### AC

First, the negative must concede that the role of the ballot is to compare postfiat worlds-you cannot read a prefiat K or anything that contests the discourse of the 1AC-key to ground-I have to speak first and create the starting point for the debate so changing the role of the ballot moots 6 minutes of 1AC offense so I have to restart in the 1AR-puts me a strategic disadvantage since you have a 13-7 timeskew skew-makes it impossible to affirm so outweighs on strength of link. Also link turns your kritikal offense since a world in which the aff chooses the role of the ballot allows us to better clash on issues underneath that role and gain actual kritikal education.

Second, T or theory about my advocacy is an issue of reasonability with a brightline of link and impact turn ground and disclosure of the position over a month before the tournament. A. There are multiple legitimate interpretations of the topic and the aff goes into the round blind. I had to choose between mutually exclusive interps and the neg can always read T so don’t punish me for having to set grounds. B. Increases topical clash by avoiding unnecessary theory; I am open to accepting neg interps provided they are reasonable and solves abuse on spec because I’ll clarify in CX. C. I can’t read T on the neg and the NC is reactive, so he can always pick a strategy that adapts to meet my AC and give him a shot at winning the round.

Third, T with competing interps is an RVI for the aff if I win a counter interp-the nature of T makes it a NIB since it’s a layer before theory and the neg doesn’t have to be topical so I can’t turn it-outweighs other disads to the RVI since it’s intrinsic the structure of theory and not a side effect or substantive abuse.

Fourth, to call something good requires a comprehensive ethical theory to frames impacts. If my ethical theory is more thoroughly warranted, then look to it. Prefer since A) otherwise we make assumptions that hurt the alternative you want to empower since it appears unjustified. B) your K literally wouldn’t be debate-functional since there’s no defined way to filter different impacts. Even if your K would be good, we can’t use it so this is a side-constraint.

All evidence is bracketed for clarity and gendered language. I value morality.

Only constitutivism provides an internal standard of success which solves infinite regress.

Katsafanas Paul (Boston University) “Constitutivism about practical reasons” March 6th 2014 JW

Normative claims make demands on us: they tell us which actions to perform and which to avoid. But what justifies this authority? Put differently, if a skeptic asks why he should accept of the form “you have reason to φ,” what can we say to him? Constitutivism has an easy way of answering this question: insofar as you are committed to an activity with constitutive standards, you are committed to those standards. For example, a person who is playing chess has a good reason to govern her activities with the standard of achieving checkmate: if she doesn’t, she won’t be playing chess. To see why this is important, it helps to contrast standards generated by constitutive aims with other types of standards. Consider a normative claim such as “you should obey the posted speed limit.” Suppose someone asks why he should conform to this standard. Of course, there are answers to this question—we can invoke the financial penalties that the exceeding the speed limit may produce, the danger to the other drivers created by excessive speeds, respect for the law, and so on. But notice that these answers invoke external standards. The standards apply because obeying the speed limit is related to other activities, goals, and practices that the agent accepts or cares about. The standard of checkmate doesn’t need to rely on these external features: we can answer the question “why should I care about capturing your queen?” simply by referring to the activity’s constitutive aim. Thus, the chess player should care about capturing the queen because if she doesn’t govern herself by the standard of achieving checkmate, she won’t be playing chess. So this is the second intriguing feature of constitutive standards: they are internal to the activities that they regulate. Accordingly, we need not invoke external facts in order to legitimate their claim to authority.15

Contained in the form of action is that I hold myself capable of pursuing a given end-freedom is necessary.

Engstrom Stephen (Professor of Ethics at UPitt). “Universal Legislation As the Form of Practical Knowledge.” http://www.philosophie.uni-hd.de/md/philsem/engstrom\_vortrag.pdf

Kant holds that to set something as one’s end is to represent it in practical judgment as one’s effect, or, in other words, to represent oneself as its cause: “an end”, he says, “is the object of a concept, so far as the latter is regarded as the cause of the former (the real ground of its possibility)” (KU 220; cf. MS 384). Thus the act of practical representation that constitutes the setting of an object as an end essentially includes an understanding of itself as the cause whereby that object is to be brought about. It’s therefore essential to an end that to will something as one’s end is to regard oneself, in one’s representation of that end, as the cause that, through that same representation, is to realize it. Hence every representation of an end—and so every maxim15—contains two components: (i) the representation of the object, and (ii) the representation of the relation of causal dependency in which that object stands to the subject, as the latter’s effect, or (what comes to the same thing) the representation of the subject’s causal sufficiency in respect of the object, that is, the sufficiency of the subject’s action to produce it. And since what is represented in cognition must correspond to the cognition of it, to these two components in the representation of an end there must correspond two components in the end itself.

