# Utilitarianism File – SDI

## Utilitarianism Good

### Util Inevitable

#### Utilitarianism inevitable even in deontological frameworks

Green, 02 – Assistant Professor Department of Psychology Harvard University (Joshua, November 2002 "The Terrible, Horrible, No Good, Very Bad Truth About Morality And What To Do About It", 314)

Some people who talk of balancing rights may think there is an algorithm for deciding which rights take priority over which. If that’s what we mean by 302 “balancing rights,” then we are wise to shun this sort of talk. Attempting to solve moral problems using a complex deontological algorithm is dogmatism at its most esoteric, but dogmatism all the same. However, it’s likely that when some people talk about “balancing competing rights and obligations” they are already thinking like consequentialists in spite of their use of deontological language. Once again, what deontological language does best is express the thoughts of people struck by strong, emotional moral intuitions: “It doesn’t matter that you can save five people by pushing him to his death. To do this would be a violation of his rights!”19 That is why angry protesters say things like, “Animals Have Rights, Too!” rather than, “Animal Testing: The Harms Outweigh the Benefits!” Once again, rights talk captures the apparent clarity of the issue and absoluteness of the answer. But sometimes rights talk persists long after the sense of clarity and absoluteness has faded. One thinks, for example, of the thousands of children whose lives are saved by drugs that were tested on animals and the “rights” of those children. One finds oneself balancing the “rights” on both sides by asking how many rabbit lives one is willing to sacrifice in order to save one human life, and so on, and at the end of the day one’s underlying thought is as thoroughly consequentialist as can be, despite the deontological gloss. And what’s wrong with that? Nothing, except for the fact that the deontological gloss adds nothing and furthers the myth that there really are “rights,” etc. Best to drop it. When deontological talk gets sophisticated, the thought it represents is either dogmatic in an esoteric sort of way or covertly consequentialist.

#### Compromising moral values and trading off for other injustices proves deontology is impossible

Spragens 2K – Assistant Professor Department of Psychology Harvard University (Thomas A., Political Theory and Partisan Politics- "Rationality in Liberal Politics" pg 81-2)

My thesis that all three layers/forms of political association are important in a well-ordered liberal democracy also implies the untenability of Rawls's argument that agreement regarding norms of social justice is a possible and sufficient way to overcome the deficiencies of the modus vivendi approach. In the first place, as I have argued in more detail elsewhere, the fundamental unfairness of life and the presence of gratuitous elements in the moral universe make it impossible to settle rationally upon a single set of distributive principles as demonstrably fair (See also, Spragens 1993). Simply put, the problem is that the contingencies of the world ineluctably allocate assets and sufferings quite unfairly. We can cope with and try to compensate for these "natural injustices," but only at the price of introducing other elements of unfairness or compromising other moral values. The other major problem in this context is that real world human beings are not deontologists: their moral intuitions about distributive justice are permeated and influenced by their moral intuitions about the' good. The empirical consequence of these two difficulties is the falsification of Rawls's hermeneutic claims about an overlapping consensus. Rational people of good will with a liberal democratic persuasion will be able to agree that some possible distributive criteria are morally unacceptable. But, as both experience and the literature attest, hopes for a convergence of opinion on definitive principles of distributive justice are chimerical.

### Util Good – Prevents Atrocities

#### We must choose the lesser evil. Utilitarianism limits further atrocities against civilization.

Issac 02 – Professor of political science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

WHAT WOULD IT mean for the American left right now to take seriously the centrality of means in politics? First, it would mean taking seriously the specific means employed by the September 11 attackers--terrorism. There is a tendency in some quarters of the left to assimilate the death and destruction of September 11 to more ordinary (and still deplorable) injustices of the world system--the starvation of children in Africa, or the repression of peasants in Mexico, or the continued occupation of the West Bank and Gaza by Israel. But this assimilation is only possible by ignoring the specific modalities of September 11. It is true that in Mexico, Palestine, and elsewhere, too many innocent people suffer, and that is wrong. It may even be true that the experience of suffering is equally terrible in each case. But neither the Mexican nor the Israeli government has ever hijacked civilian airliners and deliberately flown them into crowded office buildings in the middle of cities where innocent civilians work and live, with the intention of killing thousands of people. Al-Qaeda did precisely this. That does not make the other injustices unimportant. It simply makes them different. It makes the September 11 hijackings distinctive, in their defining and malevolent purpose--to kill people and to create terror and havoc. This was not an ordinary injustice. It was an extraordinary injustice. The premise of terrorism is the sheer superfluousness of human life. This premise is inconsistent with civilized living anywhere. It threatens people of every race and class, every ethnicity and religion. Because it threatens everyone, and threatens values central to any decent conception of a good society, it must be fought. And it must be fought in a way commensurate with its malevolence. Ordinary injustice can be remedied. Terrorism can only be stopped. Second, it would mean frankly acknowledging something well understood, often too eagerly embraced, by the twentieth century Marxist left--that it is often politically necessary to employ morally troubling means in the name of morally valid ends. A just or even a better society can only be realized in and through political practice; in our complex and bloody world, it will sometimes be necessary to respond to barbarous tyrants or criminals, with whom moral suasion won't work. In such situations our choice is not between the wrong that confronts us and our ideal vision of a world beyond wrong. It is between the wrong that confronts us and the means--perhaps the dangerous means--we have to employ in order to oppose it. In such situations there is a danger that "realism" can become a rationale for the Machiavellian worship of power. But equally great is the danger of a righteousness that translates, in effect, into a refusal to act in the face of wrong. What is one to do? Proceed with caution. Avoid casting oneself as the incarnation of pure goodness locked in a Manichean struggle with evil. Be wary of violence. Look for alternative means when they are available, and support the development of such means when they are not. And never sacrifice democratic freedoms and open debate. Above all, ask the hard questions about the situation at hand, the means available, and the likely effectiveness of different strategies.

#### Moral policy only blocks decision making necessary to limit injustice and atrocities.

Issac, 02 – Professor of Political Science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

### Util Good – Morality

#### Utilitarianism is the only moral framework and alternatives are contradictory

Nye, 86 (Joseph S. 1986; Phd Political Science Harvard. University; Served as Assistant Secretary of Defense for International Security Affairs; “Nuclear Ethics” pg. 18-19)

The significance and the limits of the two broad traditions can be captured by contemplating a hypothetical case.34 Imagine that you are visiting a Central American country and you happen upon a village square where an army captain is about to order his men to shoot two peasants lined up against a wall. When you ask the reason, you are told someone in this village shot at the captain's men last night. When you object to the killing of possibly innocent people, you are told that civil wars do not permit moral niceties. Just to prove the point that we all have dirty hands in such situations, the captain hands you a rifle and tells you that if you will shoot one peasant, he will free the other. Otherwise both die. He warns you not to try any tricks because his men have their guns trained on you. Will you shoot one person with the consequences of saving one, or will you allow both to die but preserve your moral integrity by refusing to play his dirty game? The point of the story is to show the value and limits of both traditions. Integrity is clearly an important value, and many of us would refuse to shoot. But at what point does the principle of not taking an innocent life collapse before the consequentialist burden? Would it matter if there were twenty or 1,000 peasants to be saved? What if killing or torturing one innocent person could save a city of 10 million persons from a terrorists' nuclear device? At some point does not integrity become the ultimate egoism of fastidious self-righteousness in which the purity of the self is more important than the lives of countless others? Is it not better to follow a consequentialist approach, admit remorse or regret over the immoral means, but justify the action by the consequences? Do absolutist approaches to integrity become self-contradictory in a world of nuclear weapons? "Do what is right though the world should perish" was a difficult principle even when Kant expounded it in the eighteenth century, and there is some evidence that he did not mean it to be taken literally even then. Now that it may be literally possible in the nuclear age, it seems more than ever to be self-contradictory.35 Absolutist ethics bear a heavier burden of proof in the nuclear age than ever before.

### Util Good – Conflicting Values

#### Only consequentialism can resolve conflicting moral values

Bailey, 97 (James Wood 1997; “Oxford University Press; “Utilitarianism, institutions, and Justice” pg 9)

A consequentialist moral theory can take account of this variance and direct us in our decision about whether a plausible right to equality ought to outweigh a plausible right to freedom of expression. 16 In some circumstances the effects of pornography would surely be malign enough to justify our banning it, but in others they may be not malign enough to justify any interference in freedom. I? A deontological theory, in contrast, would be required either to rank the side constraints, which forbid agents from interfering in the free expression of others and from impairing the moral equality of others, or to admit defeat and claim that no adjudication between the two rights is possible. The latter admission is a grave failure since it would leave us no principled resolution of a serious policy question. But the former conclusion is hardly attractive either. Would we really wish to establish as true for all times and circumstances a lexical ordering between two side constraints on our actions without careful attention to consequences? Would we, for instance, really wish to establish that the slightest malign inegalitarian effect traceable to a form of expression is adequate grounds for an intrusive and costly censorship? Or would we, alternatively, really wish to establish that we should be prepared to tolerate a society horrible for women and children to live in, for the sake of not allowing any infringement on the sacred right of free expression?18 Consequentialist accounts can avoid such a deontological dilemma. In so doing, they show a certain healthy sense of realism about what life in society is like. In the world outside the theorist's study, we meet trade-offs at every tum. Every policy we make with some worthy end in Sight imposes costs in terms of diminished achievement of some other plausibly worthy end. Consequentialism demands that we grapple with these costs as directly as we can and justify their incurrence. It forbids us to dismiss them with moral sophistries or to ignore them as if we lived in an ideal world.

#### Morals and questions of human dignity will constantly conflict making deontological policy making impossible

Kateb 92 – William Nelson Cromwell Professor of Politics, Emeritus, Princeton University (George, Cornell University Press; “The Inner Ocean: Individualism and Democratic Culture” pg 14-15)

Let us say that a society of rights-based individualism encourages these and other crepuscular activities to become topics for open and popular discussion; that that fact can be taken as a paradoxical sign of the moral grandness of such a society, for practically every desire can be honestly admitted and talked about despite shame or without shame; that a society devoted to rights has no absolutely compelling arguments, in every case, to prohibit them and that, nevertheless, civilization (democratic or not) so we are trained to understand it commits us to continue to condemn and prohibit them. The issue must be raised in dismay, and I am not able to deal with it adequately. Can rights conflict? It is not agreeable to admit that a particular right of one person may apparently conflict with a different right of someone else. Familiar antagonisms include that between the rights to a fair trial unprejudiced by excessive publicity and the right of press to report a story and its background fully, or that between the right to privacy again, the right of the press to do what it thinks is its work. Though I believe, as I have said, that some rights (including freedom of the press) are more fundamental than others, in some conflicts no clear priority is likely to be established and only ad hoc adjustments are desirable. To be sure, although these conflicts may be less frequent or stark than is claimed by those who are impatient with the rights in question, conflicts nevertheless take place. This is a fact of life which no appeal to an elaborated theory of rights can eliminate. If it is a shortcoming in the theory of rights, it is also a shortcoming that no supplementary principle such as utilitarianism can make good.

