# Kant AC

## Framing

#### The value is morality, and the starting point of morality is practical reason.

#### Infinite Regress. A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why.” Practical reason provides a deductive foundation for ethics, as you can answer this question by saying “because it’s reasonable”. Prefer practical reason over a consequentialist framework because it ends the infinite regression.

#### Action theory. Any action is infinitely divisible and there are a variety of other movements that occur at the same time. Practical reason is moral because it unifies a series of movements into a coherent whole by using intent. Without practical reason, you can continue dividing an action and be forced to evaluate the individual morality of these infinite, increasingly divided actions.

#### C. Collapses. Other sources of ethical authority presume a logical system of justification to make them coherent, which means reason functions as a side constraint on other theories and they presuppose the authority of reason.

#### Maxims must be universalizable and based on a priori truths.

#### Value a priori truths over a posteriori truth because we must base things on how they really are, not based on subjective things that may not be true for other people. Otherwise, interpretations can be made in countless different ways. A person can justify any action by saying they saw it differently..

#### Coherency: Maxims must be universalizable, otherwise this creates incoherency due to different behavioral expectations for different people. I.e. It would be incoherent to say that 2+2=4 for one person, yet equals 5 for someone else.

#### Thus, the standard is consistency with the categorical imperative.

#### To clarify, the framework does not value the ability to set any end, but rather the ability to decide which ends to pursue.

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**Independence is the basic principle of right. It guarantees equal free- dom, and so requires that no person be subject to the choice of another.** The idea of independence is similar to one that has been the target of many objections. The basic form of almost all of these focuses on the fact that **any set of rules prohibits some acts that people would otherwise do**, so that, for example, **laws prohibiting personal injury** and property dam- age **put limits on the ability of people to do as they wish.** Because differ- ent **people have incompatible wants, to let one person do what [they] want[] will typically require preventing others from doing what they want.** Thus, it has been contended, **freedom cannot even be articulated as a political value, because freedoms always come into conflict,** and **the only way to mediate those conflicts is by appealing to goods other than freedom.** As I will explain in more detail in Chapter 2, such an objection has some force against freedom understood as the ability to do whatever you wish, but fails to engage Kant’s conception of independence. **Limits on indepen- dence generate a set of restrictions that are by their nature equally appli- cable to all.** Their **generality depends on the** fact that they **abstract from** what Kant calls **the “matter” of choice—the particular purposes being pursued—and focus instead on the capacity to set purposes without hav- ing them set by others.** **What you can accomplish depends on what oth- ers are doing—someone else can frustrate your plans by getting the last quart of milk in the store. If they do so, they don’t interfere with your in- dependence, because they impose no limits on your ability to use your powers to set and pursue your own purposes. They** just change the world in ways that **make your means useless for the particular purpose you would have set. Their entitlement to change the world in those ways just is their right to independence.** In the same way, your ability to enter into cooperative activities with others depends upon their willingness to co- operate with you, and their entitlement to accept or decline your invita- tions is simply their right to independence

#### Prefer:

#### 1] An understanding of Kantianism is key to understanding the law in the real world because states abide by inviolable side-constraints in their constitutions

Otteson 09 [(James R., professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism,” The Independent Review, v. 13, n. 3, Winter, [2009](https://link.springer.com/article/10.1007/s10790-015-9506-9)] TDI Recut Lex VM

