## 1AC

### FW

#### The meta-ethic is practical reasoning

#### Infinite Regress: We can infinitely ask why for other theories but to ask why for reasons concedes reasons, so reasons are inescapable and binding, and binding theory outweigh because only they can guide action which is the purpose of ethics.

#### Action Theory: Every action has infinite sub-actions we must unify them under intent to explain the unity of action. To use intent agents must use practical reason to know the means she takes in her actions can achieve principles guiding the action.

#### To be an agent is to have the ability to rationally self-reflect, because that ability is how we derive reason and value.

Korsgaard // 96

Korsgaard, C. M., Cohen, G. A., & O'Neill, O. (1996). The sources of normativity. Cambridge: Cambridge University Press.

And this sets up a problem no other animal has. It is the problem of the normative. For our capacity to turn our attention on to our own mental activities [and desires] is also a capacity to distance ourselves from them, and to call them into question.  I perceive, and I find myself with a powerful impulse to believe. But I back up and bring that impulse into view and then I have a certain distance. Now the impulse doesn’t dominate me and now I have a problem. Shall I act? [but] Is this desire really a *reason* to act? The reflective mind cannot settle for perception and desire, not just as such. It needs a *reason*. Otherwise, at least as long as it reflects, it cannot commit itself or go forward. If the problem springs from reflection then the solution must do so as well. If the problem is that our perceptions and desires might not withstand reflective scrutiny. We have reasons if they do. The normative word ‘reason’ refers to a kind of reflective success. If ‘good’ and ‘right’ are also taken to be intrinsically normative words, names for things that automatically give us reasons, then they too must refer to reflective success. And they do. Think of what they mean when we use them as *exclamations*. ‘Good!’ ‘Right!’ There they mean: I’m satisfied, I’m happy, I’m committed, you’ve convinced me, let’s go. They mean the work of reflection is done.

#### Agency requires universalizability. Universal willing is a prerequisite to self-determination of action. Anything else means desire controls our actions, thus the actor is no longer an agent.

**Korsgaard // 99**

Korsgaard, C. M. (1999). Self-Constitution in the Ethics of Plato and Kant (1st ed., Vol. 3). Spinger.

The second step is to see that particularistic willing makes it impossible for you to distinguish yourself, your principle of choice, from the various incentives on which you act. According to Kant you must always act on some incentive or other, for every action, even action from duty, involves a decision on a proposal: something must suggest the action to you. And in order to will particularistically, you must in each case wholly identify with the incentive of your action. That incentive would be, for the moment, your law, the law that defined your agency or your will. It’s important to see that if you had a particularistic will you would not identify with the incentive as representative of any sort of type, since if you took it as a representative of a type you would be taking it as universal. For instance, you couldn’t say that you decided to act on the inclination of the moment, because you were so inclined. Someone who takes “I shall do the things I am inclined to do, whatever they might be” as his maxim has adopted a universal principle, not a particular one: he has the principle of treating his inclinations as such as reasons. A truly particularistic will must embrace the incentive in its full particularity: it, in no way that is further describable, is the law of such a will. So someone who engages in particularistic willing does not even have a democratic soul. There is only the tyranny of the moment: the complete domination of the agent by something inside him.

#### If an agent regards their purpose as important, they must regard the means as important, one of which is freedom.

**Denying individuals’ independent choice, or outer freedom, is rationally contradictory. As you expand your freedom to limit someone else’s same freedom which results in contradiction and is incoherent, so we can’t limit anyone’s freedom.**

**A universal system of freedoms requires consistency with the omnilateral will.**

Ripstein // 04

[Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 //]

Kant explains the need for the three branches of government in Rousseau’s vocabulary of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on its enforcement do not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible. All must agree, because without such procedures, equal freedom is impossible, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree; it is that they cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally. Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

#### Thus, the standard is consistency with the omnilateral will. Prefer:

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

### Advocacy

#### Thus, the plan – Resolved: The appropriation of outer space by private entities is unjust. PICs affirm because they do not disprove my general thesis. CX checks on spec shells and I'll meet them.

