## Overview

First, presume aff since affirming’s harder so a tie means I’m the better debater. Out of over 12000 rounds last year affs won over 7% fewer rounds[[1]](#footnote-1). Prefer stats since they determine the validity of analytics in the real world. Also means all neg theory must be weighed against side bias because otherwise aff abuse just rightfully rectifies the side bias.

Second, to affirm means “**to say that something is true.**”[[2]](#footnote-2) To negate means **“to deny the truth of”** which impliesthat for any paradigm to be consistent with jurisdiction it must involve the truth or falsity of the resolution since when you sign the ballot you are saying the better debating was done by the aff. *And, all statements rely on some conception of truth,* ***Frege****[[3]](#footnote-3)* ***(hard g)****:*

*“It may nevertheless be thought that* ***we cannot recognize a property of a thing without at the same time realizing the thought that this thing has this property to be true.*** *So with every property of a thing is joined a property of a thought, namely, that of truth. It is also worthy of notice that the sentence* ***“I smell the scent of violets” has*** *just* ***the same content as the sentence “it is true that I smell the scent of violets”.*** *So it seems, then, that* ***nothing is added to the thought by my ascribing to it the property of truth.*** *And yet is it not a great result when the scientist after much hesitation and careful inquiry, can finally say “ what I supposed is true ” The meaning of the word “ true ” seems to be altogether unique. May we not be dealing here with something which cannot, in the ordinary sense, be called a quality at all? In spite of this doubt I want ﬁrst to express myself in accordance with ordinary usage, as if truth were a quality, until something more to the point is found.”*

## Next, framework

I value morality. Actions are expressions of an agent’s will and derive from their practical reason. If I cross the street to get bread, the only reason we call that crossing the street is because my intention to get bread unifies all the different steps involved into one action. Any action can be divided up into an infinite number of smaller end states; but the intentionality that we carry through the multiple steps unifies them. So, we can only evaluate intentions. Thus, look to practical reason, which gives us the ability to will something in accordance with our principles, i.e. to intend something. We are defined by our ability to reflect on our obligations and act on principles, **Korsgaard** elaborates:

Rationality and intelligence are often confused. But at least as Kant understands **rationality**, they are not the same thing. Kant believed that human beings have developed [**is] a** specific **form of self-consciousness,** namely, **the ability to perceive**, and therefore to think about, **the grounds of our** beliefs and **actions as grounds.** Here’s what I mean: an animal who acts from instinct is conscious of the object of its fear or desire, and conscious of it as fearful or desirable, and so as to-be-avoided or to-be-sought. That is the ground of its action. But a rational animal is, in addition, conscious that she fears or desires the object, and that she is inclined to act in a certain way as a result. That’s what I mean by being conscious of the ground as a ground. So **as rational beings we are conscious of the principles on which we are inclined to act.** Because of this, we have the ability to ask ourselves whether we should act in the way that we are instinctively inclined to. We can say to ourselves: “I am inclined to do act-A for the sake of end-E. But should I?” **We [can]** have the ability to **question** whether the responses our incentives present to us as appropriate really are so, and therefore **whether we have reason for acting in the ways that they suggest.**

Even if they win the NC framework, if I win that intentionality unifies action, then all their offense must still be conceptualized through intents. Also, unintended harms can be solved for by extra-topical action since they’re not inherent to the maxim of the resolution, thus they’re irrelevant. Prefer a starting point of practical reason for three further reasons:

1. Laws of physics govern nature, but if determinism is true, our ability to make choices at all, which morality relies upon, is undermined. Thus, physical facts and empirical realities, like desires and consequences, cannot be the basis of morality because we’re not responsible for the physical state of the world. Only a priori practical reason solves, **Furrow:**[[4]](#footnote-4)

