#  1AC – Ethical Community

## Framework:

#### Our ability to reason is the source of normativity since it unifies action, only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions also (i.e. grabbing the pot, turning on the stove, and heating the water) only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible. Thus we also intend the ends and means of actions.

#### However, agency involves ascribing the same capacity to other rational beings; intersubjectivity is a precondition to actualizing myself. There can be no objection to deny another’s freedom since they possess the same right and that would deny my worth. We must have an omnilateral will since it’s a contradiction by willing a world where the will is denied or clashing without resolution. All claims are provisional until brought under universal law. KANT:

Immanuel Kant [founder of analytic philosophy] “Critique of Pure Reason” 1781

When I declare (by word or deed), “I will that an external thing shall be [and] mine,” I thereby declare it obligatory for everyone else to refrain from using 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 acknowledgment of being and that I’m reciprocally bound to everyone else to exercise 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 that is, the civil society.  Consequently, I am not bound to leave what is another’s property untouched if everyone else does not in turn guarantee to me [they] with regard to what is mine that [s]he will act in accordance with exactly the same principle. This guarantee[d] does not require a special juridical act, but is already contained in the concept of being externally juridically bound to a duty Verpflichtung 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, collective universal (common), and powerful Will—is the kind of Will that can provide[s] 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 mind only in a civil society.

#### However, this universality of reason leads to a rational community consisting of all reasoners, practical reason demands an ethical community. Independence of reasoners requires an ethical community where they recognize necessary independence.

Gobsch The Idea of an Ethical Community: Kant and Hegel on the Necessity of Human Evil and the Love in which to Overcome It. Wolfram Gobsch.

The idea of pure reason as the origin of both the determining form and the enabling matter of the activity of free choice is the idea of [means] the moral law as [is] itself the source of happiness. The ensuing idea of the unity of activity from nothing but respect for the moral law and happiness as the work of nothing but the former is the idea of “the unconditioned totality of the object of pure reason”, the idea of pure reason’s complete end. In Kant’s philosophy, this idea figures under the title of the highest good: complete happiness through complete virtue, i.e. through the fully self-preserving activity from nothing but consciousness of the moral law. Because pure reason is, if all goes well, practical in a human being, the highest good is necessarily possible. The unity of the highest good is none other than the unity thought in the concept of a human being: the unity of reason, as of itself practical, with sensibility. And the idea of this unity is none other than the idea of the unity of pure reason and free choice, of moral law and maxim, through pure reason alone, unconditioned by anything else. But the notion of [I]nternality that is thought in the idea of the moral law as that from consciousness of which alone [that] human beings act, if all goes well, and the notion of relationality that is thought in the idea of the power of free choice in its dependence on sensible matter, on condition of a multiplicity of human beings, coincide in the idea of ethical life: the idea of the actuality of a community constituted by the practical law as not only the determining principle from consciousness of which alone these human beings act, if all goes well, but in so acting from consciousness of which alone they are related to one another as persons, the practical law as a principle in which [where] internality and relationality are one. So, on condition of [T]he fact that there is more than one human being, the idea of [means] the highest good just is the idea of ethical life. Now, as the idea of a work of nothing but pure reason, the idea of an ethical community compels us to conceive of pure reason as the sole ground of the satisfaction of all the conditions of its actuality. One of the conditions of ethical life is the very multiplicity of human beings. So eventually, this fact, too, will have to be comprehended as the work of pure reason alone. Or as Hegel puts it, alluding to the hallmarks of rational activity, freedom and self-consciousness: “Ethical life is the concept of freedom which has become the existing world and the nature of self-consciousness”. This is to say, among other things, that the actuality of an ethical community [which] cannot be explained within the scope of methodological individualism. Ethical life, that is, cannot be explained as the result of a contract, for example. The idea of an ethical community must be conceived as a necessary end of pure reason. This ground of its necessity reflects back on its content.

#### However, while morality contains a universal aspect, ethics must acknowledge the empirical conditions we live in otherwise it becomes too ideal.

Gobsch 2 The Idea of an Ethical Community: Kant and Hegel on the Necessity of Human Evil and the Love in which to Overcome It. Wolfram Gobsch.

We know holiness to be our duty, not as to be reached, but as to be striven for. But [T]o strive for an end one cannot knowingly attain is to strive endlessly. So, according to Kant, our duty to live ethically is our duty to endlessly progress toward a state [like the ethical community] that is, for all we know, impossible for us. Hegel thinks [is] that Kant’s position is impossible. He believes that in [D]enying us the capacity to know whether ethical life resides within our power, Kant destroys [it.] the very idea of ethical life itself: “[T]he practical principles of Kant's philosophy are [...] rendering the point of view of ethical life impossible and in fact expressly infringing and destroying it”. Because the moral law is nothing but pure reason, practical of itself, its role as the principle of an ethical community, too, is to be conceived as the work of nothing but pure reason. But [F]or the moral law to be the principle of an ethical community is for its constituents to make it this principle through nothing but their consciousness of themselves as constituents of this community. But this is to say that it is this very self- consciousness through which pure reason, the moral law, is what it is essentially. And this is to say that it is impossible to conceive of the moral law without conceiving of it as the law one is making the principle of an ethical community through one’s consciousness of oneself as co-constituting it. But this implies that [I]t is impossible to have the idea of an ethical community, hence the idea of holiness, without being conscious of oneself as actualizing it. And so it implies that it is impossible to have this idea while leaving open the question whether its realization resides within one’s power: it implies the impossibility of conceiving of ethical life as the unattainable end of an essentially endless progress toward it. It implies the impossibility of Kant’s position. We cannot know, Kant holds, whether love, the love that is ethical life, is possible for us. And yet at any rate we know, he thinks, that love is our end, wherefore at least we know what love is. But to know what love is, just is to love: the idea of an ethical community is a form of being that can only be thought in the consciousness of oneself as actualizing it. Therefore, Kant cannot, in fact, know even what love is.

