## AC

### Framing

#### Ethics must solve the internalism-externalism paradox—either reasons for action are based on an agent’s internal motivation, or on a priori objective reasons. However, both of these accounts fail since internal motivations are contingent and arbitrary, while external reasons beg the question of a source for these reasons. The solution is constitutivism, or the idea that ethics must be based on the nature of agency. Only this can solve the paradox—concerns derived from the nature of agents are objective and non-optional, yet are motivational for all agents. Thus, the metaethic is constitutivism.

#### Prefer: [1] Agency is the only non-optional enterprise—everything is part of it. Every action part of an optional enterprise is part of agency. This round is part of my identity as a debater, but it’s also engagement in agency. [2] Regress—trying to escape agency necessitates using rational reflection about what I ought to do, which is part of agency. [3] Cartesian skepticism – it’s impossible to confirm objective knowledge of the world or morality – we could be hallucinating or inside a simulation. Constitutivism solves - it’s impossible to deny one’s own existence as an agent since denial of one’s agency would be an instantiation of agency.

#### Next, reason is constitutive of action: [1] Reason is what makes a movement an action—seizures aren’t actions because they aren’t intentional [2] Decision making—Agents have infinite ends available to pursue but have a limited means to pursue them—that requires reason to choose which ends to pursue. [3] 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.

#### Prefer additionally:

#### [1] Contingency – frameworks that rely on contingent circumstances can’t guide action since agents are incapable of calculating everything about the external world – it’s impossible to apply rules that rely on material conditions.

#### [2] Uncertainty – we can’t use experience to guide action since we can only understand our limited perception of the world, so we can’t derive morality from it.

#### [3] Non contradiction - statements cannot be both true and false. Denial results in a DB where the system is non-normative and doesn’t care about application of itself to action in the material world.

#### Only reasons that can be universalized across all actions can be constitutive of agency since agency is the ability to set and pursue ends—that means reasons that can’t be universalized can’t be applied to all instances of agency. There’s no prior distinction between agents so everyone must be able to will a maxim universally.

#### Thus, the standard is consistency with equal and outer freedom.

#### [1] Universal reason grants agents the right to freedom because acting on a maxim to coerce produces a conceptual contradiction.

Engstrom [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge, DOA:5-5-2018 // WWBW]

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others** with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim **would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom**, and hence their self-sufficiency, their capacity to realize their ends, **where doing so augments, or extends, one’s own outer freedom** and so also one’s own self-sufficiency.  Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here **all persons are** on the one hand **deeming good both the limitation of others’ freedom and the extension of their own freedom, while** on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent** insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.

#### [2] Inescapability – the exercise of practical rationality requires that one regards practical rationality as intrinsically good – that justifies a right to freedom.

Wood 07 [Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW]

Kant holds that **the most basic act through which people exercise their practical rationality is that of setting an end** (G 4:437). To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that **any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good – that is, rationally required independently of any inclination to apply it.** The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good. In doing all this, however, **the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general.** For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. But **to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities.** It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it. One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. But **that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself.** To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature. It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics **the rational nature in every person is an end in itself whether the person is morally good or bad.**

#### [3] Value theory – the existence of extrinsic goodness requires unconditional human worth.

Korsgaard 83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, he or she supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Impact calculus –

#### 1] Ethics are based on intent, but the state does not have intentions and cannot know the intentions of other agents. Instead, the state acts a procedural mechanism to punish those who violate rights claims. Those rights are derived from the structure of intent.

#### 2] The state does not have the authority to act to preempt future rights violations, because consequences of action are contingent and cannot be derived from the structure of the maxim on which one acts. Thus, the state does not have the jurisdiction to take them into account.

#### This means if their theory doesn’t provide an account of how the state functions they have no offence on the framing debate.

#### Prefer additionally –

#### Applying Kantian ideals in a racialized context can help repudiate oppression and promote self-respect. The end of any approach to solving oppression is universal respect which demands a Kantian focus Mills 18:

To the extent that the dominant varieties of colonial/imperial liberalism were originally racist (Mehta 1999; Pitts 2005; Hobson 2012), presup- posing a hierarchy of European superiors and non-European inferiors (biologically and/or culturally), they got the social ontology wrong in an obvious way. But to the extent that postwar postcolonial (at least nom- inally) liberalism retroactively sanitized its racial past and transformed this hierarchical essentialist metaphysics into an ontology of morally equal and symmetrically positioned atomic individuals, it still continues, I would contend, to get the social ontology wrong. The Afro-modern claim is that neither is correct, because (contra the first) blacks and other people of color are equal and because (contra the second) the socially constructed inequali- ties and their historic legacy cannot be metaphysically ignored considering how fundamentally and asymmetrically they have shaped the modern world order and the raced individuals within that order. In other words, the Afro-modern tradition is insistent that modernity is established on and structured by a social ontology of race. It is not, of course—assuming meta-ethical objectivism—that these racist social conven- tions and structures actually make blacks and other people of color less than full persons. But the denial to them of social recognition as full persons, depriving them of equal rights, freedoms, and protections, and unjustly privileging whites at their expense, foundationally affects both these racial groups and the moral and political dynamics of the societies so created. Objectively, their personhood is unaffected, along with the rights, freedoms, and protections they should have, as persons. But intersubjectively, insofar as white social recognition is dominant and determinant, their socially effective personhood—the rights, freedoms, and protections they actually have—is denied.5 Thus, we have an ontology—races as central existents profoundly shaping one’s being as an individual—but an ontology socially rather than biologically created—the product of “sociogenesis,” in Frantz Fanon’s (1991 [1967]) famous coinage. As George Fredrickson (2015 [2002], 11–12) has pointed out, pre- modern social ontologies are characterized by social hierarchies of multiple kinds. So even if race existed then (which Fredrickson denies, as an expo- nent of the short periodization), it would not have been sharply differen- tiated from the others. It is the advent of modernity, which is supposed to flatten these systems of ascriptive hierarchy into simple personhood (as in the conventional portrayal of Kant), that sets racial inferiority so sharply into relief, since the R2s are then being stigmatized as less than human while the R1s become (making allowance for gender differentiation) coextensive with the human. The Afro-modern diagnosis of a metaphysics of personhood that is actually racialized is thus different from standard Euro-modern discussions of personhood and its implications for ethico- political theory. It is making a different claim than the anti-utilitarian critique within liberalism that it permits the disrespecting of persons. The putative problem with utilitarianism is not that it regards a set of persons as sub-persons, but that the fungibility of (equal) persons opens the door to the rights-violations of some (equal) persons if social welfare for (equal) persons as a whole can thereby be maximized. The Afro-modern analysis is saying that, independent of this issue, some persons are not recognized as equal persons in the first place. So it is also different from the Marxist critique from outside liberalism. The putative problem here, as originally stated in “On the Jewish Question” (Marx 2000) and later in Capital (Marx 1990 [1976], 279–280), is that in assuming individuals of equal moral and juridical status, equal recognized personhood, liberalism’s social ontology is ignoring the effects of the material differences in wealth and property ownership in the liberal state that in reality make the (white) working class effectively unequal. But the Afro-modern claim is that for blacks and other people of color, not even ethico-juridical equality, limited as it may be, is attained, so that their positioning in the liberal state is different from the beginning. Consider some classic statements of this realization from figures across the black diaspora. In his second autobiography, My Bondage and My Freedom, Frederick Douglass (1996, 213) describes how, after he had escaped from slavery to the North, and was giving abolitionist speeches, “I was generally introduced as a ‘chattel’—a ‘thing’—a piece of southern ‘property’—the chairman assuring the audience that it could speak.” But this was not surprising to him, because the experience of enslavement had taught him that “A man, without force, is without the essential dignity of humanity. Human nature is so constituted, that it cannot honor a helpless man, although it can pity him” (199). W. E. B. Du Bois’s Darkwater (2007 [1920], 35) concludes that “By reason of a crime [Atlantic slavery] (perhaps the greatest crime in human history) the modern world has been system- atically taught to despise colored peoples. . . . all this has unconsciously trained millions of honest, modern men into the belief that black folk are sub-human.” The Jamaican anti-colonial activist Marcus Garvey (1992 [1923–1925]) judges of blacks that “A race without authority and power is a race without respect.” French colonial subject Aimé Césaire (2016 [1972], 202) draws up the equation “colonization equals ‘thingification’,” an assessment echoed and elaborated upon in his Martiniquan compatriot Frantz Fanon’s (1991 [1967], 8), description of “the zone of nonbeing,” in which “the black is not a man.” Black American writer Ralph Ellison (1995 [1952]) uses Invisible Man as the title of his celebrated first novel, signifying not, as in its predecessor, H. G. Wells’s (2017) early 1897 science-fiction classic The Invisible Man, a physico-chemical invention to make the body imperceptible to our fellow-humans, so that the inventor cannot be seen, but rather the lack of equal social recognition given to blacks by their white fellow humans, who simply refuse to see them. Malcolm X (Breitman, ed. 1965, 51) recounts how “I grew up with white people. . . . and I have never met white people yet—if you are around them long enough—who won’t refertoyouasa‘boy’ora‘gal,’nomatterhowoldyouare. . . . All of our people have the same goals, the same objective. That objective is freedom, justice, equality. All of us want recognition and respect as human beings. We don’t want to be integrationists. Nor do we want to be separationists. We want to be human beings.” Across the Atlantic, South African militant Steve Biko (2002 [1978]) declares that: In terms of the Black Consciousness approach we recognize the existence of one major force in [apartheid] South Africa. This is White Racism. It is the one force against which all of us are pitted. . . . What Black Consciousness seeks to do is to produce . . . real black people who do not regard themselves as appendages to white society. . . . We do not need to apologise for this because . . . the white systems have produced through the world a number of people who are not aware that they too are people. (50–51) So the common theme is the demand for equal recognition, equal dignity, equal respect, equal personhood, in a white-supremacist world where disre- spect rather than respect is the norm, the default mode, for blacks. A race- sensitive Kantianism not merely purged of Kant’s own racism but attuned (in a way nominally color-blind Kantianism is not) to these racially demar- cated particularities for the different sub-sections of the human population— a black radical Kantianism—will thus understand the need to “universalize” the categorical imperative in a very different way to register the crucial differences between those socially recognized as persons and those socially recognized as sub-persons. I suggest that we divide the different moral relations involved into two categories based on whether one is a member of the privileged race, the R1s, or the subordinated race, the R2s. That gives us the following six-way breakdown: (1) one’s duty as an R1 to give respect to oneself, (2) one’s duty as an R1 to give respect to one’s fellow-R1s, (3) one’s duty as an R1 to give respect to R2s, (4) one’s duty as an R2 to give respect to oneself, (5) one’s duty as an R2 to give respect to one’s fellow-R2s, and (6) one’s duty as an R2 to give respect to R1s. Historically, each of these will have been affected by race (as racism), leaving an ideological and psychological legacy, habits of disrespect, that will shape the “inclinations” most likely to be determinative and most imperatively to be resisted. Instead of (what could be graphically thought of as) “horizontal” relations of reciprocal and symmetrical race-indifferent respect among equal raceless persons, the R1s will have historically respected themselves and each other as R1s, while “vertically” looking down on, disrespecting, R2s as inferiors. In turn, the [inferiors] R2s will have been required to show racial deference to the R1s, looking up to them as R2s, and—having most probably internalized their lower ontological status—will have been prone to regard both themselves and their fellows with racial contempt. Thus, a morally reclamatory project now self-consciously cognizant of race as social positioning rather than biology will need both to identify and expunge these corrupt inherited reflexes, and to rethink what genuine race-sensitive universalization now requires of us. Universalization for the goal of respecting objective personhood in a Kantian “impure ethics” of this kind will require advertence to these differentiated histories, this differentiated positioning, and the need for addressing and redressing them. To treat everyone in a “color-blind” way would in this context be equivalent to ignoring the history, and thus particularizing rather than universalizing respect by taking as one’s reference point those persons (the R1s) whose personhood has not historically been in question. Abstracting away from the history and (possibly ongoing) reality of social disrespect for the R2s and social deference for the R1s, tempting as it may be, actually undermines universality, because it does not genuinely include the [inferior] R2s on the terms necessary to correct their situation. Rather, by assimilating the R2s to the R1s, it renders their R1 particularity the universal, which is a bogus universal considering how radically different their normative positioning in the social order and the social ontology has been. This revisionist framework, I would claim, enables us to better under- stand and appreciate the dynamics both of the long black tradition of moral uplift through what has been called “racial vindicationism” and the more recent activism (albeit with older precedents) of white anti-racists urging a critical rethinking of “whiteness.” These can both legitimately be framed as “Kantian” exercises once we acknowledge how divergent from the ideal Kantian community actual racialized societies have been. I am not, of course, suggesting that anyone in either camp had to have read Kant to be motivated to take on this moral-political task. Rather, the idea is to bring out, especially for a largely white philosophical readership, how recognizable these projects should be, how illuminating their translation into, and analysis from the perspective of, Kantian discourse could be, once one recognizes the radical difference a racially partitioned personhood would make to the assumptions of that world of discourse. We could think of it as the systematic working out of personhood theory under non-ideal conditions. Whereas mainstream ideal-theory Kantianism tends to presup- pose an already-achieved social ontology of socially recognized equals, here a social-ontological transformation is being sought to bring that equality about. Such a transformation will require the repudiation of internalized inferiority on the part of blacks and of internalized superiority on the part of whites, with their associated asymmetries and non-reciprocities. Far from being themselves racist, then (as, through an apprehensive mainstream white lens, both, but particularly the black project, are often represented as being), they should ideally culminate in a convergence, an equalization of respective socially recognized metaphysical statuses. But to repeat: precisely because these respective standings have been tied to race, a “color-blind” ig- noring of race cannot accomplish this end. Rather, the history and its legacy need to be admitted and confronted for the Kantian ideal of a community of reciprocally respecting persons to be realized. Moreover, as briefly mentioned in the previous section, the obstacles to such universalization will be far more extensive, and they require far more theorization than in mainstream Kantianism, including as they will cognitive and motivational hurdles manifest not just in individualist but group-linked and social-structural forms. One of the virtues of the left tradition, going back to Marx, is the realization that in class society, ruling- class-linked “ideology” is a central barrier to the objective apprehension of the social world. Correspondingly, Ideologiekritik is a crucial part of the struggle for the new socialist order. However, Marxism’s general weakness on normative matters means that the specifically moral dimension of this critique was historically undeveloped, so that those sympathetic to the project of moralizing historical materialism had to seek theoretical resources elsewhere, as discussed in section 2. What I am now suggesting is that a black radical Kantianism needs a com- parable theorization of white racial ideology, both for the achievement of individual and civic virtue. Liberalism in general, especially considering the (descriptive) individualism of its dominant versions, and its ideal-theoretic orientation in Rawls in particular, has not historically paid much atten- tion to such issues. But contractarian liberalism in particular is nominally committed to the ideal of what Rawls (1999, 15, 48–49, 152–156) calls the “publicity” (what we would now term “transparency”) of the society’s political principles, institutions, and basic structure, taken (in ideal theory) to be the result of general agreement, and consistent with people’s moral psychology and desire to secure their self-respect. Given the deviation from ideality of real-life racialized societies calling themselves liberal, however, these actual principles, institutions, and basic structure will reflect a white rather than race-inclusive agreement, with deleterious effects for both white and black moral psychologies. So the achievement of “Enlightenment” and the overcoming of “immaturity”—here on both an individual and a group level—will require a recognition of the distinctive opacities, the peculiar systemic violations of transparency, necessary to maintain the racialized social order, and their effect at different racial poles on people’s self-respect. To the extent that the R2 sub-persons have internalized the ideology of the dominant R1s, they will look up to them as superior beings, who are owed not just respect but deference, while looking down on themselves. The Kantian duty to respect oneself will potentially then have very powerful corrective implications here (cf. Hay 2013), since it will require one to repudiate the status of sub-personhood. And this repudiation will be linked with epistemic duties also, the obligation to develop an enlightenment that sees through white-supremacist ideology, and to not inflict “epistemic injustice” on oneself by refusing to give one’s own counter-hegemonic perceptions and alternative conceptualizations a fair hearing. Thinking of oneself as a sub-person is not adventitious but is based on a certain inculcated historical and social picture of the world. Achieving moral virtue will of necessity be intimately tied up with achieving epistemic virtue. As an [inferior] R2, one will need to seek out the actual history that has put [people] R1s in a position of domination over R2s, and to recognize and repudiate the ideology that has justified it—hence the long-standing emphasis in the black radical tradition of educating oneself about black history, against the myth of the history-less “negro,” and of understanding the actual social forces that have brought about the present social order. fbe sympathetically read as asserting equal personhood and the entitlement to equal respect for a population traditionally subjugated and denied both. A 1933 essay by Du Bois (2016 [1933]) makes the connection explicit in his title: “On Being Ashamed of Oneself: An Essay on Race Pride.” “Pride” in this context is not racial self/group glorification, the assertion of superiority, but the corrective to “shame,” aimed at equalization. From the classic civil rights placards that simply (but revolutionarily) declared “I AM A MAN” to the recent “Black Lives Matter!” movement (Lebron 2017), we find a thematic continuity of protest against the reality of continuing racial subordination. It is the repudiation of psychologically internalized inferiority (“You are not a man/person”) and the demand for an end to socially prescribed inferiority (“Black lives do not matter”), the aspiration to equalization rather than to superiority. And “race” as blackness needs to be part of this moral declaration rather than being jettisoned as irrelevant because of its historic signification as sub-personhood. In Malcolm X’s (Breitman, ed. 1965, 169) typically blunt assessment: You know yourself that we have been a people who hated our African characteristics. . . . [W]e hated the color of our skin, hated the blood of Africa that was in our veins. And in hating our features and our skin and our blood, why, we had to end up hating ourselves. . . . Our color became to us a chain—we felt that it was holding us back. . . . It made us feel inferior; it made us feel inadequate; made us feel helpless. And when we fell victims to this feeling of inadequacy or inferiority or helplessness, we turned to [the white man] to show us the way. Overcoming self-hatred and the lack of self-respect will thus require not merely the nominal repudiation of racial deference to the racially superior R1s, but the genuine affirmation of a personhood not defined on R1 terms, not tacitly tied to “whiteness,” and its derogation of oneself and one’s fellow R2s.

