# Kant NC

### NC

#### I value morality.

#### To value any end, I must value the conditions necessary to will that end – independence is one of those conditions, since end-setting requires I be free from another’s control. Willing means I hold myself to be able to fulfill that end, which requires freedom. There can be no objection to deny another’s freedom since they possess the same right and that would deny my worth – resolving disputes via unilateral coercion is a contradiction.

Korsgaard: Christine M. Korsgaard “Taking the Law into Our Own Hands: Kant on the Right to Revolution” Oxford University Press. 2008

**Suppose** we are **in the state of nature** and **we get into a dispute about rights**. My goat has kids, and I take them to be mine because I was caring for the (p.240) mother goat when they were born. However, one of them escaped, and you found it wandering around apparently unowned in the state of nature, took possession of it, fed it and cared for it for many years. Now we have discovered the matter, and **each of us thinks she has a right to** [a] this **particular goat. Since I think I have a right, I** also **think I may prosecute my right by [to] coercive action. And you think the same**. So what can we do? **Perhaps** I have a gun and you do not, so I can simply take the goat away from you. However, there are two ways to understand my action. One is: I am using **unilateral force to take the goat away from you**. Such an action **would be [an] illegitimate, a use of violence which interferes with your freedom. I cannot regard my action as an enforcement of my right without acknowledging that you have rights too, which also must be enforced**. So if I am to claim that what I am doing is enforcing my right, I must understand my own action differently. The other way to understand the action is that I am forcing you to enter into political society with me. That gets us to the first step; the act of enforcing my right involves the establishment of a juridical condition (rechtlicher Zustand) between us and so establishes civil society. The second step, of course, is to settle the particular dispute in question in some lawful way.

#### Thus 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 public right – only reciprocal coercion is consistent with freedom.

Korsgaard 2: Christine M. Korsgaard “Taking the Law into Our Own Hands: Kant on the Right to Revolution” Oxford University Press. 2008

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 violat[e]ion 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 min**e [that is, can be **property] only in a civil society.** (MPJ 6:256) It is because the idea of the general will to the reciprocal enforcement of rights is implicit in any claim of right that Kant argues that **rights in the state of nature are only provisional**. They are provisional because this general **will has not yet been instituted by setting up a common authority to enforce everyone's rights. The act that institutes the general will is the social contract.** Kant concludes from this argument that when the time comes **to enforce your rights coercively, in the state of nature, the only legitimate way to do that is by joining in political society with those with whom you are in dispute**. In fact, you enforce your right by first forcing them to join in political society with you so that the dispute can be settled by reciprocal rather than unilateral coercion: If it must be de jure possible to have an external object as one's own, then the subject must also be allowed to compel everyone else with whom he comes into conflict over the question of whether such an object is his to enter, together with him, a society under a civil constitution. (MPJ 6:256)

#### Thus the standard is consistency with the omnilateral will.

### Contention – Sedition

#### Seditious speech violates freedom – revolution amounts to a contradiction, so speech supporting it is willing a world where there is no omnilateral will.

Varden: Helga Varden [Associate Professor of Philosophy, University of Illinois] “A Kantian Conception of Free Speech” Springer. 2010

To understand Kant’s condemnation of seditious speech, remember that Kant, as mentioned above, takes himself to have shown that **justice is impossible in the state of nature** or that there is no natural executive right. Since Kant considers himself to have successfully refuted any defense of the natural executive right, he takes himself also to have shown that **no one has the right to stay in the state of nature**. This, in turn, explains why **Kant** can and **does consider seditious speech a public crime. The intention behind seditious speech is not** merely **to** criticize the government or to **discuss theories of government** critically, say. In order **to qualify as seditious, the speaker’s inten[ds]**tion **must be to encourage and support efforts to subvert the government or to instigate** its **violent overthrow, namely revolution. To have such a right would be to have the right to destroy the state.** **Since the state is the means through which right is possible, such a right would involve having the right to annihilate right** (6: 320). That is, since right is impossible in the state of nature, **to have a right to subversion would be to have the right to replace right with might**. Since **the state is the only means through which right can replace might, the state outlaws it.** And since it is a crime that “endanger[s] the commonwealth” rather than citizens qua private citizens, it is a public crime (6: 331).