### Offense

#### [1] Privatization is bad

#### [a] The OST prevents state-based sovereignty claims in space. But it does not clearly restrict corporations and even if it does it may imminently be changed. This means that regions could be under the exclusive control of corporations, while no government has authority.

Ward 19 Peter Ward (Peter Ward studied journalism at the University of Sheffield before moving to Dubai, where he reported on the energy sector. After three years in the Middle East, he earned his master’s degree in business journalism from the Columbia University Graduate School of Journalism. His work has appeared in GQ, Bloomberg Buisnessweek, The Economist, and Newsweek. He lives in New York City.) “The unintended consequences of privatising space,” ScienceFocus (Online version of BBC Science Focus Magazine). Nov. 6th, 2019. <https://www.sciencefocus.com/space/the-unintended-consequences-of-privatising-space/> SJMS

Imagine a colony on [the Moon](https://www.sciencefocus.com/tag/the-moon/) or [Mars](https://www.sciencefocus.com/space/mars-facts-figures-fun-questions-red-planet/) run by a corporation. That one company would control everything the colonists need to survive, from the water to the oxygen to the food. That’s a dangerous amount of power for any company, but it’s a very real scenario. So what stops a major corporation landing on the Moon and setting up a colony? One very old document. [The Outer Space Treaty](http://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/outerspacetreaty.html) was signed in 1967 by all of the major space-faring nations, and explicitly states nobody can go to another planet or the Moon and claim that territory for their own. It’s a very important document, but it’s flawed. For one thing, the private space sector wasn’t around when the treaty was written so it’s not clear how some of the rules would be applied to private companies. And secondly, given the ambitions of many countries and corporations, there’s no way it’s going to last much longer. Anyone with a plan to land on the Moon or Mars and stay there is going to run into the Outer Space Treaty, and the smart money is on the wealthy and powerful winning out against an old loophole-ridden document. Politicians such as Ted Cruz in the United States have [already called for changes](https://spacenews.com/cruz-interested-in-updating-outer-space-treaty-to-support-commercial-space-activities/) to be made to the treaty, and given the increasing amounts of money private space companies spend on lobbying in the United States, more such attempts will follow. It’s imperative that the space community as a whole takes this issue on to ensure the needs of all, and not just the private sector, are taken into account should any alterations be made. The further we look into the future of humans in space, the more reality resembles science fiction. That’s why it’s difficult to make people take the issues which could potentially arise seriously. But now is the time to consider the problems that could arise from a commercially-led space race, and take the necessary small steps now to avoid potentially disastrous consequences in the future.

#### [b] That’s an instance of a unilateral will governing individuals while universal decision making is absent. This is an unjust state.

Cordelli 16 Chiara Cordelli [Chiara Cordelli is an associate professor in the Department of Political Science at the University of Chicago. Her main areas of research are social and political philosophy, with a particular focus on theories of distributive justice, political legitimacy, normative defenses of the state, and the public/private distinction in liberal theory. She is the author of The Privatized State (Princeton University Press, 2020), which was awarded the 2021 ECPR political theory prize for best first book in political theory. She is also the co-editor of, and a contributor to, Philanthropy in Democratic Societies (University of Chicago Press, 2016). -- [cordelli@uchicago.edu](mailto:cordelli@uchicago.edu)] “WHAT IS WRONG WITH PRIVATIZATION?”, University of Chicago, Political Science & the College, https://www.law.berkeley.edu/wp-content/uploads/2016/01/What-is-Wrong-With-Privatization\_UCB.pdf