#### So, rather than rejecting ideal theory absolutely, we must revise a priori principles to account for evil faced in the real world – only the AC framework bridges the gap between abstraction of ethical theories and the material conditions of real people.

Gobsch 3 The Idea of an Ethical Community: Kant and Hegel on the Necessity of Human Evil and the Love in which to Overcome It. Wolfram Gobsch.

In human activity, sensible matter and rational form are at least notionally distinct, as we saw in section 1.2. And in ethical life I am conscious of myself as an active human being. So in ethical life I am conscious of the matter of my activity as through its form, yet as distinct from it. Now, Kant draws our attention to the following question: What does it take to be conscious of oneself as a being in whose characteristic activity rational form and sensible matter are distinct? What does it take to be conscious of oneself as a human being, as a rational animal? Now, clearly, just [B]y itself, the idea of ethical life, as the idea of a frictionless unity of form and matter through form alone, contains nothing that could help us to answer this question: if all that could be said about the sensible matter of rational activity is that it eagerly follows the law that is its form, [why] we would have no reason whatsoever to even begin to distinguish the matter from the form of our activity; in ethical life, the matter is “silent”. Therefore, [T]he only reality consciousness of which could give us reason to distinguish the sensible matter from the rational form of our activity is the reality of a conflict: of a revolt, so to speak, on behalf of the sens[es]ible matter, against the law that is the form of our rational activity. Kant brings into focus the experience of such a revolt, as struck down, when he describes what he calls the feeling of respect: “[t]he consciousness of a free submission of the will to the law [...] as combined with a [...] constraint put on all inclination though only by one’s own reason”. The revolt that is experienced as struck down in the feeling of respect – Kant calls it “self-conceit” – cannot be an act of sensibility itself: in virtue of its character [But] as a limited capacity, sensibility is per form too weak to stage a riot against the moral law, i.e. against practical reason, the unconditioned. So the revolt that is self-conceit must be an act of free choice itself: an act made possible by the moral law. It is an act that is made possible by the moral law as much as it is, qua revolt on behalf of a particular human being’s happiness, directed against it: “self-conceit [...] prescribes as laws the subjective conditions of self-love”.50 And because this revolt goes against the moral law, which, as such, demands that it be that from which alone a human being acts, it is a free act that “reverses the moral order of [man’s] incentives in incorporating them into his maxims”, as Kant puts it. But this characterization of the revolt that is self-conceit is nothing but the definition of a general act of moral evil. And because this revolt, as struck down, is the reality in which a human being apprehends her form, [E]very human being is, as such, the subject of such a general act of moral evil: “It follows that the human being (even the best) is evil.” Although Kant does not take us to be capable of knowing whether the actualization of the highest good, hence holiness, lies within our power, he does, as we saw, wish to hold on to the necessity of the possibility of the highest good. Prima facie, however, admission of the necessity of human evil simply contradicts the very possibility of holiness, and hence the very possibility of the highest good. Kant attempts to resolve this [we] contradiction by distinguishing two kinds of necessity: the objective necessity of the possibility of the highest good, ethical life and holiness, and the merely subjective necessity with which every human being is conscious of herself as evil.

#### So we must take the source of all value to be reason but acknowledge general acts of evil. The AC method is to be revisionist of normative principles, which is prior to solving oppression since it structurally aims to come up with solutions for problems, but if I lose the solution the ethical community still, exists – it can’t be actualized. The solution is bridging the gap between universalism and particulars; qualifying universal principles means engaging in the particular.

#### Thus, the standard is consistency with the ethical community, defined as overcoming rooted evils through the ideal community of all reasoners.

#### Prefer additionally:

#### 1. Particularized Ethics – Normativity must be non-static to overcome disagreements. Generalized, universal principles can’t account for interactions without the marginalized perspective.

BENHABIB ("The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory." Praxis International (1986): 38-60.)