It is difficult to imagine a stronger defense of the “sacred” dignity of individual agency. Kantian individuality is premised on its rational nature and its entailed inherent dignity, and the rest of his moral philosophy arguably is built on this vision.1 Kant relies on a similarly robust conception of individuality in work other than his explicitly moral philosophy. The 1784 essay “An Answer to the Question: ‘What Is Enlightenment?’” (Kant 1991), for example, emphasizes in strong terms the threat that paternalism poses to one’s will. Kant argues that “enlightenment” (Aufklärung) involves a transition from moral and intellectual immaturity, wherein one depends on others to make one’s moral and intellectual decisions, to maturity, wherein one makes such decisions for oneself. One cannot effect this transition if one remains under another’s tutelage, and, as a corollary, one compromises another’s enlightenment if one undertakes to make such decisions for the other person—which, as Kant argues, is the case under a paternalistic government. Kant also writes in his 1786 essay “What Is Orientation in Thinking?” that “To think for oneself means to look within oneself (i.e. in one’s own reason) for the supreme touchstone of truth; and the maxim of thinking for oneself at all times is enlightenment” (1991, 249, italics and bold in the original). These passages are consistent with the position he takes in Grounding that a person who depends on others is acting heteronomously, not autonomously, and is to that extent not exercising a free moral will. These passages also help to clarify Kant’s notion of personhood and rational agency by indicating some of their practical implications. For example, on the basis of his argument, one would expect him to argue for setting severe limits on the authority that any group of people, including the state, may exercise over others: because individual freedom is necessary both to achieve enlightenment and to exercise one’s moral agency, Kant should argue that no group may impinge on that freedom without thereby acting immorally. Kant expressly draws this conclusion in his 1793 essay “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice’”: Right is the restriction of each individual’s freedom so that it harmonises with the freedom of everyone else (in so far as this is possible within the terms of a general law). And public right is the distinctive quality of the external laws which make this constant harmony possible. Since every restriction of freedom through the arbitrary will of another party is termed coercion, it follows that a civil constitution is a relationship among free men who are subject to coercive laws, while they retain their freedom within the general union with their fellows. (1991, 73, emphasis in original) Kant insists on the protection of a sphere of liberty for each individual to self-legislate under universalizable laws of rationality, consistent with the formulation of the categorical imperative requiring the treatment of others “always at the same time as an end and never simply as a means” (1981, 36). This formulation of the categorical imperative might even logically entail the position Kant articulates about “right,” “public right,” and “freedom.” Persons do not lose their personhood when they join a civil community, so they cannot rationally endorse a state that will be destructive of that personhood; on the contrary, according to Kant, a person enters civil society rationally willing that the society will protect both his own agency and that of others. Robert B. Pippen rightly says that for Kant “political duties are a subset of moral duties” (1985, 107–42), but the argument here puts it slightly differently: political rights, or “dignities,” derive from moral rights, which for Kant are determined by one’s moral agency. Thus, the only “coercive laws” to which individuals may rationally allow themselves to be subject in civil society are those that require respect for each others’ moral agency (and provide for the punishment of infractions thereof) (see Pippen 1985, 121). When Kant comes to state his own moral justification for the state in the 1797 Metaphysics of Morals, this claim is exactly the one he makes: the state is necessary for securing the conditions of “Right”—in other words, the conditions under which persons can exercise their autonomous agency (see 1991, 132–35). Consistent with this interpretation, Kant elsewhere endorses free trade and open markets on grounds that make his concern for “harmony” in the preceding passage reminiscent of Adam Smithian invisible-hand arguments. In his 1784 essay “Idea for a Universal History with a Cosmopolitan Purpose,” Kant writes: “Individual men and even entire nations little imagine that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature. They are unconsciously promoting an end which, even if they knew what it was, would scarcely arouse their interest” (1991, 41). This statement is similar to Smith’s statement of the invisible-hand argument.2 Kant proceeds to endorse some of the same laissez-faire economic policies that Smith advocated—for example, in his discussion in his 