# JF23 -- Kant NC

#### The meta-ethic is constitutivism.

#### First, value theory – the existence of extrinsic goodness requires unconditional human worth.

Korsgaard (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS \*bracketed for gen lang\* //rct st

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, he or she [they] supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Second, regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### If we are all reasoners, the a priori principles that apply to me must also apply to you since they are binding – it makes no sense to say 2+2 is 4 for me but not for you. That justifies a universal ethic based on respecting freedoms.

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

#### States have a right to self-determination because their members are autonomous and have control over their political dominions – while open borders may not directly violate the rights of a states’ constituents, they violate the right to choose. For example, if two parents send their child to school with a cheeseburger, if a teacher replaces it with a vegetarian meal, it would violate the parents’ right to legislate even A) if their own autonomies weren’t violated B) the vegetarian meal was healthier

#### Self-determination requires free association, including the right to exclude.

Wellman (Christopher Heath Wellman, Christopher “Kit” Heath Wellman is an American philosopher. He teaches at Washington University in St. Louis, where he is also dean of academic planning for Arts & Sciences., No Date, accessed on 1-8-2023, Notre Dame Philosophical Reviews, "Debating the Ethics of Immigration: Is There a Right to Exclude?", https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/) //phs st

Having defended the political self-determination of legitimate states, I must now show that freedom of association is a crucial element of self-determination, and that its value stems in large measure from the right to not associate with others. Perhaps the best way to make this point is to consider what life would be like if one were denied freedom of association. Imagine a stark case in which one’s familial relations were determined at the discretion of one’s government. Suppose, for in- stance, that a governmental agency were empowered to decide not only who would marry and who would remain single, but who would get married to whom, whether or not various couples would get divorced (and after what duration of marriage), and which children would be assigned to be raised by whom. Thus, this agency might tell Jennifer that she is to remain unmarried and raise five children who will be assigned to her; it may tell Jill and Jack that they are to be married for the duration of their lives but may not raise any children (any children borne by Jill would be reassigned to others of the govern- ment’s choosing); and it might tell John and Joe that they are to be married for twelve years before divorcing and remaining single and childless for the remainder of their lives.

Now, these governmental prescriptions may lead to the best possible lives for Jennifer, Jill, Jack, John, Joe, and the five children involved, but it is also possible (to put it mildly) that they may not. Indeed, these associative requirements could leave everyone disastrously unhappy. What if Jennifer does not want to raise children (or at least does not want to raise five biologically unrelated children as a single parent) but instead would prefer to be married to John, with whom she shares a requited love? And, speaking of John, what if he is heterosexual and would prefer a union with Jennifer, whom he loves? And what if Jack is homosexual and would prefer to be married to Joe, who loves him in return? And perhaps Jill would like to remain single and without children for her entire life, so that she can dedicate all of her time and energy to reflecting on the morality of immigration. Whatever one thinks of the prospects that a governmental agency could do a good job of designing appropriate familial associa- tions for its constituents, one thing is clear: the lives of the citizens in this society would not be self-determined. Self-determination involves being the author of one’s own life, and these individuals’ lives clearly have vital parts of their scripts written by the government rather than auto- biographically, as it were.

I suspect that readers will be aghast at this imaginary society. If so, it is because they share the widespread con- viction that each of us enjoys a privileged position of moral dominion over our self-regarding affairs, a position which entitles us to freedom of association. And notice: familial freedom of association does not merely involve the right to get married. One is fully self-determining only if one may choose whether or not to marry a second party who would have one as a partner, whether or not to raise children with this partner, and whether to stay married to this partner. And crucially, one must not only be permitted to join with a willing partner, a potential partner must not be allowed to associate with you unless you too are willing. In other words, one must have the discretion to reject the proposal of any given suitor and even to remain single indefinitely if one so chooses. As David Gauthier explains, “I may have the right to choose the woman of my choice who also chooses me, but not the woman of my choice who rejects me.”5 Thus, it seems clear that part of what makes freedom of association so important is that it necessarily includes the discretion to reject a potential association. Stuart White captures this point nicely:

Freedom of association is widely seen as one of those basic freedoms which is fundamental to a genuinely free society. With the freedom to associate, however, there comes the freedom to refuse association. When a group of people get together to form an association of some kind (e.g., a reli- gious association, a trade union, a sports club), they will frequently wish to exclude some people from joining their association. What makes it their association, serving their purposes, is that they can exercise this “right to exclude.”6

#### Immigration forces people to associate – political states are no different from a club; just like how Harvard doesn’t have to accept me just because I’m a good student since they are self-determining, states can reject others on any basis.

