## Th

#### Interpretation – The Aff must defend theory interpretations and arguments unconditionally as presented in the 1ac. In other words, the aff may not run cx checks or claim the ability to further specify their advocacy in CX to subvert theory violations.

#### Violation – they did

#### 1. Theory recourse –

#### (a) causes sidestepping, encouraging you to have hidden abusive args since I either call you out on it in cx and you kick it or I concede it and you win, which makes debates innocuous

#### (b) causes ambiguity – what constitutes a sufficient "check" is unclear. Even if we isolate the abusive practice in CX, the aff can still go for the arg and establish new parameters for checking, and

#### (c) prep skew – even if you don't kick the abuse, you get extra time to prep my interp since you know what I'll indict. That gives you nearly double the time to prep and creates irreciprocal burdens. Theory recourse is key to any voter since it ensures I can check back abusive strategies.

#### 2. Value of CX – There's a big difference between cross-examining a position and clarifying what the aff is. The point of CX is to do former. Your norm encourages debaters to not work at becoming good at questioning their opponents. Also, no reason we need to use CX as clarification – you had 6 minutes to clarify what you defended. Key to fairness because it allows aff to waste negative CX time and keeps the neg from gaining concessions.

**Fairness –**

**DTD –**

**CI –**

**No RVI’s –**

**a. logic**

**b. norming**

**c. chilling effect**

d. baiting

## K

#### Settler colonialism is not a one-off occurrence – it requires the combination of external and internal colonialism fused with the identity-making of the settler through the erasure of indigenous populations that rewrites ontological identity and relationships.

Tuck and Yang 12 Eve Tuck and K. Wayne Yang, 2012, “Decolonization is not a metaphor,” Decolonization: Indigeneity, Education & Society

Generally speaking, postcolonial theories and theories of coloniality attend to two forms of colonialism2 . External colonialism (also called exogenous or exploitation colonization) denotes the expropriation of fragments of Indigenous worlds, animals, plants and human beings, extracting them in order to transport them to - and build the wealth, the privilege, or feed the appetites of - the colonizers, who get marked as the first world. This includes so-thought ‘historic’ examples such as opium, spices, tea, sugar, and tobacco, the extraction of which continues to fuel colonial efforts. This form of colonialism also includes the feeding of contemporary appetites for diamonds, fish, water, oil, humans turned workers, genetic material, cadmium and other essential minerals for high tech devices. External colonialism often requires a subset of activities properly called military colonialism - the creation of war fronts/frontiers against enemies to be conquered, and the enlistment of foreign land, resources, and people into military operations. In external colonialism, all things Native become recast as ‘natural resources’ - bodies and earth for war, bodies and earth for chattel. The other form of colonialism that is attended to by postcolonial theories and theories of coloniality is internal colonialism, the biopolitical and geopolitical management of people, land, flora and fauna within the “domestic” borders of the imperial nation. This involves the use of particularized modes of control - prisons, ghettos, minoritizing, schooling, policing - to ensure the ascendancy of a nation and its white3 elite. These modes of control, imprisonment, and involuntary transport of the human beings across borders - ghettos, their policing, their economic divestiture, and their dislocatability - are at work to authorize the metropole and conscribe her periphery. Strategies of internal colonialism, such as segregation, divestment, surveillance, and criminalization, are both structural and interpersonal. Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap4 - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves5 , whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural.

#### Settler workers are still settlers – the 1ac grounds their politics in a defense of indigenous dispossession and necessitates settler expansion.

Englert 20 Sai Englert (lecturer @ Universiteit Leiden), 2020, “Settlers, Workers, and the Logic of Accumulation by Dispossession,” Antipode, Vol. 0, No. 0, doi:10.1111/anti.12659