1786 work “Conjectures on the Beginning of Human History” of the benefits of “mutual exchange” and in his claim that “there can be no wealth-producing activity without freedom” (1991, 230–31, emphasis in original), as well as in his claim in the 1795 Perpetual Peace that “the spirit of commerce” is motivated by people’s “mutual self-interest” and thus “cannot exist side by side with war” (1991, 114, emphasis in original).3 Finally, although Kant argues that we cannot know exactly what direction human progress will take, he believes we can nevertheless be confident that mankind is progressing.4 Thus, in “Universal History” he writes: The highest purpose of nature—i.e. the development of all natural capacities—can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others. The highest task which nature has set for mankind must therefore be that of establishing a society in which freedom under external laws would be combined to the greatest possible extent with irresistible force, in other words of establishing a perfectly just civil constitution. (1991, 45–46, emphasis in original) Kant’s argument in this essay runs as follows: human progress is possible, but only in conditions of a civil society whose design allows this progress; because the progress is possible only as individuals become enlightened, and individual enlightenment is in turn possible only when individuals are free from improper coercion and paternalism, human progress is therefore possible only under a state that defends individual freedom. Kant believes that individuals have the best chance to be happy under a limited civil government, and he therefore argues that even such a laudable goal as increasing human happiness is not a justifiable role of the state: “But the whole concept of an external right is derived entirely from the concept of freedom in the mutual external relationships of human beings, and has nothing to do with the end which all men have by nature (i.e. the aim of achieving happiness) or with the recognized means of attaining this end. And thus the latter end must on no account interfere as a determinant with the laws governing external right” (“Theory and Practice,” 1991, 73, emphasis in original). The Kantian state is hence limited on the principled grounds of respecting agency; the fact that this limitation in his view provides the conditions enabling enlightenment, progress, and ultimately happiness is a great but ancillary benefit. Thus, the positions Kant takes on nonpolitical issues would seem to suggest a libertarian political position. And Kant explicitly avows such a state. In “Universal History,” he writes: Furthermore, civil freedom can no longer be so easily infringed without disadvantage to all trades and industries, and especially to commerce, in the event of which the state’s power in its external relations will also decline. . . . If the citizen is deterred from seeking his personal welfare in any way he chooses which is consistent with the freedom of others, the vitality of business in general and hence also the strength of the whole are held in check. For this reason, restrictions placed upon personal activities are increasingly relaxed, and general freedom of religion is granted. And thus, although folly and caprice creep in at times, enlightenment gradually arises. (1991, 50–51, emphasis in original) In “Theory and Practice,” Kant writes that “the public welfare which demands first consideration lies precisely in that legal constitution which guarantees everyone his freedom within the law, so that each remains free to seek his happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects at large” and that “[n]o-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law” (1991, 80, emphasis in original, and 74). In a crucial passage in Metaphysics of Morals, Kant writes that the “Universal Principle of Right” is “‘[e]very action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else in accordance with a universal law is right.’” He concludes, “Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law” (1991, 133, emphasis in original).5 This stipulation becomes for Kant the grounding justification for the existence of a state, its raison d’être, and the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others. Because this freedom must be complete, in the sense of being as full as possible given the existence of other persons who demand similar freedom, it entails that the state may—indeed, must—secure this condition of freedom, but undertake to do nothing else because any other state activities would compromise the very autonomy the state seeks to defend. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, individuals create a state to protect their moral agency, and in doing so they consent to coercion only insofar as it is required to prevent themselves or others from impinging on their own or others’ agency. In his argument, individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness. And except in cases of punishment for wrongdoing,6 this severe limitation on the scope of the state’s authority must always be respected: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.