It is no longer plausible to maintain that such a standpoint can universalize adequately. Kohlberg views the veil of ignorance not only as exemplifying reversibility but universalizability as well. This is the idea that “we must be willing to live with our judgment or decision when we trade places with others in the situation being judged” (Kohlberg, 1981: 197). But the question is, which situation? Can **moral situations [can’t] be individuated independently of** ourknowledge of the **agents involved** in these situations, of **[and] their histories, attitudes**, characters, **and desires**? Can I describe a situation as one of arrogance or hurt pride without knowing something about you as a concrete other? Can I know how to distinguish between a breach of confidence and a harmless slip of the tongue, without knowing your history and your character? Moral situations, like moral emotions and attitudes, can only be individuated if they are evaluated in light of our knowledge of the history of the agents involved in them. While every procedure of **universalizability presupposes that “like cases ought to be treated alike”** or that I should act in such a way that I should also be willing that all others in a like situation act like me, **the most difficult aspect** of any such procedure **is to know what constitutes a “like” situation** or what it would mean for another to be exactly in a situation like mine. **Such** a process of **reasoning**, to be at all viable, **must involve[s] the** viewpoint of the **concrete other**, for situations, to paraphrase Stanley Cavell, do not come like “envelopes and golden finches,” ready for definition and description, “nor like apples ripe for grading.”29 **When we morally disagree**, for example, we do not only disagree about the principles involved; very often we disagree because what **I see** as **a lack of generosity on your** part you construe as your legitimate right not to do something; we disagree because what you see as jealousy on my part I view as my desire to have more of your attention. Universalistic moral theory neglects such everyday, interactional morality and assumes that the public standpoint of justice, and our quasi-public personalities as right-bearing individuals, are the center of moral theory. Kohlberg emphasizes the dimension of ideal role-taking or taking the viewpoint of the other in moral judgment. Because he defines the other as the generalized other, however, he perpetrates one of the fundamental errors of Kantian moral theory. **Kant’s error was to assume that** I, as **a pure rational agent reasoning for [herself]** myself, **could reach a conclusion** that would be **acceptable for all** at all times and places.31 In Kantian moral theory, moral agents are like geometricians in different rooms who, reasoning alone for themselves, all arrive at the same solution to a problem. Following Habermas, I want to name this the “monological” model of moral reasoning. Insofar as he interprets ideal role-taking in the light of Rawls’s concept of a “veil of ignorance,” Kohlberg as well sees the silent thought process of a single self who inaginatively puts himself in the position of the other as the most adequate form of moral judgment. I conclude that a definition of the self that is restricted to the standpoint of the generalized other becomes incoherent and cannot individuate among selves. Without assuming the standpoint of the concrete other, no coherent universalizability test can be carried out, for we lack the necessary epistemic information to judge my moral situation to be “like” or “unlike” yours.

#### And, this revisionist method of this universalistic morality takes into account the perspectives of all. BENHABIB 2:

Seyla Benhabib Situating The Self Gender, Community and Postmodernism in Contemporary Ethics. Published in Great Britain by Polity Press

From a Kantian standpoint, the crucial issue is whether the exercise of judgment is guided by moral principles, which them- selves reflect a universalistic morality, or whether such exercise takes no bearings from moral principles and is instead governed by a situational casuistic. In other words, a contemporary Kantian may admit that Kant's claims about moral judgment being merely subsumptive as well as Kant's theory of action are inadequate and must be rejected. Yet such a Kantian could also insist that a distinction needs to be made between moral judgment and moral principle, and the latter must be guided by a universalist morality considering all humans as ends in themselves. Along these lines, Barbara Herman has argued that Kantian morality lacks "rules of moral salience," enabling agents to identify morally relevant situations, maxims and act-descriptions.25She contends nonetheless that such rules of moral salience could well be formulated from within a Kantian framework, insisting that moral judgment all the same needs to be guided by universalistic moral principles.  This distinction between moral judgment and moral principles, between general rules which guide and govern our moral action and conduct and the specific form these rules assume in specific actions, ^ event and situations, helps us see how room may be made in Kantian theory for the exercise of moral judgment. This distinction alone does not suffice though to establish that a universalistic morality and contextual judgment are indeed compatible. If, as is usually assumed to be the case, the moral law enjoins us to abstract from situational detail and to think of what could be valid for all rational beings simpliciter, then indeed there is no such compatibility. For the Kantian principle would enjoin exactly the opposite of what moral judgment would require. It is in this context that Kant's formula for reflective judgment the only ground of whose validity is its universal communicability with the hope of winning the assent of all, and Arendt's reading of this as a procedure of "enlarged thought" become relevant. "Act[ing] in such a way that the maxim of your actions can always be a universal law of nature" can be reformulated as "Act in such a way that the maxim of your actions takes into account the perspective of everyone else in such a way that you would be in a position to 'woo their consent" Such a procedure of enlarged thought and contextual moral judgment are not at all incompatible. The moral principle of enlarged thought enjoins us to view each person as one to whom I owe the moral respect to consider their standpoint. This is the universalist- egalitarian kernel of Kantian morality. Yet "to think from the standpoint of everyone else" requires precisely the exercise of contextual moral judgment. I isolated above three respects in which the exercise of n»or judgment was crucial: [there are three benefits:] first, the recognition of morally relevant situations; second, the exercise of the moral imagination in the articulation of possible act-descriptions through which our deeds would be construed; third, the interpretation of one's action and maxims in light of the narrative history of the self and others. Each of these aspects of moral judgment requires for its successful exercise the ability to take the standpoint of the other. The more human perspectives we can bring to bear upon our understanding of a situation, all the more likely are we to recognize its moral relevance or salience. Themore perspectives we are able to make present to ourselves, all the more are we likely to appreciate the possible act-descriptions through which others will identify our deeds. Finally, the more we are able to think from the perspective of others, all the more can we make vivid to ourselves the narrative histories of others involved. Moral judgment, whatever other cognitive abilities it may entail, certainly must involve the ability for "enlarged thought," or the ability o make up my mind "in an anticipated communication with others with whom I know I must finally come to some agreement" (Arendt). Such capacity for judgment is not empathy, as Arendt also observes, for it does not mean emotionally assuming or accepting the point of view of the other. It means merely making present to oneself what the perspectives of others involved are or could be, and whether I could "woo their consent" in acting the way I do. If such thinking from the standpoint of everyone else is to be distinguished from empathy, then how else are we to understand it? For Kant this was not an issue since he assumed that, thinking for one, a pure rational being could think for all. If we reject Kantian a priorism, and his assumption that as moral selves we are all some­ how identical; if, in other words, we distinguish a universalist morality of principles from Kant's doctrine of a priori rationality, then I want to suggest we must think of such enlarged thought as a condition of actual or simulated dialogue. To "think from the perspective of everyone else" is to know "how to listen" to what the other is saying, or when the voices of others are absent, to imagine to oneself a conversation with the other as my dialogue partner. Enlarged thought" is best realized through a dialogic or discursive ethic.

