**Philosophy Master Toolbox**

[Terminology Guide 10](#_Toc474436190)

[A2 Act/Omission Distinction 11](#_Toc474436191)

[Omissions Are Willed Inaction 12](#_Toc474436192)

[Leads to Contradictions 13](#_Toc474436193)

[Same card, cut differently 13](#_Toc474436194)

[No distinction for governments 14](#_Toc474436195)

[No distinction under harm principle 15](#_Toc474436196)

[No Distinction Because of Responsibility 16](#_Toc474436197)

[Allows actors to avoid guilt from negligence 17](#_Toc474436198)

[Distinctions between acts/omissions are a result of psychological biases 18](#_Toc474436199)

[Less Noticeable 18](#_Toc474436200)

[Differences in Intention 18](#_Toc474436201)

[Short Analytics 19](#_Toc474436202)

[YES ACT/OMISSION DISTINCTION 20](#_Toc474436203)

[Distinction Reflects that Individual Actors are Worse, Key to Individual Liberty 21](#_Toc474436204)

[Bennett’s Rule to Distinguish Acts vs Omissions (outcome was one of few vs one of many actions that could have caused the same outcome) 22](#_Toc474436205)

[A2 Agent-Neutral Theories (General) 23](#_Toc474436206)

[Agent-External Value Argument 24](#_Toc474436207)

[Nature of human experience is agent-relative – example of pain 25](#_Toc474436208)

[A2 Ayn Rand’s Objectivism / Egoism 26](#_Toc474436209)

[Rand’s objectivism is flawed for three reasons [1/2] 26](#_Toc474436210)

[A2 Benatar 27](#_Toc474436211)

[Asymmetries Fail 28](#_Toc474436212)

[A2 Analogy of Sick People 29](#_Toc474436213)

[Begs the question 30](#_Toc474436214)

[A2 Bostrom 31](#_Toc474436215)

[Analytics 32](#_Toc474436216)

[A2 Bostrom Justifies Utilitarianism 33](#_Toc474436217)

[Bostrum Is Against Aggregation 34](#_Toc474436218)

[A2 Cognitivism 35](#_Toc474436219)

[Descriptivity Bad (Timmons) 36](#_Toc474436220)

[Open Question Argument (Ridge/Moore) 37](#_Toc474436221)

[Hume’s Law 38](#_Toc474436222)

[Better Explains Disagreement 39](#_Toc474436223)

[Prefer Non-Cognitivism (Analytical Weighing) 40](#_Toc474436224)

[A2 Noncognitivism 41](#_Toc474436225)

[Moral Statements are Truth-apt (Sayre-McCord) 42](#_Toc474436226)

[Embedding Problem for Non-cognitivism 43](#_Toc474436227)

[Embedding Problem for Non-cognitivism (Alternate card – might be better) 44](#_Toc474436228)

[Non-cognitivism devolves to cognitivism. 45](#_Toc474436229)

[Cognitivism best explains our psychological accounts of moral language 46](#_Toc474436230)

[Cognitivist argumentative norms metaethic 47](#_Toc474436231)

[A2 Open Question Argument 48](#_Toc474436232)

[A2 Incompatible With Moral Statements/Everything is Permissible/Skep 49](#_Toc474436233)

[Emotional Judgments Result in Beliefs – Don’t Depend on Moral Facts 50](#_Toc474436234)

[Assertions Don’t Simply Express Emotions 51](#_Toc474436235)

[A2 Coherentism 52](#_Toc474436236)

[Can’t Justify Conclusions 53](#_Toc474436237)

[Out of touch with the world 54](#_Toc474436238)

[Fiction can still be coherent 55](#_Toc474436239)

[Conflicting coherent norms 55](#_Toc474436240)

[A2 Command-Based Morality 56](#_Toc474436241)

[Command-based accounts fail – ought-ought gap 57](#_Toc474436242)

[Threatens regress and subordinates agency 58](#_Toc474436243)

[A2 Communitarianism 59](#_Toc474436244)

[Community Doesn’t Allow Us to Choose Moral Norms 60](#_Toc474436245)

[Universality Good 61](#_Toc474436246)

[Prevents People From Thinking for Themselves 62](#_Toc474436247)

[Analytic – Other Moral Theory Key to Tell If the Community is Good 63](#_Toc474436248)

[A2 Constitutivism (Katsafanas, Korsgaard, Velleman, etc.) 64](#_Toc474436249)

[Doesn’t Ground Normativity (Why Be Moral?) (Also A2 Velleman Consistency) 65](#_Toc474436250)

[Frontline to Schmagency – A2 All Humans Are Agents Because They Take Actions 66](#_Toc474436251)

[A2 Self-vindicating 67](#_Toc474436252)

[A2 Velleman Chess – Don’t Have a Reason to Checkmate 68](#_Toc474436253)

[A2 “Can’t stop being an agent” 69](#_Toc474436254)

[A2 Step Back from Desires (A2 Rosati) 70](#_Toc474436255)

[A2 Katsafanas/Nietzschean Drives 71](#_Toc474436256)

[A2 Korsgaard Moral Principles Constitutive of Agency 72](#_Toc474436257)

[Doesn’t Explain Defective Action 72](#_Toc474436258)

[Imperativalism - Can’t Violate Moral Principles 73](#_Toc474436259)

[Contractarianism Good 74](#_Toc474436260)

[Basic Gauthier Card 75](#_Toc474436261)

[Establishes rationality of compliance to moral principles / Internally Motivated 76](#_Toc474436262)

[Rationality of Compliance with Morality is Important – Contracts Do This 77](#_Toc474436263)

[Gives Clear Account of Procedure to Arrive at Moral Rules – Answers the Skeptic 78](#_Toc474436264)

[Does Not Make Any Unwarranted Metaphysical Presuppositions 79](#_Toc474436265)

[Allows for a naturalistic understanding of morality 80](#_Toc474436266)

[Only non-circular origin for morality 81](#_Toc474436267)

[A2 Devolves into util 82](#_Toc474436268)

[Individual Preference, Not Pure Aggregation 82](#_Toc474436269)

[A2 Hampton “Unintuitive Conclusions” 83](#_Toc474436270)

[A2 Contractarianism 84](#_Toc474436271)

[Can’t Determine Others’ Desires 85](#_Toc474436272)

[Agreements fail because it could be rational to lie 86](#_Toc474436273)

[Contractors Trying to Predict Each Others’ Choice 🡪 No Agreement 87](#_Toc474436274)

[Can’t Account for Pure Conflicts 88](#_Toc474436275)

[Skewed Bargains Can’t Generate Impartial Moral Conclusions 89](#_Toc474436276)

[Self-Interest Separate From Moral Obligations 90](#_Toc474436277)

[A2 CONTRACTARIANISM 91](#_Toc474436278)