#### 2] 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.

#### 3] Consequences fail – A. Every action has infinite stemming consequences because every consequence can cause another consequence B. Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events C. Aggregation fails – suffering is not additive – you can’t compare between 1 migraine and 10 headaches

#### 4] Ethical frameworks must be theoretically legitimate. Any standard is an interpretation of the word ought – thus, framework is a topicality debate about how to define terms of the resolution. Prefer this definition –

#### A] Resource disparities – a focus on evidence and statistics privileges debaters with the most preround prep which excludes lone-wolfs who lack huge evidence files. A debate under my framework can easily be won without any prep since only analytic arguments are required. Key to fairness so all people can engage.

#### B] Resolvability – clarity of weighing under interpretation of my framework: perfect duties and imperfect duties. Duties in right. Explicit categories that supersede other categories. All other frameworks are consequentialist that use unquantifiable probability, magnitude, or probability x magnitude. Resolvability is an independent voter otherwise the judge can’t make a decision.

#### C] Philosophical education—my interpretation allows contestation of the role of the state under the categorical imperative—people have argued that Kant justifies anything from libertarianism to socialism.

#### 5] Kantian theory has the best tools for fighting oppression through combatting ethical egoism and abstraction

Farr 02 [Arnold (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32]

**One of the most popular criticisms of Kant’s** moral philosophy is that it is too formalistic.13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that although a distinction between the **universal and the concrete is a valid distinction, the unity of the two is required** for an understanding of human agency. The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. The Kantian subject is an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation s between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. The very fact that **I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check by my intelligible character, which is the legislative activity of practical reason. **It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence.** What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also**.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. **The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation.** For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, the universalizability criterion is a principle of consistency and a principle of inclusion. That is, in choosing my maxims I attempt to include the perspective of other moral agents. … 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.**

#### 6] Only my method demonstrates the possibility of change because it shows that we have the capacity to live better, and so demonstrates if we choose not to follow reason, we can be held responsible. Universal subjectivity demands recognition of the plight of the oppressed.

**Farr** Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

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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. 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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.

## Offense

#### I affirm “resolved: a just government ought to recognize an unconditional right of workers to strike” as a general principle.

#### Not recognizing the right to strike is non-universalizable.

#### 1] The right to strike is necessary to protect workers’ liberties.

**Gourevitch 16** [Gourevitch, A. (2016). Quitting Work but Not the Job: Liberty and the Right to Strike. Perspectives on Politics, 14(2), 307-323. doi:10.1017/S1537592716000049]

On top of which, as Smith noted, “masters are always and every where in a sort of tacit, but constant and uniform combination.” In a world in which economic necessity couples with employer collusion, workers have little choice: “Such combinations [by employers], however, are frequently resisted by a contrary defensive combination of the workmen; who sometimes too, without any provocation of this kind, combine of their own accord to raise the price of their labour.” 51 For this reason Smith thought it was wrong to treat trade unions as criminal conspiracies.52 The view of unions and strikes as defensive, aimed at lessening employers’ ability to take advantage of workers’ need, persisted throughout the industrial age. By the time L.T. Hobhouse wrote Liberalism, it was possible for a liberal to argue that strikes might even be connected to human freedom: The emancipation of trade unions, however, extending over the period from 1824 to 1906, and perhaps not yet complete, was in the main a liberating movement, because combination was necessary to place the workman on something approaching terms of equality with the employer, and because tacit combinations of employers could never, in fact, be prevented by law.53 We must note, however, that nearly all of these arguments remain within a form of social theory that attempts to make capitalist practice more like its theoretical self-image. These thinkers tended to defend unions and their right to strike as a way of achieving “real freedom of contract” in the face of economic necessity. Hobhouse was updating Smith and Mill when arguing that “in the matter of contract true freedom postulates substantial equality between the parties. In proportion as one party is in a position of vantage, he is able to dictate his terms. In proportion as the other party is in a weak position, he must accept unfavourable terms.” 54 On this account, the right to strike is defensible only insofar as it helps maintain a position of relative equality among independent bargaining parties. It thereby secures contracts that are not just voluntary but truly free—Mill’s “necessary instrumentality of that free market.” This basic idea reappears in any number of twentieth-century acts of labor legislation and jurisprudence, perhaps most notably in the 1935 law granting American workers the right to strike.55 The problem with the real freedom of contract view is that it is based on faulty social analysis. The labor market is not just another commodity market in which propertyowners are, or can be made, free to participate or not participate. Here some social theory is inescapable. Workers who have no other consistent source of income than a wage have no reasonable alternative to selling their labor-power. That is because in capitalist societies most goods are only legally accessible if you can buy them. There is no other way of reliably acquiring necessary goods. The only way for most workers to get enough money to buy what they need is by selling their laborpower. Their only alternatives are to steal, hope for charity, or rely on inadequate welfare provision. These are, generally speaking, unreasonable alternatives to seeking income through wages. If workers have no reasonable alternative to selling their labor-power they are therefore forced to sell that labor-power to some employer or another.56 This forcing exists even when workers earn relatively high wages, since they still lack reasonable alternatives, though the forcing is more immediate the closer one gets to poverty wages.

#### 2] The right of workers to strike is key to freedom of speech and preventing oppression which means that it is universalizable.