#### [Charles W. Mills. “Black Radical Kantianism.” Res Philosophica, Vol. 95, No. 1, January 2018, pp. 1–33 https:// doi.org/ 10.11612/ resphil.1622.]

### Advocacy

#### Thus I affirm resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

#### I’ll defend the resolution as a general principle, further specification in the doc. This means potential negative implications of reducing protections for certain drugs doesn’t link as that’s merely a hypothetical instance of an object protected by IP medicine laws. Counterplans and PICs affirm because they do not disprove the general thesis of my advocacy.

All hyper linked and from Merriam Webster unless otherwise noted -

“Member” is defined as: [part of a whole](https://www.merriam-webster.com/dictionary/member)

“Nations” [is defined as: a community of people composed of one or more nationalities and possessing a more or less defined territory and government](https://www.merriam-webster.com/dictionary/nations)

“Of” is defined as: [used as a function word to indicate origin or derivation](https://www.merriam-webster.com/dictionary/of)

“The” is defined as: [used as a function word before a singular noun to indicate that the noun is to be understood generically](https://www.merriam-webster.com/dictionary/the)

“World Trade Organization” is: [An international body founded in 1995 to promote international trade and economic development by reducing tariffs and other restrictions.](https://www.lexico.com/en/definition/world_trade_organization) (Lexico, a dictionary provided by Oxford)

“To” is defined as: [used to indicate that the following verb is in the infinitive form](https://www.merriam-webster.com/dictionary/to)

“Reduce” is defined as: [to diminish in size, amount, extent, or number](https://www.merriam-webster.com/dictionary/reduce)

“Intellectual Property” is defined as: [A work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc.](https://www.lexico.com/en/definition/intellectual_property) (Lexico, a dictionary provided by Oxford)

“Protections” is defined as: [The act of protecting : the state of being protected](https://www.merriam-webster.com/dictionary/protection#legalDictionary) (Merriam Webster Legal Dictionary)

“For” is defined as: [used as a function word to indicate the object or recipient of a perception, desire, or activity](https://www.merriam-webster.com/dictionary/for)

“Medicines” is defined as: [a substance or preparation used in treating disease](https://www.merriam-webster.com/dictionary/medicines)

### Offence

#### There is a distinction between personal rights and property rights – property rights govern material objects that can be appropriated and stolen, however personal rights concern intangible concepts such as ideas and speeches. Thus it is a contradiction to attribute property rights to ideas as an idea can be accessible by all without resource constraints. And even the most stringent property rights allow for copying and modification of a legitimate purchase as a function of the new owner’s property rights so it’s a freedom violation to restrict doing so. And intellectual property rights actively suppress the freedom of speech, which is necessary for agents to actualize their wills.

Pievatolo 10 Pievatolo, Maria. “Freedom, Ownership and Copyright: Why Does Kant Reject the Concept of Intellectual Property?” *Freedom, Ownership and Copyright: Why Does Kant Reject the Concept of Intellectual Property?*, 7 Feb. 2010, bfp.sp.unipi.it/chiara/lm/kantpisa1.html. WWEY, altered for glang