[(GAUTHIER-SPECIFIC) 91](#_Toc474436279)

[Can’t distinguish between constrained and straightforward maximizers 92](#_Toc474436280)

[Self Interest is Not Always Rational 93](#_Toc474436281)

[Rational Disposition Doesn’t Make Rational Acts 94](#_Toc474436282)

[Rational Disposition Doesn’t Make Rational Acts [alternate card] 95](#_Toc474436283)

[Rational Disposition Doesn’t Make Rational Acts [2nd alternate card] 96](#_Toc474436284)

[A2 “Accept Contractarianism because it is Rational to Accept It” 97](#_Toc474436285)

[Conflates Epistemic And Practical Rationality 97](#_Toc474436286)

[Belief in Contractarianism Being In Your Self-Interests Doesn’t Make it True 98](#_Toc474436287)

[Can’t acquire disposition to keep contracts b/c no one guaranteed to keep promises 99](#_Toc474436288)

[A2 No Objective Interests / Rational Preferences Double Bind 100](#_Toc474436289)

[Can’t Deduce Moral Rules, Ignores Real World 101](#_Toc474436290)

[FL For Real World - A2 Worst Case Scenario 102](#_Toc474436291)

[A2 Contractualism 103](#_Toc474436292)

[Devolves into consequentialism [specification] 103](#_Toc474436293)

[Devolves into consequentialism [complaint model] 104](#_Toc474436294)

[Devoles into Kantian Consequentialism 104](#_Toc474436295)

[Can’t Guide Action – All Acts Wrong 106](#_Toc474436296)

[No wrong acts 107](#_Toc474436297)

[Circular 108](#_Toc474436298)

[All Principles Can be Rejected [specific to beneficence] 109](#_Toc474436299)

[Analytics – Fast Answers to Contractualism 110](#_Toc474436300)

[A2 Cummiskey 111](#_Toc474436301)

[A2 Generic Cummiskey Card 112](#_Toc474436302)

[A2 “Must promote rationality because it is an objective end” 113](#_Toc474436303)

[A2 “Indirect Proof Of Consequentialism” 114](#_Toc474436304)

[A2 Democratic Proceduralism/Polls 115](#_Toc474436305)

[Still Concerned with Substantive Threats 116](#_Toc474436306)

[Substantive Action 117](#_Toc474436307)

[Can’t Make Democracy out of Democracy 118](#_Toc474436308)

[A2 Deontology (Generic) 119](#_Toc474436309)

[Dump of Problems [1/2] 120](#_Toc474436310)

[Dump of Problems [2/2] 121](#_Toc474436311)

[Must go for Deon – THEORY 122](#_Toc474436312)

[Does not Apply to States 123](#_Toc474436313)

[Kantian Consequentialism Respects Rationality Better 124](#_Toc474436314)

[Cannot Evaluate Acts Without Looking at Intention 125](#_Toc474436315)

[A2 Determinism 126](#_Toc474436316)

[Determinism Incoherent [C.S. Lewis] 127](#_Toc474436317)

[A2 Readiness Potential/Libet [Mele] 128](#_Toc474436318)

[Compatibilism True 129](#_Toc474436319)

[Hypotheticals Necessary 130](#_Toc474436320)

[A2 Fatalism 131](#_Toc474436321)

[A2 Illusions – Phantom Limbs, Mistaken Actions, Joystick Arg 132](#_Toc474436322)

[A2 Schrodinger Equation 133](#_Toc474436323)

[A2 Doctrine of Double Effect 134](#_Toc474436324)

[A2 Egoism 135](#_Toc474436325)

[Reductionism Disproves – No Personal Identity 136](#_Toc474436326)

[Not externally justified – no pre-existing reasons 137](#_Toc474436327)

[Egoism is Non-falsifiable 138](#_Toc474436328)

[A2 Cartesian Ego Justifies Egoism 139](#_Toc474436329)

[A2 Engstrom 140](#_Toc474436330)

[A2 Killing one to save many leads to a contradiction in the will 140](#_Toc474436331)

[A2 EMOTIVISM 141](#_Toc474436332)

[Implied Error Problem in Emotivism 142](#_Toc474436333)

[Moral Statements not Simply Emotive 143](#_Toc474436334)

[Too Limited for Human Experience 144](#_Toc474436335)

[A2 EPISTEMOLOGY 145](#_Toc474436336)

[A2 ERROR THEORY 146](#_Toc474436337)

[A2 “Absolute authority 🡪 truth functions” 147](#_Toc474436338)

[A2 moral linguistics are non-relative 148](#_Toc474436339)

[A2 We judge people categorically 149](#_Toc474436340)

[Naturalism Delink (Only If Running Naturalism) 150](#_Toc474436341)

[A2 Ethics of Care 151](#_Toc474436342)

[A2 Ethics of Care Dump [1/3] 152](#_Toc474436343)

[A2 Ethics of Care Dump [2/3] 153](#_Toc474436344)

[A2 Ethics of Care Dump [3/3] 154](#_Toc474436346)

[A2 Existentialism 155](#_Toc474436347)

[Justifies self defense / minimizing oppression / freedom 155](#_Toc474436348)

[Existentialism 🡪 deontology 156](#_Toc474436349)

[A2 EXPRESSIVISM 157](#_Toc474436350)

[Frege-Geach Embedding Problem 158](#_Toc474436351)

[Moral Disagreement Problem (Short) / A2 “Plans for Action” 159](#_Toc474436352)

[Moral Disagreement Problem (Long) / A2 Rationality Through Expressivism 160](#_Toc474436353)

[Rationality doesn’t resolve moral disagreement in expressivism. 160](#_Toc474436354)

[Gibbard admits that he only mimics truth 161](#_Toc474436355)

[A2 Gibbard’s Naturalist Rationality 162](#_Toc474436356)

[A2 Normative Governance (Double Bind) 163](#_Toc474436357)

[A2 Attitudes Don’t Have Truth-Conditions (A2 Locke) 164](#_Toc474436358)

[A2 Commands Don’t Have Truth-Conditions 165](#_Toc474436359)

[A2 Frankfurt 166](#_Toc474436360)

[A2 2nd-Order Volition 🡪 False; Consistency is the real goal [1/2] 167](#_Toc474436361)

[A2 2nd-Order Volitions – Infinitely Regressive [2/2] 168](#_Toc474436362)

[A2 Forgiveness (Derrida) 169](#_Toc474436363)

[A2 God Arguments 170](#_Toc474436364)

[A2 RIGHT BECAUSE GOD COMMANDS IT 171](#_Toc474436365)

[A2 SELF-EXPLANATORY BEING 172](#_Toc474436366)

[A2 GOOD = GOD 173](#_Toc474436367)

[A2 COSMOLOGICAL ARGUMENT 174](#_Toc474436368)

[A2 UNIVERSE ISN’T INFINITE 175](#_Toc474436369)