### Util Good – Best for Policy Making

#### The impossibility to attain knowledge of every outcome or abuse leaves utilitarianism as the only option for most rational decision-making

Goodin 95 – Professor of Philosophy at the Research School of the Social Sciences at the Australian National University (Robert E., Cambridge University Press, “Utilitarianism As a Public Philosophy” pg 63)

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more plausible for them (or, more precisely, makes them adopt a form of utilitarianism that we would find more acceptable) than private individuals. Before proceeding with that larger argument, I must therefore say what it is that is so special about public officials and their situations that makes it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices-public and private alike- are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, at relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy makers to use the utilitarian calculus – if they want to use it at all – to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure what the payoff will be to any given individual or on any particular occasion. Their knowledge of generalities, aggregates and averages is just not sufficiently fine-grained for that.

#### Not knowing conditions for each individual or ramifications forces us to adopt utilitarianism. Policy makers must use in their decision making

Goodin 95 – Professor of Philosophy at the Research School of the Social Sciences at the Australian National University (Robert E., Cambridge University Press, “Utilitarianism As a Public Philosophy” pg 63)

Furthermore, the argument from necessity would continue, the instruments available to public policy-makers are relatively blunt. They can influence general tendencies, making rather more people behave in certain sorts of ways rather more often. But perfect compliance is unrealistic. And (building on the previous point) not knowing particular circumstances of particular individuals, rules and regulations must necessarily be relatively general in form. They must treat more people more nearly alike than ideally they should, had we perfect information. The combined effect of these two factors is to preclude public policy-makers from fine-tuning policies very well at all. They must, of necessity, deal with people in aggregate, imposing upon them rules that are general in form. Nothing in any of this necessarily forces them to be utilitarian in their public policy-making, of course. What it does do, however, is force them- if they are inclined to be utilitarian at all-away from direct (act) utilitarianism. The circumstances surrounding the selection and implementation of public policies simply do not permit the more precise calculations required by any decision rule more tailored to peculiarities of individuals or situations.

### A2: Util/Consequences =Racist

#### It is racist not to consider consequences – the only moral stance is to consider link turns and long-term effects.

Marc Trachtenbergis professor in the department of history at the University of Pennsylvania. He also teaches political science courses. Source: Ethics, Vol. 95, No. 3, Special Issue: Symposium on Ethics and Nuclear Deterrence (Apr., 1985), pp. 728-739 Stable URL: http://www.jstor.org/stable/2381047

No one today would defend slavery, of course; but the more I thought about it, the clearer it seemed that before the Civil War one should have indeed tried to balance all the relevant considerations: that the institution of slavery was not so absolute an evil that it was morally imperative to do whatever was necessary to eradicate it immediately, without regard to any other consideration. In fact, if it was obvious that it would take a war-as it turned out, a long and gruesome war-to abolish slavery, the suffering and anguish that that war would produce should certainly have been taken into account. And one should have given some thought to what would happen to the ex-slaves, even in the event that the North were to win: if one could predict that there was a good chance that slavery would be replaced by another brutal and repressive system-by in fact the kind of system that took root in the South after Reconstruction- then this too should have been entered into the balance. And it also would have made sense to look at just how brutal the slave system was: there are different degrees of loathsomeness, and this could have made a difference in one's assessments. (Questions of degree are of course crucial if we are interested in striking a balance.) Finally, arguments about peaceful alternatives -the bidding up of the price of slaves by the federal government, for instance, to make the institution economically irrational in comparison with free labor-would certainly have had a place; historical experience-an analysis of the peaceful way slavery had in fact been ended in the British Empire is the most obvious case-might also have played a central role. Why shouldn't these things all be taken into account? Are we so convinced of the rightness of our personal moral values that we can turn a blind eye to the kinds of considerations that might moderate the force of our commitment? One wonders even whether it can ever be truly moral to simply refuse to weigh these sorts of factors seriously. One can take the argument a step further by means of a hypothetical example. Suppose, in this case, that the Southerners had told the abo- litionists that, if the North did come down to free the slaves, before they arrived the slaves would all be killed. Certainly at this point considerations other than the moral impermissibility of slavery would have to be taken into account. In such a case, an absolutist position-that the institution of slavery was so great an evil that it had to be rooted out without regard to consequence-reveals itself as inhuman and, indeed, as morally pre- posterous. There has to be some point where issues of balance become morally salient; and thus in general these basic moral issues have to be approached in nonabsolutist-and by that I mean more than just non- deontological-terms.

### A2: Good Intentions/Intervening Actors

#### Their ethics can rationalize every evil—all actions can be described as having "good intent".

Porter '96 (Jean, U of Notre Dame, "'Direct' and 'indirect' in Grisez's moral theory," Theological Studies, Dec., 57(4), ProQuest)

Nonetheless, Grisez's reformulation is more than a clarification. The relationship between the agent's intention and the causal structure of the act did play a crucial role in traditional moral theology, because it provided an objective basis for assessing the intention of the agent. Without some such basis, the agent's intention could be described in terms of whatever could be said to be the agent's purpose or motive in acting. In that case, it would be difficult to see how the **doctrine of double effect would rule anything out, since any act can be said to be directed to some good or other,** in terms of which the agent's intention could be described. As Elizabeth Anscombe remarks: For after all we can form intentions; now if intention is an interior movement, it would appear that we can choose to have a certain intention and not another, just by e.g. saying within ourselves: "**What I mean to be doing is earning my living, and not poisoning the household**"; or "What I mean to be doing is helping those good men into power; I withdraw my intention from the act of poisoning the household, which I prefer to think goes on without my intention being in it." The idea that one can determine **one's intentions by making such a little speech to oneself is bosh**.(45) The question that arises is: Does Grisez's interpretation of the direct/indirect distinction similarly provide an objective criterion for determining what the agent's intention is? Or does it leave open the possibility of describing the agent's intention in terms of whatever good purposes motivate the act in question? If the latter is the case, then Grisez cannot really distinguish between those acts which attack an instance of a basic good, and other, similar acts which merely allow damage to some instance of a basic good, simply on the basis of an analysis of the structure of the act. In that case, we must suspect that his distinction between direct and indirect harms actually reflects prior moral evaluations, which rest on other considerations. In order to address these questions, it will be helpful to take each of the two considerations which Grisez puts forward in turn. Hence, we will first examine the criterion of goodness of intention, and then the criterion of indivisibility of performance. GOODNESS OF INTENTION AND THE DESCRIPTION OF AN ACT What does it mean to say that an act may be morally justified, if the agent's intention is morally good, and the bad effect is not necessarily included in the attainment of the intended good? As we have already indicated, Grisez does not hold that the necessity in question is causal. Rather, in these cases, the bad effect is not necessary to the attainment of the good end because it is not necessarily included in the very idea of the good end. In such cases, the good and bad effects may be said to flow indivisibly from the agent's action, and the moral character of the action is determined by the good outcome at which he aims rather than by the bad outcome which he permits. And so, for example, a woman who shoots her would-be rapist in self-defense does not intend his death; she intends to stop his attack, and only accepts his death as a side effect (in the moral, not the causal sense) of her act. (This assumes, of course, that it is really necessary to kill the assailant, and also that the woman's purpose is good, in the sense that she is not using the necessity for self-defense as a pretext to kill out of hatred or a desire for revenge.) On the other hand, if the proposal which the agent chooses, and which therefore determines his will, necessarily includes bringing about a death, then the act is ipso facto ruled out: On this analysis, choosing to kill is adopting a proposal precisely to kill or to do something understood in such a way that its meaning includes bringing about death. For example, people who choose to shoot someone in the heart or to administer a lethal dose of opiates ordinarily understand what they choose as ways of ending life, and when a proposal is so understood, its very meaning includes bringing about death.(46) What is the distinction between a proposal for action which necessarily includes the intention to kill, and a proposal which does not? Grisez rules out the traditional answer, that the distinction lies in the causal relation between the victim's death and the good sought by the agent, and he does not offer any alternative criterion in the physical order, Thus, when Grisez says that an action with both good and bad effects is not defined by the bad effect unless it is necessarily included in the agent's intention, the kind of necessity in question would appear to be logical necessity. In support of this interpretation, consider the following: If an action's description, however limited, makes plain that such an action involves a choice to destroy, damage, or impede some instance of a basic human good, the wrongness of any action which meets the description is settled. Additional factors may affect the degree of wrongness, but further descriptions of the act cannot reverse its basic moral quality. So, moral norms derived from this mode of responsibility can be called "moral absolutes."(47) If this interpretation is correct, then Grisez would be relying on a familiar feature of the logic of action descriptions, namely, the fact that any action may be described correctly in an indefinitely large number of ways. Thus, the action of the woman who stops her assailant by cutting his throat can be described as stopping an attack, or as stopping an attack by killing one's attacker, or as killing an attacker, or as killing a person, or as cutting a person's throat, or as making slashing motions with a knife. Clearly, each of these descriptions conveys something different about the action; but it is equally clear that none of them is incorrect as a description of the act and, correlatively, none is logically necessitated by the facts of the case. Thus nothing prevents Grisez from fixing on the first of these descriptions as the agent's "proposal," that is to say, the description under which her will is determined. Nothing prevents this, but nothing requires it either. Herein lies the difficulty in Grisez's analysis. Supposedly, the fact that an act's description clearly indicates that it involves a choice to "destroy, damage, or impede" some instance of a basic good serves to distinguish it from an act which indirectly brings about the same effect. But as we noted above, an act which involves indirect killing in Grisez's terms can also be described in terms of the killing which it brings about. To continue with his own example, the action of a woman who stops her attacker by cutting his throat can be described as an act of self-defense by killing, or even just as an act of killing. By the same token, an act which is a direct act of killing in Grisez's terms could be redescribed in terms of the good sought, in such a way as to omit any mention of the killing itself. How, then, can Grisez distinguish between forbidden acts of killing and permissible acts which have deadly side effects on the basis of the description of the act alone? Perhaps the key to Grisez's response can be found in a remark immediately preceding the passage quoted above: "Descriptions of actions adequate for moral evaluation must say or imply how the agent's will bears on relevant goods."(48) Following this line of analysis, Grisez could admit that there are indefinitely many correct descriptions for every act, and yet still hold that only one of these is morally relevant, namely, that which describes the act in terms of what the agent does in fact intend. Yet this argument does not resolve the difficulty. If one accepts the Thomistic principle that every action is directed knowingly towards the attainment of some good (as Grisez does), then it follows that **every action can be described in terms of some good which the agent is voluntarily seeking**. **Why should the agent not describe** his **intention in terms of that good, relegating the harms which he [or she] brings about to foreseen but not chosen aspects of the act**? This brings us to the position which Anscombe described as "bosh," namely, that the agent can determine his intention simply by focusing on the good at which he aims. \*\*\*Edited for gendered language

### A2: Principles 1st

#### Principles must be verified by policy analysis—looking at the principle in a vacuum has no value

Minteer 2004 (Ben, et al, Human Dimensions of Biology Faculty, ASU School of Life Sciences,

JOURNAL OF AGRICULTURAL AND ENVIRONMENTAL ETHICS, v!7, p. 139-140)

