# Framework

#### First is the skeptical question: In order to be normative ethics must not only identify what is good, but produce a binding obligation to act towards it. That cannot be infinitely questioned The only way to resolve this is for rules to be constitutive to the very being of agents and inescapable.

#### And Rational Agency Is the only constitutively binding principle:

Luca Ferrero, University of Wisconsin at Milwaukee, Constitutivism and the Inescapability of Agency, Jan 12, 2009 -- Version 3.05 ///AHS PB

Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any ordinary enterprise is ipso facto to engage in the enterprise of agency. In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise [this]. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13

#### Prefer A) Regress: Questioning why do I act on reason or why am I agent, ipso fact uses reason, conceding its authority. B) Action: Agency is a precondition to acting because it requires that people recognize themselves as the cause of their actions.

#### Second, Reasoners must universalize their ends – a) Absent being universal morality becomes arbitrary and fails to guide action B) Apriori principles like reason apply to everyone since they are independent of human experience and C) any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others. This also makes universalizability a side-constraint on ends-based frameworks.

#### Third, It’s impossible to will a violation of freedom since deciding to do would will incompatible ends since it logically universalizes willing a violation of your own freedom.

Engstrom, Stephen. “Universal Legislation as the Form of Practical Knowledge.” N.d. Available from http://www.philosophie.uni-hd.de/md/philsem/engstrom\_vortrag.pdf.

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

#### Prefer on Performativity: freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

#### Thus the Standard is Consistency with a system of equal and outer freedom: Reasons to Prefer and Impact Calc:

#### [1] Evaluate Intent first: [A] Consequences are infinitely regressive because they always produce more consequences [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [C] Ends based ethics can never deem certain actions as generally prohibited or obligated since the only morally relevant feature is whether an action maximizes a particular end, which makes rules invariable.

#### [2] Any standard is an interpretation of the word ought. Framework is functionally a topicality argument about how to define the terms of the resolution. Prefer the AC:

#### A. Resource Disparities - A focus on evidence and statistics rewards debaters with the most preround prep which increases the disparity between lone-wolfs and big schools with huge evidence files. A Kantian debate resolves this because it can easily be won without any prep since only analytical arguments are required. Key to fairness since it equalizes the playing field.

#### B. Real world education: an understanding of Kantianism is key to understanding the law in the real world because most states abide by inviolable side-constraints in their constitutions—Germany proves.

Arthur Ripstein, Force and Freedom

Strictly speaking, the right to dignity is not an enumerated rightin **the German Basic Law [says]**, butthe organizing principle under which all enumerated rights—ranging from life and security of the person through freedom of expression, movement, association, and employment and the right to a fair trial to equality before the law—are organized. It appears as Art**.** I.1: **“Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.”** Art. I.3 explains that the enumerated rights follow: “**The following basic rights shall bind the legislature, the executive, and the judiciary as directly applicable law.”** Other, enumerated rights are subject to proportionality analysis, through which they can be restricted in light of each other so as to give effect to a consistent system of rights. **The right to dignity is the basis of the state’s power to legislate and so is not subject to any limitation,** even in light of the enumerated rights falling under it, **because—to put it in explicitly Kantian terms—citizens could not give themselves a law that turned them into mere objects.**

#### Real world education is key because it impacts debaters outside of the round and teaches them be good advocates the in their daily lives.

#### [3] K solvency—only my method demonstrates the possibility of change because it shows that we have the capacity to live better, and so demonstrates if we choose not to follow reason, we can be held responsible. Universal subjectivity demands recognition of the plight of the oppressed.

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.

#### Also, even if ideal-theory is bad, the alternatives are far worse because they don’t rely on fixed principles and devolve into relativism at a particular space and time—you can’t measure something with a ruler constantly changing length, which means we need a standard to hold people to.