The history of settler colonialism underscores the conspicuous absence of involvement by settler working classes (as opposed to individuals or limited networks) in mass, sustained challenges against the process of settlement and indigenous dispossession.3 In fact, more often than not, settler labour movements fought for the intensification of settler expansion and racial segregation (see “An Alternative Reading: Settler Colonies and the Exploitation of the Native” above), through colour bars, boycott campaigns and demands for expulsion. In the process, bitter confrontations emerged between settler labour and capital, when the latter attempted to increase its profit margins through the exploitation of indigenous labour—for example in the context of the white labour movements in Australia and South Africa.4 Yet these conflicts can be resolved, especially while the settler colony continues to expand, by intensifying the dispossession of indigenous populations in order to improve the material conditions of settler workers (see “Case Studies” below). Here, the question of accumulation by dispossession returns to the fore. If settler workers are exploited as workers within the settler colony, they remain settlers. As such they participate in the processes of accumulation by dispossession through the occupation of lands, the elimination or exploitation of indigenous peoples, and the extraction of expropriated resources. For example, at a very basic level, their houses, workplaces, and basic infrastructure such as roads, railways, etc., are all premised on the capture and control of indigenous land. Settler workers are both exploited by settler bosses and their co-conspirators in the dispossession of indigenous peoples. As such, class struggle within a settler society has a dual character: it is waged over the distribution of wealth extracted from their labour as well as over the colonial booty. In the case of Zionism in Palestine, the current associated with the publication Matzpen (“Compass”) developed a class analysis of Israeli society. They came to the conclusion that because the Israeli economy was heavily subsidised from the outside (first primarily by Britain, then by the US) and that this subsidy was not simply going into private hands but was used by the Labour Zionist bureaucracy to organise the development of the Israeli economy and infrastructure, class antagonisms were diverted within its society. Hangebi et al. (2012:83) wrote: The Jewish worker in Israel does not receive his share in cash, but he gets it in terms of new and relatively inexpensive housing, which could not have been constructed by raising capital locally; he gets it in industrial employment, which could not have been started or kept going without external subsidies; and he gets it in terms of a general standard of living, which does not correspond to the output of that society ... In this way the struggle between the Israeli working class and its employers, both bureaucrats and capitalists, is fought not only over the surplus value produced by the worker but also over the share each group receives from this external source of subsidies. If this analysis was essentially correct, it underplayed, however, the consequences of an important aspect of Israeli wealth creation (which Matzpen otherwise recognised): the Israeli state, its infrastructure, and its economy were made possible by colonial expansion, land confiscation, the expulsion of Palestinians and the expropriation of their wealth and property. Affordable housing, for example, an issue discussed further below, was not only possible because of the subsidies the Israeli state received from abroad. It was possible because the land on which new houses were built, as well as existing Palestinian houses, had been confiscated by the Israeli army, Palestinians had been expelled in their hundreds of thousands, and the spoils were re-distributed amongst settlers. It was—and remains—the collective dispossession of the indigenous population by the Israeli population as a whole, which ties the settler community together, despite internal class, ethnic, and political divisions. The settler class struggle is fought over the distribution of wealth extracted from settler labour power as well as over the share each group receives from the process of accumulation by dispossession. This dual class and colonial relationship helps explain the relative absence of settler workers’ resistance against settler colonial expansion or alliances with Indigenous peoples.5 This tendency can be understood as “settler quietism”: even if working-class settlers are exploited by their ruling classes, overthrowing the settler state would mean overthrowing a system in which they share, however unequally, in the distribution of the colonial loot. Participating in the process of dispossession and fighting for a greater share of the pie leads to more important and immediate material gains. It also follows, as many anti-colonial thinkers and activists, not least among them Fanon (2001) in the Wretched of the Earth, have argued that indigenous people face the settler population as a whole in their struggle for de-colonisation. This is not to say that individual settlers or specific settler organisations cannot or have not supported struggles for decolonisation. It is however to point out that this is not the case for the majority of the settler working class, while it continues to depend on the continued dispossession of the natives for the quality of its living standards. Whether the settler colony is organised on the basis of an eliminatory or an exploitative model, what remains constant is that the entirety of the settler polity will participate in the process of accumulation by dispossession, and that the different settler classes will struggle both against the natives to impose and maintain this dispossession, as well as amongst themselves in order to determine the nature of its internal distribution. More than that, the specific structural forms of settler rule over the indigenous population is best understood as the outcome of struggle, both between settler classes and between settlers and indigenous populations. This paper now turns to two brief case studies demonstrating this process in the context of Zionism in Palestine.