#### That negates – seditious speech is constitutionally protected.

JUSTIA Law: “Seditious Speech and Seditious Libel” <http://law.justia.com/constitution/us/amendment-01/41-seditious-speech.html> \*brackets in original

Seditious Speech and Seditious Libel.—Opposition to government through speech alone has been subject to punishment throughout much of history under laws proscribing “seditious” utterances. In this country, **the Sedition Act of 1798 made criminal, inter alia, malicious writings which defamed, brought into contempt or disrepute, or excited the hatred of the people against the Government, the President, or the Congress, or which stirred people to sedition.**966 **In New York Times Co. v. Sullivan,**967 **the Court surveyed the controversy surrounding the enactment and enforcement of the Sedition Act and concluded that** debate “first crystallized a national awareness of the central meaning of the First Amendment.... Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history .... [That history] reflect[s] a broad consensus that **the Act, because of the restraint it imposed upon criticism of government and public officials, was inconsistent with the First Amendment**.” The “central meaning” discerned by the Court, quoting Madison’s comment that in a republican government “the censorial power is in the people over the Government, and not in the Government over the people,” is that “[t]he right of free public discussion of the stewardship of public officials was thus, in Madison’s view, a fundamental principle of the American form of government.”

### Contention – Hate Speech

#### Hate speech negates.

Varden: Helga Varden [Associate Professor of Philosophy, University of Illinois] “A Kantian Conception of Free Speech” Springer. 2010

On the Kantian view I have been developing, **hate speech and speech amounting to harassment are not outlawed because they track private wrongdoing as such, but rather because they track the state’s historical and current**16 **inability to provide some group(s) of citizens with rightful conditions of interaction**. This type of public law tries to remedy the fact that some citizens have been and still are ‘more equal than others’. Hence, **if the state finds that it is still unable successfully to provide conditions under which protection and empowerment of its historically oppressed, and thus vulnerable, are secured, then it is within its rightful powers to legally regulate speech and harassment to improve its ability to do so. By putting its weight behind historically oppressed and vulnerable citizens, the state seeks to overcome the problems caused by its lack of recognition in the past and its current failure to provide conditions in which its citizens interact with respect for one as free and equal**. Therefore, whether or not any instance of speech actually achieves insult is inconsequential, for that is not the justification for the state’s right to outlaw it. Rather, laws regulating speech and harassment track the state’s systemic inability to provide rightful interaction for all of its citizens. Note that this argument does not, nor must it, determine which particular usages of hate speech and speech amounting to harassment should be banned. It only explains why **certain kinds and circumstances of speech and harassment can and should be outlawed and why public law, rather than private law, is the proper means for doing so**. Determining which types and how it should be banned is matter for public debate and reflection followed by public regulation on behalf of all citizens.

### Contention – Lies

#### Coercive speech and intentional lies undermine the state’s monopoly on force – that negates

Varden: Helga Varden [Associate Professor of Philosophy, University of Illinois] “A Kantian Conception of Free Speech” Springer. 2010 //BWSWJ

The refutation of a natural executive right also explains why Kant holds that public right covers speech amounting to a private crime, such as a serious contractual lie. An act of aggression, or coercion, against another person is also an attempt to undermine the state’s rightful monopoly on coercion. Hence all violent aggressions, including serious contractual lies, are crimes covered by public law – what we call ‘private crime laws’. They are not regulated by private law (6: 331).

#### Lies and false statements are protected – that’s the Supreme Court in New York Times v Sullivan ‘64

[Chief Justice Brennan, joined by Warren, Clark, Harlan, Stewart, White; the other 2 justices concurred; New York Times Co. v. Sullivan No. 39 SUPREME COURT OF THE UNITED STATES 376 U.S. 254 Argued January 6, 1964 Decided March 9, 1964 <http://www.bc.edu/bc_org/avp/cas/comm/free_speech/nytvsullivan.html> //BWSWJ]

That erroneous statement is inevitable in free debate, and that it must be protected if the freedoms of expression [272] are to have the "breathing space" that they "need . . . to survive," NAACP v. Button, 371 U.S. 415, 433, was also recognized by the Court of Appeals for the District of Columbia Circuit in Sweeney v. Patterson, 76 U.S.App.D.C. 23, 24, 128 F.2d 457, 458 (1942), cert. denied, 317 U.S. 678. Judge Edgerton spoke for a unanimous court which affirmed the dismissal of a Congressman's libel suit based upon a newspaper article charging him with anti-Semitism in opposing a judicial appointment. He said: Cases which impose liability for erroneous reports of the political conduct of officials reflect the obsolete doctrine that the governed must not criticize their governors. . . . The interest of the public here outweighs the interest of appellant or any other individual. The protection of the public requires not merely discussion, but information. Political conduct and views which some respectable people approve, and others condemn, are constantly imputed to Congressmen. Errors of fact, particularly in regard to a man's mental states and processes, are inevitable. . . . Whatever is added to the field of libel is taken from the field of free debate. [note 13]