In the Metaphysik der Sitten, we can find a clear distinction between ius reale and ius personale. The ius reale or ius in re is a right on things. 14 The ius personale is defined as the «possession of another's choice [Willkür], in the sense of my capacity to determine it by my own choice to a certain deed». 15 In other words, it is a right entitling someone to obtain acts from other persons. As moral subjectivity involves freedom, personal rights cannot be established without the concerned persons' consent. According to Kant, the ius reale cannot be applied to ideas, or, better, to thoughts, because they can be conceived by everyone at the same time, without depriving their authors. Surprising as it may seem, the ius reale protects the freedom to copy, if it is taken seriously. If a thing has been purchased in a legal transaction and the purchasers copy it by their own means, they are simply working on their legitimate private property. For the very principle of private property, it is not fair to restrain the ways in which its legitimate purchaser may use it. For this reason, no ius reale can be opposed to the reprinter. If we see the book as a material thing, whoever buys it has the right to reproduce it: after all, it is his book. Furthermore, in Kant's opinion, we cannot derive any affirmative personal obligation from a ius reale: 16 a ius personale on someone cannot be claimed by simply purchasing some related things without obtaining his or her expressed consent. Kant, by conceiving the book as an action, adopts a strategy based on the ius personale only. By using such a strategy, he concludes that the unauthorized printer has to be compared to an unauthorized spokesperson rather than to a thief. Therefore, it is not necessary to go beyond the Roman law tradition, by inventing a new ius reale on immaterial things. Kant's argument goes as follows: when I speak to a public, I engage a relationship with them. The book may be viewed as a medium through which authors can transmit their speeches to a wider public. In the age of printing, such a medium used to be provided by publishers. Thus publishers can be considered as spokespersons who speak in the name of the authors. But, as such, they need the authors' authorization. 17 Why? Because to speak in the name of another without his authorization is like engaging him in a relationship without his consent. As personal rights, according to Kant, concern relations among free beings, they can arise only from expressed agreements. Hence, the unauthorized printer is like an unauthorized spokesperson, who produces a relation of the author with the public without being entitled to do it. However, the scope of Kant's justification of copyright is very narrow: it applies only to the publishing of texts, it does not touch th so-called derivative works, and it is justified only as far as it helps the public to get the texts. Freedom, ownership and copyright: why does Kant reject the concept of intellectual property? 3 Kant does not recognize works of art as speeches. He calls works of art Werke or opera, i.e. things that are produced, while indicating books as Handlungen or operae, i.e. actions. As the works of art are simply physical objects, we can derive from Kant's assumption that every legitimate purchaser may reproduce them and may donate or sell the copies to others. 18 Every time an object can be treated only as a product, its legitimate owner may do what he wants with it, because of his ius reale, which has to be taken seriously on both sides. Moreover, as the injustice of reprinting books depends on their communication to the public, we can deduce that their reproduction for personal use is not to be forbidden. As regards as the derivative works, Kant states that, if one shortens, augments, retouches or translates the book of another, [they] produces a new speech, although the thoughts can be the same Therefore, such works cannot be seen as Nachdruck and are perfectly lawful. 19 In other words,in a Kantian environment, everyone may become a “wreader” - a reader and writer at the same time - without being hindered by copyright restrictions The goal of the transaction between the author and the publisher is conveying his text to the public. The public has a right to interact with the author, if the latter has chosen to do it. According to Kant, the publisher may neither refuse to publish – or to hand over to another publisher, if he does not want to do it himself – a text of a dead author, nor release mutilated 20 or spurious works, nor print only a limited impression that does not meet the demand. If the publisher does not comply, the public has the right to force him to publish. 21 In a Kantian environment the publisher's rights are justified only when they help authors to reach the public. Copyright should be neither censorship nor monopoly. In the 1785 essay Kant stated that the mandate of an author to a publisher should be exclusive 22 because the publisher becomes willing to publish a book only if he is certain to earn something from it; therefore, he is interested in avoiding competition. But later, in the Metaphysik der Sitten, Kant does not mention the exclusivity requirement at all, perhaps because he has realized that it was based on an empirical contamination, depending on the current state of technology. In Kant's world the press used to be the medium that provided for the widest distribution of ideas. Printing required both specific tools and skills, and specialized and centralized organizations. And as long as the publishers of printed texts provided the only medium to convey speeches to a wide public, Kant was inclined to bow to their interest. However, from a conceptual perspective, there is no reason to deny that an author should be entitled to authorize everyone to distribute his work to everyone else, just like a person may hire more than one spokesperson. Such a practice is now fairly usual on the Internet, when authors choose a Creative Commons License and grant the right to publish their works to everyone, because they are interested in the widest possible spreading of their ideas. In Kant's times such a strategy would hardly be paying because the major publication technology, the press, was not cheap and easy like the digital reproduction of texts, but difficult and expensive. Kant's thesis is based on the technical assumption that publishing requires an intermediation - just as it used to be in the age of print -, which is lawful only it has the author's consent. Where the intermediation is not necessary any longer, where no one is speaking in the name of another, copyright makes no sense. 23 3. A term of comparison: Fichte's theory of intellectual property In 1793 the Berlinische Monatschrift published a short essay, Proof of the Illegality of Reprinting: A Rationale and a Parable, 24 written by Fichte two years ago. The essay connects originality to intellectual property and advocates the enforcing of the latter by means of criminal sanctions. It is worth mentioning the Freedom, ownership and copyright: why does Kant reject the concept of intellectual property? 4 final parable by means of which Fichte illustrates his thesis, because it contains in itself all our commonplaces on intellectual property. In the time of the Caliph Harun al Rashid, an alchemist used to prepare a beneficial drug and to entrust the commercial side of the business to a merchant who was the sole distributor throughout the land and who earned a goodly profit by his monopoly. Another medicine merchant stole the drug from the monopolist and started to sell it at a cheaper price. The latter brought him before the Caliph. The former pleaded for his case by arguing that his selling the drug for a cheaper price was useful to the sick persons and to the society at large. What was the judgment of the Caliph? «He had the useful man hanged». 25 To be accurate, the medicine merchant of the parable had not copied the drug, but had materially stolen it. Fichte suggested that copying is like stealing. In the 18th century, however, Fichte had to demonstrate the commonplace of today. According to Fichte, we can distinguish two aspects of a book: 1. its physical aspect (das körperliche), i.e. the printed paper 2. its ideational aspect (das geistige) The ideational aspect of a book is in turn divisible into: a. a material aspect, i.e. the ideas the book presents; b. the form of these ideas, i. e. the way in which they are presented. All the aspects of a book, except one, can be appropriated by anybody: we can buy the printed paper and assimilate the ideas it conveys. We cannot, however, appropriate its form, because it is strictly personal. And, according to Fichte, it is self-evident that «we are the rightful owners of a thing, the appropriation of which by another is physically impossible». 26 As the form can be only mine, the author is the proprietor of his text and his authorized publisher is its usufructuary. However sophistical this shift from originality to property may seem, it is not the only seminal element of our commonplaces on copyright contained in Fichte's essay. It is also worth remarking that in the Harun al Rashid parable the alchemist - the author - transfer his rights and disappears from the scene; the most powerful interests are these of a monopolist - the publisher -; only the other medicine merchant - the pirate - pleads for the interests of the public, but his arguments are rejected as criminal; as regards as the Caliph - the government -, he bows to the monopolist's interests without saying a word; and, last but not least, the criminal sanction for piracy - capital punishment - is out of all proportion. The young Fichte believed that his ideas on authors' right were similar to the ones of Kant. 27 However, there are at least three outstanding differences between Kant and Fichte: Fichte bases copyright on the individual originality in the form of expression; 28 Kant does not mention originality at all; 1. Fichte equates copyright with private property; 29 Kant rejects the very possibility of founding the authors' right on a ius reale; 2. Fichte thinks that copyright violators deserve the same harsh punishment of thieves. 30 According to Kant, the unauthorized printer should simply compensate all the damages he caused to the author or to his authorized publisher. 31 3. While Fichte is an intellectual property endorser, Kant is an “enlightened” conservative who supports the Roman law tradition, against the propertization trend. He accepts the copyright principle, according to which Freedom, ownership and copyright: why does Kant reject the concept of intellectual property? 5 authors are entitled to decide how to publish their works. The rights of the publishers, however, are justified only as long as they help authors to reach the public, while the personal use of the texts and the so-called “wreading” should remain free. And, above all, all that can be viewed as a product is, in his opinion, outside the scope of copyright and may be copied without restrictions. What is, in any, the philosophical meaning of Kant's "conservatism"? To answer such a question, we need to link his ideas on authors' right to his general theory of property, as it is explained in the Metaphysics of Morals. 4. What is a thing? In the Metaphysics of Morals, Kant seems to take for granted that the objects of real rights are only corporeal entities or res corporales: «Sache ist ein Ding, was keiner Zurechnung fähig ist. Ein jedes Object der freien Willkür, welches selbst der Freiheit ermangelt, heiß daher Sache (res corporalis)». 32 Theoretically, however, such a negative definition could have been appropriate to incorporeal things as well. According to Kant, the rightful possession of a thing should be distinguished from its sensible possession. Something external would be rightfully mine «only if I may assume that i could be wronged by another's use of a thing even though I am not in possession of it» (AA.06 245:13-16). The rightful possession is an intelligible, not sensible, relation. I can claim that my bicycle is mine only if I am entitled to require that nobody takes it even when I leave it alone in the backyard. Kant's theory of property is very different from Fichte's principle of property as explained in his 1793 essay, according to which we are the rightful owners of a thing, the appropriation of which by another is physically impossible. For this reason, according to Fichte, the originality of the exposition entitles an author to claim a rightful property on his work. Is it really so obvious that originality implies property? Property is a comfortable social convention that allows us to avoid to quarrel all the time over the use of material objects. It is so comfortable just because it is physically possible to appropriate things; we do not need to invoke property when something cannot be separated from someone. I say both that my fingerprints or my writing style are "mine" and that my bicycle is "mine". But these two "mine" have a different meaning: the former is the "mine" of attribution; the latter is the "mine" of property. The former can be used to identify someone, and conveys the historical circumstance that something is related exclusively to someone; the latter points only to an accidental relation with an external thing, if we consider it from a physical point of view. It is possible to lie on a historical circumstance, by plagiarizing a text, i.e. by attributing it to a person who did not wrote it. However, properly speaking, no one can "steal" the historical connection between "my" writing style and me: the convention of property is useless, in this case. Besides, if Fichte's principle were the only justification of property right, it would undermine the very concept of it: as it is physically possible to "attribute" my bicycle to another, when I leave it alone in the backyard, everyone would be entitled to take it for himself. As Kant would have said, a legal property right cannot be founded on sensible situations, but only on intelligible relations. Although he defines things as res corporales, Kant determines the rightful possession of a thing as a possession without detentio, by ignoring all its sensible facets. Such a possession - a possession of a thing without holding it - is exerted on an object that is "merely distinct from me", regardless of its position in space and time. Space and time, indeed, are sensible determinations and should be left out of consideration. According to the postulate of practical reason with regard to rights, property is justified by a permissive law of reason: 33 if a rightful possession were not possible, every object would be a res nullius and nobody would be Freedom, ownership and copyright: why does Kant reject the concept of intellectual property? 6 entitled to use it. Kant implicitly denies that a res nullius can be used by everyone at the same time. His tacit assumption suggests that the objects of property, besides being distinct from the subjects, are excludable and rivalrous as well, just like the res corporales. Kant asserts that something external is mine if I would be wronged by being disturbed in my use of it even though I am not in possession of it (AA.6, 249:5-7). If property is a merely intelligible relation with an object that is simply distinct from the subject, we have no reason to deny that such an object might be immaterial as well, just like the objects of intellectual property. Why, then, does Kant refrain from using the very concept of it? According to him, a speech is an action of a person: it belongs to the realm of personal rights. A person who is speaking to the people is engaging a relationship with them; if someone else engages such a relationship in his name, he needs his authorization. The reprinter, as it were, does not play with property: he is only an agent without authority. Speeches, by Kant, cannot be separated from persons: he has seen the unholy promised land of intellectual property without entering it. According to Kant, before the acquired rights, everyone has a moral capacity for putting others under obligation that he calls innate right or internal meum vel tuum (AA.06, 237:24-25). The innate right is only one: freedom as independence from being constrained by another's choice, insofar it can coexist with the freedom of every other in accordance with a universal law. Freedom belongs to every human being by virtue of his humanity: in other words, it has to be assumed before every civil constitution, because it is the very possibility condition of law. Freedom implies innate equality, «that is, independence from being bound by others to more than one can in turn bind them; hence a human being's quality of being his own master (sui iuris), as well as being a human being beyond reproach (iusti) since before he performs any act affecting rights he has done no wrong to anyone, and finally his being authorized to do to others anything that does not in itself diminish what is theirs, so long as they do not want to accept it - such things as merely communicating his thoughts to them.» (AA.06, 237-238) 34 In spite of his intellectual theory of property, 35 Kant does not enter in the realm of intellectual property for a strong systematic reason. Liberty of speech is an important part of the innate right of freedom. It cannot be suppressed without suppressing freedom itself. If the ius reale were applied to speeches, a basic element of freedom would be reduced to an alienable thing, making it easy to mix copyright protection and censorship. 36 Property rights are based on the assumption that its objects are excludable and rivalrous and need to be appropriated by someone to be used. We cannot, however, deal with speeches as they were excludable and rivalrous things that need to be appropriated to be of some use, because excluding people from speeches would be like excluding them from freedom. Therefore, Kant binds speeches to the persons and their actions, and limits the scope of copyright to publishing, or, better, to the publishing of the age of print: the Nachdruck is unjust only when someone reproduces a text without the author's permission and distributes its copies to the public. If someone copies a book for his personal use, or lets others do it, or translates and elaborates a text, there is no copyright violation, just because it is not involved any intrinsic property right, but only the exercise of the innate right of freedom. The boundary of Kant's copyright is the public use of reason, as a key element of a basic right that should be recognized to everyone. Kant does not stick to the Roman Law tradition because of conservatism, but because of Enlightenment.