[A2 “If no God then everything permissible” 175](#_Toc474436370)

[Can’t explain God’s goodness. 177](#_Toc474436371)

[Arbitrary 178](#_Toc474436372)

[Doesn’t Account for Normative Importance of Obligations 179](#_Toc474436373)

[God Doesn’t Exist 180](#_Toc474436374)

[A2 God Analytics 181](#_Toc474436375)

[(1) Euthyphro Dilemma: 181](#_Toc474436376)

[(2) No Firsthand Experience: 181](#_Toc474436377)

[(3) God said He gave us moral codes that were systematically wrong. 181](#_Toc474436378)

[The Bible is clearly not the word of God 182](#_Toc474436379)

[A. It requires unjust punishment 182](#_Toc474436380)

[B. It contains contradictions, which God would never believe. 182](#_Toc474436381)

[C. They debated on Saturday, which is a sin. 183](#_Toc474436382)

[A2 HASNAS 184](#_Toc474436383)

[Hasnas Is A Kantian 185](#_Toc474436384)

[A2 Politicians Aren’t Trained In Philosophy [multiple answers] 186](#_Toc474436385)

[A2 Hegel (General Will) 187](#_Toc474436386)

[Obligates Individuals In Spite of Imperfect Institutions 187](#_Toc474436387)

[Doesn’t Resolve Conflicting General Wills 187](#_Toc474436388)

[A2 Inescapability Arguments 188](#_Toc474436389)

[Concepts can be questioned using assumptions from the concepts themselves. 188](#_Toc474436390)

[Skewed by Emotion 189](#_Toc474436391)

[Skewed by Framing of Moral Questions 190](#_Toc474436392)

[A2 Kant 191](#_Toc474436393)

[Any Maxim Can be Universalized 192](#_Toc474436394)

[Collapses Into Consequentialism 193](#_Toc474436396)

[A2 Korsgaard 194](#_Toc474436397)

[Normativity Doesn’t Stem from Will 194](#_Toc474436398)

[Don’t Need Reflection to Act 195](#_Toc474436399)

[First-Person Perspective of Normativity Does Not Create Obligations 196](#_Toc474436400)

[Doesn’t Apply To States [1/3] 197](#_Toc474436401)

[Doesn’t Apply To States [2/3] 198](#_Toc474436402)

[Doesn’t Apply To States [3/3] 199](#_Toc474436403)

[States Can’t Attach Value to Themselves 200](#_Toc474436404)

[Self-Legislation Bad 201](#_Toc474436405)

[Doesn’t Justify Agent Neutrality 202](#_Toc474436406)

[Autonomy Double Bind 203](#_Toc474436407)

[Problem of Contingent Self 204](#_Toc474436408)

[Realist Response – We don’t Choose/Adopt Principles (Parfit) 205](#_Toc474436409)

[A2 Levinas 206](#_Toc474436410)

[Ascribing frame to the Other is self-defeating 207](#_Toc474436411)

[Missing God link 208](#_Toc474436412)

[Assumption of alterity rejects our own personhood 209](#_Toc474436413)

[Denies context-specific ethics 210](#_Toc474436414)

[Ideal Theory Bad – furthers oppression 211](#_Toc474436415)

[A2 Meta-ethics 212](#_Toc474436416)

[Can’t Answer the “Why be Moral” Question Without Referring to Moral Terms 212](#_Toc474436417)

[Hume’s Law – Ethical Principles Must be Implicit in the Premises 213](#_Toc474436418)

[Moral Permissibility 214](#_Toc474436419)

[Can Say “Ought” Even if There is no Obligation 215](#_Toc474436420)

[Only Makes Sense Within an Ethical Framework 216](#_Toc474436421)

[MORAL REALISM TRUE (A2 Ethical Subjectivism) 217](#_Toc474436422)

[Future Tuesday Indifference 218](#_Toc474436423)

[Motivational Internalism Good 219](#_Toc474436424)

[A2 Motivational Internalism / Externalism Good 220](#_Toc474436425)

[A2 Naturalism (Ethical) 221](#_Toc474436426)

[A2 Natural Purpose – Analytics 222](#_Toc474436427)

[Naturalistic Fallacy (MOORE) 223](#_Toc474436428)

[A Tree Is What it Is (C.S. LEWIS) 224](#_Toc474436429)

[Open Question Argument 225](#_Toc474436430)

[Conflation of being and causing (PARFIT) 226](#_Toc474436431)

[A2 Soft Naturalism (Parfit) 227](#_Toc474436432)

[A2 Ayer’s Logical Positivism Objection 228](#_Toc474436433)

[Naturalism True (Ethical) 229](#_Toc474436434)

[Natural Form (Thompson) 230](#_Toc474436435)

[Knowledge In Non-Moral Terms (Jackson) 231](#_Toc474436436)

[Ethical Properties Present in the World (Sturgeon) 232](#_Toc474436437)

[Solves Ought-Ought Gap (Strom) 233](#_Toc474436438)

[Good is Self-Referential (Sturgeon) 234](#_Toc474436439)

[A2 Representations grounded on observations 235](#_Toc474436440)

[A2 We doubt whether we constitute any life form 236](#_Toc474436441)

[Metaphysical Naturalism 237](#_Toc474436442)

[Knowledge In Non-Moral Terms 237](#_Toc474436443)

[Law of Conservation of Energy / Causal Closure 238](#_Toc474436444)

[1.3 Naturalism and Physicalism 238](#_Toc474436445)

[A2 Pacifism 239](#_Toc474436446)

[Pacifism is Contradictory/Hypocritical 240](#_Toc474436447)

[Results in Violence/Immoral Action 241](#_Toc474436448)

[Violence inescapable 242](#_Toc474436449)

[A2 Particularism 243](#_Toc474436450)

[A2 Dancy’s Argument 244](#_Toc474436451)

[A2 Pettit 245](#_Toc474436452)

[Pettit’s Universalizability Begs the Question 246](#_Toc474436453)

[A2 Response-Dependence 247](#_Toc474436454)

[Response-Dependence Leads to Deontology 248](#_Toc474436455)

[A2 Rawls 249](#_Toc474436456)

[Ideal Theory Bad (Mills) 250](#_Toc474436457)

[Need Context (Young) 251](#_Toc474436458)

[A2 Veil of Ignorance – Bad Without Context 252](#_Toc474436459)

[A2 Veil Includes Animals – Only Rational Persons 253](#_Toc474436460)

[A2 Veil Includes Animals – Need Life Plans 254](#_Toc474436461)

[A2 Veil Includes Animals – We Can’t be Animals 255](#_Toc474436462)

[Incompatible with conception of persons as actors 256](#_Toc474436463)

[A2 Relativism 257](#_Toc474436464)

[A2 Response-Dependence / Empiricism 258](#_Toc474436465)