“This is because the source of human dignity is our capacity for freedom. We are distinguished from all other beings by our capacity to rationally choose our actions. If God, nature or other persons imposed moral[s] requirements on us, against our will, our freedom would be fatally compromised. What is more, if our moral decisions were not free but imposed on us, we would not be morally responsible for them, thus undermining the system of praise and blame that is central to our moral framework. Thus, according to Kant, the basic condition for moral agency is moral autonomy – the capacity that each of us has to impose moral constraints on ourselves. Thus far, Kant’s thrilling praise of moral freedom seems compatible with ethical egoism. If moral decisions are up to me then it would seem that I am free to choose in accordance with my self-interest. However, Kant goes on to argue that **I cannot achieve moral autonomy if desires, emotions and inclinations govern my moral judgements.** Kant was convinced that **nature is a mechanical system governed by deterministic, physical laws** – causal relationships determine the behaviour of plants, animals and inanimate objects. They have no capacity to choose. But human desires, emotions and inclinations are also part of that deterministic universe, since they are a function of our bodily nature. When we act in accordance with desires, emotions and inclinations, we are simply responding to physical urges much as an animal does. How can human beings escape this deterministic physical world? **The only way we can exercise our freedom** and autonomy **is to rationally assess our actions independently of our desires**. Moral reasoning will set us free – free from desires **and** emotions that chain us to nature. In contexts where moral judgement is required, by reasoning independently of desires, I am imposing **[impose] moral principles on [ourselves]** myself**.** My actions are self-directed rather than caused by external forces. Kant is not arguing that we should never act on our desires or inclinations. In fact, most of the time we act on what he calls hypothetical imperatives, which involve desires. ‘If you want to earn money, go to work.’ ‘If you are afraid of tigers, then stay out of the jungle.’ These are perfectly acceptable as a basis for action. Actions based on these hypothetical imperatives have instrumental value – they get us something we want. But such actions have no moral value. **When our actions reflect only our desires** and inclinations, **and not** our capacity for moral **reason, they are not free and thus** they **have no moral worth, since morality requires freedom.**

Having practical reason is the necessary element to make an agent free and responsible, which is why we don’t hold hurricanes morally blameworthy since they don’t freely choose to be destructive. Proving something doesn’t have practical reason means it is unable to make autonomous choices, which the resolution assumes adolescents have, so my framework is most topic specific.

2. We can question any moral principle, we can ask “why should I look to this desire?” or “why should I follow this rule?” which means ethical statements are infinitely regressive because we can always keep questioning. Only reason escapes this regress because if I ask “why should I look to reason?” I’m asking for a reason to obey reason which concedes its own authority.

3. Rules **must be known by all agents, two warrants. A.** Just as you wouldn’t blame for not getting you a present if I didn’t know it was your birthday, we wouldn’t hold someone responsible for failing to meet a standard that they didn’t know. **B.** Rules guide action but they can never guide action if we don’t know what to use to guide our actions.

Takes out frameworks based on empirical experiences because we all have different experiences that may not terminate in the same rule that we use to judge others. Also takes out descriptive standards because some people won’t know the literal fact or document that morality is based upon and thus won’t know the moral rule. Only practical reason solves because all agents possess rationality and can act upon the conclusions of reason. Also means I turn frameworks about inclusivity since reason is accessible to all.

And, reason means obligations must be universalizable because **A.** a priori reasoning makes situation and actor specific concerns irrelevant because everyone possesses the same use of reasoning and **B.** non-universal willing undermines the basis of a rational agent since when an agent acts on their momentary whims they are no longer a unified agent guided by principle.

Thus we must respect a person’s bodily freedom, since violating it extends my own freedom to act and control myself while limiting another person’s, which is a contradiction. So, granting or denying the right to particular freedoms must be based in the justification for freedom, that is, practical reason. Thus the neg burden is to prove a morally relevant distinction grounded in practical reason between adolescents and adults, while the aff burden is to prove none exists.

## Now, offense

I contend that because adolescents are rational agents with the self-reflecting ability to question the rightness of their actions, they ought to have the same freedoms as any adult.

First, to be considered rational agents, adolescents must be capable of engaging in moral reasoning as per the definition of practical reason, which they clearly do. **Davis:**

Only the kind of creatures with “moral personality,” that status conferred by “basic agential capacities,” count as sources of authority. What constitutes “basic agential capacities”?That question is not as tough as it sounds. A good rule is that **if a person can engage in reasoning with you**—in particular—reasoning **about morality,** then **they have basic agential capacities. We don’t** generally **have trouble identifying** such **agents.** (Consider that when watching science fiction movies, you easily identify who is a person, even if the person is an alien, or a tree, or a robot.) More schematically, an agential capacity might count as basic if, **without it, an agent could not: (1) Identify and respond to moral reasons. (2) Intend**: form plans with respect to one’s agency at future times. **(3) Reflect**: pay attention to one’s own attitudes or mental states. There is not space to defend these criteria here. But if an agent lacked agential capacities like (1)-(3), it would probably be difficult to treat them as a moral authority, even if one tried to. This is because it would be difficult to discern what moral demands regarding their present or future self the individual was making. Such is not the case with people like the teenager considered in§1. With ordinary adolescents, there is no such problem. It should not be surprising, then, that adolescents clearly display each of the above criteria. **Children** are generally able to **understand and respond to moral reasons by** at least age **14.** Further, **adolescents** acquire the ability to **coordinate their behavior with their emotions and moral reasons. Adolescence is** also **a time of** heightened **introspection that accompanies** identity formation and **development. Adolescents are** still **building a** working **self-concept,** and **so they are** especially **prone to reflective thinking.** In sum, **adolescents meet all of the criteria for recognition** respect that adults meet, so they are equally entitled to that respect. Accordingly, **they are entitled to bodily autonomy, and** the concomitant suite of **medical rights.**