#### [4] The Aff outweighs: multiple competing reasons justify independently plausible action.

Enoch, David. "Giving Practical Reasons." Philosophers Imprint. The Hebrew University, Mar. 2011. Web. <https://quod.lib.umich.edu/cgi/p/pod/dod-idx/giving-practical-reasons.pdf?c=phimp;idno=3521354.0011.004>. I should also note something it does not take for the role played by the given reason in the receiver’s practical reasoning to be appropriate. **It is not required that the role be**, as it were, **ultimate**. In other words, it is perfectly consistent with robust reason-giving thus understood that there be a further, fuller, perhaps more basic story of why it is that B does and should take A’s relevant intentions as reason-giving. **Perhaps**, for instance, **B is a simple utilitarian**, and let’s further assume that simple utilitarianism is indeed the true fundamental story about all reasons for action. **If so, B will take A’s request as a reason to [act] if** and only if, and because, **doing so will maximize utility**. But this does not mean that she doesn’t take, in those cases, A’s request to be a (nonultimate) reason. The crucial question is whether the ultimate (or perhaps just more basic) story here is one that goes through the reasongiver’s special intentions identified above (and the receiver’s recognition thereof), as in the case of the utilitarian request-receiver, in which case we may have a case of robust reason-giving; or whether the more basic story here works directly, leaving no role for the specific intentions that make reason-giving robust (as is the case in the dictator’s child example). Cases of this latter type are not, on the account I’m suggesting here, cases of robust reason-giving. And **this seems to me the independently plausible result** here. Notice that the intentions mentioned above do not include something like the intention that B actually Φs. This is so because **A can give B a reason to [act] Φ knowing well that other reasons may be relevant, including possibly stronger reasons not to [act] Φ**.52 Indeed, it seems to me A can make a genuine request that B Φs, all the time acknowledging that if certain other considerations bear on the case, B should not (all things considered) Φ. We do not want to restrict robust reason-giving to just the cases in which the reason-giver intends the given reason to outweigh all others. For similar reasons, **A need not intend that the given reason be the only reason** for which B Φs.

# Offense

#### I affirm the resolution that In a democracy the public’s right to know ought to be valued above the right to privacy of candidates for public office. I defend the resolution as a general principle. Evaluate CX checks in cases of neg T and Spec because bidirectional shells make it impossible to meet NC interps. Additionally reevaluate the AC under these interps A) they are just paradigms for how we debate the res so winning one isn’t a reason to exclude my remaining offense B) They only justify dropping the argument because the rely on what that argument prohibited the neg from doing. Additionally, all neg theory arguments are counter-interps, because I implicitly take a stance on certain norms in the 1AC. Now Vote aff:

#### [1] Publicity is key to any maxim, if an action cant be publicized to everyone in a population, its conceptually incoherent.

Immanuel Kant, perpetual peace, 1795, <https://slought.org/media/files/perpetual_peace.pdf> ///AHS PB

We may think of Public Right in a formal way after abstracting from all the matters to which it is applied in detail, such as the different relations of men in the State, or of the States to each other, as presented in experience; and this is the way in which jurists usually think of it. But apart from the matter of public right, there remains only the form of publicity, the possibility of which is implied in every expression of right; for without such publicity there would be no justice [is], this being thinkable only as what is publicly declarable, and hence without this publicity there would be no right, as right is only administered or distributed by it. This character of publicity must belong to every mode of right; and, as it can easily be judged whether it accompanies any particular case, and whether it can therefore be combined with the principles of an agent, it furnishes a criterion, which is at once presented a priori in reason and which it is easy to use in experience. Where it cannot be combined with the principles of an agent, the falsity and wrongness of a pretended right can thus be immediately recognized, as if by an experiment of the pure reason. Abstraction being thus made from everything empirical that is contained in the conceptions of national and international right, (such as the evil disposition of human nature which makes coercion necessary) the following proposition arises, and it may be called the transcendental formula of Public Right. ‘All actions relating to the rights of other[s] men are wrong, if their maxim is not compatible with publicity.’ This principle is not to be regarded merely as ethical, and as belonging only to the doctrine of virtue, but it is also to be regarded as juridical and as pertaining to the rights of men. For a maxim cannot be a right maxim which is such that I cannot allow it to be published without thereby at the same time frustrating my own intention, which would necessarily have to be kept entirely secret in order that it might succeed, and which I could not publicly confess to be mine without inevitably arousing thereby the resistance of all men against my purpose. It is clear that this necessary and universal oppo- sition of all against me on self-evident grounds, can arise from nothing else than the injustice which such a maxim threatens to everyone. Further, it is a merely negative maxim, in so far as it only serves as a means of making known what is not right and just towards others. It is like an axiom which is certain without demonstration. And, besides all this, it is easily applicable; as may be seen from the following examples and illustrations of Public Right.

#### That affirms: A) Its impossible to justify a principle omnilaterally if only a particularistic will knows it B) justifies a general right to know is a pre requisite to moral and legal action C) taking allowing candidates to act absent publicity is a violation of communal freedom.