[[Overview] “Color”/RD arguments not applicable to morality 259](#_Toc474436466)

[A2 Concept-Acquisition through Experience 260](#_Toc474436467)

[A2 Linguistic Teachers 261](#_Toc474436468)

[Response-Dependence Leads to Deontology 262](#_Toc474436469)

[A2 Not everyone agrees to innate knowledge so it’s false 263](#_Toc474436470)

[Response Dependence True (A2 Innate Knowledge) 264](#_Toc474436471)

[Perceptual Properties are Response-Dependent + Morality is Perceptual 264](#_Toc474436472)

[Global Response-Dependence True (Pettit and Jackson) 265](#_Toc474436473)

[A2 Means-based theories (If RD is true) 266](#_Toc474436474)

[A2 Retributivism 267](#_Toc474436475)

[Hampton’s account of demeaning behavior being punishable fails because it is neither necessary nor sufficient for criminalization. 267](#_Toc474436476)

[The unfair advantage view of retributivism also fails because it fails to answer the question of what to punish. 268](#_Toc474436477)

[Retributivism fails because punishment is more likely to cause harm than to correct injustice. 269](#_Toc474436478)

[a2 ripstein 270](#_Toc474436479)

[AT Universalizability – Hypothetical v Categorical 271](#_Toc474436480)

[Devolves into Consequentialism 272](#_Toc474436481)

[Interests independent of ends people set 273](#_Toc474436482)

[A2 Ideal of Non-Domination 274](#_Toc474436483)

[A2 Skepticism 275](#_Toc474436484)

[Moral skepticism doesn’t mean permissibility 275](#_Toc474436485)

[Reject skep – it’s irrelevant 276](#_Toc474436486)

[Reasons Can’t be Value Neutral – Morality is Truth Functional 277](#_Toc474436487)

[Fictionalism Link [1/2] 278](#_Toc474436488)

[Fictionalism Link [2/2] 279](#_Toc474436489)

[A2 Social Constructivism 280](#_Toc474436490)

[Infinitely regressive (tool-tool constructing) 280](#_Toc474436491)

[Doesn’t find truth – irrelevant even with social factors 281](#_Toc474436492)

[Self-defeating b/c asserts itself as objective 282](#_Toc474436493)

[A2 Subjectivism 283](#_Toc474436494)

[Disagreement assumes objectivism already 284](#_Toc474436495)

[A2 Taurek 285](#_Toc474436496)

[UtilITARIANISM Good 286](#_Toc474436497)

[Presupposes a Just Initial Distribution, must use Util 287](#_Toc474436498)

[Good for States (Sunstein) 288](#_Toc474436499)

[Only Util Applies to States (Woller) 289](#_Toc474436500)

[Kantian Consequentialism Respects Rationality Better 290](#_Toc474436501)

[Morality Must Minimize Harm – Values Don’t Exist in the Real World 291](#_Toc474436502)

[A2 UtilITARIANISM 292](#_Toc474436503)

[Leads to Bad Consequences When Universalized 293](#_Toc474436504)

[Utility does not recognize separateness of persons 1/2 294](#_Toc474436505)

[Utility does not recognize the separateness of persons 2/2 295](#_Toc474436506)

[Utility is not calculable 296](#_Toc474436507)

[Utility does not account for benefits over time. 296](#_Toc474436508)

[Hedonistic judgments are impossible to make. 297](#_Toc474436509)

[Two calculability dilemmas (average v. total): 298](#_Toc474436510)

[Utility prevents the construction of individual life plans. 299](#_Toc474436511)

[Utility ignores the Act/Omission Distinction 300](#_Toc474436512)

[Utility fails the test of utility 301](#_Toc474436513)

[Utility harms innocents 302](#_Toc474436514)

[Utility cannot justify rights 303](#_Toc474436515)

[Utility cannot account for the perspectival subjectivity of pleasure/pain 304](#_Toc474436516)

[Circular Warrant for Welfare over Right (Rawls) 305](#_Toc474436517)

[Appeal to Intuition (Rawls) 306](#_Toc474436518)

[Undermines Special Relationships 307](#_Toc474436519)

[A2 VIRTUE ETHICS 308](#_Toc474436520)

[Intro [0:20] 308](#_Toc474436521)

[A2 Naturalism [~1:00] [Read Intro First] 309](#_Toc474436522)

[Prescribes Wrong Action For The Non-Virtuous [~:20] 310](#_Toc474436523)

[Character Not Related To Action [~:50] 311](#_Toc474436524)

[Not Applicable to Real World 312](#_Toc474436525)

# A2 Act/Omission Distinction

## Omissions Are Willed Inactions

**Omissions include some sort of agency – they are not just inaction, but willed inaction, which implies some degree of moral culpability.**

**Fletcher 94** (Copyright (c) 1994 The Trustees of The University of Pennsylvania, University of Pennsylvania Law Review MAY, 1994, 142 U. Pa. L. Rev. 1443, SYMPOSIUM: ACT & CRIME: ACT & OMISSION: ON THE MORAL IRRELEVANCE OF BODILY MOVEMENTS, GEORGE P. FLETCHER) “This sloppy thinking…or willed nonmotion.”

This sloppy thinking is drawn together by a play on the word "act." The act requirement speaks to the critical importance of human agency in our theory of moral and legal responsibility. But whatever **the act/omission distinction** is about, it **is not about the problem of human agency. Agency is built into the standard example of the bystander who lets the child drown. The example would not even be interesting unless** we assumed that **the bystander chose to remain motionless** and that **[while] she had an unrestrained option to** intervene and **rescue the child.** Moore has gone one step further than the organization thesis of the Kadish/Schulhofer casebook. He claims that punishing omissions is a problem precisely *because* we have the act requirement. "Omissions," he writes, "are the absence of any willed bodily movements. **Actions are "willed bodily movements"** [n5](http://www.lexisnexis.com.ezp2.lib.umn.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1320287151208&returnToKey=20_T13146883562&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.216678.00731115506" \l "n5) and omissions are the opposite; they are "literally nothing at all." [n6](http://www.lexisnexis.com.ezp2.lib.umn.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1320287151208&returnToKey=20_T13146883562&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.216678.00731115506" \l "n6) Well, Moore does not quite mean that. **[But] [s]omeone who is asleep does not omit to rescue. Dead men who do "literally nothing** at all" **do not omit.** To repeat the point made above, the only kind of **omitting** that is interesting **is** the kind **[inaction] in which human agency is expressed. When there is a** solid **challenge to agency in the context of "positive acts"** (for example, hypnotism, somnambulism)**, the same grounds would undermine agency in omissions.** What Moore must mean, therefore, is that **omissions are the willed absence of bodily movements,** or willed nonmotion.