Even toddlers know the difference between right and wrong, and thus begin practical reason. **Krulwich**:

http://www.npr.org/templates/story/story.php?storyId=101542962

**A 2-year-old**, it turns out, **knows the difference between right and wrong.** According to psychologist Judi Smetana, the sense of **morality begins to develop early** in humans. And **by the time children are 3 to 4** years old, **they recognize certain behaviors — such as hitting — as wrong, even when no one is watching,** says Smetana, a professor at the University of Rochester. **Children are** also **capable of distinguishing between social rules and moral rules. For instance**, kids tend to know that **raising your hand before speaking** in class **is a social rule, while head-butting another kid is breaking a moral rule.** By asking questions such as, "Would it be OK to hit if there were no rule about it at your school?" Smetana is able to probe the inner workings of the minds of preschoolers, gaining valuable insight into the development of moral decision-making. Nature Or Nurture? Smetana believes that children know more about morality than they're able to articulate, especially when they're toddlers. "We are born with some very rudimentary sense of empathy hard-wired in," she says. [A study published last month](http://www.news.wisc.edu/16254) bolsters the theory that **empathy is coded into human genes.** A team of scientists from the University of Wisconsin, Madison, and Oregon Health and Science University found that a highly social strain of mice could learn to connect a tone played in a specific cage to something negative, merely by hearing the distressed squeak of a mouse who received a shock in the cage when the tone was played. When a mouse who had observed the distress was then placed in the cage and played the same tone, it exhibited signs of stress even though it did not experience a shock. If a highly social mouse can relate another mouse's stress to itself, does this suggest that there's an evolutionary advantage to empathy? And if humans have inherited this advantage and are in fact genetically hard-wired to be empathetic, how does empathy relate to the moral development of children?The Golden Rule Smetana knows from her work with preschoolers that even though young kids can tell what's wrong — like hitting or taking another's toys — they still hit each other and take toys. This is due, in part at least, to what some researchers call the "happy victimizer effect." In other words, it feels good to get your way. Yet **thanks to empathy, kids realize** that the reverse is also true: **When someone bullies** you, **it doesn't feel so good.** This push and pull helps forge a child's moral universe. "The task of a young child's development," Smetana explains, is to coordinate the perspectives of the victim and the transgressor, and weight it to the way the victim feels. The golden rule, it seems, still very much applies.

By early and definitely mid-teens, i.e. adolescence, they are certainly cognitively and morally equivalent to adults. **Gelerneter:**

http://community.seattletimes.nwsource.com/archive/?date=19941025&slug=1937798

**By** about age **6,** normal **children** are **develop**ing **a**n internal **conscience.** "They have a pretty good sense, inside of themselves, of what they're not supposed to do; if they do something wrong, bells go off for them," Womack says. By about age 9 or 10, they grasp the idea that we have to have rules so people can get along, and we don't have chaos. The more they function in the world outside the family, the more they have a need to learn structure and rules to deal with this outside world. They go through a phase of being very preoccupied with rules, such as rules of games, and get very upset with each other if someone doesn't follow the rules. Ages 12-13: **Ages 12 and 13 tend to be a transitional**, awkward **period**: the child is making the transition from childhood to added responsibility and added independence, says Owens. However, if they're involved with a gang where they have to go through initiation, for example, they are often very independent and streetwise at an early age - 11, or even younger. Middle teen years: According to the work of a lot of developmental psychologists, says Farrow, **for most normal teens there's a shift in early adolescence in the way the child thinks** ("cognitive function", as they say), **from concrete to abstract**. It varies considerably, but usually this takes place **between** the ages of **12 and 15**. "That's where **a person** becomes able to **understand[s] the consequences of their** behavior or **actions**," Farrow says. "Before that, they can't do this to the same degree. They're not as future oriented. They don't see cause and effect relationships very well."

This contention always comes first – ability to deliberate about obligations is what Korsgaard identifies as the morally relevant factor when she defines practical reason.