#### Only the ethical community solves; qualification of a priori principles through acknowledging subjective evils is needed to guide normative action. This is a precondition to alternative role of the ballots, theories based on working from the particular account for the other never solve, framing things as infinitely obligating or subjective isn’t sufficient.

#### 2. Criticizing the aff without accounting for my framework makes you inconsistent with my method, an ethical community comes prior to resolving social coercions.

Stroud Rhetoric and Moral Progress in Kant’s Ethical Community. Scott Stroud, Temple University, 2005.

This leads to what I call the "problem of force." The situation concerning moral improvement seems relatively bleak, since nothing actively can be done. This hopelessness leaves agents wishing for a morally improved community with the following options: (1) the (positive) use of coercive force, which is unacceptable since it violates the nature of self-perfection qua willing agent, or (2) the (negative) facilitation of freedom to choose to morally perfect/develop one's self, which (although morally acceptable) seems hopeless because it offers no guarantee that all individuals will actually take advantage of such an opportunity to self-cultivate. What alters this schema is Kant's introduction of the ethical community in his *RBR,* which I will argue in the final section is a locus for a different type of force, namely a rhetorical one that is different from heteronomous coercion but that does not rely on an individual choosing ends free from all interaction with others. In order to introduce this notion of ethical community and its entailed concept of rhetorical force, a few words must be said as to the problem it attempts to solve. It is in the *RBR* that Kant claims that an ethical community must be created to fight the sources of evil, since they manifest[ed] themselves in strength primarily in social situations.[9](https://muse.jhu.edu/journals/philosophy_and_rhetoric/v038/38.4stroud.html%22%20%5Cl%20%22FOOT9) For social problems, one must enact a social solution (*RBR* 6:94). Such an ethical community starts the moral education of its members toward the possession of a disposition (Gesinnung) that incorporates the moral law as a superior incentive to those of the inclinations (and passions) (RBR 6:48), as well as providing disincentives toward competitive causes of vice in social situations. Such a society is established under the "special unifying principle of its own virtue" (RBR 6:94), and serves as a "union which has for its end the prevention of this evil and the promotion of the good in the human being—an ever enduring and expanding society, solely designed for the preservation of morality by counteracting evil with united forces" (RBR 6:94).

#### Impact calc:

#### 1. Intended harms outweigh foreseen impacts:

#### A) Foreseen harms aren’t part of the will because they’re harms that are caused regardless what an agent wills. You could take the same action and it could have the same foreseen harms even if the intention was different, so foreseen harms are arbitrary. It’s key to motivation because if we were responsible for all harms then we’d never be able to pursue any ends as foreseen harms are over demanding.

#### B) Questions of the existing ethical communities preclude discussions of future ones – historical and present wrongs inhibit our ability to achieve ends now while foreseen impacts only preclude an ethical community from existing in the future. However, we only take action in order to promote the ethical community so basing action on foreseen impacts leads to paralysis.

#### C) All the warrants in the framework presume the intention of action is more important – for example, the first argument in the framework says that the unity of action is the best action theory which would result in intentions coming first so winning my framework implicitly assumes the truth of this argument.

#### 2. Freedom is the ultimate good but isn’t something we have to maximize since a) every action’s infinitely divisible so there’s an infinite amount anyway and b) there is no logical contradiction when we don’t maximize freedom but only when one violates

#### 3. The framework is not concerned with availability of ends but a right to pursue them. I do not wrong you by buying the last jar of peanut butter before you get to the store, leaving you to buy jelly. I violate if I legislate that you have no right to attempt to purchase peanut butter as that subverts the ends to which you can direct your will.