**Thus, omissions include and intention to not act, meaning that there is a choice, which implies some level of moral culpability.**

## No distinction for governments

There is no act omission distinction for governments, since governments must make decisions among policies, and even a decision not to adopt a policy is still a “choice” in the morally relevant sense.

**Sunstein and Vermeule write:**

Cass Sunstein and Adrian Vermuele, “Is Capital Punishment Morally Required? The Relevance of Life-Life Tradeoffs,” Chicago Public Law & Legal Theory Working Paper No. 85 (March 2005), p. 17. University of Chicago Law Professor explains,

In our view, both the argument from causation and the argument from intention go wrong by overlooking the distinctive features of government as a moral agent. Whatever the general status of the act-omission distinction as a matter of moral philosophy, the distinction is least impressive when applied to government poi. The most fundamental point is that **[U]nlike individuals, governments always and necessarily face a choice between or among possible policies for regulating third parties.** The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally, **[G]overnment is in the business of creating permissions and prohibitions. When it** explicitly or implicitly **authorizes** private **action, it is not omitting[.]** to do anything or refusing to act. **Moreover, the distinction** between authorized and unauthorized private action – for example, private killing – **becomes obscure when government formally forbids** private **action but** chooses a set of policy instruments that **do[es] not** adequately or fully **discourage it.**

***[SEE FULL FILE FOR 300+ PAGES OF ANALYTIC AND CARDED ARGUMENTS]***

# A2 Command-Based Morality

## Command-based accounts fail – ought-ought gap

Command-based accounts of morality such as obligation fail because they leave a gap between the idea that one ought to do something and the motivation to do it. S

**Gregory Strom explains:**

Gregory Strom. In Defense of the Practical Imagination. University of Pittsburgh. “Now, the – ought-ought gap…about good people.” DT.

Now, the ―ought-ought gap is our fanciful term for a mental ailment in which one knows that there is some reason such that any good person would respond to it by doing A, but in which one does not know what that reason is. But this way of formulating the problem obscures a great many issues, for if we consider any particular case in which someone wrestles with the ought- ought gap, it is clear that she **[One] may know a** great deal about the **reason to do A and** nonetheless **fail to understand why she ought to do it. Anyone who says**, for example, something like ―**I know I should return the money**—**but if I don‘t, no one will ever know** I acquired it, and I won‘t get into any trouble**—so why should I [?]**do it? **is not** entirely **in the dark about the reasons** that there are **to return the money**. We can even imagine her able to supply herself with a demonstration, groundedin secure a priori principles about(say) the concept of property, that morality requires her to return this money, and nonetheless unable to understand why she should return it. This shows that what [Therefore] someone in such a fix really needs is not merely to appreciate that a good person would return the money because of **[S]uch-**and-such **a reason**. For this **can appear** to her merely **as** an alien fact **having nothing to do with her. [So she needs]** What is really needed, therefore, is for her **to** recognize these facts as having to do with her. That is, she must **relate herself to the concept of a good person in such a way that, for her, recognition that a good person returns the money** for such-and-such a reason **is the** same thing as practical **recognition of the rational force of this reason that manifests itself in her** returning the money**.** In other words, not only must she learn to refine her concept of a good person to the point where it is adequate to her situation, but also she must think of herself as a good person; **she must** learn to **think of herself as primarily** or essentially **what she learns about when she learns about good people.**

Thus, the use of “ought” doesn’t provide moral reasons because you can ask always ask why you ought to do what you ought to do given that the reasons don’t connect with your will.

## 

# A2 Communitarianism

## Community Doesn’t Allow Us to Choose Moral Norms

**Communal norms aren’t freely chosen because we can’t choose which community to live in. Bell:**

Bell, Daniel, "Communitarianism", *The Stanford Encyclopedia of Philosophy (Spring 2012 Edition)*, Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2012/entries/communitarianism/>.

Communitarians can reply by casting doubt on the view that choice is *intrinsically* valuable, that a certain moral principle or communal attachment is more valuable simply because it has been chosen following deliberation among alternatives by an individual subject. If we have a highest-order interest in choosing our central projects and life-plans, regardless of what is chosen, it ought to follow that there is something fundamentally wrong with unchosen attachments and projects. But this view violates our actual self-understandings. We ordinarily think of ourselves, Michael Sandel says, ‘as members of this family or community or nation or people, as bearers of this history, as sons or daughters of that revolution, as citizens of this republic’, (Sandel 1981, 179) **social attachments** that **more often than not are involuntarily picked up during the course of our upbringing, rational choice having played no role whatsoever. I didn't choose to love my mother and father, to care about the neighborhood in which I grew up, to have special feelings for the people of my country, and it is difficult to understand why** anyone would think **I have chosen these attachments, or that I ought to have done so.** In fact, there may even be something distasteful about someone who questions the things he or she deeply cares about—certainly no marriage could survive too long if fundamental understandings regarding love and trust were constantly thrown open for discussion! Nor is it obvious that, say, someone who performs a good deed following prolonged calculation of pros and cons is morally superior than a Mother-Teresa type who unreflectively, spontaneously acts on behalf of other people's interests.

Liberals can reply that the real issue is not the desirability of choice, but rather the *possibility* of choice. There may well be some unchosen attachments that need not be critically reflected upon and endorsed, and it may even be the case that excessive deliberation about the things we care about can occasionally be counter-productive. But **some of our ends may be problematic and that is why we have a fundamental interest in being able to question and revise them.** Most important is not choosing our own life-plans; rather, liberalism founded on the value of self-determination requires only that we be able to critically evaluate our ends *if need be*, hence that ‘no end or goal is exempt from possible re-examination’ (Kymlicka 1989, 52; Dworkin 1989, 489; Macedo 1990, 247). For example, **an oppressed woman has a fundamental interest in being able to critically reflect upon traditional understandings of what it means to be a good wife and mother, and it would be unjust to foreclose her freedom to radically revise her plans.**

So, it can’t be the case that community norms should bind us or represent what is morally correct, since it doesn’t allow for the expression of an individual will to act.

# A2 Constitutivism

## Doesn’t Ground Normativity (Why Be Moral?) (Also A2 Velleman Consistency)

Constitutivism doesn’t ground normativity because moral skeptics can still escape the why be moral question by denying they are agents. **David Enoch** explains,

David Enoch Agency, Shmagency: Why Normativity Won’t Come from What Is Constitutive of Action. Hebrew University, Jerusalem Philosophical Review, Vol. 115, No. 2, 2006 “Or consider Korsgaard’s…supposed to solve.” DT.