Second, reject neuroscience – it would justify distinct treatment on the basis of non-moral factors like race or gender. Maroney[[5]](#footnote-5):

Just as developmental neuroscience might, if taken literally, counsel special treatment of the elderly, it might counsel differential treatment of girls and boys. **Brain maturation is** importantly **linked to puberty, and girls** tend to **reach puberty significantly earlier than boys.** Though physical and sexual maturity are poor proxies for either brain maturity or cognitive development, there is a clear gender differential, likely linked to pubertal onset. **Girls**, on average, **experience early-adolescence neural exuberance**—particularly in the frontal lobes—**at least a year before boys**, and possibly more. If structural brain maturity were the correct legal metric, it would counsel that boys and girls become subject to juvenile-court jurisdiction, and age out of it, at different times; indeed, one testifying expert has conceded as much. The behavioral implications of brain-level gender differences are largely unknown. Whatever they may be, law should not track them. Indeed, behavioral research already shows that boys and girls have markedly different propensities for violence and lawbreaking, and law rightly does not officially impose more severe punishment for girls’ violent acts because they are less normative. While the equality concern is most evident for gender, it is not confined to it. It would appl[ies]y to any group for whom a statistically significant developmental trend could be identified, including racial or socioeconomic groups. As **race is strongly linked to age of pubertal onset—**it is well documented, **for example,** that **African American girls** tend to **begin puberty much earlier than white** American **girls**—boys and girls of different races might be subject to different rules. Any argument that law’s treatment of children should track developmental neuroscience must demonstrate why such inequality is not its logical outcome, and the only way to do so is to concede that neuroscience (and, for that matter, developmental science generally) must sometimes give way to other values.

Even if neuroscience could yield morally relevant distinctions, it doesn’t. Morse[[6]](#footnote-6):

**Many** able **scholars have reviewed the literature** concerning potential legally relevant difference between adolescents and adults. I shall make the simplifying assumption that **near consensus** of their findings **represents the most accurate** current **assessment** of those differences**.** In brief, **the literature indicates that the formal reasoning ability and level of cognitive moral development of mid adolescents differs little from adults.** Further, on narrowly conceived cognitive tasks performed under laboratory conditions that concern decisions about medical treatment, there is little difference in outcome between mid adolescents and adults.

Outweighs since it’s metadata and probably took your studies into account anyways.

And brain development doesn’t just stop once adolescence ends – means it’s probably not a key distinction, Bower:[[7]](#footnote-7)

The ambiguities of science don't mix with social and political causes, contends neuroscientist Bradley S. Peterson of the Columbia College of Physicians and Surgeons in New York City. For instance, **it's impossible to say at what age teenagers become biologically mature because the brain continues to develop in crucial ways well into adulthood**, he argues. A team led by Sowell and Peterson used an MRI scanner to probe the volume of white and gray matter throughout the brains of 176 healthy volunteers, ages 7 to 87. The researchers reported in the March 2003 *Nature Neuroscience* that **myelin formation**—measured by the total volume of white matter in the entire brain—**doesn't reach its peak until around age 45.** Although gray matter volume generally declines beginning around age 7, it steadily increases until age 30 in a temporal-lobe region associated with language comprehension. Such findings underscore the lack of any sharp transition in brain development that signals maturity, according to neuroscientist William T. Greenough of the University of Illinois at Urbana-Champaign. Definitions of adulthood change depending on social circumstances, Greenough points out. Only 200 years ago, Western societies regarded 16-year-olds as adults.

Third, decision making quality – numerous empirical studies confirm that juveniles rationally respond to incentives. Yahya[[8]](#footnote-8) 1:

Returning to smoking juveniles, a study using experimental methodology that looked at juvenile smoking behavior also confirmed that **price will negatively impact** their **[juvenile’s] consumption.** Marijuana usage[,] by juveniles was also found to be price sensitive. Another study found that cocaine addiction by high school seniors also fit the rational addiction model, as the demand for cocaine was price sensitive, and alcohol consumption by the same group was also found to be price sensitive. Even non-consumption risky behavior was found to be responsive to incentives. Teenage pregnancies, for example, fell as welfare benefits fell (thereby reducing the payoff for an out of wedlock child), but even non-price variables affected risky teenage behavior, as teenage pregnancies declined [and] as the incidence of AIDS grew. **Another study found that juveniles did respond to legal variables** as minimum legal **drinking ages reduced underage teenage drinking [and]**. Similarly minimum **smoking ages reduced underage** teenage **smoking**, and mandatory seat belt laws reduced vehicle fatalities among youth. In contrast, those activities that did not have an age specific legal restriction, such as smoking marijuana, did not have an age specific pattern for youth. All in all, **the econometric evidence points** to the proposition **that** even **youth** are rational who **respond to incentives in a consistent and measurable manner**, thereby suggesting that juveniles can be deterred**.**