#### [2] Candidates misrepresenting information due to privacy concerns is a form of lying which is unilateral, non universizable, and violates the trust of the general public

Sissela Bok, Swedish Philosopher, Lies: They Come With Consequences, August 23, 1998, <https://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/bok082398.htm> ///AHS PB

The simplest answer is that the credibility of public officials is crucial in a democracy. As a result, we in the public have to be wary of all official lies, however innocent they seem to presidents or others telling them. Our experience with presidential lying gives little reason to be sanguine about its being limited to private matters. Appeals to privacy can be exploited to cover up wrongdoing just as much as appeals to national security can, as we saw during the Vietnam War. But there are deeper reasons for our caution with respect to lying, by public officials as by all others. The juxtaposition of the two Clinton statements helps us in this respect, too. It allows us to visualize the contrast between the two perspectives of deceiver and deceived. We gradually learn, from childhood on, what it is to lie and to be lied to. We know the power over others that deceit may confer; and how much easier it is to slip into a lie than to undo its effects. Everyone makes mistakes of this kind; but it is another matter altogether to choose to knowingly deal with others through deceit. The most serious miscalculation people make at such a time is to blind [ignore] themselves to the effect lying can have on their integrity and self-respect, and the jeopardy in which they place others. Because liars also tend to overestimate their own goodwill and their chances of escaping detection, they underestiimate the damage to their reputation and their credibility once they are found to have lied. And if they do get away with lies at first, further psychological and moral barriers may wear down; more and more lies may seem to be necessary, and fewer of those lies may seem morally problematic. Most remote of all, as people calculate the pros and cons of particular lies, are the corrosive and cumulative effects that their lies, once suspected, will have not only on their own credibility but on trust more generally. Lies invite imitation, preventive duplicity and retaliation after the fact. As they spread, trust is damaged. Naive trust invites abuses all its own; but when distrust becomes too overpowering within a family, a community or a nation, it becomes impossible to meet joint needs. Increasingly, social scientists are viewing such trust as a fragile good, necessary to human cooperation and effective government, yet as vulnerable as our natural environment to being cumulatively polluted. Liars function as free riders in this social setting, relying on a modicum of trust to dissemble, even as their actions help wear it down. In public as in private life, everyone has reason to consider to what extent their actions erode or help restore this social good of trust. But [when] public servants, doctors, clergy, lawyers, bankers, journalists and other professionals have a special responsibility in this regard, given the privileges they have been granted. Public officials, above all, can have a uniquely deleterious effect on trust. When they act so as to undermine trust, this cuts at the roots of democracy. When President Clinton addressed the public on Jan. 26, he invoked a deliberate bond of trust, saying "I want to say one thing to the American people. I want you to listen to me." To the extent that citizens lose confidence in what leaders say, they are disempowered: They cannot know enough about the facts to form an intelligent opinion without relying on the information provided to them. Once disenchanted on that score, citizens may suspect even the most honest officials. As soon as we put ourselves in the shoes of those who have been deceived, all the risks that deceit present become starkly apparent. We recognize the special sense of injury people experience, how wary they become, on discovering [and] they have been duped. They are far less sanguine about the good motives of those who lie, far less sure that these people can maintain clear limits between lies that are legitimate and all others. We become aware, too, of the injustice done to individuals drawn into deceptive schemes without their knowledge, much less consent. When a public official who lies to cover up for personal shortcomings also lies to colleagues and subordinates and asks them to make public statements that turn out to be untrue, this puts their own credibility on the line in profoundly compromising ways. There is also often a special burden on friends to cooperate in disseminating what they know or guess are falsehoods, out of loyalty. Yet as Cicero said, doing so is no act of true friendship. It is, rather, a violation of the first rule of friendship either to ask another to do something dishonorable or to go along with such a request. For all these reasons, we are right to take seriously lying by presidents and other public officials, even when they invoke privacy. If there are to be specific exceptions, they ought to be subjected to public debate and consent, with full regard to the possible abuses of power that might ensue and the safeguards needed to control these abuses. Only mischief can come of allowing officials to decide for themselves when truth is required and when deception is justifiable.

#### [3] Only affirming is universizable: A) Negating is a contradiction in wills, if everyone had a right to privacy then agents wouldn’t know anything about each other, making the conception of privacy incoherent. B) Use of reason requires information to actualize – it is impossible to exercise a rational principle without knowledge of it, which proves in order for a public candidate to be elidigble for election, we must have knowledge of that candidate, otherwise our decision would be invalid, making any conception of a democracy illogical