## Contention:

#### I advocate for banning private ownership of handguns in the US as a general maxim, consequences are irrelevant to the framework but I’ll accept neg preferences on implementation and spec so long as you ask me in CX and it doesn’t force me to abandon my maxim. Now affirm:

#### 1. An ethical community requires that agents are harmonious with one another.

Fichte J.G. Fichte, “Foundations of Natural Right: According to the Principles of the Wissenschaftslehre”. Edited by Frederick Neuhouser, Cornell University. Translated by Michael Baur, Fordham University. Cambridge University Press, 2000.

II) Thus, the problem of political right and (according to our proof) of the entire philosophy of right is to find a will that cannot possibly be other than the common will. Or, in accordance with the formula presented earlier (one that is more in keeping with the course of our investigation), the problem is: to find a will in which the private and the common will are synthetically united.We shall solve this problem in accordance with a strict method. Let us **call the will we** are **seek**ing **X**.(a) Every will has itself (in the future) as an object. Everything that wills has self-preservation as its final end. The same goes for X; and so self-preservation would be the private will of X. - Now this private will is supposed to be one with **the common will**, which **wills the security of** the **rights of all.** Therefore, **X, just as it wills itself, wills the security of the rights of all.**(b) The **security of** the **rights of all is willed only through** the harmonious will of all, through **the concurrence of their wills**. It is **only in this regard** that **all agree**; [152] for **in** all **other matters their will** **is** particular and **directed to** their **individual ends**. In accordance with our assumption of universal egoism (which the law of coercion presup- poses), no individual, no single part of the commonwealth, makes this an end for himself; rather, only all of them, taken as a whole, do.(c) Thus **X would** itself **be this concurrence** of all. **This** concurrence, as surely as it willed itself **would** also **have to will** the **security of the rights of** **all**; for **it is one and the same as that security.**(III) But **such concurrence is a mere concept**; now it should not remain so, but ought rather to be realized in the sensible world, i.e. it ought to be brought forth in some particular external expression and have effect as a physical force.For us, the only beings in the sensible world that have wills are human beings. Therefore, **this** concept **would** **have to be realized** in and **through human beings. This requires**:(a) That **the will of** a certain number of **human beings**, at some point • time, **actually becomes harmonious,** and expresses itself or gets declared as such. - The task here is to show that the required oncurrence does not take place of itself, but rather is based on anexpress act of all, an act that takes place in the sensible world and is perceptible at some point in time and is **made possible only through free self- determination**. Such an act is implied by a proof already presented above. That is, **the law of right says** only that **each person should limit** the **use** **of** his **freedom through the rights of** **the other,** but it does not determine how far and to which objects the rights of each ought to extend. These latter determinations must be expressly declared, and declared in such a way that the declarations of all are harmonious. Each person must have said to all: I want to live in this place, and to possess this or that thing as my own; and all must have responded by saying: yes, you may live here and possess that thing.Our further investigation of this act will yield the first section of the doctrine of political right, on the civil contract [vom Staatsburgervertrage]. [153] (b) That this will be established as the steadfast and enduring will of all, a will that each person - just as certainly as he has expressed this will in the present moment - will recognize as his own so long as he lives in this place. In every previous investigation it was always necessary to assume that such willing for the entire future is present in a single moment, that such willing for all future life occurs all at once.Here, for the first time, this proposition is asserted with justification. Because the present will is established as valid for all time, the common will that is expressed now becomes law. (c) This common will determines both how far the rights of eachperson ought to extend, in which case the legislation is civil (legislalio civilis); and how a person who violates these rights in one way or another ought to be punished, in which case the legislation is criminal or penal (legislatio criminalis, jus criminale, poenale). Our investigation of this will yield the second section of the doctrine of political right, on legislation.(d)

#### Willing my freedom entails that others respect it so we establish reciprocal constraints since no individual can will for them all the state is necessary to maintain this system – so the state is to maintain equal outer freedom in its territory, which necessitates that someone using force independent of the state’s yields a contradiction since they posit themselves to have force over the ethical community that’s necessary for freedom in the first place. That affirms:

#### A. Handguns create hierarchy that undermines an ethical community.

DeBrabander ‘12 - Debrander, associate professor of philosophy at the Maryland Institute College of Art, The Freedom of an Armed Society, http://opinionator.blogs.nytimes.com/2012/12/16/the-freedomof-an-armed-society/-