Or consider Korsgaard’s hope of grounding a reply to the skeptic in what is constitutive of action.23 We are to imagine, then, someone who remains indifferent when we tell him that his actions are immoral or irrational. He then reads Korsgaard and is convinced that self-constitution is a constitutive aim of action, so that you cannot even count as an agent and your bodily movements cannot even count as actions unless you aim at self-constitution of the kind Korsgaard has in mind. And assume that our skeptic is even convinced that—miraculously24—morality and indeed the whole of practical rationality can be extracted from the aim of self-constitution. Do we have any reason to believe that now he will care about the immorality or irrationality of his actions? Why isn’t he entitled to respond along the following lines: “Classify my bodily movements and indeed me as you like. Perhaps I cannot be classied as an agent without aiming to constitute myself. But **why should I be an agent? Perhaps I can’t act without aiming at self-constitution, but why should I act?** If your reasoning works, this just shows that I don’t care about agency and action. **I am perfectly happy being a shmagent—a nonagent who is very similar** to agents **but who lacks the aim** (constitutive of agency but not of shmagency) **of self-constitution. I am perfectly happy performing shmactions**—nonaction events that are very similar to actions but that lack the aim (constitutive of actions but not of shmactions) of self- constitution.” Has Korsgaard put us in a better spot vis-à-vis this why-be- an-agent (rather than a shmagent) problem than we were vis-à-vis the why-be-moral or why-be-rational challenges with which we—or at least Korsgaard—started? **Consider again the example of the house and the shoddy builder, and suppose we manage to convince him that certain standards**—standards he previously did not care about and regularly failed to measure up to—**are constitutive of being a house.** It seems **he is entitled to respond: “Very well then, I guess I am** not engaging in the project of building a house but rather in the project of **building a shmouse,** of which these standards aren’t constitutive. **So what is it to me how you classify my project?”**

At times Korsgaard writes as if she thinks no such retort—either in the house case or in the metaethical or metanormative case—is possible. In Lewis’s (1996, 60) terms, at times Korsgaard writes as if she believes that the threat that your inner (and outer) states will fail to deserve folk-theoretical names (such as “action”) is indeed a threat that will strike terror into the hearts of the wicked.25 But no support is offered for this surprising claim. And notice that Korsgaard’s problem here is not merely that the skeptic is unlikely to be convinced by such a maneuver. The problem runs deeper than that because the skeptic should not be convinced.26 However strong or weak **the reasons** that apply to him and require that he be moral, surely they **do not become stronger when he realizes that unless he complies** with morality **his bodily movements will not be adequately described as actions.**

Notice that **the problem is not that action does not have a constitutive aim,** or that there are no motives and capacities constitutive of agency. Indeed, I am here granting these claims for the sake of argument. Nor is the problem that such constitutive aims, motives, and capacities are philosophically uninteresting. For all I am about to say, they may be able to explain much that is philosophically important as well as interesting.27 **The problem is** just that it is hard to see **how the constitutivist strategy can** serve to **ground normativity** or to solve the metanormative problems it was supposed to solve.

# A2 Contractarianism

## Can’t Determine Others’ Desires

It is impossible to reach agreement because it is not possible to determine what others are interested in. **Sugden:**

Robert Sugden, “Contractarianism and Norms” Ethics, 1990. “The implication is…by rational analysis.” DT.

The implication is that **there can be circumstances in which a person has to act but cannot find rational grounds for choosing one action** rather than another. Equally, **a person may** (in order to choose rationally according to the principles of expected utility theory) **have to attach probabilities to various contingencies but be unable to find rational grounds for using one probability rather than another.** Gauthier seems to think that ideally rational people would never find themselves in this position. Looking for a principle for determining rational expectations, he says: "One may not form expectations about others' choices simply at will." There must, he implies, be some way in which rational persons can ground their expectations.20 I agree that we cannot will our expectations. But this does not mean that **we can[not] always arrive at our expectations by rational analysis.** Perhaps some expectations are necessarily subjective, in much the same way that tastes are. Tastes are typically not the product of rational analysis, but neither are they things we can will. **You and I may be rational, and our rationality may be common knowledge, but I may be unable to discover your tastes by replicating your reasoning processes**. (If we were identical, of course, I would be able to discover your tastes by introspection about my own: it would not matter whether or not your tastes were in some way rationally grounded. But the ideally rational persons of game theory are not meant to be identical-except in respect of their rationality.) **For much the same reasons,** I suggest, **there can be circumstances in which we are unable to discover one another's expectations by rational analysis.**

## Contractors Trying to Predict Each Others’ Choice Prevents Agreement

**Since it would be rational for the contractors to try to predict which principles the others would choose, the contractors would not be able to reach a solution. Derek Parfit explains,**

Derek Parfit – July 2010. On What Matters. Oxford University Press. “To justify certain…rationally to choose.” DT.

**To justify certain principles** in this way, however, **we must** defend the **claim that everyone would** have rationally reached **agree**ment **on these principles.** And this claim would be hard to defend. WhenGauthier discusses his proposed version of the Rational Agreement Formula, he tells us to ‘suppose that after each party advances his initial claim, agreement is reached in a single round of concessions.’ 416 **But** we cannot simply suppose that such agreement would be reached. **Given our need to reach agreement**, it would be rational for **each of us to [would] try to predict which principles everyone** else **would choose, and** to **choose these principles ourselves.** In some cases, each of us might be able to predict what other people would choose. Suppose, for example, that we are trying to reach agreement on how some fixed set of resources would be shared between us. It might be uniquely rational for everyone to choose that everyone should get equal shares, since we could each predict that everyone else would make this choice. But **when we are choosing** most other **moral principles, this coordination problem would have no** suchobvious **solution. In trying to predict what other people would choose, each of us would be groping in the dark.** So in the decisive final vote, **there would be many conflicting principles** that **it would be** equally **rational for everyone to choose.** The Rational **Agreement** Formula **would** then **fail, since there would be no set of principles** that **everyone ought rationally to choose.** 417

# A2 Contractualism

## Devolves into consequentialism

**Contractualism devolves into Consequentialism because in scenarios where many lives are at stake, contractualism doesn’t forbid aggregation of value and the only nonrejectable principle is one that saves the greatest number. Reibetanz writes:**

Reibetanz, Sophia. “Contractualism and Aggregation.” Ethics, Vol. 108, No. 2 (Jan., 1998), 296-311. “Our intuitions about…inequalities in harm.” DT.

Our intuitions about cases of equal harms and cases of small inequalities in harm do not pose a problem for **the** general **contractualist account** of wrongness. This **claims** only **that** (C) **[a]n act is wrong** justin case its performance under the given social conditions **[if it] would be disallowed by** all systems of **principles which no one,** given those social conditions, **could reasonably reject** as a basis for informed, unforced general agreement**. This** general account **does not specify which sorts of consideration could** reasonably **be invoked** by someoneas grounds **for rejecting a principle. It** therefore **leaves open the possibility that someone could reasonably appeal**, in rejecting a principle**, to the combined effects upon herself and others of adherents to that principle.** Suppose that such appeals can constitute reasonable grounds for rejection of a principle, at least when the effects in question are more harmful than the combined effects of some alternative principle. Consider now **any principle requiring** or permitting **us to save the smaller number** in cases of equal harms or cases of small inequalities in harm. Any such principle **would lead to a greater** total **amount of harm than would** a requirement to **sav[ing]**e **the greater number** in these cases. **[and] So** it would be true, on this view of reasonable rejection, thatany requirement or permission to save the smaller number in these cases **could reasonably be rejected[.]** by someone. But then no such principle could, on this view, be part of a system of nonrejectable principles. **It follows,** given C, **that we do not act wrongly if we save the greater number** in cases of equal harm and cases of small inequalities in harm.