### Contention – Blackmail

#### Blackmail stops the exercise of freedom – it should be banned.

Varden: Helga Varden [Associate Professor of Philosophy, University of Illinois] “A Kantian Conception of Free Speech” Springer. 2010 //BWSWJ

Finally, why is blackmail a matter of public right?17 As we have seen above, private right protects each person’s right to use his own means to pursue his ends. Moreover, we have seen that no one has a right to anyone else’s silence. Insofar as I have obtained knowledge about something by rightful means, including another person’s history, that knowledge belongs to me. And I can make available to others if I so choose.18 So why can’t I offer my silence with respect to another’s history in exchange for some material means, such as money? The reason why I do not have a right to blackmail is that this kind of silence falls within the public sphere, and with regard to this sphere, as we have seen, all citizens must be provided conditions in which they can interact as free, equal and independent. Instances of blackmail subvert these conditions because they result in one citizen becoming dependent upon another for the exercise of rightful freedom. Providing conditions of rightful interaction precludes that one person can set ends that aim to subject another person’s freedom to her choices in this way. Therefore, although I am permitted to make whatever truthful information I have about someone available to the public, perhaps by selling it to a newspaper or a magazine, I am not permitted to approach that person with an offer to exchange my silence (my means) for some of her means. To do so constitutes an attempt to force her into a private dependency relation with me, rather than to interact as free, equal and independent persons. Hence the state outlaws blackmail by means of public law. It is a public crime, since it endangers public right as such.

#### Blackmail is free speech – its not a violation of the first amendment

Block and Gordon 85 [Walter Block and David Gordon, Blackmail, Extortion and Free Speech: A Reply to Posner, Epstein, Nozick and Lindgren, 19 Loy. L.A. L. Rev. 37 (1985). Available at: h p://digitalcommons.lmu.edu/llr/vol19/iss1/4 //BWSWJ]]

As defined, blackmail should not be accorded the legal sanctions usually meted out in response to criminal behavior since it does not entail the violation of rights.' Rather, it consists of the offer of a commercial trade. The blackmailer will remain silent about the humiliating, embar- rassing or even criminal secret of the blackmailee, 9 accepting payment in return. If the offer to trade money for silence is rejected, the blackmailer will publicize the secret, which is part of [their] his rights of free speech. In these terms the distinction between extortion and blackmail may be made as follows: extortion utilizes a threat to do something illicit, such as commit murder, arson or kidnapping. The threat of blackmail is limited to what would otherwise be licit-commit an act of free speech. If a person has the right to do X, he necessarily has the right to give warning of the fact that he will do or may do X-that is, to threaten to do X. Blackmail is thus a noncriminal act.

### Contention – Private Speech

#### The government can limit private speech – nuisances are a violation of the state’s obligation to provide public spaces.

Ripstein 09 [Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009 //BWSWJ]