In order to prevent coercion individuals must submit to a system of reciprocal constraints.

Kant Immanuel Kant (leading Kantian scholar) The Metaphysical Elements of Justice, trans. John Ladd. 1797. Indianapolis: Hackett Publsihing, 1999.

When I declare (by word or deed), “I will that an external thing shall be mine,” I thereby declare it obligatory for everyone else to refrain from the object of my will. This is an obligation that no one would have apart from this juridical act of mine. Included in this claim, however, is an acknowledgement of being reciprocally bound to everyone else to a similar and equal restraint with respect to what is theirs. The obligation involved here comes from a universal rule of the external juridical relationship. Consequently, I am not bound to leave what is another’s untouched if everyone else does not in turn guarantee to me with regard to what is mine that he will act in accordance with exactly the same principle. This guarantee does not require a special juridical act, but is already contained in the concept of being externally bound to a duty on account of the universality, and hence also the reciprocity, of an obligation coming from a universal rule. Now, with respect to an external and contingent possession, a unilateral Will cannot serve as a coercive law for everyone, since that would be a violation of freedom in accordance with universal laws. Therefore, only a Will binding everyone else—that is, a collective, universal (common), and powerful Will—is the kind of Will that can provide the guarantee required. The condition of being subject to general external (that is, public) legislation that is backed by power is the civil society. Accordingly, a thing can be externally yours or mine only in a civil society.

And, only a system of reciprocal constraints can ensure that we join our individual wills, which is necessary to will others to respect our freedom. Otherwise I can only hope that they respect my freedom. Since no individual contains the will of all, it’s the duty of the collective to maintain a system of reciprocal constraints that realizes the freedom of all. Thus, the standard is maintaining a system of equal freedom. Prefer the standard-only the united will can ensure temporal consistency of state authority.

Ripstein Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009, pp.273-274

Kant argues that provision for the poor follows directly from the very idea of a united will. He remarks that the idea of a united lawgiving will requires that citizens regard the state as existing in perpetuity. By this he does not mean to impose an absurd requirement that people live forever,or even the weaker one that it must sustain an adequate population, or make sure that all of its members survive. The state does need to maintain its material preconditions, and as we saw in Chapter 7, this need generates its entitlement to “administer the state’s economy and finance. The state’s existence in perpetuity, however, is presented as a pure normative requirement, grounded in its ability to speak and act for everyone. That ability must be able to survive changes in the state’s membership. You are the same person you were a year ago because your normative principle of organization has stayed the same through changes in the matter making you up. As a being entitled to set and pursue your own purposes, you decide what your continuing body will do. That is why your deeds can be imputed to you even after every molecule in your body has changed, and even if you have forgotten what you did. The unity of your agency is created by the normative principle that makes your actions imputable to you. In the same way, the state must sustain its basic normative principle of organization through time, even as some members die or move away and new ones are born or move in. As we saw in Chapter 7, its [the state’s] unifying principle—“in terms of which alone we can think of the legitimacy of the state”—is the idea of the original contract, through which people are bound by laws they have given themselves through public institutions. The state must have the structure that is required in order for everyone to be bound by it, so that it can legitimately claim to speak and act for all across time. The requirement of unity across time is clear in the cases of legislation by officials: if the official’s decision were only binding while a particular human being held office, a citizen would be entitled to regard laws as void once the official’s term ended. Because each person is master of him- or herself, one person is only bound by the authority of another through the idea of a united will. The idea of a united will presupposes some manner in which it exists through time. Past legislation, like past agreement, can only bind those who come after if the structure through which laws are made is one that can bind everyone it governs.

I defend the resolution as a general principle but I’m willing to specify if asked in CX.