In sum, Dewey argued that moral principles should operate very differently than the way most contemporary environmental ethicists employ them in discussions regarding environmental policy making and problem solving Ethical theories are, in this opinion, critical instrumentalities - tools — for analyzing and interpreting particular social problems and conflicts, not fixed ends to which we owe any son of special treatment or obedience. As a result, the "rightness" of moral claims depends on their ability to contribute to the resolution of specific problematic situations - an ability determined through intelligent appraisal and inquiry — not On the intrinsic nature Of the principle itself (Dewey. 1989, p. 280). In making this move, Dewey significantly shifted discussions of moral theory and argument away from a preoccupation with the ontological status and justification of general moral principles and moved it toward the refinement of the process of intelligent inquiry and the development of better and more effective methods of deliberation, cooperative problem solving, and conflict resolution. It is important to note that in arguing for the instrumental and experimental role of moral principles in problematic situations, Dewey did not deny the existence of Such principles, nor did he reject their role within moral deliberation and decision-making. He only Sought to put them in their proper place. Historically successful moral principles promoting the good and the right were not to be uncritically accepted before experimental inquiry, just as I hey were not to be cast aside simply because they trafficked in generalities or presumed to hold a universal currency. Instead, they should be understood as potentially useful resources for comprehending and ultimately transforming particular unstable and disrupted moral contexts: In moral matters there is ... a presumption in favor of principles that have had a long career in the past and that have been endorsed by men of insight.... Such principles are no more to be lightly discarded than are scientific principles worked out in the past. But in one as in the other, newly discovered facts or newly instituted conditions may give rise to doubts and indicate the inapplicability of accepted doctrines (Dewey, 1989, p. 330). Still, in Dewey's way of thinking, the conceptual and practical demands placed on previously held moral principles by the emergence of new experiences and evolving factual circumstances required an adaptive moral system, one in which standards, rules, and principles would necessarily undergo various degrees of revision and reinterpretation in order to meet new socio-historical conditions and changing individual desires Often, this process led to the formulation of entirely new principles as moral inquirers responded to the dynamic and evolving quality of human experience: In fact, situations into which change and the unexpected enter are a challenge to intelligence to create new principles. Morals must be a growing science if it is to be a science at all, not merely because all truth has not yet been appropriated by the mind of man, but because life IS a moving affair in which Old moral truth Ceases to apply Principles are methods of inquiry and forecast which require Verification by the event: and the time honored effort to assimilate morals to mathematics is only a way of bolstering up an old dogmatic authority, or putting a new one upon the throne of the old. But the experimental character of moral judgments does not mean complete uncertainty and fluidity. Principles exist as hypotheses with which to experiment (Dewey, 1959, p. 221).

## Deontology Bad

### Frontline

#### Even deontological theories have to evaluate consequences to determine morality – utility is best.

Hoekma -86 (Rights & Wrongs, St. Olaf, p 79)

than any alternative based on goals/But a great deal depends on the particular character of the theories in question, and doubtless there are consequentialist- ethical theories which are preferable, perhaps on the very grounds I have mentioned, to certain kinds of rights-based or deontological theories. Moreover, the difference between the two kinds of theories should not be exaggerated. Their disagreement con­cerning the basic ground and source of moral judgments is fundamen­tal: and vet an emphasis on rights as the basis or morality does not entail that consequential matters are morally irrelevant, or "vice versa. In particular, even a basically deontological theory must allow that the end brought about by an action frequently has an important place in moral judgment.

#### Bad consequences can check out imperatives to help others – these imperative ignore the option of partially fulfilling our duty.

Slote '85 (Common-Sense Morality and Consequcntialism. Michael. Prof, of Philosophy, p. 82)

The fact of widespread human suffering makes a moral claim us not only from the utilitarian or consequential point of view, but on common-sense moral grounds as well. Even apart from any responsibility we may have for having made less fortunate other people less well off than they could have been.4 the common-sense morality of benevolent action seems to regard it as in general wrong never to do anything for those less fortunate people whom one is in a position to help and as morally better to do more for such people rather than less, to sacrifice more of one's own well-being rather than less in order to give aid to the less fortunate. But this, of course, doesn't tell us how much one must give in order to give what one morally ought to give, to fulfil one's (imperfect) duty of benevolence. It assumes that it is wrong never to give aid to those worse off than oneself (when one can easily do so, etc.).5 And it. also assumes that it is morally acceptable and morality hest (when this involves no violation of side-constraints, etc.) to give all one has to the less fortunate, or, at least, to reduce oneself to the (presumably rising) level of well-being of those one should be trying to help. But these assumptions say nothing about the wide spectrum of cases between giving nothing and giving, as it were, one’s all: and controversy, disagreement. and indecision over where, in that spectrum, the (rough) dividing line between duties and supererogations of benevolence should be drawn have featured time and time again in ethical discussions.

#### Total absolutism doesn't exist - morality can always be overridden in certain circumstances

Rescher (Philosphy Prof. @ Pittsburgh) 89 Nicholas, Moral Absolutes, p. 7-8

One cannot say simply and flatly that a certain wrong action (lying, stealing, etc.) is never to be done. For in difficult situa­tions virtually any sort of action can be the lesser of two "(moral) evils. When done solely on this basis (as "the lesser evil”), an otherwise reprehensible act can be redeemed as verual. We cannot say that the good, man would, never Knowingly do a wrong action, but only that he would not do so unwar­ranted!^ in the absence of appropriately extenuating circum­stances, without overriding reasons of appropriate moral bearing. Moreover, in the overall economy of rational delibera­tion morality is just one good among others (albeit a particu­larly important one)./Thus we cannot say that morality must always override all other considerations—that the negativity of a minor moral transgression must (rationally) always outweigh, nonmoral positivities such as (say) the greater welfare good of the community. The principle fiat moralitas mat caelum—"Let morality be done though the heavens fall!"—clearly has its problems.

#### Consequences must be evaluated because of difference between intentions and outcomes

Murray, '97 [Alastair, Lecturer @ University of Wales Swansea, Department of Political Science, PhD in International Relations from University of Bristol, Reconstructing Realism: Between Power Politics and Cosmopolitan Ethics, p. ]

The establishment of the relationship of the two contending modes of human operation as a dialectic of absolutes thus led realism to advocate a strategy to deal with the problems which this tension generates for the evaluation of human action. Whilst retaining the judgment of action against a standard provided by absolute and universal moral principles, this strategy acknowledged the inevitable imperfec­tion with which they are applied and, therefore, suggested an approach which supplemented deontology with consequentialism - in order to take account of the dissonance between Intentions and outcomes - and the obligation to evaluate with an obligation to humility -- in order to take account of the basic dissonance between human duties and\* human capabilities. Such a strategy is inevitably one of imperfect compromise: it does not alter the moral requirements on individuals; it can only suggest how the tension between these requirements and practical necessities can best be dealt with, how these moral requirements can better be realised It is this position which lays the groundwork for the realist approach to the problems posed by the normative direction of action. Actors remain under obligation to fulfil the prescriptions and proscriptions of universal moral principles. hut the insertion of a Weberian emphasis on responsibility for the consequences of action yields an insistence on a prudence in action, the attempt to adjust action to take account of the dissonance between intention and outcome, and thus to ensure that unpleasant consequences are mitigated as far as possible in practice. This leads once mote to an assertion of humility, here an insistence that individuals and states recognise the limits of their right to act as judges over others, and the limits of their power to execute any judgment so arrived at.

### Ext – No Total Absolutism

#### Absolutism doesn’t outweigh all consequences.

Rescher -89 (Philosophy Professor, Univ. Pittsburgh) 89 Nicholas, Mpral Absolutes: An Essay on the Nature and Rationale of Morality, p. 76-77

3. Are There Absolute Moral Rules? The controversy about absolute moral rules has been bedevilled—like many another philosophical controversy—by the absence of agreement about what its salient term actually means. For "absolute" is a highly equivocal word, used by dif­ferent discussants in rather different ways. In particular, it has been used in the discussion of moral rules to mean that such a rule: is of unrestricted and altogether universal application with respect to (potential) obligatees. (For example, honoring one's promises is a practice incumbent on everybody.) is of- unrestricted and altogether universal application with respect to (potential) beneficiaries. (For example, not hurting people's feel­ings needlessly is a practice from which everyone gains.) is objectively valid (as a moral rule); holding good as a matter of objectively determinable fact that can be established as such by impersonal standards. is categorical in form apd devoid of any hypothetical or conditiona-lized qualifications of the sort present in "Keep promises," that is, "Once you have given a commitment, honor it." (5) is overriding and all-decisive in being of a weight that sweeps all other considerations aside, overruling and outweighing all other factors. Our deliberations here have arrived at rather mixed results in this regard. Absoluteness in senses (l)-(3) has been main­tained for morality: it lies in the nature of the case that any appropriate moral rule must, as such, be both obligatee-universal and beneficiary-universal, and that its inherent ra­tionale (in terms of the protection of people's interests) is such that its validity as a valid moral rule represents a genuinely objective issue. But, on the other hand, we have rejected flatly claims to absoluteness in senses (4) and (5). As regards (4), we have insisted on the conditional character of all lower-level moral rules (even as "Help others in need" comes to "When someone needs your help, and you are so circumstanced as to be able to give it, then do so.") And as regards (5), we have noted that lower level moral rules are never totally decisive because their violation may be unavoidable, in content, to avert some yet greater misfortune. The upshot Is that while moral rules are indeed absolute in some pertinent senses, they are not so in others.