#### IPP is nonuniversalizable – universalizing the act of restricting the production of a certain medicine terminates in a contradiction because it entails that you restrict your own ability to produce the medicine

### Underview

#### [1] The role of the ballot is to vote for the debater who best proves the truth or falsity of the Resolution; the aff must prove it true and the neg must prove it false.

#### Prefer: [A] Text: Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means the sole judge obligation is to vote on the resolution’s truth or falsity. This outweighs on common usage – it is abundantly clear that our roles are verified. Any other role of the ballot 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 not to truth test – a practice only makes sense based on its intrinsic rules. Jurisdiction is also an independent voter and a meta constraint since every argument you make concedes the authority of the judge fulfilling their jurisdiction to vote aff if they affirm better and neg the contrary – otherwise they could just hack against you so it also controls the internal link to fairness since that’s definitionally unfair. [B] Logic: Any counter role of the ballot collapses to truth testing because every property assumes truth of the property i.e. if I say, “I am awake” it is the same as “it is true that I am awake” which means they are also a question of truth claims because it’s inherent. It also means their ROB warrants aren’t mutually exclusive with mine. [C] Inclusion: Any offense can function under truth testing whereas your specific role of the ballot excludes all strategies but yours. This is bad for inclusive debates because people without every technical skill or comprehensive debate knowledge are shut out of your scholarship which turns your ROB- truth testing solves because you can do what you’re good at and so can I. This is also better for education because me engaging in a debate I know nothing about doesn’t help anyone. o/w since it is a real-world implication in round [D] Isomorphism: ROBs that aren’t phrased as binaries maximize leeway for interpretation as to who is winning offense. Scalar framing mechanisms mean that the judge has to intervene to see who is closest at solving a problem. Truth testing solves since it’s solely a question of if something is true or false, there isn’t a closest estimate.

#### [2] 1ar theory – the aff gets it otherwise infinite abuse as it would be impossible to check NC abuse and it’s a reciprocity issue. Reject theory and Ks on spikes since it would be a contradiction since they indict each other, but prefer mine since they are lexically prior. Education – the only portable thing from debate and the goal of the activity.

#### [3] The Haitian Revolution proves that enlightenment philosophy is liberatory – reclaiming humanism is the best way to ground radical action which justifies the perm.

Buck-Morss 09 [Susan Buck-Morss, (Susan Buck-Morss is professor of political philosophy and social the- ory in the department of government, Cornell University, and Visit- ing Distinguished Professor in the Public Intellectuals Program, Florida Atlantic University.) "Hegel, Haiti, and Universal History" 2009, www.jstor.org/stable/j.ctt7zwbgz, DOA:9-19-2020 // WWBW]