The intrinsic wrong of privatization, I will suggest, rather consists in the creation of an institutional arrangement that, by its very constitution, denies those who are subject to it equal freedom. I understand freedom as an interpersonal relationship of reciprocal independence. To be free is not to be subordinated to another person’s unilateral will. By building on an analytical reconstruction of Kant’s Doctrine of Right, I will argue that current forms of privatization reproduce (to a different degree) within a civil condition the very same defects that Kant attributes to the state of nature, or to a pre-civil condition, thereby making a rightful condition of reciprocal independence impossible. Importantly, this is so even if private actors are publicly authorized through contract and subject to regulations, and even if they are committed to reason in accordance with the public good. The reason for this, as I will explain, derives from the fact that private agents are constitutionally incapable of acting omnilaterally, even if their actions are omnilaterally authorized by government through some delegation mechanism, e.g. a voluntary contract. Omnilateralness, I will suggest, must be understood as a function of 1) rightful judgment and 2) unity. By rightful judgment I mean the capacity to reason publicly and to make universal rules that are valid for everyone, according to a juridical ideal of right, as necessary to solve the problem of the unilateral imposition of private wills on others. By unity I mean the capacity to make rules and decisions that change the normative situation of others, as a part of a unified system of decision-making. The condition of unity is crucial, as I shall later explain, insofar as there might be multiple interpretations compatible with rightful judgment, which would still problematically leave the definition of people’s rightful entitlements indeterminate. Further, the practical realization of the juridical idea of an omnilateral will, I will contend, requires embeddedness within a shared collective practice of decision-making. In practice, rightful judgment can only obtain when certain shared background frameworks that structure practical reasoning and confer unity to that reasoning are in place. The rules of public administration and the authority structure of bureaucracy should be understood as playing this essential function of giving empirical and practical reality to the omnilateral will, as far as the execution of rules and the concrete definition of entitlements are concerned. Together, these two requirements are necessary, (whether they are also sufficient is a different question), to make an action the omnilateral action of a state, which has the moral power to change the normative situation of citizens, by fixing the content of their rights and duties in accordance with the equal freedom of all. The phenomenon of privatization thus raises the fundamental questions of why we need political institutions to begin with, and what makes an action an action of the state. Insofar as private agents make decisions that fundamentally alter the normative situation (the rights and duties) of citizens, and insofar as, by definition, private agents are not public officials embedded in that shared collective practice, their decisions, even if well intentioned and authorized through contract, cannot count as omnilateral acts of the state. They rather and necessarily remain unilateral acts of men. Hence, I will conclude, for the very same reasons that we have, following Kant, a duty to exit the state of nature so as to solve the twofold problems of the unilateral imposition of will on others and the indeterminacy of rights, we also have a duty to limit privatization and to support, on normative grounds, a case for the re-bureaucratization of certain functions. Therefore, my paper provides foundational reasons to agree with Richard Rorty’s nonfoundational defense of bureaucracy as stated in the opening epigraph, since only agents who are appropriately embedded within a bureaucratic structure, properly understood, are, in many cases, capable of acting omnilaterally. The “bosses” I am here concerned with are not primarily those who can unilaterally impose their will on us in their capacity as private employers, but rather any private actor who acts unilaterally while in the garb of the state. This essay is structured as follows. In Section I, I assess and reject what I take to be the most powerful non-instrumental arguments against privatization. In Section II, through an interpretation of Kant, I explain in what sense the state, defined as an omnilateral system of rules, is a constitutive condition of freedom, rather than merely an instrument to promote it. In Section III, through an analytical reconstruction, based on a theory of collective action, of the conditions that make a system of rules an omnilateral system of laws rather than an aggregation of unilateral acts of men, I show that privatization constitutes a regression to the state of nature, understood as a normative condition of unfreedom. I then present some reflections on the broader implications of my argument, as it posits an expansive conception of the juridical order as an appropriate object of analysis for political philosophy. Before moving to the next section, let me first clarify what I mean by privatization. In a general sense, privatization can be defined as the devolution of public responsibilities to private actors. This however entails a baseline against which the idea of public responsibilities must be specified. Here I defend a normative, rather than, as is commonly the case, a historical or economic baseline.11 I will assume that in a just society government ought to bear, on grounds of justice, the primary responsibility to secure not only a fair distribution of general resources, including income and wealth, through tax and transfers, but also an adequate provision of particular in-kind goods, including police protection, defense, criminal justice, education and healthcare.12 This does not per se entail, however, that government should provide these goods directly. Government may fund the production of in-kind goods, while delegating their provision to private actors. I thus define privatization as the implementation of public, justice-based responsibilities through private agents.