Wellman 2 (Christopher Heath Wellman, Christopher “Kit” Heath Wellman is an American philosopher. He teaches at Washington University in St. Louis, where he is also dean of academic planning for Arts & Sciences., No Date, accessed on 1-8-2023, Notre Dame Philosophical Reviews, "Debating the Ethics of Immigration: Is There a Right to Exclude?", https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/) //phs st

In response to the first worry, it admittedly seems clear that freedom of association is profoundly more important in intimate relations. Notice, for instance, that while I expected readers to be aghast at my hypothetical society in which a governmental agency determines whether, to whom, and for how long one would be mar- ried (and whether, for how long, and which particular children one would raise), readers would no doubt be less taken aback at the thought of a political society in which citizens had no control over immigration. Acknowledging this is unproblematic, however, since it amounts to con- ceding only that rights to freedom of association are more valuable in intimate contexts, not that they do not exist elsewhere. At most, then, this objection highlights only that it may require more to defeat the presumptive right in intimate contexts.

Second, notice that there are many nonintimate associ- ations where we rightly value freedom of association very highly. Religious associations in which people attend to mat- ters of conscience and political groups through which mem- bers express themselves can often be large and impersonal, and yet the Supreme Court has for understandable reasons been extremely reluctant to restrict their associative rights. (And theorists like Kateb still criticize the Court for system- atically failing to appreciate that freedom of association is in all contexts a fundamental right.)

Third and finally, it is worth spelling out why, despite the admitted lack of intimacy, freedom of association remains so important for political states. To see this, it may be helpful to begin by noting why even members of relatively insignificant associations like golf clubs are so concerned about their control over potential members. These mem- bers typically care about their club’s membership rules for at least two sets of reasons. First and most obviously, the size of the club can dramatically affect the experience of being a member. In the case of a private golf club, for in- stance, some may want a larger number of members, so that each individual will be required to pay less in dues, while others might well be against including new members for fear that the increased number of golfers will result in decreased access to, and more wear and tear on, the golf course. In short, whereas some will be chiefly concerned to cut costs, others will be happy to pay higher fees for a more exclusive golfing experience. Second and perhaps less obvi- ously, members will care about the rules of membership because all new members will subsequently have a say in how the club is organized. In other words, caring about the first set of issues concerning the experience of being a club member gives one reason to care about the rules for admit- ting new members, because, once admitted, new members will typically have a say in determining the future course of the club.

And if the reasons to concern oneself with the member- ship rules of one’s golf club are straightforward, there is nothing curious about people caring so much about the rules governing who may enter their political communities, even though a citizen will typically never meet, let alone have anything approaching intimate relations with, the vast majority of her compatriots. Indeed, there are a number of obvious reasons why citizens would care deeply about how many and which type of immigrants can enter their country. Even if we put to one side all concerns about the state’s culture, economy, and political functioning, for in- stance, people’s lives are obviously affected by substantial changes in population density, so it seems only natural that citizens who like higher population density would welcome huge numbers of immigrants, while those with contrary tastes would prefer a more exclusive policy. And in the real world, of course, a substantial influx of foreigners will almost invariably also affect the host state’s cultural make-up, the way its economy functions, and/or how its political system operates. And let me be clear: I am not assuming that all of these changes will necessarily be for the worse. More minimally, I am emphasizing only that citizens will often care deeply about their country’s culture, economy, and political arrangements, and thus, depending on their particular preferences, may well seek more or fewer immigrants, or perhaps more or fewer immigrants of a given linguistic, cultural, economic, and/or political profile. In the case of Mexican immigrants into the United States, for instance, it is not the least bit surprising that some favor a more open policy, while others lobby for the government to heighten its efforts to stem what they regard as a “flood” of unwelcome newcomers. Without taking a stand on this particular controversy, I wish here to stress only the obvious point that, even with large anonymous groups like contem- porary bureaucratic states, the numbers and types of con- stituents have an obvious and direct effect on what it is like to be a member of these groups. Thus, unless one questions why anyone would care about their experience as citizens, there is no reason to doubt that we should be so concerned about our country’s immigration policy. What is more, as in the case of golf clubs, the crucial point is that—whether one interacts personally with them or not—one’s fellow cit- izens all play roles in charting the course that one’s country takes. And since a country’s immigration policy determines who has the opportunity to join the current citizens in shaping the country’s future, this policy will matter enor- mously to any citizen who cares what course her political community will take.

This connection between a group’s membership and its future direction underscores why freedom of association is such an integral component of self-determination. No collective can be fully self-determining without enjoy- ing freedom of association because, when the members of a group can change, an essential part of group self- determination is exercising control over what the “self” is. To appreciate this point, consider again the controversy over Mexican immigration into the United States. It is not merely that large numbers of these immigrants would almost certainly change the culture of those areas where they tend to relocate en masse, it is also that (if legally admitted and given the standard voting rights of citizenship) these new members will help determine future laws in the United States, including its immigration policy toward other potential immigrants from Mexico (and elsewhere). Thus, if I am right that legitimate political states are enti- tled to political self-determination, there appears to be every reason to conclude that this privileged position of sovereignty includes a weighty presumptive right to free- dom of association, a right which entitles these states to include or exclude foreigners as they see fit.