Blocking a road is a private appropriation of a public space. As such, it is objectionable even if it has no significant effects on anyone else. If I block only one lane of traffic, by parking illegally, others may still be able to get where they are going. Perhaps I have just slowed things down. If traffic is unusually light, maybe I haven’t even done that. Yet the state can still ticket or tow my car, because I have claimed the public space for private purposes. If I am ticketed, the fact that I caused no harm is irrelevant; the fact that I used the road in the wrong way is sufficient. In such cases, rather than a limitation imposed on one person for the convenience of others, the basic principle is one of mandatory coopera- tion: everyone has to do his or her part in the provision of the public right of way. The state is required to provide public rights of way; its obligation to do so authorizes it to decide how to do so. The obligation is not self-applying, and the public authority, acting on behalf of everyone, is en- titled to decide how to provide roads, and what terms of use to specify. The person who violates the terms of use—parking during rush hour, going the wrong way down a one-way street, or ignoring traffic lights— interferes with this mode of public provision. In this sort of situation, it makes sense to ask “What if everybody did that?” because the basic principle of public provision is that everyone has to do his or her share. Any bad effects are secondary. Kant’s eighteenth-century examples have the same structure. Kant’s first example is begging, an activity to which his opposition, both personal and political, is well known. As a struggling young scholar, Kant sold some of his books to make sure he would never depend on charity; as a more established professor, he never gave money to beggars, but when he passed one gave money to the community treasury.35 His argument for state support for the poor turns on the ways in which private charity in general, and begging in particular, subjects the needy to the private choice of people of means.36 The grounds for exercising the police power to control begging are different. The beggar doesn’t merely block the street by loitering. He actively seeks to draw passersby into his purposes—that is the whole point of what he is doing. Kant characterizes begging as “closely akin to robbery,”37 because of the manner in which the beggar demands something of passersby. A normal market interaction consists in one person offering an incentive to another, which the other then decides whether to take up. The only thing the beggar offers to do is to stop thrusting himself into the passerby’s affairs in return for a contribution. As a matter of private right, it is up to the passerby to decide whether to pay any attention to the beggar. As a matter of public right, however, the beggar does wrong by appropriating public space for private purposes. Again, stenches become a public problem when they invade public spaces. If everybody emptied slop buckets into the street, the streets would be either impassable or passable only with extreme effort. The person who does it has failed to do her share in keeping the streets passable, even if there is no reason to think that others will fail to do their part, and so no actual blockage is created in the particular case. The slop dumper claims a prerogative that others could not all claim. Slop buckets are a thing of the past, but the same point applies to littering and pollution. Kant’s example of noisy crowds also fits this model. Noisy neighbors are a private nuisance; noisy crowds in public spaces, a public one. These examples all occur in public spaces. Their universal practice would make those spaces unavailable to the public, or impede public use of the space. Either way, violators “offend the sense of decorum as negative taste” because they claim more of the public space for themselves than anyone is entitled to claim, and so preclude the possibility of every- one’s doing his or her fair share.38 A public nuisance stops you from en-joying your privilege as a member of the public to access public spaces without having anyone else draw you into his or her private purposes. The fact that I do not like or approve of what you do in public plays no part in the analysis, no matter how upsetting I might find your conduct. The Kantian analysis also explains the familiar idea that public speech is largely exempt from the police power, even when people find the speech inconvenient or troubling, and the related thought that a political rally is not the same as a crowd of carousers. Political speech is addressed to members of the public as such and, as we saw in Chapter 7, is a fundamental aspect of public right because it is the tool through which the state can bring itself more nearly into conformity with concepts of right in a way that is not itself inconsistent with those concepts.39 In cases in which speech is public and political in this way, the only police restrictions that apply automatically are the familiar neutral limits on time, place, and manner, that is, ones that stop speech from interfering with the use of public spaces. The distinction between activities that interfere with public spaces and those that offend does not on its own give much guidance about how to apply it to particulars. As a result, it provides no conceptual guarantee that officials will not be inappropriately selective in identifying interferences. It is not a simple or mechanical matter to draw a line between the apparently public purpose of speaking in your own name and a private purpose of drawing another into a private transaction. Some examples are clear: advocating for a change in government policy is public; trying to sell someone a watch or convince him to give you a gift is private. Be- cause the Kantian approach focuses on rational concepts, it provides the conceptual framework within which cases need to be classified, but does not classify them. Given the role of public discourse in enabling the state to perfect itself, there is a structural pressure to err in the direction of classifying things as public. Most examples are mixed; a homeless camp setup in a public park both occupies public space for a private purpose and at the same time seeks to remind members of the public of a situation that they might prefer to forget about. Volunteers soliciting for a charity both ask for money and address passersby about matters of public concern. A department store–sponsored holiday parade is both a commercial ven- ture and a cultural event. These examples show that pure cases of private speech are comparatively rare, and that most speech has a public dimen- sion. That said, the point of the Kantian analysis is to explain how the state is entitled, as a matter of right, to restrict private speech and action insofar as it interferes with the ability of members of the public to use public spaces.

## Extras

### Truth testing ROB

#### The role of the ballot is to vote for the debater who best demonstrates the truth or falsity of the resolution. Theory functions as a side constraint. Prefer:

#### 1. Textuality – to negate means “**to deny the** existence or **truth of**” which indicates a) truth testing is the only paradigm the judge has jurisdiction to evaluate since to say “I negate the resolution” only makes sense if you voted for a debater who proved the res false, b) my interp is most predictable – there are a near infinite number of role of the ballots– mine is literally the definition of the neg’s burden so it’s most predictable.

#### 2. Philosophical education – my paradigm definitionally increase phi led since it’s an evaluation of philosophical principles back to the resolution – outweighs other types of education – a) unique to ld – your impacts can be garnered via other forums like policy debate but phil ed is an aspect only found in ld, and b) it’s most real word applicable – most of us won’t become policymakers but we all apply philosophical principles in our daily lives.