#### [2] Extending neoliberal polices in space violate universal law through continued injustice.

Segobaetso 18 Segobaetso, Benjamin. *Ethical Implications of the Colonization, Privatization and Commercialization of Outer Space*. SJEP

It can be argued through Kantian ethics that our record here on Earth paints a picture of neoliberal and capitalist policies with tendencies to favour the highest bidder at the exclusion of the under privileged and puts profit first at the expense of the environment. For Kantians, there are two questions that we must ask ourselves whenever we decide to act: (i) Can I rationally will that everyone act as I propose to act? If the answer is no, then we must not perform the action. (ii) Does my action respect the goals of human beings? Again, if the answer is no, then we must not perform the action. Kantian ethicists would argue that extending to space neoliberal and capitalist policies is immoral because these systems create economic disparities and life threatening environmental injustices; therefore, they are set up in a way that we could not rationally will everyone to act the way they act either here on Earth or in space. Also, Kantian ethicists would ask whether the action of extending neoliberal and capitalist policies to space would respect the goals of extra-terrestrial intelligent life if any rather than merely using them for humans’ own purposes? If the answer is no, then the participating agent must not perform the action. Kant wrote on the possible existence of extra-terrestrial intelligent species in the final pages of the last book that he published, Anthropology from a Pragmatic Point of View [Anthropologie in pragmatischer Hinsicht] (1978). In this publication, Kant hinted that the highest concept of the Alien species may be that of a terrestrial rational being [eines irdischen vernünftigen ]; however, he argued that it will be difficult to describe its characteristics because there is no knowledge available of a non-terrestrial rational being [nicht irdischen Wesen] which could be used as a reference in regards to its properties and ultimately classify that terrestrial being as rational. This dilemma will continue until extraterrestrial intelligent life is discovered because comparing two species of rational beings has to be on the basis of experience, but that experience has not been possible yet (Kant, 237-238). In applying Kant’s deontological moral theory, it must first be recognized that Kant visualized a kind of respect in which we all can recognize every rational being exists as an end in itself (1) as being not fully comprehensible by any human understanding, (2) as being an end in him- or herself, and (3) as being a potential source of moral law (Kant, 2012). In this regard, since Kant insinuated that the highest concept of the extraterrestrial intelligent species may be that of a terrestrial rational being [eines irdischen vernünftigen ]; that implies any encounter with extra-terrestrial intelligent life will compel us under the deontological moral theory to recognize that life as being not fully comprehensible by any human understanding, as being an end in itself, and as being a potential source of moral law (Kant, 2012). It must be realized that Kant’s deontology theory does not go without criticism by critical theorists who believe in dismantling all systems of oppression.

### UV

#### [1] Aff gets 1AR theory, Drop the Debater, and no RVIs – 1AR theory is the only recourse to check back infinite NC abuse, since it’s impossible to preempt NC abuse within the AC. Aff gets drop the debater, since 1AR is too short to win both theory and substance, and 2N doesn’t get RVIs, since RVIs uniquely deter the 1AR from checking NC abuse since the 1A knows the 2N can spend 6 minutes on the RVI and win.

#### [2] Fairness comes before the K:

#### [a] Probability-theory norms are set all the time since arguments go in and out of the meta but nobody ever stops oppression with one position

#### [b] The judge has to indicate who won the round, fairness best coheres with this since if one debater had ten minutes to speak and the other had three there would be incongruence that alters ability to judge the truth value of the K so cross-applications don’t work.

#### [3] Nonideal theory triggers skep:

#### [a] it doesn’t generate normative obligations so it permits anything except the one thing it condemns

#### [b] Collapses– real world injustices need universal ideal principles to ground them and explain why they are wrong.

#### [4] The burden of both debaters is to justify their theory of the good and justify action under it

#### Prefer:

#### [a] Begs the question – if they don’t justify an ethical theory we don’t know why oppression matters of how to deal with it.