**As** ever **more people** are armed in public, however — even **brandish**ing **weapons** on the street — this is no longer recognizable as a civil society. **Freedom is vanished** at that point. And yet, gun rights advocates famously maintain that individual gun ownership, even of high caliber weapons, is the defining mark of our freedom as such, and the ultimate guarantee of our enduring liberty. Deeper reflection on their argument exposes basic fallacies. In her book “The Human Condition,” the philosopher Hannah Arendt states that “violence is mute.” According to Arendt, speech dominates and distinguishes the polis, the highest form of human association, which is devoted to the freedom and equality of its component members. Violence — and the threat of it — is a pre-political manner of communication and control, characteristic of undemocratic organizations and hierarchical relationships. For the ancient Athenians who practiced an incipient, albeit limited form of democracy (one that we surely aim to surpass), violence was characteristic of the master-slave relationship, not that of free citizens. Liberty entails precisely the freedom to offend. A gun in every pocket would stifle that. Arendt offers two points that are salient to our thinking about guns: for one, they insert a hierarchy of some kind, but fundamental nonetheless, and thereby undermine equality. But furthermore, guns pose a monumental challenge to freedom, and particular, the liberty that is the hallmark of any democracy worthy of the name — that is, freedom of speech. Guns do communicate, after all, but in a way that is contrary to free speech aspirations: for, guns chasten speech. This becomes clear if only you pry a little more deeply into the N.R.A.’s logic behind an armed society. An armed society is polite, by their thinking, precisely because guns would compel everyone to tamp down eccentric behavior, and refrain from actions that might seem threatening. The suggestion is that **guns liberally interspersed throughout society would cause us all to walk gingerly — not make any sudden, unexpected moves —** and watch what we say, how we act, whom we might offend. As our Constitution provides, however, liberty entails precisely the freedom to be reckless, within limits, also the freedom to insult and offend as the case may be. The Supreme Court has repeatedly upheld our right to experiment in offensive language and ideas, and in some cases, offensive action and speech. Such experimentation is inherent to our freedom as such. But guns by their nature do not mix with this experiment — they don’t mix with taking offense. They are combustible ingredients in assembly and speech. I often think of the armed protestor who showed up to one of the famously raucous town hall hearings on Obamacare in the summer of 2009. The media was very worked up over this man, who bore a sign that invoked a famous quote of Thomas Jefferson, accusing the president of tyranny. But no one engaged him at the protest; no one dared approach him even, for discussion or debate — though this was a town hall meeting, intended for just such purposes. Such is the effect of guns on speech — and assembly. Like it or not, they transform the bearer, and end the conversation in some fundamental way. They announce that the conversation is not completely unbounded, unfettered and free; there is or can be a limit to negotiation and debate — definitively. The very power and possibility of free speech and assembly rests on their non-violence. The power of the Occupy Wall Street movement, as well as the Arab Spring protests, stemmed precisely from their non-violent nature. This power was made evident by the ferocity of government response to the Occupy movement. Occupy **protestors across the country were increasingly** [**confronted by police in military style garb and affect**](http://www.nytimes.com/2011/12/04/sunday-review/have-american-police-become-militarized.html?pagewanted=all&_r=0)**. Imagine what this would have looked like had the protestors been armed: in the face of the New York Police Department assault on Zuccotti Park, there might have been armed insurrection in the streets. The non-violent nature of protest in this country ensures that it can occur.**

#### And, this outweighs – rights only matter if intersubjective relations exist but the carrying of a gun destroys any form of communication, so the idea of a right would become incoherent.

#### B. The state must have a monopoly on force, which requires a ban on private property that allows unilateral force against the state.

Fichte 2 J.G. Fichte, “Foundations of Natural Right: According to the Principles of the Wissenschaftslehre”. Edited by Frederick Neuhouser, Cornell University. Translated by Michael Baur, Fordham University. Cambridge University Press, 2000.

**This common will must be equipped with a power** — and indeed a superior power, in the face of which any individual's power would be infinitely small - **that will enable it to** **look after** itself and **its preservation by means of coercive force: the state authority**. This authority includes two elements: the right to judge, and the right to execute the judgments it has made {potestas judicialis et potestas executiva in sensustrictiori,n both of which belong to the potestas executivu in sensu latiorin). (IV) The common will has actually expressed itself at some point in time, and — by virtue of the civil contract that has been reached concerning it — has become universally valid as law. In accordance with the principles established thus far, there can be no difficulty at all in seeing what this universal will will be, with regard both to the determination of each individual's rights, and to the penal laws [Strafgesetze]. But this will is still open-ended and has not yet been set down anywhere, nor has it been equipped with any power. The latter must occur if this will is to endure and if the previous [154] insecurity and war of all against all are to be prevented from returning again soon. The common will, as a mere will, is realized, but not yet as a power that can preserve itself: and therefore the final part of our problem remains to be solved. The question seems to answer itself. That is, those who are thus joined together, as physical persons in the sensible world, necessarily possess power of their own. Now since a person can be judged only by his actions, so long as no one transgresses the law, it can be assumed that each person's private will concurs with the common will, and thus that his power is part of the power of the state. Each person, even If [agents] he were privately to develop an unjust will, must always fear the power of all, just as they all must also fear his power, because they can know nothing of the unjustness of his will, which has not yet shown itself in actions. The power of all (which is to be assumed to have been declared in favor of the law) keeps each individual's power within its boundaries [to keep]; and therefore there exists the most perfect equilibrium of right.

#### Takes out liberty and self-defense NCs – that freedom only exists when we consent to the state and exist as a joint community, which nullifies individual liberty over the state. Absent the state, we exist in the state of nature where infinite rights violation exist so even if there are harms in the aff world that is preferable to the state of nature.