Wright 13 clarifies the nature of the aff advocacy Mike Wright “Ethical Considerations of Government Provision of a Living Wage” June 25th 2013 A News Reports <http://anewsreports.com/?p=1643> JW 12/6/14

The term “living wage,” conceptually speaking, refers to a standard of living, rather than a financial income, per se. A survey of literature on the subject3 suggests that a reasonable consensus definition would include either the provision of, or the means and access to acquire the basic necessities of modest living conditions4. Provision of basic “public goods”- such as national security/military protection, police and fire protection, hospitals, and basic infrastructure are assumed and external to our conception of a living wage. Some perspectives also include the capacity to accumulate savings at a modest rate, for the purposes of emergency preparedness and upward social mobility. The common essence among virtually all perspectives on the matter seems to be that the living wage (or its equivalent standard of living) exists in the margin between poverty and luxury, touching neither. Viewed in this manner, it is not a stretch to infer that the living wage constitutes what might be commonly characterized as a (lower-) middle-class existence. Some might call this “comfortable.” Leaving the particulars of an exact definition aside, the broad view suggests that the living wage represents a standard of living in which there is no economic struggle to survive, and in which the possibility exists for gradual improvement through frugality and wise decision-making.

I contend a living wage maintains freedom.

The relationship between the employer and the employee is one of coercion.

Bowie Norman E. Bowie "Chapter 3--Kantian Ethical Thought." The Ethics of Human Resources and Industrial Relations. Ed. John W. Budd and James G. Scoville. Champaign: LERA, 2005. 61-88. Print. Labor and Employment Relations Association Ser.

**The overwhelming number of people need to work to survive**, at least for a large portion of their live. There is a sense in which people are forced to work. **When an assailant says, “Your wallet or your life,**” you technically have a choice. However, for many **this situation** is the paradigm of coercion**.** How close is the analogy between the assailant and **the requirements of the employer**? Admittedly, in good times the balance of power shifts somewhat, but in hard times the balance of power is with the employer. Most people have to take the terms of employment a they get them (Manning 2003). Someone wanting employment does not negotiate about whether or not to be tested for drugs, for example. If drug testing is the company policy, you either submit to the test or forfeit the job. **If you want a job, you agree to employment** at **will and to layoffs** if management believes that they are necessary. **Survival for yourself and any dependents requires it.** As with the assailant, you technically have a choice, but **most employees argue they have little choice about multiple important terms of employment.** A Kantian, in common with the pluralist school of industrial relations, maintains that **the imbalance between employer and employee ought to be addressed.** Otherwise, industrial relations rests on an unethical foundation.

Living wage allows independence from the employer.

Bowie 2 Norman E. Bowie "Chapter 3--Kantian Ethical Thought." The Ethics of Human Resources and Industrial Relations. Ed. John W. Budd and James G. Scoville. Champaign: LERA, 2005. 61-88. Print. Labor and Employment Relations Association Ser.

Although Kant’s explicit remarks on work are rather limited, nonetheless I believe the following ideas concerning the obligation of the manager to employees have explicit warrant in the Kantian texts: 1. A corporation can be considered moral in the Kantian sense only if the humanity of employees is treated as an end and not as a means merely. 2. If a corporation is to treat the humanity of employees as an end and not as a means merely, then a corporation should honor the self-respect of the employees. 3. To honor the employees’ self-respect, the employees must have a certain amount of independence as well as the ability to satisfy a certain amount of their desires. Thus, the corporation should allow a certain amount of independence and make it possiblè for employees to satisfy a certain amount of their desires. 4. In an economic system people achieve independence and satisfaction of their desires using their wages which they earn as employees. 5. Thus, a corporation should pay employees a living wage, that is, a wage sufficient to provide a certain amount of independence and some amount of' satisfaction of desires.6

Higher minimum wage is key to workers’ bargaining power which removes the power imbalance.

**Konczal 14** Mike Konczal (fellow at the Roosevelt Institute). “7 Bipartisan Reasons to Raise the Minimum Wage.” Boston Review. March 3rd, 2014. http://www.bostonreview.net/us/mike-konczal-seven-reasons-raise-minimum-wage

When low-wage workers protest at fast food restaurants, low wages are not necessarily their sole concern. The working conditions may be equally important. **Between** a **lack of sick days, random shift scheduling, and working without pay, there is a host of problems** and humiliations **from which workers seek redress. Civic republicanism presses against these practices**. Philip **Pettit**, the philosopher most associated with this strain of thinking, **defines its goal in terms of “freedom as non-domination,”** freedom “as a condition under which a person is more or less immune to interference on an arbitrary basis.” **In what sense can people be** considered **free if their means of survival places them at the mercy of an erratic schedule,** thereby **preventing** the formation of **civic and communal ties?** Surveys of New York City’s low-wage workers find that 84 percent of them are not paid for their entire workday. When bosses can flout labor contracts and arbitrarily impose working conditions in this way, workers lack the kind of freedom that civic republicans celebrate. **By making the labor market tighter through lower turnover and vacancies, a higher minimum wage creates bargaining power for workers** and will help **to eliminate these kinds of domination.**