### Nielson 1NC

#### The aff is moral evasion. Consequentialist decision-making is imperative, [this evidence is gender-paraphrased)

Kai Nielsen**,** Professor of Philosophy, University of Calgary, Absolutism and Its Consequentialist Critics, ed. Joram Graf Haber, 1993, p. 170-2

Forget the levity of the example and consider the case of the innocent fat man. If there really is no other way of unsticking our fat man and if plainly, without blasting him out, everyone in the cave will drown, then, innocent or not, he should be blasted out. This indeed overrides the principle that the innocent should never be deliberately killed, but it does not reveal a callousness toward life, for the people involved are caught in a desperate situation in which, if such extreme action is not taken, many lives will be lost and far greater misery will obtain. Moreover, the people who do such a horrible thing or acquiesce in the doing of it are not likely to be rendered more callous about human life and human suffering as a result. Its occurrence will haunt them for the rest of their lives and is as likely as not to make them more rather than less morally sensitive. It is not even correct to say that such a desperate act shows a lack of respect for persons. We are not treating the fat man merely as a means. The fat man's person-his interests and rights are not ignored. Killing him is something which is undertaken with the greatest reluctance. It is only when it is quite certain that there is no other way to save the lives of the others that such a violent course of action is justifiably undertaken. Alan Donagan, arguing rather as Anscombe argues, maintains that "to use any innocent man ill for the sake of some public good is directly to degrade him to being a mere means" and to do this is of course to violate a principle essential to morality, that is, that human beings should never merely be treated as means but should be treated as ends in themselves (as persons worthy of respect)." But, as my above remarks show, it need not be the case, and in the above situation it is not the case, that in killing such an innocent man we are treating him merely as a means. The action is universalizable, all alternative actions which would save his life are duly considered, the blasting out is done only as a last and desperate resort with the minimum of harshness and indifference to his suffering and the like. It indeed sounds ironical to talk this way, given what is done to him. But if such a terrible situation were to arise, there would always be more or less humane ways of going about one's grim task. And in acting in the more humane ways toward the fat man, as we do what we must do and would have done to ourselves were the roles reversed, we show a respect for his person. In so treating the fat man-not just to further the public jgood but to prevent the certain death of a whole group of people (that is to prevent an even greater evil than his being killed in this way)-the claims of justice are not overriden either, for each individual involved, if he is reasonably correct, should realize that if he were so stuck rather than the fat man, he should in such situations be blasted out. Thus, there is no question of being unfair. Surely we must choose between evils here, but is there anything more reasonable, more morally appropriate, than choosing the lesser evil when doing or allowing some evil cannot be avoided? That is, where there is no avoiding both and where our actions can determine whether a greater or lesser evil obtains, should we not plainly always opt for the lesser evil? And is it not obviously a greater evil that all those other innocent people should suffer and die than that the fat man should suffer and die? Blowing up the fat man is indeed monstrous. But letting him remain stuck while the whole group drowns is still more monstrous. The consequentialist is on strong moral ground here, and, if his reflective moral convictions do not square either with certain unrehearsed or with certain reflective particular moral convictions of human beings, so much the worse for such commonsense moral convictions. One could even usefully and relevantly adapt herethough for a quite different purpose-an argument of Donagan's. Consequentialism of the kind I have been arguing for provides so persuasive "a theoretical basis for common morality that when it contradicts some moral intuition, it is natural to suspect that intuition, not theory, is corrupt."" Given the comprehensiveness, plausibility, and overall rationality of consequentialism, it is not unreasonable to override even a deeply felt moral conviction if it does not square with such a theory, though, if it made no sense or overrode the bulk of or even a great many of our considered moral convictions, that would be another matter indeed. Anticonsequentialists often point to the inhumanity of people who Will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater misery and then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a moral evasion. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he fit] allows, when he has the power to prevent it, a situation which is still many times worse He tries to keep his 'moral purity' and [to] avoid 'dirty hands' at the price of utter moral failure and what Kierkegaard called 'double-mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right, [it and to are my feminist editing. JAC]

### Deontology Bad - Inaction

#### There is no Utopia in which we can get rid of difficult moral decisions. Political inaction in times of risks can only be for the worst

Nye, 86 (Joseph S. 1986; Phd Political Science Harvard. University; Served as Assistant Secretary of Defense for International Security Affairs; “Nuclear Ethics” pg. 25-26)

How do we reconcile rules and consideration of consequences in practice? One way is to treat rules as prima facie moral duties and to appeal to a consequentialist critical level of moral reasoning to judge competing moral claims. For example, in judging the moral acceptability of social institutions and policies (including nuclear deterrence), a broad consequentialist might demand that the benefit they produce be not only large but also not achievable by an alternative that would respect rules. 40 In addition, to protect against the basic difficulties of comparing different people's interests when making utilitarian calculations, a broad consequentialist would require very substantial majorities; otherwise he would base his decisions on rules and rights-based grounds. A consequentialist argument can also be provided for giving some weight to motives as well as means. For example William Safire argues that "the protection of acting in good faith, with no malicious intent, is what make decision-making possible. It applies to all of us. . . . The doctor who undertakes a risky operation, the lawyer who gambles on an unorthodox defense to save his client, the businessman who bets the company on a new product."42 While such an argument can be abused if good motives are treated as an automatic one-dimensional exculpation, it can be used by broad consequentialists as a grounds for including evaluation of motives in the overall judgment of an act. Whether one accepts the broad consequentialist approach or chooses some other, more eclectic way to include and reconcile the three dimensions of complex moral issues,43 there will often be a sense of uneasiness about the answers, not just because of the complexity of the problems "but simply that there is no satisfactory solution to these issues-at least none that appears to avoid in practice what most men would still regard as an intolerable sacrifice of value."44 When value is sacrificed, there is often the problem of "dirty hands." Not all ethical decisions are pure ones. The absolutist may avoid the problem of dirty hands, but often at the cost of having no hands at all. Moral theory cannot be "rounded off and made complete and tidy." That is part of the modern human condition. But that does not exempt us from making difficult moral choices.

#### Political inaction to prevent further death is the greatest inhumanity one can commit.

Nielsen 93 – Professor of Philosophy, University of Calgary (Kai, “Absolutism and Its Consequentialist Critics”, ed. Joram Graf Haber Pg 171-72)

Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater miseryand then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a moral evasion. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he allows, when he has the power to prevent it, a situation which is still many times worse. He tries to keep his 'moral purity' and avoid 'dirty hands' at the price of utter moral failure and what Kierkegaard called 'double-mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right My consequentialist reasoning about such cases as the case of the innocent fat man is very often resisted on the grounds that it starts a very dangerous precedent. People rationalize wildly and irrationally in their own favor in such situations. To avoid such rationalization, we must stubbornly stick to our deontological principles and recognize as well that very frequently, if people will put their wits to work or just endure, such admittedly monstrous actions done to prevent still greater evils will turn out to be unnecessary.

### Alinsky 1NC

#### The means/ends distinction is inevitable and a moral cop out. There are no absolutes. You have to weigh comparative risks, [gender paraphrased]

Saul D. Alinsky**,** Activist, Professor, and Social Organizer with International Fame, Founder of the Industrial Areas Foundation, Rules for Radicals, -71,p. 24-27

**We cannot think first and act afterwards**. From the moment of birth we are immersed in action and can only fitfully guide it by taking thought. Alfred North Whitehead That perennial **question. "Does the end justify the means?" is** meaningless **as it stands: the real and only question regarding the ethics of means and ends is. and always has been. "Does this** particular end justify this **particular means?"** Life and how you live it is the story of means and ends. The end is what you want, and the means is how you get it. Whenever we think about social change, the question of means and ends arises. The man of action views the issue of means and ends arises. The man of action views the issue of means and ends in pragmatic and strategic terms. He has no other problem; he thinks only of his actual resources and the possibilities of various choices of action. He asks of ends only whether they are achievable and worth the cost; of means, only whether they will work. **To say that corrupt means corrupt the ends is to believe in the immaculate conception of ends and principles**. The real arena is corrupt and bloody. Life is a corrupting process from the time a child learns to play his mother off against his father in the politics of when to go to bed; he who fears corruption fears life. The practical revolutionary will understand Geothe's "conscience is the virtue of observers and not of agents of action"; in action, one does not **always eniov the luxury of a decision** that is **consistent both with one's individual conscience and** the good of Thulmankind. The choice must always **be for the latter**. Action is for mass salvation and not for the individual's personal salvation. He who sacrifices the mass good for his personal conscience has peculiar conception of "personal salvation"; he doesn't care enough for people to be "corrupted" for them. The **men who pile up the heaps of discussion** and literature on the ethics of means and ends—which with rare exception is conspicuous for its sterility—rarely write about their won experiences in the perpetual struggle of life and change. They **are strangers,** moreover, **to the burdens** and problems **of** operational responsibility **and the** unceasing **pressure for immediate decisions**. They are passionately committed to a mystical objectivity where passions are suspect. They assume a nonexistent situation where man suspect. They assume a nonexistent situation where men dispassionately and with reason draw and devise means and ends as if studying a navigational chart on land. They can be recognized by one of two verbal brands; "We agree with the ends but not the means," or "This is not the time." The means-and-end moralists or non-doers always wind up on their ends without any means. The **means-and-ends moralists**, constantly obsessed with the ethics of the means used by the Have-Nots against the Haves, should search themselves as to their real political position. In fact, they **are passive**—but real—**allies of the Haves**. They are the ones Jacques Man tain referred to in his statement, "The fear of soiling ourselves by entering the context of history is not virtue, but a way of escaping virtue." **These nonrdoers were the ones** who chose not to **fight the Nazis** in the only way they could have been fought; they were the ones who drew their window blinds to shut out the shameful spectacle of Jews and political prisoners being dragged through the streets; they were the ones who privately deplored the horror of it all—and did nothing. **This is the nadir of immorality**. The most unethical of all means is the nonuse of any means. It is this species of man how so vehemently and militantly participated in that classically idealistic debate at the old League of Nations on the ethical differences between defensive and offensive weapons. Their fears of action drive them to refuge in an ethics so divorced from the politics of life that it can apply only to angels, not to men. The standards of judgment must be rooted in the whys and wherefores of life as it is lived, the world as it is, not our wished-for fantasy of the world as it should be. I present here a series of rules pertaining to the ethics of means and ends: first, that one's concern with the ethics of means and ends varies inversely with one's personal interest in the issue. When we are not directly concerned our morality overflows; as La Rochefoucauld put it, "We all have strength enough to endure the misfortunes of others." Accompanying this rule is the parallel one that one's concern with the ethics of means and ends varies inversely with one's distance from the scene of conflict. The second rule of the ethics of means and ends is that the judgment of the ethics of means is dependent upon the political position of those sitting in judgment. If you actively opposed the Nazi occupation and joined the underground Resistance, then you adopted the means of assassination, terror, properly destruction, the bombing of tunnels and trains, kidnapping, and the willingness to sacrifice innocent hostages to the end of defeating the Nazis. Those who opposed the Nazi conquerors regarded the Resistance as a secret army of selfless, patriotic idealists, courageous beyond expectation and willing to sacrifice their lives to their moral convictions. To the occupation authorities, however, these people were lawless terrorists, murders, saboteurs, assassins, who believed that the end justified the means, and were utterly unethical according to the mystical rules of war. Any foreign occupation would so ethically judge its opposition. However, in such conflict, neither protagonist is concerned with any value except victory. It is life or death, [feminist editing is by me - CEG]

### Survival Outweighs

#### Utilitarianism is the only way to access morality. Sacrifice in the name of preserving rights destroys any hope of future generations attaining other values.

Nye, 86 (Joseph S. 1986; Phd Political Science Harvard. University; Served as Assistant Secretary of Defense for International Security Affairs; “Nuclear Ethics” pg. 45-46)

Is there any end that could justify a nuclear war that threatens the survival of the species? Is not all-out nuclear war just as self contradictory in the real world as pacifism is accused of being? Some people argue that "we are required to undergo gross injustice that will break many souls sooner than ourselves be the authors of mass murder."73 Still others say that "when a person makes survival the highest value, he has declared that there is nothing he will not betray. But for a civilization to sacrifice itself makes no sense since there are not survivors to give meaning to the sacrifical [sic] act. In that case, survival may be worth betrayal." Is it possible to avoid the "moral calamity of a policy like unilateral disarmament that forces us to choose between being dead or red (while increasing the chances of both)"?74 How one judges the issue of ends can be affected by how one poses the questions. If one asks "what is worth a billion lives (or the survival of the species)," it is natural to resist contemplating a positive answer. But suppose one asks, "is it possible to imagine any threat to our civilization and values that would justify raising the threat to a billion lives from one in ten thousand to one in a thousand for a specific period?" Then there are several plausible answers, including a democratic way of life and cherished freedoms that give meaning to life beyond mere survival. When we pursue several values simultaneously, we face the fact that they often conflict and that we face difficult tradeoffs. If we make one value absolute in priority, we are likely to get that value and little else. Survival is a necessary condition for the enjoyment of other values, but that does not make it sufficient. Logical priority does not make it an absolute value. Few people act as though survival were an absolute value in their personal lives, or they would never enter an automobile. We can give survival of the species a very high priority without giving it the paralyzing status of an absolute value. Some degree of risk is unavoidable if individuals or societies are to avoid paralysis and enhance the quality of life beyond mere survival. The degree of that risk is a justifiable topic of both prudential and moral reasoning.