Prefer econometric evidence to psychological; whereas psychological evidence point to factors that may **possibly** influence decision-making outcomes, econometric evidence maps **actual** decisions that demonstrate decision making calculations exist and outweigh the influences of psychological immaturity. Also, juveniles are no less impulsive than adults. Yahya[[9]](#footnote-9) 2:

Our **discount rates**, economists argue, **are** extremely **high when we are concerned about the** immediate **present [and]**, whereas our discount rates are much **low**er **when [about]** the choice is between events in **the future. Hyperbolic discounting has been cited as an explanation for why many procrastinate** when they should be filling out their taxes, quit smoking, or schedule a medical checkup, why food-stamp recipients eat 10-15 per cent more at the beginning of the month than the end of the month, **and why people may** not save enough for retirement as they **prefer present consumption over having income at retirement.** Whether hyperbolic discounting explains much of our hastiness, what the reader should take from this is that any claim that juveniles are impulsive is an argument that could be made for all members of society, juvenile and adult. At best what distinguishes adults and juveniles might be the level of impatience, a point that Justice O’Connor repeatedly made regarding the immaturity of juveniles. **If indeed juveniles are** hasty and **impulsive, the same is true of adults.** Yet, no one would or could claim to excuse adults from any moral culpability if they committed a heinous crime. **Pedophiles**, for example, **are characterized**, according to many psychiatrists, **by impulse control disorders,** and **yet no one would claim that they should be less morally culpable** than regular adults.

Further, deontology makes judgments about the inherent nature of a person. Codified universal distinctions should be made only on the basis of universal differences; for instance, even if certain ethnic groups may be more likely to commit crime, that does not justify categorically different treatment. Even if adolescents are more inclined to make worse decisions they are equally rational agents.

Lastly, even if adolescents do not have the same moral status as adults, we still ought to treat them as practical agents. Schapiro[[10]](#footnote-10) explains:

Recall Kant’s principle that passive citizenship is to be regarded as a nonideal status, a temporary deviation from the norm of active citizen underclass. An analogous principle would seem to apply to the ethics of adult-child relations. Such a principle would require adults to think of childhood as a temporary deviation from the norm of adulthood. At first glance, this principle may not seem to have much revisionary force. Our commonsense view of childhood is arguably that of a temporary deviation from adulthood. But we often fail to take this idea seriously enough or to appreciate its implications. **If childhood really is a nonideal status, then we ought to regard the undeveloped nature of children's agency as an obstacle to morality, a condition which** in principle **ought to be eliminated.** The idea here is not that children are an obstacle to morality, but that their predicament is an obstacle to morality. Being a practical agent is hard enough; being an undeveloped one is even harder. Our conduct toward children should express this attitude; it should reflect an appreciation of the additional challenge children face in deciding what to do and what to say. Accordingly, we should make it our end to do what is in our power as adults to help children work their way out of childhood. In order to see what this requires, we need to keep in mind what **children have to** do. Their task is to carve out a space between themselves and the forces within them. They are to do this by **try**ing **on principles in the hope of developing a perspective** they can endorse as their own. Our negative obligation as **adults must** be to **refrain from hindering them** in this effort.

## T/theory underview

1. The neg must concede to the affirmative’s choice of role of the ballot for this round. Prefer this interp **A.** other interps allow the NC to introduce an entirely new layer that the 1AR cannot establish adequate footing on due to the 13-7 time skew of a 1AR restart, means we can’t engage under their new role of the ballot anyways **B.** only my interpretation permits substantive discussion since when the role of the ballot is contested, every single round becomes a procedural debate about what role of the ballot is preferable and **C.** switch side debate links turns reasons to prefer alternate roles of the ballot – my interp forces debaters to debate under different roles of the ballot increasing clash and depth because superficial responses aren’t made on multiple layers of the flow.

2**.** Redefine the aff under neg T or theory as **A.** competing mutually exclusive interps make it possible for the neg to always read theory to avoid substance since the aff enters blind and, **B.** T interps are just paradigms for how we debate so winning one isn’t a reason to exclude my offense if it still is applicable. **C.** time skew makes it so that it impossible to win theory and substance in the 1AR. Re-evaluating my offense under their interp solves by bringing the round to one layer. Also means drop the neg on theory since I can’t beat back an abusive NC strat if I need to win theory and substance too.