If vèvès and altar arrangements in Haitian Vodou temples replicate in miniature the cosmograms paced out by Lemba members on African meadows, if the names of the Dahomean divinities reappears in the dominant Rada cult of Vodou loa, in short, if the words and the structure of cultural language remained, what was said in this language in response to historical events was totally new.127 This is nowhere more obvious than in **the case of the secret societies of warriors that are said to have played a part in the Haitian Revolution.**128 Warrior societies existed in Kongo, in Dahomey, and elsewhere in Africa, but their purpose was never to initiate an event of slave insurrection. On the contrary: “The slave trade intensi0ed the Dahomean warrior way of life,” because prisoners of war were sold to the traders.129 **None of Vodou’s precedents in Africa ever conceived of eliminating the institutional arrangement of master and slave altogether. No European nation did either. The radical antislavery articulated in Saint-Domingue was politically unprecedented.** The de0nition of universal history that begins to emerge here is this: **rather than giving multiple, distinct cultures equal due, whereby people are recognized as part of humanity indirectly through the mediation of collective cultural identities, human universality emerges in the historical event at the point of rupture. It is in the discontinuities of history that people whose culture has been strained to the breaking point give expression to a humanity that goes beyond cultural limits.** And it is in our empathic identification with this raw, free, and vulnerable state, that we have a chance of understanding what they say. **Common humanity exists in spite of culture and its diferences. A person’s nonidentity with the collective allows for subterranean solidarities that have a chance of appealing to universal, moral sentiment, the source today of enthusiasm and hope.** It is not through culture, but through the threat of culture’s betrayal that consciousness of a common humanity comes to be. **The rightful source of Haitian religious practice is the experience of slavery, leading to the insurrection of 1791.** The rightful source of universal history, however, is not in the specifically Haitian articulation of that event—even less in its absorption by narratives of the French Revolution. **Universality is in the moment of the slaves’ self-awareness that the situation was not humanly tolerable, that it marked the betrayal of civilization and the limits of cultural understanding, the nonrational, and nonrationalizable course of human history that outstrips in its inhumanity anything that a cultural outlaw could devise.**130 At the same time, we are pushed to the point where Hegel’s dialectic of master and slave falls silent. **Self-awareness must lead to action, and yet action endangers precisely what is at stake in the idea of universal humanity.** The dilemma of the insurgent, then as now, is that violent resistance, apparently justi0ed by moral sentiment, sets the stage for new brutalities that are repugnant to that sentiment, because against the enemy of humanity, every barbarism is allowed. What dialectical understanding, what political struggle will provide liberation from this contradiction?

#### [4] Rejecting humanism is ontologically bankrupt – it creates reliance on the oppressor’s epistemic claims and can’t explain general theories of oppression.

Harfouch 19 [Ali S. Harfouch, (Lecturer at the American University of Beirut where he also received his Master of Arts (2017) in Political Studies.) “Hegel, Fanon, And The Problem Of Recognition” In: Frantz Fanon And Emancipatory Social Theory, 9-13-2019, https://brill.com/view/book/edcoll/9789004409200/BP000008.xml?language=en, DOA:9-19-2020 // WWBW]

* Explains oppression generally – i.e. prior to start of k’s theory of power
  + Reliance on colonizer for identity absent general theory
  + Something can only be oppressive if it transcends correct order – that requires a moral fw
* K makes specific ontological/metaphysical presumptions but can’t warrant them absent general theory
* K can’t explain distinction between good and bad power

There are several reasons why we must take the Hegelian dialectic seriously. First and foremost**, the dialectic provides the basis for a *general* theory of oppression as opposed to the post-colonial theorization of one mode-of-oppression** (colonization). That is to say, **we can conceptualize the origins and modalities of oppression reducing oppression to colonial oppression.** Paradoxically, **this reduction of oppression to a singular moment** (the colonial trauma) – this inter-subjective relationship (the colonized and the colonizer) **becomes the constitutive element in the colonized’s self-recognition, one in which the very identity of the colonized is based on a negation** (that is to say, a negation of the colonizers’ negation).[2](https://brill.com/view/book/edcoll/9789004409200/BP000008.xml?language=en#FN000317) Thus, **the slave/colonized attains self-recognition vis-à-vis a negation of the master/the colonizer. Otherwise, the “new” man who emerges from the colonial trauma could not have been without the colonizer.** To be is to negate, and to negate is to recognize (the colonizer); the “Other” remains “the theme of his action [the colonized].” As McClintock explains: “post-colonial,” despite its critical deconstruction of post-Enlightenment binaries, “re-orients the globe once more around a single, binary opposition: colonial/post-colonial.”[3](https://brill.com/view/book/edcoll/9789004409200/BP000008.xml?language=en#FN000318) **This new colonial/post-colonial and/or colonizer/colonized binary becomes, paradoxically, universalized and comes to serve as the new “master-narrative.”** At the level of praxis, the colonized/slave is left in a quandary; Post-colonial discourse tells us little of what those occupying Tahrir Square or Wall Street *ought* to do, or how to proceed? To speak of “strategic essentialism” is to oscillate a thin line between liberational-emancipatory politics on one hand, and pragmatic self-essentialization on another; between liberating the colonized from the confines of identity-politics to recreating an equally problematic identity-politics based fundamentally on a negation. If, as the post-colonialist bemoans; the hegemonic colonial matrices of power are rooted in an exclusionary and racist logic of exploitative capitalism, and that this logic is sustained through the State’s omnipresent and all-pervading machinations of power, what is to be done vis-à-vis the State? Perhaps, this is why the reception of the work of Edward Said in the Arab-Muslim world was less prophetic than its reception in Western academia. Furthermore, **the post-colonial reading of the Master-Slave dialectic reduces reality to that which is created through the reified inter-subjective relations between the Master and the Slave. It does not**, **however**, **tell us about the world outside of this dialectic. It displaces ontology through an elusive latent ontology** (the ontology of no ontologies), **which replaces questions of metaphysics and ontology with questions relating to power. This is fallacious in that** (1) **it is blind to its own metaphysics and ontology assumptions**; (2) **it negates the very same epistemic grounds according to which it can make such assumptions**, and (3) **it displaces any form of emancipatory praxis-politics by failing to recognize that power**, “as a quantum in which less of it is good and more of it is bad: **the issue is not the concentration of power, but its accountability.**”[4](https://brill.com/view/book/edcoll/9789004409200/BP000008.xml?language=en#FN000319) As Jason Schulman aptly notes, “**a movement that rejects seeking power is ultimately rejecting the possibility of lasting radical change**.”[5](https://brill.com/view/book/edcoll/9789004409200/BP000008.xml?language=en#FN000320) **Power can corrupt, it is not intrinsically corrupt – it is merely a capacity that can be used to mediate between the oppressed and the emergence of a “new order,” or a capacity that can sustain a subversive order.** Power, from this perspective, becomes an instrument for liberation rather than a philosophy of fatalism (*à la* Foucault). To return to the first two points made above; **any normative proposition on what ought-to be is predicated on a consciousness of what-is, i.e. the “natural” order of things, and the extent to which an oppressive reality is not in accordance with what-is***.*[6](https://brill.com/view/book/edcoll/9789004409200/BP000008.xml?language=en#FN000321) **To speak of oppression is to speak of the transgression of certain boundaries, and such boundaries cannot escape ontological considerations.** In other words, **how is it possible for the slave to attain self-recognition, or as Paulo Freire would put it, a critical consciousness, when the consciousness of the slave is determined positively or negatively by the ontological consciousness of the Master**? To what extent can the slave *step out* of the Master-Slave dialectic in his engagement with nature and objects? **Otherwise, we must claim that beyond the ontology of the colonizer-master** (that is, the imputation of an epistemic perspective onto the world and conflating it with ontology) **there is nothingness.** The Arabs have a name for such blindness: *al-Jahl* (ignorance). For the Arabs, *Jahl* is not only the absence of knowledge, but rather knowledge which is not in accord with reality. But they went a step further: to be ignorant of one’s ignorance is *Jahl Murakab* (compound ignorance/double-ignorance). However, I am not sure the Arabs have a word for a “philosophy” that makes truth-claims on the basis of professed ignorance (the “incredulity with meta-narratives”). We will have more to say about this later on.

#### [5] Methodological pluralism is necessary to any sustainable critique – we impact turn your notion of “severance” or “exclusivity”.