#### 2. Private property and individual liberty can’t exist in an ethical community; they’re only derived through mutuality, which prioritizes communal freedom.

Hidalgo Hidalgo, Desiree. “Ownership and private property from the perspectives of Hegel and Marx.”

The right to appropriate and externalize free will with private property, according to Hegel leads to contract. It is important to remember that [P]ossession over something is not the same thing as having private property. It is only through private property that an agent achieves consciousness of their free will. “The sphere of contract is made up of this mediation whereby I hold property not merely by means of a thing and my subject will, but by means of another person’s will as well and so hold it in virtue of my participation in a common will” (§ 71)14. The contract is intended to regulate[s] the effects of alienation of other individuals. This discussion leads Hegel to [and] consider[s] punishment as a means to preserve the right of property. Punishment will enforce the right of an agent towards private property, since the violation of the free will leads to the negation of failing to recognize agent’s rights. The basis of punishment is considering that alienation and appropriation of objects has influence on others, “It is the meditation of the will to give up a property, an individual property, and the will to take up another, i.e. another belonging to someone else; and this meditation takes place when the two wills are associated in an identity in the sense that one of them comes to its decision only in the presence of the other” (Hegel § 74)15. It is the sense of punishment that will later make Hegel consider Morality.

#### That affirms since any private property is incoherent under the aff framework since it leads to a contradiction in the will i.e. it justifies the violation of others’ freedom.

#### 3. The actuality of reason makes it impossible to claim an agent ‘ought’ to pursue useless ends, absolute property rights are inconsistent with a reasoners’ inviolability since they render moral maxims incoherent.

Julius, A.J. “Independent People In Kisilevsky And Stone”. (Eds.). Freedom And Force: Essays On Kant’s Legal Philosophy, Forthcoming.

Whatever its force against usufruct this argument from independence is no reason to settle for property. Property draws the same objection. Suppose that I can come to own a thing by claiming or receiving a title to it that I enjoy independently of any actual or planned use of the thing**.** **Suppose** that **I don’t** in this way **own any mushrooms and that I can’t grow [any]** mushrooms using only what’s mine. It may be that I can now take up the purpose of making a mushroom omelette. **I can [only make an omelette]** do that **if I** see the task as falling in my power. The task is in my power if I havesome way of **induc[e]**ing the inputs’ **current owners to hand them over** to me. Or if I can grab the ingredients and cook them up before anyone grabs them back. **But** of course **I lack any right against others** that they fall in with this plan. **No one wrongs me**, under property, **by declining to** pass **me** the **mushrooms** she owns. A mushroom owner is in her rights to hide or lock her stuff away, to drive me off when I try to use it, to recover it by force if I succeed briefly in taking it over. She is entitled to do what hinders my use of the mushrooms. **But I can set the omelette as an end only if she won’t hinder my use** of the mushrooms. **So I** who own no mushrooms **lack an entitlement against others** that I set myself the end of a mushroom omelette. In the supermarket aisles of our actual property society you will presumably encounter persons who have set particular suppers as their ends although they do not yet own the ingredients. “Why you are putting those mushrooms in that cart?” “I’m making a mushroom omelette tonight.” A shopper like this has managed to set out after her gastronomic end because she could see it as falling within her power. She was thinking that an offer of cash for the ingredients would move the grocer to give them up. When a shopper purchases the ingredients, the onetime owners relinquish their rights to interfere with her cooking. She finally enjoys against them a right that they not withhold the means to her purpose. She has the makings not only of an omelette but of the right to set herself the omelette-making end. But again that right has come too late. If the means were bought for the sake of the end, the end was set before she had a right against others to set it. Perhaps the new owner of the ingredients enjoys a right to affirm the end she’s already pursuing and to carry on with it. But if this is true it’s true thanks to the accommodating particular choices of farmers and merchants. She owes her achievement of her right to do what she was already doing to the forbearance of persons who, after she’d set the end but before she’d bought the means, were entitled to act in ways that would have shut her project down. A[n] typical putative end-affirming right in the property society bears a strong resemblance to the would-be end-affirming right that’s characteristic of usufruct. The right takes hold only once I’ve bought the things my purposes demand, and so it typically follows and depends on rather than preceding or protecting my initial pursuit of the purpose. And I only ever achieve the right if and because the others choose to part with their goods despite their entitlements to hold on to them**. If like** me and perhaps like **Ripstein you think** that **a right to set ends** has got to **come[s] first** and that it’s necessarily **invulnerable to** other **persons’** particular **choices**, **then** like me **you should worry that property puts such independence out of reach.** Independence will

#### That affirms since private ownership of handguns is contingent on absolute ownership since any limit of the right means owners is at the whim of not owning a gun.