### Nuclear War Outweighs

In a nuclear world we have to weigh consequences.

Sissela Bok, Professor of Philosophy, Brandeis, Applied Ethics and Ethical Theory, Ed. David Rosenthal and Fudlou Shehadi, 1988

The same argument can be made for Kant's other formulations of the Categorical Imperative: "So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means"; and "So act as if you were always through actions a law-making member in a universal Kingdom of Ends." No one witha concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one's conscience would be, as Rawls said, "irrational, crazy." And to say that one did not intend such a catastrophe, butthat one merely failed to stop other personsfrom bringing it about would be beside the point whenthe end of the world was at stake**.** For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to takesuch a responsibility seriously- - perhaps to the point of deceiving, bribing, even killing an innocentperson, in order that the world not perish.

#### Nuclear war requires the evaluation of consequences

Michael Moore, Warren Distinguished Professor of Law at University of San Diego School of Law, 1997, Placing Blame, p. 719-721

3. Non-Absolute Moral Norms: Threshold Deontology Apart from the exceptions that the content of moral norms must have for them to be plausible, a third modification of absolutism is the softening of the 'whatever the consequences' aspect mentioned earlier. This aspect of absolutism is often attributed to Kant, who held that though the heavens may fall, justice must be done. Despite my nonconsequentialist views on morality, I cannot accept the Kantian line**. It just is not true that one should allow a nuclear war rather than killing** or torturing **an innocent person**. It is not even true that one should allow the destruction of a sizable city by a terrorist nuclear device rather than kill or torture an innocent person. **To prevent such extraordinary harms extreme actions seem** to me to be **justified.** There is a story in the Talmudic sources that may appear to appeal to a contrary intuition. 122 It is said that where the city is surrounded and threatened with destruction if it does not send out one of its inhabitants to be killed, it is better that the whole city should perish rather than become an accomplice to the killing of one of its inhabitants, Benjamin Cardozo expressed the same intuition in rejecting the idea that those in a lifeboat about to sink and drown may jettison enough of their number to allow the remainder to stay afloat. As Cardozo put it: Where two or more are overtaken by a common disaster, there is no right on the part of one to save the lives of some by the killing of another. There is no rule of human jettison. Men there will often be who, when told that their going will be the salvation of the remnant, will choose the nobler part and make the plunge into the waters. In that supreme moment the dark­ness for them will be illumined by the thought that those behind will ride to safety. If none of such mold are found aboard the boat, or too few t**<3** save the others, the human freight must be left to meet the chances of the waters. 123 There is admittedly a nobility when those who are threatened with destruction choose on their own to suffer that destruction rather than participate in a prima facie immoral act. But what happens when we eliminate the choice of all concerned to sacrifice themselves? Alter the Talmudic example slightly by making it the ruler of the city who alone must decide whether to send one out in order to prevent destruction of the city. Or take the actual facts of the lifeboat case'24 to which Cardozo was adverting, where it was a seaman who took charge of the sinking lifeboat and jettisoned enough of its passengers to save the rest. Or consider Bernard Williams's example, where you come across a large group of villagers about to be shot by the army as an example to others, and you can save most of them if you will but shoot one; far from choosing to 'sink or swim' together, the villagers beg you to shoot one of their number so that the rest may be saved. 125 In all such cases it no longer seems virtuous to refuse to do an act that you abhor. On the contrary, **it seems a narcissistic preoccupation with your own 'virtue'**—that is, **the 'virtue' you could have if the world were ideal and did not present you with such awful choices**—**if you choose to allow the greater number to perish**. In such cases, I prefer Sartre's version of the Orestes legend to the Talmud: the ruler should take the guilt upon himself rather than allow his people to perish.'26 **One should feel guilty** in such cases, **but it is nobler to undertake such guilt than to shut one's eyes to the horrendous consequences of not acting.**

### No Moral Obligations

#### Transcendental obligations cannot guide actions - a) There is dispute over the principles b) No method for applying universal principles to particular cases

Caputo '93 (Against Ethics. John D„ Viljanova University, p. )

For how are we ever to get as far as a principle? How an» we to get a consensus on the principle? That is the first problem. If Judgment is unable to start out from the Principle, unable to proceed from on high, then how are we to judge, how are we to ride out and absorb the shocks and jolts of tactical life? Suppose we never have the advantage of knowing what uni­versal schema to bring to bear upon the singularity of the event? Suppose we are always already caught up in the thicket of factkal life, in the density of events, without a sure guide or firm guardrails, and we are forced to pro­ceed from below? What men? But even granted that. we are able to attain some stable principle, how are we to "apply" the universal to the particular, to close fee distance between the universal and the particular? This would come down either to finding the application for the principle or finding the principle for the case. But that always involves a leap and always costs mote than metaphysics is pre­pared to pay. At some point foe transition from the generality of principles to the singularity of event); must be made, but that can occur only as a leap Into an abyss, a plunge into the density and impenetrability of the event, the novelty and the surprise of singularity. Such a leap 1$ never quite safe. The doctrine of judgment reveals a breach in the surface of metaphysics, a fissure in which deconstructive analysis makes its nest. That is the second problem. Metaphysical ethics founders on judgments as it founders on proper names and obligations. It harbors a doctrine of judgment that it cannot contain. Judgments are on more bit metaphysics has swallowed but cannot " digest; more metaphysical indigestion. Events are what happens, what "is." Heidegger said that the event is the "and" in "Being 'and' Time" or "Time 'and' Being." I have no idea. I will take Heidegger's word for it. He spent his whole life thinking about that But the word I will not take is Ereignls, if Erdgnis, as Derrida showed, is drawn into the metaphysics of propriety and allowed to grow into a great Greco-Germanic metanarrative. I am trying not to be lured into "appropri­ation." Heidegger did better, in my view, when he spoke of the anony­mous, impersonal, improper "it gives" (Esgibt), although "it happens" (es geschiekt) would have been still better, and when he did not burden "It" with the myth of Being's primordial beginning and next coming. He did better just to say "it gives" but he did the very best of all, on my account­ing, when he said "it plays" and that it just plays, playing "without why." Heidegger is at his best when he says it just plays, just gives—without pur­porting to be Being's ticketmaster, to know Being's schedule of arrivals and departures. That makes judging a matter not of applying principles but of staying In play with the play, knowing now to cope with the play in what happens. It is always necessary for me to act, to do something, to decide what .Is happening in me midst of considerable undecidability. What's happening? I am not sure, but I must decide. Even if the way to judgment is blocked, I must still judge. The question is how? How am I to judge?

#### Moral obligations cannot guide actions - their claim ignores the genealogy of those principles

Caputo '93 (Against Ethics. John D„ Viljanova University, p. )

Principles, universals, laws are attempts on the part of thought to penetrate the density of events, to find the secret formula of events, to provide guardrails that safeguard the subject through the most treacherous twists and turns that events take. Events can be dangerous and principles try to make safe, to Keep us safe in the midst of dangerous events. Principles are to supply the rule that governs the unfolding or happening of events, or to provide a guide through the maze of events. Principles axe so many attempts to regulate or to find what regulates the a gibt, the sheer giving and coming to pass of events, the il y a or il arrive. Principles by to give us a standpoint above what happens and thus to get beyond events. The difficulty with principles is that principles are themselves caught up in what happens. The reason for that is that the au­thors of principles are no less subject to what happens than is anyone else, although they sometimes try to conceal this fart and to erase the genealogy of the principles they champion. Otherwise you would have to say the principles fell straight from the sky and into our laps. That has been said, and metaphysics often says some­thing rather like that,3 but the onus probandi falls on those who lay claim to such heavenly gifts, not on us who claim only to have suffered a disaster, to lead a damaged life, to be bereft of a heavenly guide, to begin where we are. From the standpoint of this minimalist metaphysics of events, a disas­ter simply means that we are caught up in the maze of events and are un­able to catch sight of a guiding star. Events yield to other events, but they do not yield to principles. Events follow other events, but they do not follow rules. The transition from one event to the next is neither necessary nor capricious, neither rule-bound nor disconnected. The transition is always something of a leap, a little chancy, perhaps, difficult but not impossible. The individual is always more or less on its own with this leap, always faced with more or less unique and idiosyncratic circumstances in which to make its way. The subject is forced to wade into the complexity of events, to make a first cut into a relatively dense thicket, a thicket that is (almost) impossible to clear. Clearings hardly happen. Philosophy, which is metaphysics, has conceived the question of the ac­tion that the individual takes in the midst of the singularity of an event as the problem of "judgment." Judgment is a function of the "faculty" of "ap-plying "principles." On the traditional model, the problem is to judge what happens with the aid of principles. If that is what judgment is, I must take a stand "against judgment." But judgment Is in a much more difficult situation than that, much more radically menaced and on its own than tra­ditional philosophy is prepared to admit. Metaphysical ethics wants to make judgment safe, but judgment is not safe, and this for two good reasons.

### Lack of Solvency T/O Moral Obligation

#### Government intervention in food distribution excuses us from our moral obligation to save the starving people

Aiken, prof of philosophy @ Chatham College, 1977 (William, World Hunger and Moral Obligation, ed: Aiken and La Follette, p. 96-7)

There is another excusing condition to the obligation to save persons from preventable death due to deprivation. If one has no access to an effective method of making the goods and services available to the sufferer, then one is excused from the obligation to save the sufferer. For example, if a government intentionally prevents the delivery of food relief to starv­ing persons within that nation/ then one possible method of delivering, the food would be to destroy that government by declaring war on it. Another would be to smuggle the food in with the knowledge that most of it would be confiscated. Another would be to drop packages from high flying air­craft with the hope that at least some of them reached the ground undam­aged and were then received by those who need them. Each of these methods is a possible means of delivering the food but none of them is particularly effective. In this case, where no effective means of distributing the food is available, we would be excused from the obligation to save "the starving persons in that nation. Of course, it might be that we have other moral responsibilities to find or to establish art effective method. We might even be required to coerce that government into permitting us to distribute the food necessary for the lives of persons within that nation; but this would be another type of moral responsibility, and justification of it would require a separate argument.