3. The neg must check theory or T violations regarding issues that the aff does not take a stance on in the AC. Key to substantive education because we can avoid frivolous theory debates where shells have nothing to do with the ac itself. Also key to fairness because checking in cx on balance is better since theory itself can be abusive by creating necessary but insufficient layers for the aff, especially since it’s a layer excluding almost half of my speech time in the AC. This interp also solves all abuse because I cannot shift my advocacy if I have not taken a stance on an issue in the first speech.

4. Aff gets RVI’s on T since I can’t read T on the neg meaning it’s the only way to make T reciprocal, which is key to equal access to the ballot.

## K underview

1. The neg must concede to the affirmative’s choice of role of the ballot for this round. Prefer this interp **A.** other interps allow the NC to introduce an entirely new layer that the 1AR cannot establish adequate footing on due to the 13-7 time skew of a 1AR restart, means we can’t engage under their new role of the ballot anyways **B.** only my interpretation permits substantive discussion since when the role of the ballot is contested, every single round becomes a procedural debate about what role of the ballot is preferable and **C.** switch side debate links turns reasons to prefer alternate roles of the ballot – my interp forces debaters to debate under different roles of the ballot increasing clash and depth because superficial responses aren’t made on multiple layers of the flow.

2. According to google debate is defined as **“a formal discussion on a particular topic** in a public meeting or legislative assembly, **in which opposing arguments are put forward.”**

This means **A.** a topic is key to meeting what it means to be debating and **B.** clashing is constitutive of debating.

3. The only way to fight oppression in the real world is this substantive argumentation. **LOVETT[[11]](#footnote-11):** Win the argument; **don’t declare the argument too offensive to be won**. And that’s true whether it’s GLAAD making demands of A&E or the head of the Republican National Committee making demands of MSNBC. The bottom line is, **you don’t beat an idea by beating a person. You beat an idea by beating an idea. Not only is it counter-productive**—nobody likes the kid who complains to the teacher even when the kid is right—**it replaces a competition of arguments with a competition to delegitimize arguments.** And **what’s left is the pressure to sand down the corners of your speech while looking for the rough edges in the speech of your adversaries. Everyone is offended. Everyone is offensive**. Nothing is close to the line because close to the line is over the line because over the line is better for clicks and retweets and fundraising and ad revenue. It’s like a financial bubble. It’s a bubble of subprime outrage and subprime apologies. I just hope we can rationalize the market before this chilling effect leaves us with a discourse more boring and monotone than it already is—a discourse that suits the cable networks and the politicians but not the many disparate voices who occasionally need to say outrageous things because there are outrageous things to say. And there are real consequences to the outrage bubble. **When Congress was debating the debt ceiling, one of the sticking points was a set of changes to the military-pension system.** You don’t even have to take a position on these changes to say that it’s a reasonable debate: whether we should save money in the defense budget by reducing the rate of increase in pension benefits received by veterans who are younger than retirement age. Agree, disagree, you’re not crossing the line, right? Wrong: **Supporting this proposal is described, over and over again, as**[**“sick” and “obscene”**](http://www.newsmax.com/Newsfront/obscene-scarborough-budget-military/2013/12/18/id/542534/)**and “**[**offensive**](http://www.armytimes.com/article/20131223/BENEFITS/312300001/Pensions-slashed-under-budget-bill-provision)**.” Do we really want to make policy this way?** Do we want our already timid and craven elected officials to have even more to fear?

4. Kantian studies are vital for gender equality. **HAY[[12]](#footnote-12):** **Kant's defense of the ultimate moral importance of our rational nature is something that feminists cannot afford to ignore**. This is because, as we will see in detail in Chapter 4, harms to one's rational nature are among the worst harms an oppressed person can face. **It is critically important for feminists to have something to say about why harms to women's rational capacities are seriously morally problematic because these harms are among the most egregious problems** that arise from women's oppression. [continues] Kantianism gives us a way to explain what is wrong with these harms. Despite what Kant himself might have thought, we know that women's rational capacities are no different from men's. Thus, we know that **women are just as deserving of respect as men**. And we know that **the respect that women are owed in virtue of their rational capacities is incompatible with the harms to women's rationality that can result from oppression**. **Feminists therefore have good reason to take Kant**ianism seriously **since Kant's work** on rationality **gives us the conceptual tools to make sense of what is wrong with** some of the worst harms of **sexist oppression.** But Kantianism is hardly the only moral framework that has the resources to explain what is wrong with harming women's rational capacities. What then, precisely, is the baby feminists risk throwing out with the Kantian bathwater?88 The baby, I hope it is clear by now, is the Kantian duty of self-respect. **Because Kant provides such a robust account of duties to the self, his account is unparalleled in its ability to fully explain the moral importance of self-respect. We will see next that his account is also unparalleled in its ability to condemn** certain **gendered norms of self-sacrifice.**