**Lim 19** [Lim, Woojin. “The Right to Strike: Opinion: The Harvard Crimson.” The Harvard Crimson, 11 Dec. 2019, www.thecrimson.com/article/2019/12/11/lim-right-to-strike/]

On April 9, 1969, roughly 500 student activists [took over](https://news.harvard.edu/gazette/story/2019/04/event-commemorating-1969-harvard-strike-to-include-current-student-activists/) University Hall to protest Harvard’s role in the Vietnam War. City and state police armed with riot gear, clubs, and mace were [called](https://www.thecrimson.com/article/1994/4/22/police-raided-university-hall-pithe-following/) to remove all protesters who had vowed nonviolent resistance. In the early morning hours of April 10, over 400 police officers [stormed](https://www.thecrimson.com/article/2019/5/27/university-hall-1969/) University Hall, between 250 and 300 arrests were made, and 75 students were injured. In response, by April 11, thousands of Harvard students, teaching fellows, and faculty had gathered in Harvard Stadium to strike. Fifty years later, the Harvard Graduate Students Union-United Automobile Workers [declared](https://www.thecrimson.com/article/2019/12/3/grad-union-strikes/) a strike, fighting [for](https://www.thecrimson.com/article/2019/11/21/grad-student-strike-proposals/) increased compensation, health benefits, and neutral third-party arbitration for sexual harassment and discrimination. On December 3, over 500 demonstrators, wearing on their shoulders large blue-and-white “UAW on Strike” placards, [marched](https://news.harvard.edu/gazette/story/2019/12/unionized-harvard-students-go-on-strike/) routes throughout the Yard. In the strike of 1969, strikers fought for social justice; in the HGSU-UAW strike of 2019, strikers press on the fight for fair wages and working conditions. The right to strike is a [right](https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression) to resist oppression. The strike (and the credible threat of a strike) is an indispensable part of the collective bargaining procedure. Collective bargaining (or “agreement-making”) provides workers and employees with the opportunity to influence the establishment of workplace rules that govern a large portion of their lives. The concerted withdrawal of labor allows workers to promote and defend their unprotected economic and social interests from employers’ unilateral decisions, and provide employers with pressure and incentives to make reasonable concessions. Functionally, strikes provide workers with the bargaining power to drive fair and meaningful negotiations, offsetting the inherent inequalities of bargaining power in the employer-employee relationship. The right to strike is essential in preserving and winning rights. Any curtailment of this right involves the risk of weakening the very basis of collective bargaining. Strikes are not only a means of demanding and achieving an adequate provision of basic liberties but also are themselves intrinsic, self-determined expressions of freedom and human rights. The exercise of the power to strike affirms a quintessential corpus of values akin to liberal democracies, notably those of dignity, liberty, and autonomy. In acts of collective defiance, strikers assert their freedoms of speech, association, and assembly. Acts of striking, marching, and picketing command the attention of the media and prompt public forums of discussion and dialogue.

#### 3] Workers are coerced into working if they do not have the power to strike – without the ability to strike, workers are treated as a mere means to an end which violates the categorical imperative.

**Chima ‘13** (Sylvester C Chima, 1Programme of Bio & Research Ethics and Medical Law, Nelson R Mandela School of Medicine & School of Nursing and Public Health, College of Health Sciences, University of KwaZulu-Natal, Durban, South Africa, 12-19-2013, accessed on 6-22-2021, PubMed Central (PMC), "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?", <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B64>) // VandegriftDD