## Contractualism devolves into consequentialism [complaint model]

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## Contractualism Can’t Guide Action – All Acts Wrong

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## Contractualism is Circular

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## All Principles Can be Rejected

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## Analytics – Fast Answers to Contractualism

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# A2 Cummiskey

## A2 Standard Cummiskey Argument

Cummiskey begs the question by assuming an unjustified consequentialist approach to value that is inconsistent with Kantian ethics.

**Richard Dean** explains,

Richard Dean (2000). Cummiskey's Kantian Consequentialism. Utilitas, 12, pp 25-40 “While Cummiskey does…of its value.” DT.

While **Cummiskey** does not quite grant a dubious ontological status to value as some stuff out in the world, he does **rel[ies] on** a **non-Kantian** way of thinking about **value**. He does this **when he** takes the **claim[s] that rational nature has a** special **value** as conceptually **prior to** the question of **how** rational **agents should act with regard to rational nature.** He says that the humanity formulation first establishes the 'subjective principle' that each agent's rational nature is incomparably valuable for her, then that it establishes the 'objective principle' that every rational nature also has the same kind of incomparable value. **Only after concluding that each rational nature has** specialand **equal value does Cummiskey turn to the question of what choices** (duties) **are** rationally **required** in light of this equal and special value, and he concludes that all the rational natures must be made to flourish and the satisfaction of their ends must be maximized. In a straightforward sense, **his argument treats value as primary and the choices of** rational **agents as derivative. This approach embodies**, in a broad sense, **a typically consequentialist** way of **thinking about value.** It takes value to be conceptually prior to questions about right actions. **But** this is not the only way to think about value. **The** alternative, **Kantian approach to value is [that]** to think of talk about value as a shorthand for talk about what rational agents would choose. This is the idea Kant is expressing when he maintains that allvalue is determined by practical laws, or by the choices that rational agents would make**.** J J What makes something valuable is that a rational being chooses it, not vice versa. In a straightforward sense, **rational beings' choices are** conceptually **prior to any attributions of value. Cummiskey does not adequately consider** the possibility of thinking of value in **this** way when he offers his reconstruction of Kant's argument for, or 'derivation' of, the humanity formulation in Groundwork 428 f. Employing this alternative concept of value leads one to wonder first what the derivation tells us about how to treat rational nature, and only then to summarize these principles in value terms. This contrasts with Cummiskey's approach, of taking the humanity formulation's main purpose as telling us that each rational nature has a special and equal value, and leaving us to figure out how to treat rational nature in light of its value.

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## A2 “Must promote rationality because it is an objective end”

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## A2 “Indirect Proof Of Consequentialism”

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# A2 Democratic Proceduralism/Polls

## Democracies Are Still Concerned with Substantive Threats

Proceduralism is still concerned with substantive democratic threats. Kirshner[[1]](#footnote-1):

Alexander Kirshner (Yale Political Theory PhD candidate). “Proceduralism and Popular Threats to Democracy.”  *The Journal of Political Philosophy.* August 30, 2010. “When decisions are…duty to obey it.”

When decisions are made via those procedures, our mutual respect gives each of us a weighty moral reason to obey a democratic decision regardless of whether the decision is correct or whether we agree with it. In other words, reasonably democratic procedures generate democratic authority. Defining democratic authority in this way has two important implications. First, democratic authority is a content-independent reason to obey—even if a decision were substantively undemocratic, if the right procedures were followed, the decision would command our respect.22 Second, the respect owed a democratic decision does not exclude consideration of one’s other duties or commitments. Rational consistency, therefore, does not require one to wholly foreclose consideration of the effect of a decision on a regime’s prospects.23 One might question whether this conception of proceduralism is actually proceduralist. *Real* proceduralists, it might be argued, are committed to assessing a decision solely on the basis of how the decision was reached.24 For a *real* proceduralist even what counts as democracy can only be identified by democratic procedures. These descriptions of proceduralism, however, are faulty. A purely procedural theory of democratic authority hinges on the claim that if a decision is made democratically, then we are obligated to obey that decision regardless of the decision’s content. The proceduralist takes the question of authority to be distinct from the question of substance. The proceduralist does not contend that there is no question of substance at all. By implication, proceduralism does not require individuals to remain agnostic about a decision’s democratic content. Duly elected legislators might, for example, pass unfair laws tilting the electoral playing field in their own direction. A procedural democrat can oppose this decision as undemocratic and still acknowledge that one has a duty to obey it.

This undermines the ultimate value of all democratic procedures. Kirshner 2:

Alexander Kirshner (Yale Political Theory PhD candidate). “Proceduralism and Popular Threats to Democracy.”  *The Journal of Political Philosophy.* August 30, 2010. “Yet if General…to “think procedurally.

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## Can’t Make Democracy out of Democracy

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# A2 Deontology

## Dump of Problems [1/2]

## Dump of Problems [1/2]

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## Does not Apply to States

**Deontology cannot apply to states because governments always faces choices between different policy options there is no distinction between acts and omissions for states meaning the only way they can act is by minimizing harm.**

Sunstein and Vermeule explain:

Cass R. Sunstein and Adrian Vermeule [“Is Capital Punishment Morally Required? Acts, Omissions, and Life-Life Tradeoffs. Copyright (c) 2005 **The Board of Trustees of Leland Stanford Junior University**. **Stanford Law Review** December, 2005 58 Stan. L. Rev. 703]

The critics of capital punishment have been led astray by uncritically applying the act/omission distinction to a regulatory setting. Their position condemns the "active" infliction of death by governments but does not condemn the "inactive" production of death that comes from the refusal to maintain a system  [\*720]  of capital punishment. The basic problem is that even if this selective condemnation can be justified at the level of individual behavior, it is difficult to defend for governments. [n58](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/frame.do?tokenKey=rsh-20.737298.6087973779&target=results_DocumentContent&reloadEntirePage=true&rand=1187847773274&returnToKey=20_T1938900223&parent=docview##) A great deal of work has to be done to explain why "inactive," but causal, government decisions should not be part of the moral calculus. Supposethatwe endorse the deontologicalposition that it is wrong to takehumanlives**,** even if overall welfare is prom**oted by taking them.** Why does **the system of** capital punishment violate that position, if the failure to impose capital punishment also takes lives? **We suggest that** thedistinction between government acts and omissions**,** even if conceptually coherent,is not**morally** relevant to the question of capital punishment. Some governmental actions are morally obligatory, and some governmental omissions are blameworthy. In this setting, we suggest, government is morally obligated to adopt capital punishment and morally at fault if it declines to do so. The most fundamental point is that, unlike individuals, governments always and necessarily face a choice betweenor amongpossible policies for regulating third parties.The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally,government is in the business of creating permissions and prohibitions. When it explicitly or implicitly authorizes private action, it is not omitting to do anything or refusing to act**.** [n61](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/frame.do?tokenKey=rsh-20.737298.6087973779&target=results_DocumentContent&reloadEntirePage=true&rand=1187847773274&returnToKey=20_T1938900223&parent=docview##)

# A2 Determinism

## Determinism Incoherent [C.S. Lewis]

It is contradictory to accept determinism because it denies our ability to know any truths.