#### [b] Normative foundations – There’s no motivation to do your aff unless there’s an ethical theory explaining why it’s motivating.

#### [c] It comes before pedagogy because we can’t know a teachers obligations unless we have an ethical theory

#### [d] Anything else is artificially narrow and incoherent –focusing on one issue is not fully comprehensive it can’t explain itself in a non-circular war unless you have a theory of the good.

#### [5] The role of the ballot is to vote affirmative if the *judgment* expressed by the resolution is true, vote neg if the judgement is false.

#### The resolution should be viewed as a judgment, not a proposition. Judgments are ideas cognitively held in the mind of real subjects, propositions are linguistic artifacts that act as placeholders in computational processes.

#### Prefer:

#### [a] Inescapable: the judge is a thinking subject and not a computer – so long as the judge evaluates any claim on the flow they are committed to coming to judgments about those claims and about the round as a whole. Even if the resolution is used as a proposition in these claims, that is only as a heuristic to making judgments.

#### [b] Co-opts the predictability benefits of truth-testing without the harms of blippy NIBs and a prioris.

#### [c] Meaning is determined inferentially – you only know what the resolution means by understanding what it would mean to justify it as a true statement. Meaning is not determined by net benefits to interpretations but by the norms that govern how justification works. If I say there is no butter in the fridge, you know what I mean because you understand what is required for me to assert that there is no butter and what it would mean to negate my claim.

#### Implications:

#### [a] Judgment-testing is different than generic truth-testing – linguistic NIBs and a prioris are not relevant offense under it while normatively relevant contention-level offense is.

#### [b] Process and agent CPs don’t negate – so long as an agent determines that an alternative is not likely to occur, they can make the moral judgment that action is good. E.g. it could be good for the federal government to do gun control because it isn’t likely the 50 states will, even if that is ideally better.

#### [c] Epistemic confidence on framework – the inferences required to determine the resolution are deductively arrived at through a process of determining what it means for an act to be morally good. That means that framework claims should be viewed as preclusive impact filters because they are syllogistically related to contentions as mechanisms of making them relevant. Absence the truth of a framework, relevance cannot be established. Computers may be able to make mathematical judgments using epistemic modesty, but thinking subjects cannot.

#### [6] Permissibility and presumption substantively affirm:

#### [a] If I told you my name is Michael; you would believe that absent evidence to believe otherwise which proves that statements are more likely to be true.

#### [b] Negating an obligation requires proving a prohibition – they prohibit the aff action.

#### [c] If agents had to reflect on every action they take and justify why it was a good one we would never be able to take an action because we would have to justify actions that are morally neutral i.e. drinking water is not morally right or wrong but if I had to justify my action every time I decided upon a course of action I would never be able to make decisions.

#### [d] Time skew—the negative gets 7 minutes to respond to the 1AC and 6 to respond to the 1AR – this is structural skew, means it outweighs because it controls access to the ballot

### Method

#### [1] Universality is the best way of solving oppression.

Mills 18 Charles W. Mills. “Black Radical Kantianism.” Res Philosophica, Vol. 95, No. 1, January 2018, pp. 1–33 https:// doi.org/ 10.11612/ resphil.1622 SJ//VM Organic Intellectual