#### The ethical community’s laws must be changed to curtail actions that violate freedom. The powerful must be regulated so they cannot rightfully abuse positions, which the existence of private property does. RIPSTEIN:

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

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.6 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.7 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.”8 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 mat- ter making you up. As a being entitled to set and pursue your own pur- poses, 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.9 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 unifying principle—“in terms of which alone we can think of the legiti- macy of the state”—is the idea of the original contract, through which people are bound by laws they have given themselves through public in- stitutions.10 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. So 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. The solution to this family of problems is a self-sustaining system that guarantees that all citizens stand in the right relation to each other and, in particular, do not stand in any relation inconsistent with their sharing a united will. The most obvious way in which people could fail to share such a will is through relations of private dependence through which one person is subject to the choice of another. A serf or slave does not share a united will with his or her lord or master, so these forms of relationship are inconsistent with a rightful condition. Yet the same relation of dependence can arise through a series of rightful actions. The problem of poverty, on Kant’s analysis, is exactly that: the poor are completely subject to the choice of those in more fortunate circumstances. Although Kant argues that there is an ethical duty to give to charity,11 the crux of his argument is that dependence on private charity is incon- sistent with its benefactor and beneficiary sharing the united will that is required for them to live together in a rightful condition. The difficulty is that the poor person is subject to the choice of those who have more: they are entitled to use their powers as they see fit, and so the decision whether to give to those in need, or how much to give, or to which people, is en- tirely discretionary.12 So long as there are a variety of unmet wants, private persons are entitled to determine which ones to attach priority to.

## Underview

# Frontlines

## Role of the Ballot

#### Critical pedagogy must inform students about maintaining an ethical community for mutual recognition in education.

Shapiro ‘14 -‘To Give an Example is a Complex Act’: Agamben’s pedagogy of the paradigm JACOB MESKIN a & HARVEY SHAPIRO b aEducation and Jewish Thought, Hebrew College; bEducation, Northeastern University Educational Philosophy and Theory, 2014 Vol. 46, No. 4, 421–440, http://dx.doi.org/10.1080/00131857.2013.775058-

In addition to its value for contesting and reversing the ‘spectacular’ character of education today, paradigms also point to insights concerning educational community and curriculum. Agamben frequently builds upon the work of Walter Benjamin, a regular interlocutor in the former’s writing on language, politics, history, literary theory and art. Benjamin’s writings on education, though representing a relatively small portion of his oeuvre, are significant for an understanding of Agamben’s potential connections to educational theory and practice. Benjamin’s paradigm for ‘moral education’ is his ‘principle of ethical community’. (2011, p. 109). To ‘create space for’ such an ‘emergent’ community is ‘the most urgent requirement of modern pedagogy’ (p. 60). The educational community’s mission is ‘conferring and fostering freedom’ (p. 60) for, ‘[i]n the final analysis, every good deed is only the symbol of the freedom of the individual who accomplished it’ (Benjamin, 1994, p. 52). No law subordinates ethical, cultural emergence, as the school becomes the place in which ‘we first attain the concept of community’ in ‘everyday life’ (Benjamin, 2011, p. 110). An educational environment, then, fosters the kind of civic community ‘in which everything necessary becomes once more voluntary and everything at bottom voluntary becomes necessary’ (p. 111). For ‘only in community, not through lessons in the moral’, will a student learn and grow in ‘moral sense’ or ‘moral capacity’ (p. 111). For Benjamin, then, ‘the process of moral education is opposed in principle to every rationalization and schematization, it can have nothing to do with any type of instruction’ (p. 109). In the ‘renunciation of a scientifically closed theory of moral education’, Benjamin maintains the ‘possibility of a moral education as an integral whole, although without systematic closure in the particulars’ (p. 109). We suggest that Benjamin’s notion of moral educational community resonates with Agamben’s concept of paradigm. With his explanation of the medieval monastic concept of ‘regula’, Agamben articulates the function of the paradigm in the ethos of a community. The regula ‘is often … envisaged as a … rule [that] does not indicate a general norm but the living community (koinos bios, cenobio) that results from an example and in which the life of each monk tends at the limit to become paradigmatic——that is, to constitute itself as forma vitae’ (Agamben, 2008/2009a, pp. 21–22). Agamben thus suggests how this paradigmatic notion is distinct from any kind of rule-based, reason-based, utilitarian or deontological normativity. Each educational setting constitutes a paradigmatic form-of-life, a particular cultural, political or moral community. As paradigmatic, the community’s ethos is exposed as its form-of-life, a ‘life that can never be separated from its form’ (Agamben, 1996/2000, pp. 3–4). Within the community, within its form-of-life, ‘the single ways, acts and processes of living are never simply facts but always and above all possibilities of life, always and above all power’ (p. 4). Paradigmatic thinking, then, suggests an educational community not grounded in a dualist structure of inclusion and exclusion; rather, the community exposes an enduring potentiality for ways of being and communicating together. Consistent with Agamben’s paradigmatic philosophical method, the teacher, educator, student and school culture are singularities that give ethics its intelligibility. Never reducible to a maxim or rule, moral conduct can only be experienced in a singular community that expresses a paradigmatic form-of-life. There is no closed definition to the moral, it can only be exposed in a paradigmatic relation and thus made intelligible, even as a potential endures for ever further articulation of its paradigmaticity.