#### No try or die scenario—mitigated solvency nullifies the moral obligation to help others

Aiken, prof of philosophy ©Chatham College, 1977 (William. World Hunger and Moral Obligation, ed: Aiken and La Follette, p. 91-2)

The second minimal condition is the 'ought implies can' condition, In order to be obligated to save the sufferer one must have the means to remedy his condition, that is, have the goods or the capability to render the services required to alleviate the condition of the sufferer. 1 can only be obligated to save you if I can save you. Thus, if you are dying for need of a blood transfusion of a very rare type of blood and I am available for a transfusion, but my blood type is incompatible with your blood type and thus of no use to vou. then no matter how severe your need is. I have no duty to save you because I cannot provide you with the goods you need. However, any person of the right blood type who knows of your condition and who is available to provide a transfusion has a moral duty to save you.

## Utilitarianism Bad

### Util Bad - Callahan

#### Policy decisions directed at maintaining human survival through whatever means will encourage genocide, war, and the destruction of moral values

Callahan 73 – Co-Founder and former director of The Hastings Institute, PhD in philosophy from Harvard University (Daniel, “The Tyranny of Survival”, p 91-93)

The value of survival could not be so readily abused were it not for its evocative power. But abused it has been. In the name of survival, all manner of social and political evils have been committed against the rights of individuals, including the right to life. The purported threat of Communist domination has for over two decades fueled the drive of militarists for ever-larger defense budgets, no matter what the cost to other social needs. During World War II, native Japanese-Americans were herded, without due process of law, to detention camps. This policy was later upheld by the Supreme Court in Korematsu v. United States (1944) in the general context that a threat to national security can justify acts otherwise blatantly unjustifiable. The survival of the Aryan race was one of the official legitimations of Nazism. Under the banner of survival, the government of South Africa imposes a ruthless apartheid, heedless of the most elementary human rights. The Vietnamese war has seen one of the greatest of the many absurdities tolerated in the name of survival: the destruction of villages in order to save them. But it is not only in a political setting that survival has been evoked as a final and unarguable value. The main rationale B. F. Skinner offers in Beyond Freedom and Dignity for the controlled and conditioned society is the need for survival. For Jacques Monod, in Chance and Necessity, survival requires that we overthrow almost every known religious, ethical and political system. In genetics, the survival of the gene pool has been put forward as sufficient grounds for a forceful prohibition of bearers of offensive genetic traits from marrying and bearing children. Some have even suggested that we do the cause of survival no good by our misguided medical efforts to find means by which those suffering from such common genetically based diseases as diabetes can live a normal life, and thus procreate even more diabetics. In the field of population and environment, one can do no better than to cite Paul Ehrlich, whose works have shown a high dedication to survival, and in its holy name a willingness to contemplate governmentally enforced abortions and a denial of food to surviving populations of nations which have not enacted population-control policies. For all these reasons it is possible to counterpoise over against the need for survival a "tyranny of survival." There seems to be no imaginable evil which some group is not willing to inflict on another for sake of survival, no rights, liberties or dignities which it is not ready to suppress. It is easy, of course, to recognize the danger when survival is falsely and manipulatively invoked. Dictators never talk about their aggressions, but only about the need to defend the fatherland to save it from destruction at the hands of its enemies. But my point goes deeper than that. It is directed even at a legitimate concern for survival, when that concern is allowed to reach an intensity which would ignore, suppress or destroy other fundamental human rights and values. The potential tyranny survival as value is that it is capable, if not treated sanely, of wiping out all other values. Survival can become an obsession and a disease, provoking a destructive single-mindedness that will stop at nothing. We come here to the fundamental moral dilemma. If, both biologically and psychologically, the need for survival is basic to man, and if survival is the precondition for any and all human achievements, and if no other rights make much sense without the premise of a right to life—then how will it be possible to honor and act upon the need for survival without, in the process, destroying everything in human beings which makes them worthy of survival. To put it more strongly, if the price of survival is human degradation, then there is no moral reason why an effort should be made to ensure that survival. It would be the Pyrrhic victory to end all Pyrrhic victories. Yet it would be the defeat of all defeats if, because human beings could not properly manage their need to survive, they succeeded in not doing so.

### Util Bad – Equality

#### Utilitarianism disregards respect for the individual and perpetuates societal inequality by evaluating utility as a whole

Freeman 94 – Avalon Professor in the Humanities at the University of Pennsylvania, Ph.D. Harvard University, J.D. University of North Carolina (Samuel, “Utilitarianism, Deontology, and the Priority of Right,” Philosophy and Public Affairs, Vol. 23, No. 4, Autumn, pp. 313-349, http://www.jstor.org/stable/2265463)

The inclusion of all sentient beings in the calculation of interests severely undermines the force of any claim that utilitarianism is an "egalitarian" doctrine, based in some notion of equal concern and respect for persons. But let us assume Kymlicka can restore his thesis by insisting that it concerns, not utilitarianism as a general moral doctrine, but as a more limited thesis about political morality. (Here I pass over the fact that none of the utilitarians he relies on to support his egalitarian interpretation construe the doctrine as purely political. The drift of modern utilitarian theory is just the other way: utilitarianism is not seen as a political doctrine, to be appealed to by legislators and citizens, but a nonpublic criterion of right that is indirectly applied [by whom is a separate issue] to assess the nonutilitarian public political conception of justice.) Still, let us assume it is as a doctrine of political morality that utilitarianism treats persons, and only persons, as equals. Even in this form it cannot be that maximizing utility is "not a goal" but a "by-product," "entirely derived from the prior requirement to treat people with equal consideration" (CPP, p. 31) Kymlicka says, "If utilitarianism is best seen as an egalitarian doctrine, then there is no independent commitment to the idea of maximizing welfare" (CPP, p. 35, emphases added). But how can this be? (i) What is there about the formal principle of equal consideration (or for that matter occupying a universal point of view) which would imply that we maximize the aggregate of individuals' welfare? Why not assume, for example, that equal consideration requires maximizing the division of welfare (strict equality, or however equal division is to be construed); or, at least maximize the multiple (which would result in more equitable distributions than the aggregate)? Or, why not suppose equal consideration requires equal proportionate satisfaction of each person's interests (by for example, determining our resources and then satisfying some set percentage of each person's desires) . Or finally we might rely on some Paretian principle: equal consideration means adopting measures making no one worse off. For reasons I shall soon discuss, each of these rules is a better explication of equal consideration of each person's interests than is the utilitarian aggregative method, which in effect collapses distinctions among persons. (2) Moreover, rather than construing individuals' "interests" as their actual (or rational) desires, and then putting them all on a par and measuring according to intensity, why not construe their interests lexically, in terms of a hierarchy of wants, where certain interests are, to use Scanlon's terms, more "urgent" than others, insofar as they are more basic needs? Equal consideration would then rule out satisfying less urgent interests of the majority of people until all means have been taken to satisfy everyone's more basic needs. (3) Finally, what is there about equal consideration, by itself, that requires maximizing anything? Why does it not require, as in David Gauthier's view, optimizing constraints on individual utility maximization? Or why does it not require sharing a distribution? The point is just that, to say we ought to give equal consideration to everyone's interests does not, by itself, imply much of anything about how we ought to proceed or what we ought to do. It is a purely formal principle, which requires certain added, independent assumptions, to yield any substantive conclusions. That (i) utilitarian procedures maximize is not a "by-product" of equal consideration. It stems from a particular conception of rationality that is explicitly incorporated into the procedure. That (2) individuals' interests are construed in terms of their (rational) desires or preferences, all of which are put on a par, stems from a conception of individual welfare or the human good: a person's good is defined subjectively, as what he wants or would want after due reflection. Finally (3), aggregation stems from the fact that, on the classical view, a single individual takes up everyone's desires as if they were his own, sympathetically identifies with them, and chooses to maximize his "individual" utility. Hare, for one, explicitly makes this move. Just as Rawls says of the classical view, Hare "extend[s] to society the principle of choice for one man, and then, to make this extension work, conflat[es] all persons into one through the imaginative acts of the impartial sympathetic spectator" (TJ, p. 27). If these are independent premises incorporated into the justification of utilitarianism and its decision procedure, then maximizing aggregate utility cannot be a "by-product" of a procedure that gives equal consideration to everyone's interests. Instead, it defines what that procedure is. If anything is a by-product here, it is the appeal to equal consideration. Utilitarians appeal to impartiality in order to extend a method of individual practical rationality so that it may be applied to society as a whole (cf. TJ, pp. 26-27). Impartiality, combined with sympathetic identification, allows a hypothetical observer to experience the desires of others as if they were his own, and compare alternative courses of action according to their conduciveness to a single maximand, made possible by equal consideration and sympathy. The significant fact is that, in this procedure, appeals to equal consideration have nothing to do with impartiality between persons. What is really being given equal consideration are desires or experiences of the same magnitude. That these are the desires or experiences of separate persons (or, for that matter, of some other sentient being) is simply an incidental fact that has no substantive effect on utilitarian calculations. This becomes apparent from the fact that we can more accurately describe the utilitarian principle in terms of giving, not equal consideration to each person's interests, but instead equal consideration to equally intense interests, no matter where they occur. Nothing is lost in this redescription, and a great deal of clarity is gained. It is in this sense that persons enter into utilitarian calculations only incidentally. Any mention of them can be dropped without loss of the crucial information one needs to learn how to apply utilitarian procedures. This indicates what is wrong with the common claim that utilitarians emphasize procedural equality and fairness among persons, not substantive equality and fairness in results. On the contrary, utilitarianism, rightly construed, emphasizes neither procedural nor substantive equality among persons. Desires and experiences, not persons, are the proper objects of equal concern in utilitarian procedures. Having in effect read persons out of the picture at the procedural end, before decisions on distributions even get underway, it is little wonder that utilitarianism can result in such substantive inequalities. What follows is that utilitarian appeals to democracy and the democratic value of equality are misleading**.** In no sense do utilitarians seek to give persons equal concern and respect.

#### Although utilitarianism claims to result in equality, its nature to only regard people as one entity rather than a group of individuals inherently contradicts the principle of equality

Freeman 94 – Avalon Professor in the Humanities at the University of Pennsylvania, Ph.D. Harvard University, J.D. University of North Carolina (Samuel, “Utilitarianism, Deontology, and the Priority of Right,” Philosophy and Public Affairs, Vol. 23, No. 4, Autumn, pp. 313-349, http://www.jstor.org/stable/2265463)

To sum up, though utilitarianism incorporates equality as a property of the justification of the principle of utility, and of the decision process through which that principle gets applied, it does not leave any place for equality in the content of that principle. On its face, this standard of right conduct directs that we maximize an aggregate. As a result neither equality or any other distributive value is assigned independent significance in resulting distributions of goods. Kymlicka claims that, because Rawls sees utilitarianism as teleological, he misdescribes the debate over distribution by ignoring that utilitarians allow for equality of distribution too. But the distribution debate Rawls is concerned with is a (level 2) debate over how what is deemed good (welfare, rights, resources, etc.) within a moral theory is to be divided among individuals. It is not a (level 3) debate over the distribution of consideration in a procedure which decides the distribution of these goods. Nor is it a (level 1) debate over the principles of practical reasoning that are invoked to justify the fundamental standard of distribution.