One can also argue that denial of such striking rights may also be considered unfair discrimination and therefore morally unjustifiable. Some philosophers have described moral obligations or duties, which ought to guide ethical behavior, such as the duty of fidelity or the obligation to keep promises, and beneficence - the obligation to do 'good' [10]. However, it has been suggested that some other equally compelling moral duties or ethical obligations may conflict with the above duties, such as the right to justice. Justice is the right to fair treatment in light of what is owed a person [63]. For example, it may be argued that everybody is equally entitled to a just wage for just work. The philosopher Immanuel Kant based his moral theory on a categorical imperative which encourages moral agents to act, based on a principle, which they would deem to become a universal law [64]. One can argue that the decision by any HCW to go on strike may not be universalisable. However, looking at this decision from the principle of respect for autonomy, or freedom of choice, one can conclude that individual autonomy is a sentiment which is desirable for all human beings. Accordingly, every worker should be free to choose whether to work or not, based on a whether any specific set of conditions of their own choosing have been met**.** Kant argues further that moral agents or individuals should be treated, "whether in your own person or in that of any other, never solely as a means, but always as an end" [64]. This idea that individuals should be treated as ends in themselves has influenced political philosophy for centuries, and stresses the libertarian ideology that people should not have their individual freedoms curtailed either for others or for the good of society in general [10,64]. From this axiomatic considerations, one can conclude that it would be unethical for people to be used as slaves or be forced to work for inadequate wages or under slave-like conditions [4,10,12,51]. The issue of HCW strikes can also be analyzed from utilitarian principles as formulated by one of its major disciples JS Mills as follows [65]: The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. One can argue based on utilitarian principles that the short term suffering induced by doctor and HCW strikes can be mitigated by the long-term benefits such as improvement of healthcare services for the greatest number of people over time [2]. Even if the immediate gains are improved wages and conditions of employment for HCWs alone, in the long-term these will translate into better healthcare service delivery to the local community and society-at-large. Similarly a rights based approach to the issue of strikes, would suggest that even though the goal of bringing about the better healthcare for individual patients or the public at large is a major ethical duty. There is an equally compelling moral duty to protect and enhance individual rights. Protection of individual rights in employment helps to ensure that no group of citizens, are unfairly discriminated against in the quest for equal rights for all in a democratic society**.**

## Underview

#### 1] 1AR theory – a) AFF gets it because otherwise the neg can engage in infinite abuse, making debate impossible, b) drop the debater – the 1AR is too short for theory and substance so ballot implications are key to check abuse, c) no RVIs – they can stick me with 6min of answers to a short arg and make the 2AR impossible, d) competing interps – 1AR interps aren’t bidirectional and the neg should have to defend their norm since they have more time. e) *Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.*

#### 2] Aff RVIs—A] Topic ed – it deters friv violations and forces negs to think twice before skewing the 1AR since they know each shell is another split in the 2N – o/w on reversibility since every shell crowds out substance that we can’t get back, B] Reciprocity – T is a unique avenue to the ballot that the aff can’t access – makes T structurally unfair without the RVI

#### **3] No new 2NR responses – A] Time skew- they have a 7-4 advantage on the 1AR and more rebuttal time than the aff – means they had plenty of time to make their args, B] Resolvability- there’s only one speech after so if they make a new arg we can’t debate it, C] incentivizes late breaking debates and the 3min 2AR can’t beat 6min of new args they could make 6 minutes of new arguments in the 2NR and I could never respond.**

#### 4] Affirming is harder, a time crunched 1ar makes it uniquely hard to respond to a 7 min dump but the neg has more time to develop their position and make responses – all theory arguments have an implicit aff flex standard because of huge side bias – outweighs neg fairness arguments unless they prove how it uniquely outweighs the disparity since it’s structural.

**5] Presumption and permissibility affirm – [a] Statements are true before false since if I told you my name, you’d believe me. [b] Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason. [c] Otherwise we’d have to have a proactive justification to do things like drink water. [d] If anything is permissible, then definitively so is the aff since there is nothing that prevents us from doing it.**

#### 6] The role of the ballot is to determine the truth or falsity of the resolution. Prefer –

#### a] Text – five dictionaries define negate as to deny the truth of and affirms to prove true which means the only obligation of the judge is to vote on the resolution’s truth/falsity. Outweighs on commonality – it is abundantly clear that our roles are verified.

#### b] Any other ROB enforces an external norm on debate, but only truth testing is intrinsic to the process of debate, i.e., proving statements true or false through argumentation. Constitutivism outweighs because you don’t have the jurisdiction to not test the truth of the resolution – if someone says you should break the rules of the game to have more fun then you should ignore them as a competition only makes sense when it has rules.

#### c] All other ROBs collapse – any property assumes the truth of the property, i.e., if I say, “the sky is blue” it is the same as me saying “it is true that the sky is blue”, which means they are also a question of truth claim’s because it’s intrinsic. It also means that their ROB warrants aren’t mutually exclusive with mine.