The government ought to rectify this imbalance of power:

A. We must hinder hindrances to equal freedom.

Ripstein 2 Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009

Second, Kant’s conception of coercion judges the legitimacy of any particular coercive act not in terms of its effects but against the background idea of a system of equal freedom. That is, unlike Bentham, he beings with the concept of a rule, but the rules in question govern the legitimate use of force in terms of reciprocal limits on freedom. Coercion is objectionable where it is a hindrance to a person’s right to freedom, but legitimate when it takes the form of hinder[s]ing a hindrance to freedom. To stop you from interfering with another person upholds the other’s freedom. Using force to get the victim out of the kidnapper’s clutches involves coercion against the kidnapper, because it touches or threatens to touch him in order to advance a purpose, the freeing of the victim, to which he has not agreed. The use of force is rightful because an incident of the victim’s antecedent right to be free. The kidnapper hinders the victim’s freedom; forcibly freeing the victim hinders that hindrance, and in so doing upholds the victim’s freedom. In so doing, it also makes the kidnapper do what he should have done, that is, let the victim go, but its rationale is that it upholds the victim’s right to be free, not that it enforces the kidnapper’s obligation to release the victim. The use of force in this instance is an instance of the victim’s right to independence, and so is a consistent application of a system of equal freedom. If coercion is understood as justified if and only if it restricts a restriction on freedom, it does not need to be identified with a sanction. Aggression is coercive; defensive force is also coercive. The latter is not a further wrong that requires a special justification; it is just the protection of the defender’s freedom. The person using defensive force is neither sanctioning the aggressor nor carrying out a threat that was supposed to deter aggression. Kant’s claim that it is legitimate to use force to hinder hindrances to freedom thus incorporates his more general idea of a system of equal freedom. He does not start with the idea that it is always wrong to restrict the choice of another person, and then struggle to show that doing so is sometimes outweighed on balance, in the way that Bentham, for example, thinks that causing pain is always bad but legitimate when outweighed by a greater good produced. Instead, the initial hindrance of freedom is wrongful because [it is] inconsistent with a system of equal freedom; the act that cancels it is not a second wrong that mysteriously makes a right, because the use of force is only wrongful if inconsistent with reciprocal limits on freedom. So force that restores freedom is just the restoration of the original right.

B. The rich owe their power to the poor so they must be constrained to allow the poor to meet their basic needs.

Kant 2 Immanuel (leading Kantian scholar) *The Metaphysics of Morals*, The Cambridge Edition of the Works of Immanuel Kant-Practical Philosophy, 468

The general will of the people has united itself into a society that is to maintain itself perpetually; and for this end it has submitted itself to the internal authority of the state in order to maintain those members of the society who are unable to maintain themselves. For reasons of state the government is therefore authorized to constrain the wealthy to provide the means of sustenance for those who are unable to provide for even their most necessary natural needs. The wealthy have acquired an obligation to the commonwealth, since they owe their existence to an act of submitting to its protection and care, which they need in order to live; on this obligation the state now bases its right to contribute what is theirs to maintaining their fellow citizens.

C. Property rights must be created in a way that is compatible with everyone’s freedom so no one is in *absolute poverty*.

Allais Lucy Allais. “Kant on Giving to Beggars.” 2012.