**5.** Objections about the racism or sexism of reason miss the point and concede the validity of deontic theory. **WOOD[[13]](#footnote-13): The gender and color of “reason.”** To be taken more seriously are those criticisms of reason which take the form of claiming that the traditional notion of reason, in both philosophy and culture, is gendered (masculine) or ethnically biased (in favor of imperialist Europeans). Just as for Darcy ‘reason’ refers to the deliverances of his class prejudices, so **it can be true** for a lot of our culture, and also for even its greatest philosophers, **that what is taken to be “rational” is** systematically **determined by social ideologies and traditions**, so that “rational nature” may take on for them the characteristics of their culture, or gender or class, and related notions like ‘universal law’ come to express some invidious particularism. In the previous section we have even seen some solid grounds for raising questions of this kind about Kant himself. **The crucial point**, however, **is that notions like ‘reason’ and ‘universal validity’ could not play this ideological role if they did not** *also, and* ***more fundamentally***, **refer to the human capacity that enables people** (often only gradually and painfully) **to criticize their false conceptions** (including their false conceptions of reason itself). For it is **only by appealing to the critical capacity of reason** (**which we** ourselves **presuppose even in criticizing the** “gendered” or **“colored” character** of “reason” in philosophy or in other areas of life) **that the ideologies are capable of mystifying**, deceiving, **and passing off one thing for another**. If Kantians use standards of “reason” that are biased in such ways, then that is a legitimate issue, to be settled on the merits of each case where the charge is brought. It cannot be settled either way by the fact that Immanuel Kant was a white Prussian male. (This fact no doubt arouses legitimate suspicion on some topics, given Kant’s prejudiced views about women and nonwhites; but to use it as an *argument* is only to display yet another prejudice.) **The human critical and self-directive capacity is the only legitimate referent** of ‘reason’ **in Kantian ethics**, **especially when** it comes to the task of **separating Kant’s errors**, or the prejudices of his time or his personality, **from the philosophical principles** on **which we are grounding ethical theory**. For Kant, what we say about (or with the pretended authority of) reason is always fallible, subject to critical scrutiny, and to be tested through free and open communication with others (KrV A xi and note, A 738–57/B766– 85, O 8:144–6). It is therefore important, especially while criticizing Kant, always to recognize that we ourselves may be just as subject to errors and prejudices as Kant was. This, once again, is why feeling superior to him is an even more dangerous error than blindly following him, because it is the error to which we are more likely to succumb.

Kant changed his mind on race. **KLEINGELD**[[14]](#footnote-14)**:** During the 1780s, as Kant was developing his universalistic moral theory, he published texts in which he defended the superiority of whites over non-whites. Whether commentators see this as evidence of inconsistent universalism or of consistent inegalitarianism, they generally assume that Kant’s position on race remained stable during the 1780s and 1790s. Against this standard view, **I argue on the basis of** his **texts that Kant radically changed his mind.** I examine his 1780s race theory and his hierarchical conception of the races, and subsequently address the question of the signiﬁcance of these views, especially in the light of Kant’s own ethical theory. I then show that **during the 1790s Kant restricts the role of** the concept of **race, and drops his hierarchical account** of the races **in favor of a** more **genuinely egalitarian** and cosmopolitan **view.**

Definitely not a racist. **KLEINGELD**[[15]](#footnote-15)**:** **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 inhabitants** 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.

TURN: The categorical imperative is key to challenging racism—incorporating abstraction is key. **FARR:**[[16]](#footnote-16)Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. **The Kantian conception of rational beings requires** such an **abstraction. Some** feminists and **philosophers of race** have **found** this **abstract** notion of **rational beings problematic because** they take it to mean that **rationality is** necessarily **white, male, and European.**33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. **I ﬁnd this interpretation** of Kant’s moral theory quite **puzzling.** Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. **First,** the **abstraction** requirement **may be best understood as a demand for intersubjectivity** or recognition. **Second, it may be understood as an attempt to avoid ethical egoism** in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The **abstraction** requirement simply **demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves.** That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. **To avoid** ethical **egoism one must abstract from** (think beyond) one’s own **personal interest** and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. **The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology** to the extent **that** racist ideology **is based on the use of persons** of a different race **as a means to an end** rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. What **deconstruction will reveal** is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the **disunity between Kant’s theory and his own feelings** about blacks and women. **Although** the theory is consistent and emancipatory and should apply to all persons, **Kant** the man **has his own** personal and moral **problems**. Although Kant’s attitude toward people of African descent was deplorable, **it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.**