# 1AR

#### 1] Death drive thesis outdated

Smith, Director of the Critical Transdisciplinary Research Program and Editor at Heathwood Institute and Press, ‘3/22/17

(Robert C., “An Alternative Conception of Social Pathology,” in *Society and Social Pathology*, palgrave, pg. 74-75, \*language modified)

Aside from the question of social pathology, at the heart of this book is also the issue of subject development. This involves questions of how a human being develops—or how a child changes during the course of his/ her growth (Litowitz 1999)—and how social conditions, positive or negative, affect that development. “Every psychoanalytic theory from Freud’s earliest models to the latest post-Freudian versions” attempt to capture a theory of development in some way (Litowitz 1999). Freud’s theories claim to describe universal developmental stages, which do not depend upon specific environmental responses, cultural or social or otherwise (Litowitz 1999). Thus significant emphasis is placed on biology in the development of the psyche (Moritsugu et al. 2016).

Outside of certain movements within CT and more traditional pockets of psychoanalysis, Freud’s instinct theory and biological model is generally considered highly questionable (Benja eld 2010; Benjamin 1988; Black and Mitchell 2016; Blum and Hoffman 2016; Gomez 1997; Buirski and Kottler 2007; Rogers 1951, 1959; Schneider et al. 2001; Shane et al. 1997; Simanowitz and Pearce 2003). In fact, Freud’s theories in general are being increasingly challenged, or shown as not possible to prove (Dvorsky 2013). Many have either already discarded his theories as postulation without scientic validation or have used them as guidance knowing they are awed or incredibly abstract. As Axel Honneth put it:

Only dogmatism can today still ~~blind one to~~[conceal] the fact that a string of premises of Freudian theory have [...] become highly questionable. Developments in infant research, in developmental psychology generally, but also in evolutionary biology, have cast doubt on central and basic assumptions of the psychoanalytic view of young children. (Honneth 2009, p. 126)

Even contemporary theories of the unconscious, which many have labelled one of Freud’s greatest accomplishments, are continuously seeking to establish differentiation from Freudian theory (Romand 2012), rooting their concepts in Gustav Fechner’s earlier hypotheses. Additionally, while efforts at reforming classical Freudian theory have been attempted by the likes of Jacques Lacan and his contemporary followers, which is a popular movement in psychoanalysis today, particularly or primarily in theory and through the work of Slavoj Žižek, this too can be argued for different reasons to be deeply inadequate when weighed against more up-to-date cross-disciplinary research programme (Smith 2013).

Indeed, from a wide survey of literature, and from a discussion with different clinical practitioners and psychotherapists, it is clear that Fromm’s challenging Freudian instinct theory is, in present times, a less than controversial course of critique. This lends to the belief that when reading Freud today, as Fisher and Greenberg (1996) argue, what is required is a significant amount of nuance. His theory should be evaluated, they claim, in terms of specific hypotheses rather than as a whole (Fisher and Greenberg 1996; also cited in McLeod 2013). One reason for this, quite simply, has to do with the many “unresolved contradictions in Freud’s writings”, including what has been summarized as an unevenly developed system of ideas that are not integrated into a logical, systematic whole (Boag 2014).

#### 2] Death drive is reductive and inadequate model

Smith, Director of the Critical Transdisciplinary Research Program and Editor at Heathwood Institute and Press, ‘3/22/17

(Robert C., “An Alternative Conception of Social Pathology,” in *Society and Social Pathology*, palgrave, pg. 70-71)

First, it should be reiterated that Fromm was correct to challenge Freud’s concepts of “libido” and “the death instinct”. As Ingleby reflects, “the contortions of the other members of the Frankfurt School, in their attempt to “read” Freud’s instinct theory in a way which will fit into revolutionary social theory, seem to be much less plausible than Fromm’s critique of this theory” (Ingleby 2002, p. xI). As the saying goes, hind- sight is 20/20. If one reason Marcuse sought to hold onto the Freudian biological model is because it offered foundation for understanding the constitution of the human being, and revealed insight into the early years, this position is no longer relevant or applicable (Smith 2013). The knowledge, understanding and theory relating to human constitution and early childhood development has advanced so far beyond Marcuse’s use of the Freudian biological model, that his criticism in this regard no longer stands. In fact, as we shall see in this book, contemporary research actually validates Fromm’s position more than Marcuse’s. It does so precisely insofar that Fromm drags the subject back into the social dialectic more successfully than Marcuse.