So the common theme is the demand for equal recognition, equal dignity, equal respect, equal personhood, in a white-supremacist world where disrespect rather than respect is the norm, the default mode, for blacks. A racesensitive Kantianism not merely purged of Kant’s own racism but attuned (in a way nominally color-blind Kantianism is not) to these racially demarcated particularities for the different sub-sections of the human population— a black radical Kantianism—will thus understand the need to “universalize” the categorical imperative in a very different way to register the crucial differences between those socially recognized as persons and those socially recognized as sub-persons. I suggest that we divide the different moral relations involved into two categories based on whether one is a member of the privileged race, the R1s, or the subordinated race, the R2s. That gives us the following six-way breakdown: (1) one’s duty as an R1 to give respect to oneself, (2) one’s duty as an R1 to give respect to one’s fellow-R1s, (3) one’s duty as an R1 to give respect to R2s, (4) one’s duty as an R2 to give respect to oneself, (5) one’s duty as an R2 to give respect to one’s fellow-R2s, and (6) one’s duty as an R2 to give respect to R1s. Historically, each of these will have been affected by race (as racism), leaving an ideological and psychological legacy, habits of disrespect, that will shape the “inclinations” most likely to be determinative and most imperatively to be resisted. Instead of (what could be graphically thought of as) “horizontal” relations of reciprocal and symmetrical race-indifferent respect among equal raceless persons, the R1s will have historically respected themselves and each other as R1s, while “vertically” looking down on, disrespecting, R2s as inferiors. In turn, the R2s will have been required to show racial deference to the R1s, looking up to them as R2s, and—having most probably internalized their lower ontological status—will have been prone to regard both themselves and their fellows with racial contempt.

#### [2] Pluralism is good.

**Bleiker 14** – (6/17, Roland, Professor of International Relations at the University of Queensland, “International Theory Between Reification and Self-Reflective Critique,” International Studies Review, Volume 16, Issue 2, pages 325–327)

Methodological pluralism lies at the heart of Levine's sustainable critique. He borrows from what Adorno calls a “constellation”: an attempt to juxtapose, rather than integrate, different perspectives. It is in this spirit that Levine advocates multiple methods to understand the same event or phenomena. He writes of the need to validate “multiple and mutually incompatible ways of seeing” (p. 63, see also pp. 101–102). In this model, a scholar oscillates back and forth between different methods and paradigms, trying to understand the event in question from multiple perspectives. No single method can ever adequately represent the event or should gain the upper hand. But each should, in a way, recognize and capture details or perspectives that the others cannot (p. 102). In practical terms, this means combining a range of methods even when—or, rather, precisely when—they are deemed incompatible. They can range from poststructual deconstruction to the tools pioneered and championed by positivist social sciences. The benefit of such a methodological polyphony is not just the opportunity to bring out nuances and new perspectives. Once the false hope of a smooth synthesis has been abandoned, the very incompatibility of the respective perspectives can then be used to identify the reifying tendencies in each of them. For Levine, this is how reification may be “checked at the source” and this is how a “critically reflexive moment might thus be rendered sustainable

#### [3] Ideal theory is capable of radical possibilities.

Holmstrom 12 [Holmstrom, Nancy [Prof. Emeritus @ Rutgers]. "Response to Charles Mills's." Radical Philosophy Review 15.2 (2012): 325-330.]

We have to speak to people where they are, he says, and that means appealing to core values of liberalism: individualism, equal rights and moral egalitarianism. Against what he calls the conventional wisdom among radi- cals, he argues that there is no inherent incompatibility between these values and a radical agenda. If these values are suitably interpreted, I think he is absolutely right. Over two hundred years ago, Mary Wollstonecraft and Toussaint Louverture took the abstract universalistic principles of the French Revolution and extended them to groups they were intended to exclude. Gradually and incompletely women and blacks and landless men have achieved the democratic rights promised to all (in words) by the anti-feudal revolution. So I agree with Charles that such universalistic principles have great value; even if usually applied in self-serving ways, they have a deeply radical potential and it would be foolish of radicals to reject them, any more than we should reject all of the technological developments of the Indus- trial Revolution which also developed with the rise of capitalism. in fact, few American radicals have rejected these aspects of liberalism in their politi- cal practice but have been their strongest champions since the Revolution; socialists of all kinds helped to build the labor and civil rights movements.‘

#### [4] Isolating unconditional worth within the other is uniquely liberatory and the basis from which other theories begin, so my offense turns and outweighs yours.

Farr // 2

[Arnold Farr [Professor of philosophy at University of Kentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy]. “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY. Vol. 33, No. 1. Spring 2002.]

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.

#### [5] Deeper exploration of the aff’s political philosophy is key to understanding individual subjectivity – that’s the best starting point for fighting oppression.