### Util Bad – Immoral

#### Owning oneself is a moral imperative – utilitarianism imposes interpersonal obligations to society, which destroys morality

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Kymlicka distinguishes two interpretations of utilitarianism: teleological and egalitarian. According to Rawls's teleological interpretation, the "fundamental goal" (LCC, p. 33) of utilitarianism is not persons, but the goodness of states of affairs. Duty is defined by what best brings about these states of affairs. " [M] aximizing the good is primary, and we count individuals equally only because that maximizes value. Our primary duty isn't to treat people as equals, but to bring about valuable states of affairs" (LCC, p. 27). It is difficult to see, Kymlicka says, how this reading of utilitarianism can be viewed as a moral theory. Morality, in our everyday view at least, is a matter of interpersonal obligations-the obligations we owe to each other. But to whom do we owe the duty of maximizing utility? Surely not to the impersonal ideal spectator . . . for he doesn't exist. Nor to the maximally valuable state of affairs itself, for states of affairs don't have moral claims." (LCC, p. 28-29) Kymlicka says, "This form of utilitarianism does not merit serious consideration as a political morality" (LCC, p. 29). Suppose we see utilitarianism differently, as a theory whose "fundamental principle" is "to treat people as equals" (LCC, p. 29). On this egalitarian reading, utilitarianism is a procedure for aggregating individual interests and desires, a procedure for making social choices, specifying which trade-offs are acceptable. It's a moral theory which purports to treat people as equals, with equal concern and respect. It does so by counting everyone for one, and no one for more than one. (LCC, p. 25)

### Util Bad – Death

#### Risks taken by the government to increase overall utility will severely compromise the individual which will result in fatality

Schroeder 86 – Professor of Law at Duke (Christopher H., Prof of Law at Duke, “Rights Against Risks,”, April, Columbia Law Review, pp. 495-562, http://www.jstor.org/pss/1122636)

Equity has provided a limited answer to the question of acceptable risk. The traditional doctrine of injunctions against tortious behavior holds that courts may enjoin behavior that is virtually certain to harm an identifiable individual in the near future.'2 This body of law, however, focuses more on avoidance of harm to specific persons than on regulation of risk.'3 It is thus inapposite to the questions of modern technological risk, risk that is quite unlikely to injure any identifiable individual in the short-term, but that carries severe consequences that are certain to occur to someone in the medium to distant future. Consider the paradigm of the Acme Chemical Company: Acme Chemical Company is discovered to be storing chemical wastes on its land in such a way that seepage containing traces of those wastes are entering an underground water system that serves as the sole drinking water supply for a town several miles away. One of the chemicals has been classified as a carcinogen in laboratory experiments on mice. Although extrapolating from these results to predictions of human carcinogencity is somewhat controversial, federal agencies routinely do so. Under one of a number of plausible sets of assumptions, a concentration of ten parts per billion (ppb) in drinking water is estimated to increase a human's chance of contracting cancer by one in one hundred thousand if the human is assumed to consume a normal intake over the course of twenty years. Analyses show that the current concentration in the underground aquifer near Acme's plant is ten ppb. This case exhibits the typical features of risky actions associated with modern technology. The probability of risk to any individual is relatively small while its severity is substantial, perhaps fatal. Risk is being imposed on individuals who have not consented to it in any meaningful sense. Finally, risk is unintentional in the sense that imposing risk on others is not an objective of Acme's plan.'4 We may assume its executives in fact would be tremendously relieved if they could avoid the risk.

### Util Bad – Racism

#### Utilitarianism promotes inequity and inherently discriminates against minority like slavery

Odell, 04 – University of Illinois is an Associate Professor of Philosophy (Jack, Ph.D., “On Consequentialist Ethics,” Wadsworth, Thomson Learning, Inc., pp. 98-103)

A classic objection to both act and rule utilitarianism has to do with inequity, and is related to the kind of objection raised by Rawls, which I will consider shortly. Suppose we have two fathers-Andy and Bob. Suppose further that they are alike in all relevant respects, both have three children, make the same salary, have the same living expenses, put aside the same amount in savings, and have left over each week fifteen dollars. Suppose that every week Andy and Bob ask themselves what they are going to do with this extra money, and Andy decides anew each week (AU) to divide it equally among his three children, or he makes a decision to always follow the rule (RU) that each child should receive an equal percentage of the total allowance money. Suppose further that each of his children receive five degrees of pleasure from this and no pain. Suppose on the other hand, that Bob, who strongly favors his oldest son, Bobby, decides anew each week (AU) to give all of the allowance money to Bobby, and nothing to the other two, and that he instructs Bobby not to tell the others, or he makes a decision to follow the rule (RU) to always give the total sum to Bobby. Suppose also that Bobby gets IS units of pleasure from his allowance and that his unsuspecting siblings feel no pain. The end result of the actions of both fathers is the same-IS units of pleasure. Most, if not all, of us would agree that although Andy's conduct is exemplary, Bob's is culpable. Nevertheless, according to both AU and RU the fathers in question are morally *equal.* Neither father is more or less exemplary or culpable than the other. I will refer to the objection implicit in this kind of example as (H) and state it as: ' (H) Both act and rule utilitarianism violate the principle of just distribution. What Rawls does is to elaborate objection (H). Utilitarianism, according to Rawls, fails to appreciate the importance of distributive justice, and that by doing so it makes a mockery of the concept of "justice." As I pointed out when I discussed Russell's views regarding partial goods, satisfying the interests of a majority of a given population while at the same time thwarting the interests of the minority segment of that same population (as occurs in societies that allow slavery) can maximize the general good, and do so even though the minority group may have to suffer great cruelties. Rawls argues that the utilitarian commitment to maximize the good in the world is due to its failure to ''take seriously the distinction between persons."· One person can be forced to give up far too much to insure the maximization of the good, or the total aggregate satisfaction, as was the case for those young Aztec women chosen by their society each year to be sacrificed to the Gods for the welfare of the group.

### Util Bad – Value to Life

#### Utilitarianism destroys value to life by forcing the individual to take risks on a cost-benefit basis in an effort to increase overall utility of an entity, while demoralizing the individual’s own system of values

Schroeder 86 – Professor of Law at Duke (Christopher H., Prof of Law at Duke, “Rights Against Risks,”, April, Columbia Law Review, pp. 495-562, http://www.jstor.org/pss/1122636)

From the individual's point of view, the balancing of costs and benefits that utilitarianism endorses renders the status of any individual risk bearer profoundly insecure. A risk bearer cannot determine from the kind of risk being imposed on him whether it is impermissible or not. The identical risk may be justified if necessary to avoid a calamity and unjustified if the product of an act of profitless carelessness, but the nature and extent of the underlying benefits of the risky action are fre quently unknown to the risk bearer so that he cannot know whether or not he is being wronged. Furthermore, even when the gain that lies behind the risk is well-known, the status of a risk bearer is insecure because individuals can justifiably be inflicted with ever greater levels of risk in conjunction with increasing gains. Certainly, individual risk bearers may be entitled to more protection if the risky action exposes many others to the same risk, since the likelihood that technological risks will cause greater harm increases as more and more people experience that risk. This makes the risky action less likely to be justifiable. Once again, however, that insight seems scant comfort to an individual, for it reinforces the realization that, standing alone, he does not count for much. A strategy of weighing gains against risks thus renders the status of any specific risk victim substantially contingent upon the claims of others, both those who may share his victim status and those who stand to gain from the risky activity. The anxiety to preserve some fundamental place for the individual that cannot be overrun by larger social considerations underlies what H.L.A. Hart has aptly termed the "distinctively modern criticism of utilitarianism,"58 the criticism that, despite its famous slogan, "everyone [is] to count for one,"59 utilitarianism ultimately denies each individual a primary place in its system of values. Various versions of utilitarian ism evaluate actions by the consequences of those actions to maximize happiness, the net of pleasure over pain, or the satisfaction of desires.60 Whatever the specific formulation, the goal of maximizing some mea sure of utility obscures and diminishes the status of each individual. It reduces the individual to a conduit, a reference point that registers the appropriate "utiles," but does not count for anything independent of his monitoring function.61 It also produces moral requirements that can trample an individual, if necessary, to maximize utility, since once the net effects of a proposal on the maximand have been taken into account, the individual is expendable. Counting pleasure and pain equally across individuals is a laudable proposal, but counting only plea sure and pain permits the grossest inequities among individuals and the trampling of the few in furtherance of the utility of the many. In sum, utilitarianism makes the status of any individual radically contingent. The individual's status will be preserved only so long as that status con tributes to increasing total utility. Otherwise, the individual can be discarded.

#### The only way to preserve individualism is to allow all persons to have the right to own themselves regardless of any negative consequentialist impacts

Schroeder 86 – Professor of Law at Duke (Christopher H., Prof of Law at Duke, “Rights Against Risks,”, April, Columbia Law Review, pp. 495-562, http://www.jstor.org/pss/1122636)

2. Liberal Theories in the "Rights" Tradition. A second group of theories avoids the modern criticism of utilitarianism by making the individual central. Contemporary theorists as diverse as John Rawls, Robert Nozick, Richard Epstein, Charles Fried, and Ronald Dworkin continue a tradition variously described as the Kantian, natural rights, or "rights" tradition.62 They all define the requirements of justice in terms of recognizing and preserving the essential characteristics of individuals as free and autonomous moral agents.63 In this approach, the individual is defined prior to articulating the terms under which that individual can be acted upon or interacted with, and those terms are consequently specified so as to protect and preserve what is essential to the individual. In this context, rights have been called "trumps" since they constrain what society can do to the individual.64 These theories all aspire to make the individual more secure than he is under utilitarianism. In the rights tradition, the crucial criteria for assessing risks derive from the impact of those risks on risk victims, and the criteria are defined independently of the benefits flowing from risk creation. To be plausible, such a program cannot totally prohibit risk creation, but the ostensible advantage of this program over utilitarianism is that risk creation is circumscribed by criteria exclusively derived from considerations of the integrity of the individual, not from any balancing or weighing process.65 The root idea is that nonconsensual risks are violations of "individual entitlements to personal security and autonomy."66 This idea seems highly congruent with the ideology of environmentalism expressed in our national legislation regulating technological risk. Indeed, two scholars have recently suggested a modern rendering of Kant's categorical imperative: "All rational persons have a right not to be used without their consent even for the benefit of others."67 If imposing risk amounts to using another, this tradition seems to be the place to look to secure the status of the individual.