TURN: The Kantian subject is the embodied subject—universalizability is essential to mutual recognition of others. **FARR:**[[17]](#footnote-17) **One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an **embodied**, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. **The individual is not allowed to exclude others as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

TURN: Kantian ethics is key to challenge the lifestyle grounded in materialism that propagates racism. **BOXHILL[[18]](#footnote-18):** Third, although the last point is significant, **it should not be confused with** a more general **condemnation of Kant’s rationalism**. In particular, **his insistence on crucial role of reason** in moral deliberation and finding solutions to social problems is separable from the previous objection, and it **seems quite right**. **Kant argued, rightly** we think, **that the development of deliberative reason is** crucially **important for groups, as well as individuals, to develop solutions to the problems of social justice. Although more than reason is required** for moral living and decent communities, **Kant seems right that people who tried to life** as he (no doubt falsely) portrayed the Tahitian, without the use of reason and only for enjoyment, **would be ill equipped to handle the social and moral problems inevitably presented by the hard realities of human life.** Thus, while he arguably inflated the value of the lifestyle devoted to perfecting reason, **his main message**, the need for the use (and so adequate development of) deliberative reason, **is still much needed.**

TURN: We shouldn’t good arguments or ideas an author makes just because they are bad in some in other way. For example, if someone was a civil rights activist but also an anti-Semite, we could not listen to anything they said which means that we would reject all ideas that were pro-civil rights, which seems an unacceptable consequence. **WOOD[[19]](#footnote-19):** Often,**criticisms** of Kant (or any other historical philosopher)on such grounds**are really an indirect way of arguing against the contemporary use of a philosopher’s ideas by others who**obviously**do not share** Kant’s **errors about race or gender. It is a cheap way of resisting an important philosopher’s influence.**Often enough this is nothing but a strategy of “guilt by association,” practiced by those who are evidently incapable of challenging the philosopher’s ideas on their genuine merits.There is no plausibility at all, for example, in the suggestion that such Kantian principles as human equality, rationalism, universalism, and cosmopolitanism are in their content favorable to racism, sexism, or other forms of oppression, and such a thesis needs only to be stated explicitly to discredit itself. But this highly implausible thesis may be put forward by implication if it can be associated with the quite distinct but correct point that *even*a cosmopolitan and universalistic ethical theory, such as Kant’s, can be combined with racist or male-supremacist views in its application. It is also true that egalitarianism, **rationalism, universalism**, and cosmopolitanism **are** especially **liable to rhetorical abuse by those who advocate policies in** direct **violation of them**, **because subscribing to the correct principles** at an abstract level **is often** enough **a shabby ploy** used to protect contrary policies from criticism**. The thought that this** point **has any *philosophical*significance**, however, **rests on an error** of abysmal proportions about philosophy and its relation to human practices.**If someone thinks there is a philosophical theory of morality whose uncritical adoption**and mechanical application**would suffice to protect us from evil, then that person is looking for something that could never exist. The correct standard for an ethical theory is whether it gets things right at the level of basic**principles and **values, not whether it**contains some magical property that**protects us**, in the application of the theory,**from every**perversion or abuse through the influence of tradition and**prejudice or** the infinite **human** ingenuity of **rationalization.**All theories are about equally subject to such abuse, and no theory is immune to it. In fact, **[I]f we think that the adoption of a certain philosophical theory**, or a certain set of religious dogmas,**will protect us from all moral error, that way of thinking**itself is extremely dangerous, quite irrespective of the content of the theory or dogma with which we associate it. That thought itself**is actually responsible for a lot of the evil that people do.**

There is nothing good or bad about endorsing certain ideas. All ideas have been misused or applied to do horrible things. Ideas are not good or bad; it’s how they are utilized. Ideas aren’t racist; people are racist. My endorsement of certain Kantian ideals is not an endorsement of the person, but the concept.

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10. Schapiro, Tamar. *What is a Child?* Ethics, Vol. 109, No. 4 (July 1999), pp. 715-738. [↑](#footnote-ref-10)
11. Jon Lovett, “The Culture of Shut Up.” The Atlantic, April 2014. <http://www.theatlantic.com/politics/archive/2014/04/the-culture-of-shut-up/360239/)> [↑](#footnote-ref-11)
12. KANTIANISM, Liberalism; and Feminism Resisting Oppression Carol Hay *University of Massachusetts Lowell, USA* [↑](#footnote-ref-12)
13. Allen Wood [professor at Stanford]. Kantian Ethics. [↑](#footnote-ref-13)
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