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[Helga Varden, Associate Professor Department of Philosophy University of Illinois at Urbana-Champaign “Review of: Kantianism, Liberalism, and Feminism: Resisting Oppression by Carol Hay” Notre Dame Philosophy Review, 2013]

Second, in my view, oppression is not "just" an ethical issue, but also an issue of justice (what Kant calls "right"). So, as a matter of Kant interpretation, I believe that the more complete analysis of sexual harassment and sexual oppression (and the duty to resist) will incorporate an account of Kant's "Doctrine of Right" as well as an analysis of how this account fits with his account of ethics, including his distinction between perfect and imperfect duties. In the current version of Hay's theory, there is little attention paid to the "Doctrine of Right" (and the related secondary literature) or to how her current account of self-respect fits with it. Moreover, her current account places much emphasis on viewing self-respect as an imperfect duty. This revised account of self-respect is the main "comprehensive" move Hay suggests (against Rawls) that a Kantian theory of justice needs in order to analyze the problem of sexual oppression. Since this move is so important to her project, showing the compatibility between it and Kant's "Doctrine of Right" appears central. Moreover, if we try to do this on Hay's behalf (since she does not do it), there arises the problem that Kant, in the "Doctrine of Right", insists (for good reasons) that imperfect duties necessarily fall outside the scope of right. In the very least, it seems necessary to maintain that such an imperfect duty cannot be understood as enforceable, that is, it does not track punishable culpability. But then it cannot also be what explains any legal (coercive) measures to protect everyone's right not to be oppressed. Hence, it's hard for me to see how seeing self-respect as an imperfect duty can perform such a core function in a Kantian theory of justice, or alternatively as part of a fuller account of oppression that includes both ethics and justice. Alternatively, Hay's current account leaves me wondering what role a duty of self-respect can play in a liberal theory of justice that is fundamentally committed to the idea that individuals have a right to set and pursue ends of their own, including imprudent ends, as well as a right to consent to be harmed in many ways? And since there is latitude involved in the corresponding duty to resist, who should decide when one is culpable and when one is not? Finally, it seems to me that Hay's current analysis of oppression doesn't utilize what some so-called republican interpreters regard as one of the core insights in the "Doctrine of Right". According to these interpretations, the analysis of the legal rights individuals hold against one another (private right), and so the wrongs they can do against one another, is not coextensive with the analysis of the legal rights citizens hold against their public institutions (and so the wrongs that are inherently systemic in nature). My suggestion is that such a distinction between different kinds of rights (and corresponding wrongdoings) is exactly what we Kantians need in order to analyze the distinction between particular instances of sexual harassment (a case covered under private right) and the systemic wrongs involved in sexual oppression (a case covered under public right). Let me turn to a quick reflection on Hay's third assumption, her understanding that the "ought implies can" principle restricts the Kantian framework. Briefly, my suggestion is that another piece of Kant's "Doctrine of Right", his understanding of "doing wrong in the highest degree," may be helpful to Hay. Kant introduces this idea at the end of the "Doctrine of Private Right", where he argues that it is possible, sometimes, not to wrong anyone in particular, but still to do wrong in general. How to understand Kant here is highly controversial, but it seems to me that looking to some of these interpretations may give Hay what she needs to make sense of how sexual harassment and oppression often involves situations in which there is no morally good or unproblematic way out for individuals subjected to it. In cases of sexual harassment where the victims are powerless, we do not wrong ourselves (since we're not the ones doing the harassing), and yet we experience it as coming at a moral cost to do the only thing we can do, which is to take it. Moreover, when we live in sexist societies, we cannot do what we think is morally required, namely to end it right now (since we currently lack the power to change it). Yet even though it is not our fault and we do what we can, we also experience our inaction as coming at a moral cost or with a special kind of moral regret. In both cases, because we can't do the right thing, we can't be obliged to do it (there is no "ought" in the normal sense). Yet, doing nothing also seems wrong; it offends one's moral conscience and makes it hard to live with. This idea, I believe, is fruitful to explore as Hay continues to develop her Kantian accounts of sexual harassment and oppression.