## Deontology Good

### Deontology First

#### Deontological principles of rights should be considered first – other interpretations are assigned no moral value if conflicting with the principles of rights because viewing the debate from a deontological perspective is the only way to guarantee freedom

Freeman 94 – Avalon Professor in the Humanities at the University of Pennsylvania, Ph.D. Harvard University, J.D. University of North Carolina (Samuel, “Utilitarianism, Deontology, and the Priority of Right,” Philosophy and Public Affairs, Vol. 23, No. 4, Autumn, pp. 313-349, http://www.jstor.org/stable/2265463)

The priority of right asserts then that the reasons supplied by moral motives-principles of right and their institutional requirements-have absolute precedence over all other considerations**.** As such, moral motives must occupy a separate dimension in practical reasoning. Suppose then a supplementary stage of practical reasoning, where the interests and pursuits that figure into ordinary deliberation and which define our conception of the good are checked against principles of right and justice. At this stage of reasoning, any ends that directly conflict with these moral principles (e.g., racist ends or the wish to dominate others), or whose pursuit would undermine the efficacy of principles of right (e.g., desires for unlimited accumulation of wealth whatever the consequences for others), are assigned no moral value, no matter how intensely felt or important they may otherwise be. Being without moral value, they count for nothing in deliberation. Consequently, their pursuit is prohibited or curtailed by the priority given to principles of right. The priority of right then describes the hierarchical subordination in practical deliberation of the desires, interests, and plans that define a person's rational good, to the substantive demands of principles of right.32 Purposes and pursuits that are incompatible with these principles must be abandoned or revised. The same idea carries through to social and political deliberations on the general good. In political deliberative procedures, the priority of right means that desires and interests of individuals or groups that conflict with the institutional requirements of principles of right and justice have no legitimate claim to satisfaction, no matter how intense peoples' feelings or how large the majority sharing these aims. Constitutional restrictions on majority rule exhibit the priority of right. In democratic procedures, majorities cannot violate constitutional rights and procedures to promote, say, the Christian religion, or any other aspect of their good that undermines others' basic rights and opportunities. Similarly, the institutional requirements of Rawls's difference principle limit, for example, property owners' desires for tax exemptions for capital gains, and the just savings principle limits current majorities' wishes to deplete natural resources. These desires are curtailed in political contexts, no matter how intense or widely held, because of the priority of principles of right over individual and general good.33 The priority of right enables Rawls to define a notion of admissible conceptions of the good: of those desires, interests and plans of life that may legitimately be pursued for political purposes. Only admissible conceptions of the good establish a basis for legitimate claims in political procedures (cf. TJ, p. 449). That certain desires and pursuits are permissible, and political claims based on them are legitimate, while others are not, presupposes antecedently established principles of right and justice. Racist conceptions of the good are not politically admissible; actions done in their pursuit are either prohibited or discouraged by a just social scheme, and they provide no basis for legitimate claims in political procedures. Excellences such as knowledge, creativity, and aesthetic contemplation are permissible ends for individuals so long as they are pursued in accordance with the constraints of principles of right. Suppose these perfectionist principles state intrinsic values that it is the duty of everyone to pursue. (Rawls leaves this question open. cf. TJ, p. 328.) Still, they cannot supply a basis for legitimate political claims and expectations; they cannot be appealed to in political contexts to justify limiting others' freedom, or even the coercive redistribution of income and wealth (cf. TJ, pp. 331-32). This is because of the priority of right over the good. Now return to Kymlicka's argument. Kymlicka says both Rawls and utilitarians agree on the premise of giving equal consideration to everyone's interests, and that because utilitarians afford equal consideration, "they must recognize, rather than deny, that individuals are distinct persons with their own rightful claims. That is, in Rawls's classification, a position that affirms the priority of the right over the good" (LCC, p. 26). Since "Rawls treats the right as a spelling-out of the requirement that each person's good be given equal consideration," there is no debate between Rawls and utilitarians over the priority of the right or the good (LCC, p. 40).

### Deontology Good – Comparative

#### By guiding social choice, deontology ultimately achieves the same result as utilitarianism without compromising the individual

Schroeder 86 – Professor of Law at Duke (Christopher H., “Rights Against Risks,”, April, Columbia Law Review, pp. 495-562, http://www.jstor.org/pss/1122636)

The rights tradition and utilitarianism, the two grand opponents in American jurisprudence, clash on many different issues and fronts.235 There are, however, many ways to classify ethical theories, and in one crucial respect these two belong together. They seek the same kind of answer to the question of conflicting values. For its part, utilitarianism aspires to clear and unique answers for every question of public choice. If only we can determine the various utility functions of individuals affected by those decisions-a heroic assumption-the absolutely correct action will be known. Utilitarianism employs a method for producing that absolute answer that threatens to obliterate the individual, and hence rights theories reject that method. In affirming the primacy of the individual, however, those theories do not abandon utilitarianism's ultimate objective to identify absolutes-clear and definite answers-to guide social choice or to determine the constraints of justice. In this respect, such theories still live in utilitarianism's shadow.

### Deontology Good – Ows Extinction

#### The utility of a society only has value when its individuals are treated with dignity. A free society that sacrifices some of its own individuals to prevent human extinction is morally corrupt.

Shue 89 – Professor of Ethics and Public Life, Princeton University (Henry, “Nuclear Deterrence and Moral Restraint, pp. 141-2)

Given the philosophical obstacles to resolving moral disputes, there are at least two approaches one can take in dealing with the issue of the morality of nuclear strategy. One approach is to stick doggedly with one of the established moral theories constructed by philosophers to “rationalize” or “make sense of” everyday moral intuitions, and to accept the verdict of the theory, whatever it might be, on the morality of nuclear weapons use. A more pragmatic alternative approach assumes that trade-offs in moral values and principles are inevitable in response to constantly changing threats, and that the emergence of novel, unforeseen challenges may impel citizens of Western societies to adjust the way they rank their values and principles to ensure that the moral order survives. Nuclear weapons are putting just such a strain on our moral beliefs. Before the emergence of a nuclear-armed communist state capable of threatening the existence of Western civilization, the slaughter of millions of innocent human beings to preserve Western values may have appeared wholly unjustifiable under any possible circumstances. Today, however, it may be that Western democracies, if they are to survive as guardians of individual freedom, can no longer afford to provide innocent life the full protection demanded by Just War morality. It might be objected that the freedoms of Western society have value only on the assumption that human beings are treated with the full dignity and respect assumed by Just War theory. Innocent human life is not just another value to be balanced side by side with others in moral calculations. It is the raison d’etre of Western political, economic, and social institutions. A free society based on individual rights that sanctioned mass slaughter of innocent human beings to save itself from extinction would be “morally corrupt,” no better than soviet society, and not worth defending. The only morally right and respectable policy for such a society would be to accept destruction at the hands of tyranny, if need be. This objection is partly right in that a society based on individual rights that casually sacrifices innocent human lives for the sake of common social goods is a contradiction in terms. On the other hand, even Just War doctrine allows for the unintentional sacrifice of some innocent human life under certain hard-pressing circumstances. It is essentially a consequentialist moral doctrine that ascribes extremely high – but not absolute – value to innocent human life. The problem for any nonabsolute moral theory, of course, is where to draw the line.

#### Maintaining proper moral values is the only way to obtain a free society, which outweighs nuclear extinction

Shue 89 (Henry, Professor of Ethics and Public Life, Princeton University, “Nuclear Deterrence and Moral Restraint, pp. 134-5)

 But is it realistic to suppose that American citizens would risk not just their own lives but their families and their nation in using nuclear weapons to save Western Europe and other free societies from Soviet domination, especially if the United States’ allies are not willing to risk nuclear destruction themselves? According to one 1984 poll, 74 percent of Americans queried believe “the U.S. should not use nuclear weapons if the Russians invade Western Europe.” Nuclear Protectionists, however, would reply that further public debate might convince more Americans that deterrence cannot be had on the moral cheap. If the United States is determined to deter a Soviet attack on Europe, it must have a moral nuclear strategy that it is willing to implement. Without effective population defenses, such a strategy could require that the United States accept an unequal risk of nuclear destruction to ensure the survival of free society. In the extreme, this could mean that the United States must be willing to sacrifice itself for values higher than its own national survival. Thus, Nuclear Protectionism views both Just War morality and national “self-centered” as unworkable foundations for U.S. security policy.

### Deontology Good – Rights

#### A deontological framing maximizes the good by emphasizing rights and acting on an individualist basis

Freeman 94 – Avalon Professor in the Humanities at the University of Pennsylvania, Ph.D. Harvard University, J.D. University of North Carolina (Samuel, “Utilitarianism, Deontology, and the Priority of Right,” Philosophy and Public Affairs, Vol. 23, No. 4, Autumn, pp. 313-349, http://www.jstor.org/stable/2265463)

Many moral views can admit that right acts in some sense promote the good. In Kant, for example, all have a duty to promote the Realm of Ends; each person's doing so is, we might say, instrumental to realizing this ideal community. But here the goodness of this end is not an independent variable that is being promoted; this good is just defined as the state of affairs in which conscientious moral agents all freely act on and from the moral law. By acting and willing according to this principle, all treat the humanity of others as an end in itself. Moreover, to say this good is "maximized" when everyone does his or her duty really adds nothing; and it misleads us as to the structure and content of Kant's principle of right. By contrast teleological views (1) define the good independent of any moral concepts; and then (2) define the right purely in instrumental terms of principles of expedience, i.e., as what most effectively and probably realizes the greatest amount of good.

### Deontology Good – Morality

#### Deontology morality maximizes good to its fullest extent while utilitarianism is indifferent to distribution of good

Freeman 94 – Avalon Professor in the Humanities at the University of Pennsylvania, Ph.D. Harvard University, J.D. University of North Carolina (Samuel, “Utilitarianism, Deontology, and the Priority of Right,” Philosophy and Public Affairs, Vol. 23, No. 4, Autumn, pp. 313-349, http://www.jstor.org/stable/2265463)

It is perhaps a moral truism to say that people ought to do what they can to make the world as good a place as possible. But construed in a certain way, this becomes a highly controversial thesis about morality: that the right act in any circumstance is one most conducive to the best overall outcome (as ascertained, say, from an impersonal point of view that gives equal weight to the good of everyone). This is Consequentialism.' More simply, it holds Right conduct maximizes the Good. G. E. Moore held this thesis self-evident. Non-consequentialists argue nothing could be further from the truth. So far as they do, it appears (to consequentialists at least) they are committed to the indefensible idea that morality requires us to do less good than we are able to. John Rawls's teleological/deontological distinction is different. Teleo logical views affirm the consequentialist thesis that the Right maximizes the Good. But they hold an additional thesis: "the good is defined independently from the right" (TJ, p. 24), or, as Rawls often says, independ ent of any moral concepts or principles.2 To see how this view differs from consequentialism, consider a thesis once proposed by T. M. Scanlon.3 A standard objection to consequentialist views like utilitarian ism is that they are indifferent to the distribution of the good; this is purportedly a necessary feature of such views, since they define right and justice as what maximizes overall, or aggregate, good. Scanlon argued there should be a way to incorporate distributive concerns into a two-level consequentialist view. If we treat fairness or distributive equality as a good in itself, then it must be considered along with other goods like net aggregate satisfaction in determining the value of overall outcomes that are to be maximized. Rights could then be introduced at the level of casuistry, to promote the good of equitable states of affairs. The two-level consequentialist view Scanlon suggests would not be teleological on Rawls's account; it would be deontological. As Rawls says: If the distribution of goods is also counted as a good, perhaps a higher-order one, and the theory directs us to produce the most good (including the good of distribution among others) we no longer have a teleological view in the classical sense. The problem of distribution falls under the concept of right as one intuitively understands it, and so the theory lacks an independent definition of the good. (TJ, 27)