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

Methodological pluralism lies at the heart of Levine's sustainable critique. He borrows from what Adorno calls a “constellation”: an attempt to juxtapose, rather than integrate, different perspectives. It is in this spirit that Levine advocates multiple methods to understand the same event or phenomena. He writes of the need to validate “multiple and mutually incompatible ways of seeing” (p. 63, see also pp. 101–102). In this model, a scholar oscillates back and forth between different methods and paradigms, trying to understand the event in question from multiple perspectives. No single method can ever adequately represent the event or should gain the upper hand. But each should, in a way, recognize and capture details or perspectives that the others cannot (p. 102). In practical terms, this means combining a range of methods even when—or, rather, precisely when—they are deemed incompatible. They can range from poststructual deconstruction to the tools pioneered and championed by positivist social sciences. The benefit of such a methodological polyphony is not just the opportunity to bring out nuances and new perspectives. Once the false hope of a smooth synthesis has been abandoned, the very incompatibility of the respective perspectives can then be used to identify the reifying tendencies in each of them. For Levine, this is how reification may be “checked at the source” and this is how a “critically reflexive moment might thus be rendered sustainable” (p. 103). It is in this sense that Levine's approach is not really post-foundational but, rather, an attempt to “balance foundationalisms against one another” (p. 14). There are strong parallels here with arguments advanced by assemblage thinking and complexity theory—links that could have been explored in more detail.

#### [6] The neg may not read utilitarianism or any consequentialist ethical theory as a standard – a) resolvability: 1] Induction fails—induction assumes that things will always happen the same way in the future as they have in the past. But this begs the question of how we know what happened in the past will happen in the future. Thus, induction is logically fallacious. 2] Moral cluelessness—consequences are wholly unknowable and any action can lead to a domino effect that has unpredictable bad consequences in the end which means it can’t guide action 3] Infinite consequences—any harm stretches on into the infinite future and makes it impossible to compare harms—results in calculative regress—you have you calculate how much time to spend calculating and so on—destroys decision-making 4] Aggregation fails—happiness is only happy for you, but not for me, so you can’t compare across people—also can’t compare 10 headaches to a migraine to the value of friendship b) psychological violence: util and other consequentialist theories justify atrocities such as slavery if it benefits a marginal majority or for hypothetical benefits that might not even materialize

#### [7] Presumption and permissibility affirm – a) We always default to assuming something true until proven false, or it would be almost impossible to make any claim at all b) If agents had to reflect on every action they take and justify why it was a good one we would never be able to take an action because we would have to justify actions that are morally neutral. If I had to justify my action every time I decided upon a course of action I would never be able to make decisions which lead to action freeze, it’s a practical requirement of action c) Negating an obligation means proving a prohibition of that act, means permissibility affirms because negating is prohibiting the aff action.

# 1ar

#### Kant is an example of why ethics solves racism. He completely changed his racist beliefs as a result of his philosophy.

Kleingeld 07 Pauline Kleingeld (Professor at the University of Groningen). “KANT’S SECOND THOUGHTS ON RACE.” Philosophical Quarterly. 2007. <http://www.rug.nl/staff/pauline.kleingeld/kleingeld-kant-on-race-pq.pdf>

**Kant radically revised his views on race during the 1790s.** He gives no indication of when or why he changed his views. **He makes no mention of a racial hierarchy anywhere in his published writings of the 1790s**, however, **and** what he does say about related issues **contradicts his earlier views on a racial hierarchy** and a plan of Nature designed to restrict human migration (after their initial dispersal across the globe). I ﬁrst discuss evidence for the thesis that Kant dropped his hierarchical view of the races, and then turn to the status of the concept of race as such in his later work. **In Toward Perpetual Peace and the Metaphysics of Morals, Kant clearly departs from his earlier position in a number of ways. First of all, he becomes more egalitarian with regard to race.**28 **He now grants a full juridical status to non-whites, a status irreconcilable with his earlier defence of slavery. For example, his concept of cosmopolitan right**, as introduced in Toward Perpetual Peace (: ), **explicitly prohibits the colonial conquest of foreign lands:** If one compares with this [viz the idea of cosmopolitan right] the inhospitable behaviour of the civilized states in our part of the world, especially the commercial ones, the injustice that the latter show when visiting foreign lands and peoples (which to them is one and the same as conquering those lands and peoples) takes on terrifying propor- tions. America, the negro countries, the Spice Islands, the Cape, etc., were at the time of their discovery lands that they regarded as belonging to no one, for the native inhabitants counted as nothing to them. **Any European settlement requires contractual agreement with the existing population**, says Kant, unless the settlement takes place so far from other people that there is no encroachment on anyone’s use of land. In the section on cosmopolitan right in the Metaphysics of Morals, **Kant speciﬁcally stipulates that such a contract should not take advantage of the ignorance of the in- habitants with regard to the terms of the contract** (MM : ), a stipulation which presupposes a concern not found in the 1780s texts. The very fact that Kant regards Native Americans, Africans and Asians as (equally) capable of signing contracts, and as persons whose interests and claims present a normative constraint on the behaviour of European powers, indicates a shift in perspective. After all, as long as Kant regarded slavery as appropriate for Native Americans and Africans, he did not con- sider their consent to be important at all. **The same can be said about the fact that he now defends hunting** and shepherding **peoples against en- croachment by Europeans, instead of highlighting their failure to develop agriculture** as he did earlier. **In the Metaphysics of Morals, Kant rejects con- sequentialist justiﬁcations for colonialism (the alleged ‘civilizing’ eﬀects on the ‘savages’)** (MM : ). He also rejects the argument that the European colonists are justiﬁed in claiming ownership over foreign lands and their inhabitants by the fact they ‘establish a new civil union with them and bring these human beings (savages) into a rightful condition’. Instead, Kant main- tains that the latter have the right of ﬁrst possession, and that this right is violated by the European ownership claims (MM : ). Importantly, **Kant has now become unambiguously opposed to chattel slavery.** Robert Bernasconi has claimed that Kant was ‘silent on the slave trade in Africans’ and ‘failed to speak out against chattel slavery’, and that he is ‘aware of no direct statement by Kant calling for the abolition of either African slavery or the slave trade, even if only in principle’.29 Such state- ments do exist, however. In his notes for Toward Perpetual Peace (–), **Kant repeatedly and explicitly criticizes slavery of non-Europeans in the strongest terms, as a grave violation of cosmopolitan right** (: –). **He formulates a scathing critique of the conduct of European powers elsewhere in the world. He sharply criticizes ‘the civilized countries bordering the seas’, whom he accuses of recognizing no normative constraints in their behaviour towards people on other continents** and of regarding the ‘possess- ions and even the person of the stranger as a loot given to them by Nature’. **Kant censures the slave trade** (‘trade in Negroes’), not as an excessive form of an otherwise acceptable institution, but **as in itself a ‘violation’ of the cosmopolitan right of blacks** (: ). Similarly, he criticizes the fact that the inhabitants of America were treated as objects belonging to no one, and ‘were displaced or enslaved’ soon after Europeans reached the continent (: –). After having discussed European behaviour in Africa, America and Asia, he concludes (: ): The principles underlying the supposed lawfulness of appropriating newly discovered and purportedly barbaric or irreligious lands, as goods belonging to no one, without the consent of the inhabitants and even subjugating them as well, are absolutely contrary to cosmopolitan right. In the published version of Toward Perpetual Peace, Kant repeats this judge- ment. He criticizes the ‘very most gruesome and most calculated slavery’30 on the Sugar Islands (PP : ). In the Metaphysics of Morals too (MM : , , ), he categorically and repeatedly condemns chattel slavery.31 **These passages show that Kant changed his earlier views on the status of non-whites. The oft-defended thesis that Kant’s racism remained constant thus needs correction, and one should not use evidence from the 1780s in support of claims about his views in the 1790s.** For example, his statements from the mid-1790s contradict the view that the role of the ‘idle races’ in Kant’s cosmopolitan theory was merely that of a contrast against which Europeans could measure their own progress,32 as well as the view that for Kant, the non-white races counted as a ‘waste’ of nature.33 These inter- pretations are based on Kant’s earlier texts, and therefore they are at most defensible as interpretations of his earlier views, not of his later views on the races. **Kant not only became more egalitarian with regard to race, he also revised his view of the role of race in connection with intercontinental migration.** In some of his earlier writings he called racial diﬀerentiation ‘necessary’ for the preservation of the species during its initial dispersal across the globe (DCHR : ), and claimed that Nature discouraged sub- sequent migrations. As Mark Larrimore has shown, however, these claims were in tension with Kant’s repeated declarations, often in the same writings, that whites are able to live anywhere on earth,34 for they imply that racial diﬀerentiation (or, more precisely, the development of non-whites) is not really necessary for the preservation of the species after all. Kant’s later position simply does not attribute any special role to racial diﬀerentiation (let alone racial hierarchy) for the purpose of global migration. In his 1795 description of what Nature has done to enable humans to live everywhere on earth, Kant omits any mention of predispositions for diﬀer- ent races (PP : –). He now claims that Nature has organized the earth in such a way that humans can and will live everywhere, and that they will eventually use the surface of the earth for interacting peacefully (PP : ). The new category of cosmopolitan right, introduced in Toward Perpetual Peace, is premised on increasing and continuing movement and interaction across borders. He concludes his exposition of cosmopolitan right (which includes his critique of colonialism and slavery) with the hope that In this way, remote parts of the world can establish relations peacefully with one another, relations which ultimately become regulated by public laws and can thus ﬁnally bring the human species ever closer to a cosmopolitan constitution (PP : ). Instead of his earlier claim that blacks and Native Americans cannot govern themselves (: ) and that Europe ‘will probably eventually legislate for all other continents’ (IUH : ), Kant now envisages a world in which people of diﬀerent colours and on diﬀerent continents establish peaceful relations with each other that honour the normative principles laid down in his exposition of cosmopolitan right. **Finally, Kant’s ascription of mental characteristics to the diﬀerent races has changed. For example, he ascribes the ideal of military courage equally to Native Americans and mediaeval European knights** (PP : ). **This stands in marked contrast with his earlier insistence on the weakness and inertia of Native Americans.**