Moreover, I agree with Kieran Durkin’s (2014) assessment, particularly in relation to the above point, that Adorno and Marcuse’s position in their confrontation with Fromm reveals more about the internal struggle of their own projects than the deficiencies in Fromm’s development. Adorno’s theory of the subject, in spite of the disagreement of the validity of certain aspect of Freud’s theory, is very close to that of Fromm in several fundamentally important ways. Indeed, even though Adorno “relies on the idea of unconscious libidinal drives”, in his critique “of Freud’s division of consciousness” Adorno argues “that Freud’s idea of the unconscious is undialectical” (Sherman 2007, p. 225). And the main point of Adorno’s critique, particularly as laid out in his well-known (1968) article Sociology and Psychology? Adorno writes:

The more strictly the psychological realm is conceived as an autonomous, self-enclosed play of forces, the more completely the subject is drained of subjectivity. The objectless subject that is thrown back onto himself freezes into an object. It cannot break out of its immanence and amounts to no more than equations of libidinal force. (Adorno 1968, p. 81)

In this passage, also quoted by David Sherman (2007, pp. 225–226) in his influential book Sartre and Adorno: The Dialectics of Subjectivity, we learn as Sherman summarizes: Adorno argues “that the psyche must be dragged back into the social dialectic” (p. 226). And, truth be told, Marcuse adopts a similar position (p. 226). Approached in this way, the differences between what Fromm was trying to achieve and Adorno and Marcuse’s respective positions, seems overstated. Both Adorno and Marcuse want to drag the subject back into the social dialectic and, the latter especially, wants to ultimately preserve the notion of the “mediating subject” subject (Sherman 2007). Years later, after Adorno and Marcuse would write and publish their most influential works, the defence of Freud’s biological materialism seems a strange position to adopt. Contrary to the view that a challenge towards Freud’s instinct theory represented a sort of subversion of the radical edge of CT rooted in psychoanalysis, thus leading to com- ments that Fromm was “conformist”, in retrospect Fromm’s sociological “revision” ultimately proves far more radical a line of critique than what either Marcuse or Adorno are able to achieve. This point is emphasized especially when we consider the need to ultimately critically retrieve and advance the projects of Adorno and Marcuse so as to meet the standards of contemporary understandings in psychology.

#### 3] Their account of human behavior is wrong

Havi Carel 6, Senior Lecturer in Philosophy at the University of the West of England, “Life and Death in Freud and Heidegger”, googlebooks

Secondly, the constancy principle on which these ideas are based is incompatible with observational data. Once the passive model of the nervous system has been discarded, there was no need for external excitation in order for discharge to take place, and more generally, "**the behavioural picture seemed to negate the notion of drive, as a separate energizer of behaviour**" {Hcbb. 1982. p.35). According to Holt, the nervous system is not passive; it does not take in and conduct out energy from the environment, and it **shows no tendency to discharge its impulses**. 'The principle of constancy is quite without any biological basis" (1965, p. 109). He goes on to present the difficulties that arise from the pleasure principle as linked to a tension-reduction theory. The notion of tension is "conveniently ambiguous": it has phenomenological, physiological and abstract meaning. But empirical evidence against the theory of tension reduction has been "mounting steadily" and any further attempts to link pleasure with a reduction of physiological tension are "decisively refuted" (1965, pp. 1102). Additionally, the organism and the mental system are no longer considered closed systems. So the main arguments for the economic view collapse, as does the entropic argument for the death drive (1965, p. 114). A final, more general criticism of Freud's economic theory is sounded by Compton, who argues, "Freud fills in psychological discontinuities with neurological hypotheses" (1981, p. 195). The Nirvana principle is part and parcel of the economic view and the incomplete and erroneous assumptions about the nervous system (Hobson, 1988, p.277). It is an extension ad extremis of the pleasure principle, and as such is vulnerable to all the above criticisms. The overall contemporary view provides strong support for discarding the Nirvana principle and reconstructing the death drive as aggression.