### Kant good for oppression

#### Kant’s philosophy meant even he began to excise his racist commitments by dwelling on the conclusions of his own philosophy.

Kleingeld 7: Pauline Kleingeld (Professor at the University of Groningen). “KANT’S SECOND THOUGHTS ON RACE.” Philosophical Quarterly. 2007. [JDN. http://www.rug.nl/staff/pauline.kleingeld/kleingeld-kant-on-race-pq.pdf](http://www.rug.nl/staff/pauline.kleingeld/kleingeld-kant-on-race-pq.pdf)

**Kant radically revised his views on race during the 1790s.** He gives no indication of when or why he changed his views. **He makes no mention of a racial hierarchy anywhere in his published writings of the 1790s**, however, **and** what he does say about related issues **contradicts his earlier views on a racial hierarchy** and a plan of Nature designed to restrict human migration (after their initial dispersal across the globe). I ﬁrst discuss evidence for the thesis that Kant dropped his hierarchical view of the races, and then turn to the status of the concept of race as such in his later work. **In Toward Perpetual Peace and the Metaphysics of Morals, Kant clearly departs from his earlier position in a number of ways. First of all, he becomes more egalitarian with regard to race.**28 **He now grants a full juridical status to non-whites, a status irreconcilable with his earlier defence of slavery. For example, his concept of cosmopolitan right**, as introduced in Toward Perpetual Peace (: ), **explicitly prohibits the colonial conquest of foreign lands:** If one compares with this [viz the idea of cosmopolitan right] the inhospitable behaviour of the civilized states in our part of the world, especially the commercial ones, the injustice that the latter show when visiting foreign lands and peoples (which to them is one and the same as conquering those lands and peoples) takes on terrifying propor- tions. America, the negro countries, the Spice Islands, the Cape, etc., were at the time of their discovery lands that they regarded as belonging to no one, for the native inhabitants counted as nothing to them. **Any European settlement requires contractual agreement with the existing population**, says Kant, unless the settlement takes place so far from other people that there is no encroachment on anyone’s use of land. In the section on cosmopolitan right in the Metaphysics of Morals, **Kant speciﬁcally stipulates that such a contract should not take advantage of the ignorance of the inhabitants with regard to the terms of the contract** (MM : ), a stipulation which presupposes a concern not found in the 1780s texts. The very fact that Kant regards Native Americans, Africans and Asians as (equally) capable of signing contracts, and as persons whose interests and claims present a normative constraint on the behaviour of European powers, indicates a shift in perspective. After all, as long as Kant regarded slavery as appropriate for Native Americans and Africans, he did not con- sider their consent to be important at all. **The same can be said about the fact that he now defends hunting** and shepherding **peoples against en- croachment by Europeans, instead of highlighting their failure to develop agriculture** as he did earlier. **In the Metaphysics of Morals, Kant rejects con- sequentialist justiﬁcations for colonialism (the alleged ‘civilizing’ eﬀects on the ‘savages’)** (MM : ). He also rejects the argument that the European colonists are justiﬁed in claiming ownership over foreign lands and their inhabitants by the fact they ‘establish a new civil union with them and bring these human beings (savages) into a rightful condition’. Instead, Kant main- tains that the latter have the right of ﬁrst possession, and that this right is violated by the European ownership claims (MM : ). Importantly, **Kant has now become unambiguously opposed to chattel slavery.** Robert Bernasconi has claimed that Kant was ‘silent on the slave trade in Africans’ and ‘failed to speak out against chattel slavery’, and that he is ‘aware of no direct statement by Kant calling for the abolition of either African slavery or the slave trade, even if only in principle’.29 Such state- ments do exist, however. In his notes for Toward Perpetual Peace (–), **Kant repeatedly and explicitly criticizes slavery of non-Europeans in the strongest terms, as a grave violation of cosmopolitan right** (: –). **He formulates a scathing critique[s] of the conduct of European powers elsewhere in the world. He sharply criticizes ‘the civilized countries bordering the seas’, whom he accuses of recognizing no normative constraints in their behaviour towards people on other continents** and of regarding the ‘possess- ions and even the person of the stranger as a loot given to them by Nature’. **Kant censures the slave trade** (‘trade in Negroes’), not as an excessive form of an otherwise acceptable institution, but **as in itself a ‘violation’ of the cosmopolitan right of blacks** (: ). Similarly, he criticizes the fact that the inhabitants of America were treated as objects belonging to no one, and ‘were displaced or enslaved’ soon after Europeans reached the continent (: –). After having discussed European behaviour in Africa, America and Asia, he concludes (: ): The principles underlying the supposed lawfulness of appropriating newly discovered and purportedly barbaric or irreligious lands, as goods belonging to no one, without the consent of the inhabitants and even subjugating them as well, are absolutely contrary to cosmopolitan right. In the published version of Toward Perpetual Peace, Kant repeats this judge- ment. He criticizes the ‘very most gruesome and most calculated slavery’30 on the Sugar Islands (PP : ). In the Metaphysics of Morals too (MM : , , ), he categorically and repeatedly condemns chattel slavery.31