**Kant thinks** that for **a state** to be legitimate, its monopoly on the means of coercion must be reconciled with each subjects’ right to freedom (Varden 2008). The idea is that no one’s freedom must be subjected to the choices of others, but only to universal law, which means that the state **must ensure “that** **the total system of laws provides conditions under which any private person’s freedom is subject to universal law and not to a**nother **private person’s arbitrary choices**” (Varden 2008). What is relevant to our question here is that **without** absolute **poverty relief, poor people’s freedom is subject to** the **arbitrary choices of those who have means**. **This means that the state is not guaranteeing and enabling their freedom**. As Ripstein explains, for Kant, “the problem of poverty is that “the poor are completely subject to the choices of those in more fortunate circumstances” (Ripstein 2009:274). The poor person’s purposiveness depends on the grace of others, like a slave or a serf, two of the most archetypally unfree conditions (Ripstein 2009:281). Obviously there will be questions about what constitutes absolute poverty, and how much relief is required. My concern here is not with resolving these complications, but simply with the idea that exercising basic human agency requires means: one cannot have and pursue purposes without any means. On Kant’s view, a person’s innate freedom is undermined if the basic conditions of their agency depend on another person’s arbitrary choiceanother person’s choosing to give or not to give. The justification of the legitimacy of the state depends on the state reconciling its monopoly on the means of coercion with each individual’s innate right to freedom. Avoidable absolute poverty is not compatible with individual’s innate right to freedom. So in a legitimate state, public structures must ensure that there is unconditional poverty relief. Further, it is significant that, on Kant’s view, a legitimate state is required for there to be rightful ownership of property. There is no conclusive ownership of property in a state of nature: you have control of what you can grab and what you can defend, which generates a presumptive right, but it doesn’t follow that you have anything with respect to which the state is obliged to defend your ownership. To have the full-fledged institution of property, it needs to be the case that the state has an obligation to defend your holdings. Rightful ownership of property requires a state with a monopoly on coercion (so that possession of property can be defended), and it requires that the defense of property can be reconciled with everyone’s freedom. Otherwise the state is simply an organisation of powerful groups defending their interests, as opposed to a legitimate state, which enables and defends everyone’s freedom. Making property rights enforceable is one of the functions of the state, and it 5 is important to enabling all of our freedom. But **making property rights enforceable makes it** the case **that those in absolute poverty**, where there are no jobs, **have no ways of meeting their needs**. This is a consequence of the defence of property: in a state of nature they could try to take what they need, but a state which defends property forbids them from doing this. Thus, **creating property rights in a way which is compatible with everyone’s freedom requires public provision against absolute poverty**. As Ripstein says, “the only way that property rights can be made enforceable is if the system that makes them so contains a provision for protecting against private dependence” (Ripstein 2009:228). Thus, ensuring absolute poverty relief is a requirement of anyone rightfully owning property. For Kant, it is crucial that absolute poverty relief is provided by public means: For reasons of state **the government is therefore authorised to** constrain the wealthy **to provide** the means of **systenance to those who are unable to provide for** even **their** most necessary natural **needs**. It will do this by way of coercion…by public taxation, not merely by voluntary contributions (3:326).

CP’s that transfer money from the state don’t solve A. the power skew comes from the employer so it’s best to punish them and not the government-that’s most reciprocal. B. Direct money transfers from the state might provide money needed for self-sufficiency, but employers still do not have to treat their employees as important. For example, if the government provided a welfare payment to support people who were not being paid for their work, they might be able to reach a state of self-sufficiency, but we’d still consider the employer who doesn’t pay the employee’s actions to be wrong because they are still being unfairly exploited.

Additionally, living wage is the best brightline between fair compensation and exploitation because it is the point where the work shifts from merely being a tool to benefit the employer’s ends to one that reciprocally benefits both parties. The relationship between an employer and an employee becomes coercion when the employee has no leverage to bargain. That's true when wage offered by the employer is under a living wage, because the employee literally cannot live in that realm, so the employer has complete control in relationship.

Moreover, property rights only exist within a system of equal freedom.

Ripstein 3 Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009, pp.273-274

Kant subordinates these two familiar lines of argument to a broader argument, which is supposed to show that the acquisition of property raises the basic issue of political authority, because it is an instance of one person’s discretionary act changing the normative situation of others. **By passing a law, a legislature purports to place citizens under an obligation that they would not be under had the law not been passed. The acquisition of unowned property shows that private right presupposes such public authority relations. One person, acting on his or her own initiative, unilaterally places others under a new obligation to stay off the property. Such a unilateral act could only be consistent with the freedom of others provided that it has a more general, omnilateral authorization.** The omnilateral authorization is only possible in a rightful condition. Any other legal act, including that of resolving a private dispute or enforcing a binding resolution, requires legal authorization for just the same reasons.

Only intended harms matters-consequences are subject to a force outside our control.