#### Kant doesn’t think indigenous people are human – means they aren’t practical reasoners.

**Khurana:** Khurana, Thomas. [Thomas Khurana is Lecturer in Philosophy at the University of Essex and Heisenberg Fellow at the Department of Philosophy at Yale University, University of Potsdam] “Kant and Colonialism: Historical and Critical Perspectives” *Notre Dame Philisophical Reviews*, 2014. AZ

Although colonialism is only a marginal topic in Kant's writings, his remarks on the legitimacy or illegitimacy of colonial practices have naturally attracted much attention. As Kant is a main representative of enlightenment thinking and a herald of emancipatory theory, any putative endorsement or critique of colonialism on his part would seem to have far reaching implications: Kant's stance, whatever it turns out to be, could be understood as representative of the ways in which Western Enlightenment might be complicit with or, on the contrary, offer a resource for overcoming colonial oppression. This volume does not address the broader question of the general relation of enlightenment and colonialism directly but rather turns to the more limited task of getting clear about Kant's actual position regarding colonialism. It focuses on four issues. (1) The first issue concerns **Kant's** shifting position on colonialism. Most readers will probably take Kant's critical remarks on colonial practices from The Metaphysics of Morals and Toward Perpetual Peace as his considered views. As the introduction and the contributions by Pauline Kleingeld and Lea Ypi make clear, however, Kant had not always held such critical views. **Earlier in his critical period his remarks on colonial practices and slavery were at best neutral and often suggested that he regarded these practices as tolerable, maybe even necessary moments of the process of cultural and historical progress. In Idea for a Universal History with a Cosmopolitan Aim (1784) Kant states, without any critical distancing, that "our" part of the world would probably eventually give laws to all other parts of the world.[1]** In a number of other passages he refers to practices of colonial rule and slavery without offering any explicit criticism.[2] It obviously seems puzzling that Kant, the great proponent of autonomy, should find colonial subjugation and slavery even tolerable. Kleingeld and Ypi both make the case that in order to account for this we have to take into consideration Kant's hierarchical account of the human races. In a number of essays on race and in various Lectures on Anthropology, **Kant suggests that the human races differ with regard to their natural incentives and talents. They thus have different capacities to acquire culture and varying tendencies to perfect themselves. Consider, for example, the Anthropology lecture notes from 1781-82: Kant here holds that only the white race "contains all incentives and talents in itself"; the American indigenous people, by contrast, are said to be indifferent and lazy and to acquire no culture; the "Negro race . . . acquire[s] culture, but only a culture of slaves; that is, they allow themselves to be trained"; the "Hindus" finally "acquire culture in the highest degree, but only in the arts and not in the sciences.** They never raise it up to abstract concepts" (AA 25:1187). Against the background of such a racial hierarchy, **Kant seems to attribute to the white race a privileged role in actualizing humanity's full potential. Non-white races, conversely, seem predisposed, on his account, to assume subservient and dependent roles.**

#### The alternative is one of decolonization – settlers need to enact an ethic of incommensurability to relinquish settler futurity.

Tuck and Yang 12 Eve Tuck and K. Wayne Yang, 2012, “Decolonization is not a metaphor,” Decolonization: Indigeneity, Education & Society, // SJ DL

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly.But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It meansremoving the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.

#### The role of the ballot is to vote for who best centers indigenous scholarship and resistance-- Any ethical commitment requires that the aff place themselves in the center of Native scholarship and demands.

Carlson 16 (Elizabeth Carlson, PhD, is an Aamitigoozhi, Wemistigosi, and Wasicu (settler Canadian and American), whose Swedish, Saami, German, Scots-Irish, and English ancestors have settled on lands of the Anishinaabe and Omaha Nations which were unethically obtained by the US government. Elizabeth lives on Treaty 1 territory, the traditional lands of the Anishinaabe, Nehiyawak, Dakota, Nakota, and Red River Metis peoples currently occupied by the city of Winnipeg, the province of Manitoba, (2016): Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1241213) // recut SJ DL

Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colonized, it is a tool used to invoke accountability for the colonizer’.**42** Relational accountability should be a cornerstone of settler colonial studies.I believe settler colonial studies and scholars should ethically and overtly place themselves in relationship to the centuries of Indigenous oral, and later academic scholarship that conceptualizes and resists settler colonialism without necessarily using the term: SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences. Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency. Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.43 Ethical settler colonial theory (SCT) would recognize the foundational role Indigenous scholarship has in critiques of settler colonialism. It would acknowledge the limitations of settler scholars in articulating settler colonialism without dialogue with Indigenous peoplesand take as its norm making this dialogue evident. In my view, it is critical that we not view settler colonial studies as a new or unique field being established, which would enact a discovery narrative and contribute to Indigenous erasure, but rather take a longer and broade\_r view. Indigenous oral and academic scholars are indeed the originators of this work. This space is not empty. Of course, powerful forces of socialization and discipline impact scholars in the academy. There is much pressure to claim unique space, to establish a name for ourselves, and to make academic discoveries. I am suggesting that settler colonial studies and anti-colonial scholars resist these hegemonic pressures and maintain a higher anti-colonial ethic. As has been argued, ‘the theory itself places ethical demands on us as settlers, including the demand that we actively refuse its potential to re-empower our own academic voices and to marginalize Indigenous resistance’.44 As settler scholars, we can reposition our work relationally and contextually with humi- lity and accountability. We can centre Indigenous resistance, knowledges, and scholarship in our work, and contextualize our work in Indigenous sovereignty. We can view oral Indigenous scholarship as legitimate scholarly sources. We can acknowledge explicitly and often the Indigenous traditions of resistance and scholarship that have taught us and pro- vided the foundations for our work. If our work has no foundation of Indigenous scholarship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.

## Case

#### 1AR theory is skewed towards the aff which means err neg – A] the 2NR must cover substance and over-cover theory cause of 7-6, 2 speech aff advantage and they get the collapse and persuasiveness advantage of a 3-minute 2AR B] their responses to my counter interp will be new, which means 1AR theory necessitates intervention. Implications – A] dropping the argument minimizes the chance the round is decided unfairly B] if intervention will happen on theory debates, then judges should intervene in a way that decreases the asinine nature of LD theory

#### The world is not perfect, so even if they win their framework, we should use a non-ideal Kantian theory—actions should be taken to lead to a goal, a consequence, of the good rather than pursuing it as an absolute ideal.

Christine **Korsgaard 86**, “The Right to Lie: Kant on Dealing with Evil”, Philosophy and Public Affairs 15, no 4, 1986, BE