#### Abstraction is key to stopping oppression. WOOD[[1]](#footnote-1):

There is no plausibility at all, for example, in the suggestion that such Kantian **principles as** human **equality**, rationalism, **universalism**, and cosmopolitanism **are [not]** in their content **favorable to racism**, sexism, **or** other forms of **oppression**, and such a thesis needs only to be stated explicitly to discredit itself. But this highly implausible thesis may be put forward by implication if it can be associated with the quite distinct but correct point that *even* a cosmopolitan and universalistic ethical theory, such as Kant’s, can be combined with racist or male-supremacist views in its application. It is also true that **[these principles]** egalitarianism, rationalism, universalism, and cosmopolitanism **are** especially **liable to rhetorical** **abuse** by those who advocate policies in direct violation of them, because subscribing to the correct principles at an abstract level is often enough a shabby ploy used to protect contrary policies from criticism. **The thought that this point has any *philosophical* significance**, however, **rests on an error** of abysmal proportions **about philosophy** and its relation to human practices. **If someone thinks there is a** philosophical **theory** of morality **whose uncritical adoption** and mechanical application **would** suffice to **protect us from evil,** then **that person is looking for something that could never exist. The correct standard for an ethic**al theory **is whether it** gets things **right at the level of basic** principles and **values, not whether it contains some** **magical property that protects us**, in the application of the theory, **from every perversion** or abuse through the influence of tradition and prejudice or the infinite human ingenuity of rationalization. **All theories are** about **equally subject to such abuse**, and no theory is immune to it. In fact, if we **[To] think** that the adoption of **a certain philosoph**ical theory, or a certain set of religious dogmas, **will protect us from all** **moral error**, that way of thinking itself **is** extremely dangerous, quite irrespective of the content of the theory or dogma with which we associate it. That thought itself is actually **responsible for** a lot of **the evil** that **people do.**

#### Abstraction is good, can be combined with embodiment, and is a pre-req to their offense

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. JDN.

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.**

## More Cards

#### Willing revolution is not universalizable – the right to seditious speech is contradictory and should be limited

Smith 16 [George H. Smith (George H. Smith was formerly Senior Research Fellow for the Institute for Humane Studies, a lecturer on American History for Cato Summer Seminars, and Executive Editor of Knowledge Products. Smith's fourth book, The System of Liberty, was recently published by Cambridge University Press.); MAY 23, 2016; “Immanuel Kant on Our Duty to Obey Government”; < <https://www.libertarianism.org/columns/immanuel-kant-our-duty-obey-government>> //BWSWJ]

2 Kant appeals to his Categorical Imperative—which demands that all moral principles be universalizable—to support his opposition to the rights of resistance and revolution. Government, whose primary purpose is to secure individual rights by enacting and enforcing objective laws, must be “unopposable.” This means that a government may rightfully suppress “all internal resistance” (including seditious speech) “for such resistance would have to derive from a maxim that, if made universal, would destroy all civil constitutions, thus annihilating the only state in which men can possess rights.” The unacceptable maxim that Kant had in mind, which was also invoked by Jeremy Bentham and other liberals who opposed the rights of resistance and revolution, may be summarized as follows: If I claim a right forcibly to resist a law that I regard as unjust, then I must be willing, per the Categorical Imperative, to grant the same right to everyone else. According to the universal maxim implicit in the rights of resistance and revolution, therefore, every individual would have the right to disobey and ultimately to resist any law that he or she personally regards as unjust or oppressive. But this maxim would contradict the very foundation of political sovereignty, according to which only the sovereign has the right to render final, binding, and enforceable decisions about when force is appropriate in particular situations. Here is how Kant put this point:

1. Kantian Ethics ALLEN W. WOOD Stanford University [↑](#footnote-ref-1)