Hegel George Wilhelm Friedrich Hegel The Philosophy of Right 1820

**The will has** before it **an outer reality**, upon which it operates. But to be able **to do this, it must have a representation of** this **reality**. True **responsibility** **is** **mine only** in **so far as the outer reality** **was within my consciousness**. The will, because this external matter is supplied to it, is finite; or rather because it is finite, the matter is supplied. When I think and will rationally, I am not at this standpoint of finitude, nor is the object I act upon something opposed to me. The finite always has limit and boundary. There stands opposed to me that which is other than I, something accidental and externally necessary; it may or may not fall into agreement with me. But I am only what relates to my freedom; and the act is the purport of my will only in so far as I am aware of it. Œdipus, who unwittingly slew his father, is not to be arraigned as a patricide. In the ancient laws, however, less value was attached to the subjective side of the act than is done to-day. Hence arose amongst the ancients asylums, where the fugitive from revenge might be received and protected. 118. **An act**, when it has become an external reality, and is connected with a varied outer necessity, has manifold consequences. These consequences, being the visible shape, whose soul is the end of action, belong to the act. But at the same time the inner act, **when realized** as an end **in the external world**, **is handed** over **to external forces, which attach** to it **something** quite **different from what it is in itself**, **and thus carry** it away into **strange** and **distant consequences. It is the right of the will to adopt only the first consequences, since they alone lie in the purpose.**

Moreover, freedom is the ultimate good but isn’t something we have to maximize because there’s no logical contradiction when we don’t maximize freedom, but only a logical contradiction when one violates it.

Underview

First, neg abuse outweighs aff abuse-4 minute 1AR puts me at a strategic disadvantage since the neg can craft a perfect strategy to the aff-supercharged by 6 minute 2nr which allows you to collapse to any issue and crush me on it. Proven empirically-according to tabroom, neg won 66% of outrounds at VBT.

Second, presume aff-living wage is intrinsically valuable since it attempts to benefit many whereas low wages only benefit the few. Substantive reasons to presume come first since there’s still a degree of offense left in the round-you don’t need to look to theory.

Third, expert predictions are less accurate than dart throwing monkeys.

Menand 5 Louis Menand (the Anne T. and Robert M. Bass Professor of English at Harvard University) “Everybody’s An Expert” The New Yorker 2005 http://www.newyorker.com/magazine/2005/12/05/everybodys-an-expert

“Expert Political Judgment” is not a work of media criticism. Tetlock is a psychologist—he teaches at Berkeley—and his conclusions are based on a long-term study that he began twenty years ago. He picked two hundred and eighty-four people who made their living “commenting or offering advice on political and economic trends,” and he started asking them to assess the probability that various things would or would not come to pass, both in the areas of the world in which they specialized and in areas about which they were not expert. Would there be a nonviolent end to apartheid in South Africa? Would Gorbachev be ousted in a coup? Would the United States go to war in the Persian Gulf? Would Canada disintegrate? (Many experts believed that it would, on the ground that Quebec would succeed in seceding.) And so on. By the end of the study, in 2003, the experts had made 82,361 forecasts. Tetlock also asked questions designed to determine how they reached their judgments, how they reacted when their predictions proved to be wrong, how they evaluated new information that did not support their views, and how they assessed the probability that rival theories and predictions were accurate. Tetlock got a statistical handle on his task by putting most of the forecasting questions into a “three possible futures” form. The respondents were asked to rate the probability of three alternative outcomes: the persistence of the status quo, more of something (political freedom, [e.g.] economic growth), or less of something (repression, [e.g.] recession). And he measured his experts on two dimensions: how good they were at guessing probabilities (did all the things they said had an x per cent chance of happening happen x per cent of the time?), and how accurate they were at predicting specific outcomes. The results were unimpressive. On the first scale, the experts performed worse than they would have if they had simply assigned an equal probability to all three outcomes—if they had given each possible future a thirty-three-per-cent chance of occurring. Human beings who spend their lives studying the state of the world, in other words, are poorer forecasters than dart-throwing monkeys, who would have distributed their picks evenly over the three choices.

### K Preempts

The Kantian subject is the embodied subject—universalizability is essential to mutual recognition of others.

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

**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.**

The Categorical Imperative unites the abstract with the concrete—this is key to challenging oppression.

**Farr 2** Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

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.**

### AT Schmagency

1. Reflecting on whether or not you’re a schmagent makes you an agent since you are making rational judgments.

2. If both coexist and have their own notions of rational thought, no reason why you can't *convert* a schmagent to an agent.

3. No reason why there's actually a distinction between the two.

4. Even if there are reasons that make then unique, they would be conceptually unique, but not different enough to change them to a schmagent. For example people of different races are different but that doesn’t mean normative rules don’t apply to them.