chapter-9.pdf] BC

Kant has complex ideas about creativity, ideas that track well with the structure of IP law. He begins with some primitive notions— the individual, his or her will, and the extension or application of that will onto objects. For Kant, the desire to shape and control things external to the self (that is, objects) is a powerful impulse for human beings. A project involving an external object may require that a person shape or control that object over a period of time. Therefore, human freedom depends, to some degree, on the ability to relate to an object in this way, to control and shape it over time. For some objects, this might be achieved by a per sis tent physical grasping, but this is obviously a limited strategy. Some objects are too big, hard to grasp, and so forth; generally, a more robust type of possession beyond physical grasping would be more effective in promoting the freedom to work on an object over time. Kant believes that this broader concept of possession is crucial to human freedom— so crucial, in fact, that it provides the impetus behind the creation of formal legal institutions, and hence civil society itself. For Kant, legal own ership is central to human freedom. Freedom, ownership, formal law, and then civil society: this is the key conceptual progression in Kant’s legal and political philosophy.

Contemporary theorizing about IP rights begins a long, long way from Kant’s system of thought, which is exactly why exposure to Kant can be so useful. Scholars today do not see individual freedom and the individual own ership it demands as the chief purpose of IP law. For most of them, IP law is strictly instrumental, a means to the ultimate end of net social welfare or the like. Kant cuts through this instrumental view as if wielding a knife blade. His thought upends amorphous concepts of collective interest and utilitarian balancing, replacing them with the bright, sharp idea of personal autonomy. The result is a more clear- headed focus on IP as a right

, and on third- party interests as aspects or dimensions that are reached when we move outward from the starting point of the individual. Kant’s thought very effectively separates third- party interests from individual rights, a distinction I believe is essential to a proper understanding of IP law, especially at this point in the development of the field. An infusion of Kant promises to help correct the recent and intense emphasis on the rights of users and consumers of IP— a point I press in Part III.

Recasting IP in terms of Kantian rights does more than rebalance the field at the conceptual level, however. It leads to some immediate policy payoffs. Concern for autonomy, to take perhaps the most important example, goes beyond placing the rights of creators at the top of the legal hierarchy. It also means a thoroughly practical concern with the working conditions and economic prospects of creative professionals. Though this topic must await Chapter 7 for full development, the groundwork is laid in the discussion of Kantian property in Chapter 3. Autonomy is about something more than properly locating a set of legal rights at the apex of a conceptual pyramid. To be meaningful, it must have some cashvalue, so to speak; it must translate into putting a few dollars in one’s pockets. Creative people are rarely free to create, and cannot effectively shape their destiny, if they cannot control and have little prospect of being paid for their creative work. Autonomy, it must be recalled, means “self- rule,” the ability to steer oneself according to one’s own plan and design. There is little chance of doing this in a sustained way without own ownership over the products of one’s creativity. Own ownership confers both control and the prospect of compensation— the two practical dimensions of the abstract Kantian notion of autonomy.

### Underview

7-6 skew

Spikes

Efficient

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