**C.S. Lewis** explains,

**On the fully naturalistic view all events are determined by laws.** Our logical behavior, in other words our thoughts, and our ethical behavior, including our ideals as well as our acts of will, are governed by biochemical laws; these, in turn, by physical laws which are themselves actuarial statements about the lawless movements of matter. These units never intended to produce the regular universe we see: the law of averages (successor toLucretius'sexiguumclinamen )1\* has produced it out of the collision of these random variations in movement. The physical universe never intended to produce organisms. The relevant chemicals on earth, and the sun's heat, thus juxtaposed, gave rise to this disquieting disease of matter: organization. Natural selection, operating on the minute differences between one organism and another, blundered into that sort of phosphorescence or mirage which we call consciousness-and that, in some cortexes beneath some skulls, at certain moments, still in obedience to physical laws, but to physical laws now filtered through laws of a more complicated kind, takes the form we call thought. Such, for instance, is the origin of this paper: such was the origin of Professor Price's paper. **What we should speak of as** his **"thoughts" were merely the last link of a causal chain in which all** the previous **links were irrational**. He spoke as he did **because** the matter of **his brain was behaving in a certain way**: and the whole history of the universe up to that moment had forced it to behave in that way. What we called his thought was essentially a phenomenon of the same sort as his other secretions-the form which the vast irrational process of nature was bound to take at a particular point of space and time. Of course it did not feel like that to him or to us while it was going on. He appeared to himself to be studying the nature oftilings , to be in some way aware of realities, evensupersensuous realities, outside his own head. **But if strict naturalism is right,** he was deluded: **he was merely enjoying the conscious reflection of** irrationally **determined events** in his own head. It appeared to him that his thoughts (as he called them) could have to outer realities that wholly immaterial relation which we call truth or falsehood: though, in fact, being but the shadow of cerebral events, it is not easy to see that they could have any relation to the outer world except causal relations. And when Professor Price defended scientists, speaking of their devotion to truth and their constant following of the best light they knew, it seemed to him that he was choosing an attitude in obedience to an ideal. He did not feel that he was merely suffering a reaction determined by ultimately amoral and irrational sources, and no more capable of tightness or wrongness than a hiccup or a sneeze It would have been impossible for Professor Price to have written, or us to have read, his paper with the slightest interest if he and we had consciously held the position of strict naturalism throughout. But we can go further. **It would be impossible to accept naturalism** itself **if we** really and consistently **believed naturalism. For naturalism is a system of thought. But for naturalism all thoughts are mere events with irrational causes.** ***[SEE FULL FILE FOR 300+ PAGES OF ANALYTIC AND CARDED ARGUMENTS]***

# A2 Rawls

## A2 Veil of Ignorance – Bad Without Context

The veil of ignorance removes individuals from any contextual understanding of interests, rendering the theory self-defeating.

**Humphreys** explains,

Humphreys, Rebekah. “Contractarianism on the Incoherence of the Exclusion of Non-Human Beings.” 2nd Philosophy Graduate Conference, CEU, March 29-30, 2008.

There is a real problem within Rawlsianism in contracting individuals representing anyone and not being merely egoistic. The contractors are not actual people, adjusted to society. They are imaginary, non-bodily, prospective people, and are not yet embodied. Decisions that are just, for Rawls, are those that a rational, autonomous individual would choose. The contractors in the original position are to recognize individuals as rational, autonomous agents, just like themselves. Just rules are those that the contractors themselves consider to be just. But how are those in the original position supposed to make rules on behalf of others from such an abstract position? The contractors are assumed to act in their own best interests, and assumed to be self-interested, that is, they are to choose rules of justice that any rational, autonomous agent, much like himself or herself, would choose. Seyla Benhabib argues that the contractors are “disembodied and disembedded” from actual concrete reality, and that such an abstraction ignores differences, like gender differences (Benhabib, 1992, p. 152). The problem is that the contractors are to make rules based on decisions as to what “I”, as a contracting individual, would choose were I, say, in a disadvantaged position in society, yet the “I” has no knowledge of such a position. Benhabib believes that we need a less abstract account of the self if we are to take seriously the interests of individuals. We can only make just and fair decisions from a concrete, embodied position (Benhabib, 1992, p. 170).1

She continues using an example of animals,

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# A2 Utilitarianism

## Leads to Bad Consequences When Universalized

If everyone acted on consequentialist principles, it would lead to overall worse consequences. **Parfit:**

Derek Parfit. “reasons and Persons.” Pg 32. “On all or… …desires and dispositions.”

On all or most of its different versions, this may be true of C. **C[onsequentialism] implies that**, whenever we can, **we should** try do what would **make the outcome as good as possible.** If we are disposed to act in this way, we are pure do-gooders. **If we were all pure do-gooders, this might make the outcome worse.** This might be true even if we always did what, of the acts that are possible for us, would make the outcome best. The bad effects would come, not from our acts, but from our disposition.

There are many ways in which, if we were all pure do-gooders, this might have bad effects. **One is the effect on the sum of happiness.** On any plausible version of C, happiness is a large part of what makes outcomes better. **Most of our happiness comes from acting on certain** strong **desires.** These include the desires that are involved in loving certain other people, the desire to work well, and most of the strong desires on which we act when we are not working. **If we become pure do-gooders, most of our acts would be attempts to make outcomes better**, not just in our own community, but **in the world as a whole. We would therefore seldom act on these strong desires.** It is likely that **this would enormously reduce the sum of happiness.** This might make the outcome worse, even if we always did what, of the acts that are possible for us, made the outcome best. It might not make the outcome worse than it actually is, given what people are actually like. But it would make the outcome worse than it would be, if we were not pure do-gooders, but had certain other causally possible desires and dispositions.

1. Alexander Kirshner (Yale Political Theory PhD candidate). “Proceduralism and Popular Threats to Democracy.”  *The Journal of Political Philosophy.* August 30, 2010. [↑](#footnote-ref-1)