#### Kantian theory is an essential part of anti-colonial critique—it’s key to deconstructing traditional notions of subjectivity and civilization – justifies perm do the alt in the mindset of the aff.

Khurana 14 (Kant and Colonialism: Historical and Critical Perspectives. Oxford University Press, 2014. Reviewed by Thomas Khurana. <http://ndpr.nd.edu/news/60245-kant-and-colonialism-historical-and-critical-perspectives/>. RW [Recut by Lex CH]

Yet his attitude contrasts starkly with the way in which, in his last works, **Kant describes colonial rule as an unambiguous violation of right** and accuses states in the Western European world of the horrifying "injustice they show in *visiting* foreign lands and peoples (which with them is tantamount to *conquering* them)."[3] With these practices, **the "European savages"** (AA 8:354), as Kant calls them, **do not advance the progress of civilization**, as they pretend to do, but **rather display a barbarism that goes beyond the alleged "savagery" of the "foreign peoples".** Kleingeld and Ypi both argue that **Kant's** changed **position is connected to a** changed **understanding of the relevance of racial differences**. As Kleingeld points out, Kant omits any characterization of the races from his 1798 *Anthropology from a Pragmatic Point of View* as he comes to realize that race cannot have any pragmatic relevance. **Racial differences are the object of physiological knowledge of the human being**, which is concerned with "what *nature* makes of the human being;" such knowledge has no direct bearing on our pragmatic knowledge of the human being, which is concerned with what man *"*as a free-acting being makes of himself, or can and should make of himself" (AA 7:119). Ypi suggests that Kant's shifting views in this regard might be connected to his changed understanding of biological predispositions: Kant's shift from a preformationst to an epigenetic account of living organization transforms his understanding of the role of natural predispositions in the actualization of a living being's potential. Against this background, he drops the reference to preformed germs that separate human races and that lay at the basis of the respective racial hierarchy in his earlier writings. (2) The second main theme concerns the way in which the **critical perspective on colonial practices** that Kant arrived at in his last writings **is rooted in his philosophy of right.** As Arthur Ripstein points out, **Kant distinguishes** three distinct wrongs of colonialism: (i) **the wrongfulness of colonial conquest**, (ii) the wrongfulness of the status of a colony and (iii) the wrongfulness of the **[and] ways in which colonial rule is typically carried out**. The first wrong (i) is based on the fact that **colonial conquest amounts to** a "**way of acquiring territory through the use of force**" (148) **and** is hence continuous with forms of **aggressive war, which Kant considers illegitimate**. Colonial wars are especially problematic, as they are inconsistent with the continued existence of both belligerents, a requirement to be respected by any rightful type of warfare. (ii) Even in cases where colonial rule might come about as a consequence of a defensive and hence legitimate war, colonial rule is still objectionable as a *post bellum* mode of governance. Colonial rule entails that one nation continually rules over another and is thus at odds with the right of the inhabitants of the colony to govern themselves through their own institutions. In this regard, even annexation would seem to be a better solution as this at least allows the inhabitants of the colony to enjoy full membership in the newly extended state, a status whereby they are able to rule themselves. The inhabitants of the colony by contrast remain merely passive citizens. (iii) Finally, the third wrong in colonialism concerns the specific way in which colonial rule is exerted. Granted that colonial rule as such is wrong, it still allows for an internal normative standard: if we hold colonial rule to what it itself claims to be doing, we should require that proper colonial rule should operate on behalf of the inhabitants of the colony and should not work to realize the private purposes of the colonizers. According to Kant's characterization, European colonial practices are guilty of all three wrongs of colonialism. Given these wrongs, it might seem natural to expect **Kant** to articula**tes a specific right to resist colonial rule** and **an immediate obligation** to compensate colonies for the wrongs they have endured. As Ripstein, Anthony Pagden and Peter Niesen make clear, however, Kant's position on these issues is more complicated. On Kant's account, illicit means of acquisition can still give rise to good title. Even though a state might have extended its territory by means of an aggressive war and therefore through illegitimate means, we must respect the integrity of the new territory once peace has been established. The obvious danger in this regard is that Kant thereby opens the possibility of an *ex post facto* justification of war and colonial rule (Ripstein: 153) and seems to block the right to "any kind of struggle for independence" (Pagden: 41). Regarding the possibility of restorative justice, Kant is "on record as opposing the rectification of historical wrongs" (Niesen: 183) as he demands that historical grievances be laid to rest in order to allow for a true peace. As Niesen tries to argue, there is, however, still room to formulate principles of restorative justice regarding colonial practices on the level of international and cosmopolitan law that Kant could endorse (see also Pagden: 40).Secondly, it might have been helpful to include contributions that do not circle around the few passages in which Kant explicitly comments on colonialism, as most contributions do, but widen the perspective. Apart from the question whether Kant was apologetic or critical of colonialism, we might ask whether Kant's philosophy has the resources necessary to fully grasp the problem and dynamic of colonialism in the first place. If we assume that colonialism is in some deeper sense connected to global commerce and capitalism, as some post-Kantian authors have argued, does Kant indeed provide the resources to understand and criticize the full scope of colonialist practices? And could it not also be the case that while critical of the colonial practices of his time, Kant retained underlying commitments that tie him to the age of colonialism, even if unwillingly? Two such commitments that are touched upon in this volume and that deserve further investigation are Kant's understanding of the process of civilization and the fundamental link he draws between property and right. Regarding the process of civilization, Kant seems to embrace at various points that the desire to own and to master are irreducible vehicles for the unfolding of humanity's potential. Against this background, competitive commerce and even war seem to be necessary elements in nature's hidden plan for us. Would such a view not give rise to the idea that certain colonial practices are somehow justified by the contribution they make to the civilizing process? And does Kant's conception of this civilizing progress not imply that, even if certain colonial means are problematic, it is in general a good thing to involve "savages" in this civilizing process?[6] The fact that **Kant distinguishes mere civilization from moralization** and criticizes our age for being excessively civilized but not moral yet[7] gives him **the resources for a critical stance towards the idea of civilization**. Yet, it might still be true that Kant for the most part presents civilization as a necessary condition of moralization, so that the civilization and its vices might appear as if necessary and ultimately justified.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)