Non-ideal conditions exist when, or to the extent that, the special conception of justice cannot be realized effectively. In these circumstances our conduct is to be determined in the following way: the special conception becomes a goal, rather than an ideal to live up to: we are to work towards the conditions in which it is feasible. For instance, suppose there is a case like this: widespread poverty or ignorance due to the level of economic development is such that the legal establishment of the equal liberties makes no real difference to lot of the disadvantaged members of society. It's an empty formality. On the other hand, some inequality, temporarily instituted, would actually tend to foster conditions in which equal liberty could become a reality for everyone. In these circumstances, Rawls's double-level theory allows for the temporary inequality. (§§ 11,39) The priority rules give us guidance as to which features of the special conception are most urgent. These are the ones that we should be striving to achieve as soon as possible. For example, if formal equal opportunity for blacks and women is ineffective, affirmative action measures may be in order. If some people claim that this causes inefficiency at first, it is neither here nor there, since equality of opportunity has priority over efficiency. The special conception may also tell us which of our non-ideal options is least bad, closest to ideal conduct. For instance, civil disobedience is better than a resort to violence not only because violence is bad in itself, but because of the way in which civil disobedience expresses the democratic principles of the just society it aspires to bring about. (§ 59) Finally, the general conception of justice commands categorically. In sufficiently bad circumstances none of the characteristic features of the special conception may be realizable. But there is no excuse, ever, for violation of the general conception. If inequalities are not benefiting those on the lower end of them in some way, they are simply oppression. The general conception, then, represents the point at which justice becomes uncompromising.18¶ A double-level theory can be contrasted to two types of single-level theory, both of which in a sense fail to distinguish the way we should behave in ideal and in non- ideal conditions, but which are at opposite extremes. A consequentialist theory such as utilitarianism does not really distinguish ideal from non-ideal conditions. Of course, the utilitarian can see the difference between a state of affairs in which everyone can be made reasonably happy and a state of affairs in which the utilitarian choice must be for the "lesser of evils", but it is still really a matter of degree. In principle we do not know what counts as a state in which everyone is "as happy as possible" absolutely. Instead, the utilitarian wants to make everyone as happy as possible relative to the circumstances, and pursues this goal holds regardless of how friendly the circumstances are to human happiness. The difference is not between ideal and non- ideal states of affairs but simply between better and worse states of affairs.¶ Kant's theory as he understood it represents the other extreme of single-level theory. The standard of conduct he sets for us is designed for an ideal state of affairs: we are always to act as as if we were living in a Kingdom of Ends, regardless of possible disastrous results. Kant is by no means dismissive towards the distressing problems caused by the evil conduct of other human beings and the unfriendliness of nature to human ideals, but his solution to these problems is different. He finds in them grounds for a morally motivated religious faith in God.19 Our rational motive for belief in a moral author of the world derives from our rational need for grounds for hope that these problems will be resolved. Such an author would have designed the laws of nature so that, in ways that are not apparent to us, our moral actions and efforts do tend to further the realization of an actual Kingdom of Ends. With faith in God, we can trust that a Kingdom of Ends will be the consequence of our actions as well as the ideal that guides them. In his A Critique of Utilitarianism 20, Bernard Williams spells out some of the unfortunate consequences of what I am calling single-level theories. According to Williams, the consequentialist's commitment to doing whatever is necessary to secure the best outcome may lead to violations of what we would ordinarily think of as integrity. There is no kind of action that is so mean or so savage that it can never lead to a better outcome than the alternatives. A commitment to always securing the best outcome never allows you to say "bad consequences or not, this is not the sort of thing I do; I am not that sort of person." And no matter how mean or how savage the act required to secure the best outcome is, the utilitarian thinks that you will be irrational to regret that you did it, for you will have done what is in the straightforward sense the right thing.21 A Kantian approach, by defining a determinate ideal of conduct to live up to rather than setting a goal of action to strive for, solves the problem about integrity, but with a high price. The advantage of the Kantian approach is the definite sphere of responsibility. Your share of the responsibility for the way the world is is well-defined and limited, and if you act as you ought, bad outcomes are not your responsibility. The trouble is that in cases such as that of the murderer at the door it seems grotesque simply to say that I have done my part by telling the truth and the bad results are not my responsibility.¶ The point of a double-level theory is to give us both a definite and well-defined sphere of responsibility for everyday life and some guidance, at least, about when we may or must take the responsibility of violating ideal standards. The common sense approach to this problem uses an intuitive quantitative measure: we depart from our ordinary rules and standards of conduct when the consequences of following them would be "very bad." This is unhelpful for two reasons. First, it leaves us on our own about determining how bad. Second, the attempt to justify it leads down a familiar consequentialist slippery slope: if very bad consequences justify a departure from ordinary norms, why do not slightly bad consequences justify such a departure? A double-level theory substitutes something better than this rough quantitative measure. In Rawls's theory, for example, a departure from equal liberty cannot be justified by the fact that the consequences of liberty are "very bad" in terms of mere efficiency. This does not mean that an endless amount of inefficiency will be tolerated, because presumably at some point the inefficiency may interfere with the effectiveness of liberty. One might put the point this way: the measure of "very bad" is not entirely intuitive but rather, bad enough to interfere with the reality of liberty. Of course this is not an algorithmic criterion and cannot be applied without judgment, but it is not as inexact as a wholly intuitive quantitative measure, and, importantly, does not lead to a consequentialist slippery slope.¶ Another advantage of a double-level theory is the explanation it offers of the other phenomenon which Williams is concerned about: that of regret for doing a certain kind of action even if in the circumstances it was the "right" thing. A double-level theory offers an account of at least some of the occasions for this kind of regret. We will regret having to depart from the ideal standard of conduct, for we identify with this standard and think of our autonomy in terms of it. Regret for an action we would not do under ideal circumstances seems appropriate even if we have done what is clearly the right thing.

#### Universalizing principles fails because of the rarity objection.

Derek Parfit 11 [Oxford], On What Matters (June 11, 2011 version), 241-242.

**Suppose that I wrongly steal some wallet from some woman dressed in white who is eating strawberries while reading the last page of Spinoza’s *Ethics*.** My maxim is to act in precisely this way, whenever I can. **I could rationally will it to be true that this maxim is universal, because it would be most unlikely that anyone else would ever be able to act in precisely this way, so this maxim’s being universal would be most unlikely to make any difference.** Since I could rationally will this maxim to be universal, Kant’s formulas mistakenly permit my act**.** Similar claims apply to other highly specific maxims. When wrong-doers act on such maxims, they could rationally will that their maxims be universal, because they would know that other such acts would be rare, and would therefore make little difference. Kant’s formulas would mistakenly permit these wrong acts. We can call this the *Rarity Objection*.