

# **Victory Briefs**

## **The Victory Briefs Value Handbook** **A collection of essays on political and ethical philosophy in Lincoln-Douglas Debate**



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# Victory Briefs Presents . . .

## The LD Value Handbook

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## **Introduction**

### ***Victor Jih***

Lincoln-Douglas debate is value debate. So the most important part must be the philosophical background in political and ethical theories. The problem with most debaters is that they take resolutions on a topic by topic basis, and never really develop a solid foundation of moral thought. Unless one attends an expensive summer institute, there usually is too little time to read and research the values and philosophies themselves. I can understand. There is hardly enough time to research each new topic as it comes up, let alone have time to simply research values for background. Because most people do not have an opportunity to become acquainted with much of the "values" debate in Lincoln-Douglas, we have written this value handbook.

Anyone familiar with value handbooks written by other companies (our rivals) will suddenly realize that this book is very different. This book is nothing like Baylor's value handbook, for example. Here are some of the most striking differences: we do not even try to be comprehensive or completely unbiased. Our essays do not follow strict and rigid formats for uniformity. Instead, this handbook should almost be treated as a collection of essays from different authors on ethical theory -- because that's really what it is. To be precise, this should be called the Victory Briefs Value Anthology. It's written like a book so please read it like a book.

Accordingly, do not expect to use this book as you would prepared briefs. You cannot simply take this book into a debate round and expect to read from its pages. If you try, you'll find this book confusing, disorganized, and ineffective. Exactly. We did not write this book to be actually used in a round without prior preparation. This book is meant to provide values background, to be used before the round. Read each section carefully; and read all of the sections. Though we have tried to simplify the concepts, some theories are still very confusing. Take the time to read it again -- slowly. Try to read each of the sections -- one section will often build upon another. For those debaters who want to be lazy and use this book like Cliff's Notes, or a cheat sheet to LD debate, you will be very frustrated. But for those who are willing to use this as a textbook, to study it, to think about it, to work with it, you will find it very rewarding and interesting.

As you read through the book, you will notice that each writer has a distinct style and format. Each author wrote the piece according to their own understanding. The opinions expressed here are by no means the only ones, or the authoritative ones. Many of the ethical theories explained here have been debated for years by academics and they still can't come to total agreement. Be ready to challenge everything you read here. As a disclaimer: Victory Briefs does not necessarily agree with each of the positions, nor every bit of commentary the authors have chosen to include. Specifically, you'll find Fred Carroll's liberalism scream out at you when you read his essays (and believe me, we toned it down).

Let me provide a brief overview of the book. First of all there is an essay on the classic conflict between life and the quality of life. The issue is pretty straightforward. And then there is an essay on the questions of freedom of expression and the various values it conflicts with. The essay on equality follows and after that, there is one on justice. Then we come to three essays that should be read together: they all deal with the relationship

between the individual, society, and government. These essays are on the individual and society, utilitarianism, and the social contract. And then we come to another group of three essays on moral philosophy. These sections are probably the most difficult to understand, because they are the most complex. But a deep understanding of morality and obligation will serve the debater well. I suggest careful reading. Lastly there are two separate sections on various types of logical fallacies.

At the end of the book, there is a section of philosopher abstracts that summarize the theories of various famous thinkers. And after that there is a substantial bibliography of book titles the authors have found useful in their Lincoln-Douglas careers. Please use this handbook as a stepping stone to primary source material. These original books are very insightful. This handbook should help you get started in your understanding of these books; it should not be a substitute.

I hope this handbook is useful. If you have any questions or suggestions, please feel free to visit our website at [www.victorybriefs.com](http://www.victorybriefs.com), email us at [info@victorybriefs.com](mailto:info@victorybriefs.com) or write us at Victory Briefs, 1144 Yale St. #3, Santa Monica, CA 90403.

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**Jeremy Mallory:** Jeremy Mallory is a freshman at Swarthmore College. He attended the Bronx and Stanford Round Robins, the Tournament of Champions, and won third place at the St. Mark's Invitational. He participated in elimination rounds at many tournaments -- including Bronx, Stanford, Berkeley, and numerous local tournaments. He won third place in Foreign Extemp at the Glenbrook Nationals and is the NCFL Extemp Champion, the first person ever to take straight ones in the final round.

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## Freedom of Expression

### Eric Johnson

You may not be surprised to hear that Monsingniuer Joseph Howard, Executive Secretary of the National Office for Decent Literature, is against censorship.

"So, Mr. Editor, in your Censorship: For and Against, put me down with the Againsts," he writes in part of a collection of essays.

"A few commonsense rules are all we need," he explains.

Censorship is one of those things that a lot of people support, but none will admit to. That's a problem for the debater. In gathering evidence, you need to find someone who will support your stance. And since everyone either loves free speech, or pretends to, debaters need special expertise in arguing against it.

To begin at the beginning, however, it is necessary to supply evidence that freedom of expression is good. This first piece of evidence is so generic that it would not fit into any of the categories below. It is that perfect quote to kick off a case or use in the constructive to set up free speech.

***There is no justification for silencing an opinion.***

John Stuart Mill, philosopher, On Liberty (Penguin Classics) 1859, this edition 1974, p. 76.

"If all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind."

### **Supporting Reasons Behind Free Expression**

Many reasons can be given for the value of freedom of expression. It can be considered an intrinsic value or an instrumental value to a number of ends.

The most familiar of these is democracy. The press is often seen as a fourth branch of the government, having checks on the other branches. While this assertion may be a little carried away, democracy is seen as being tied-in with free expression in a fundamental way.

***Free speech is a necessary component of democracy.***

Frederick Schauer, Cutler Professor of Law College of William and Mary, Free Speech: A Philosophical Enquiry, 1982, p. 35-36.

"The argument from democracy views freedom of speech as a necessary component of a society premised on the assumption that the population at large is sovereign. This political basis for a principle of freedom of speech leads to a position of prominence under the argument for speech relating to public affairs, and even more prominence for criticism of governmental officials and policies. Such freedom is held to be necessary for two purposes. First, freedom of speech is crucial in providing the sovereign electorate with the information it needs to exercise its sovereign power, and to engage in the deliberative process requisite to the intelligent use of that power. Second, freedom to criticize makes possible holding governmental officials, as public servants, properly accountable to their masters, the population at large."

***Free press is democracy.***

Walter Cronkite, former anchor of the CBS Evening News, Leading Journalists Tell What a Free Press Means to America, 1984, no page number.

"A democracy ceases to be a democracy if its citizens do not participate in its governance. To participate intelligently, they must know what their government has done, is doing and plans to do in their name. Whenever any hindrance, no matter what its name, is placed in the way of this information, a democracy is weakened, and its future endangered. This is the meaning of freedom of press. It is not just important to democracy, it is democracy."

Another reason that is often invoked for the First Amendment's protections of speech and press is the search for truth. This also goes under the heading "the market place of ideas." Only through the communication that is allowed under these protections, it is argued, can truth emerge. Frederick Schauer explains the use of the argument from truth.

***Freedom of speech is defended with the argument from truth.***

Frederick Schauer, Cutler Professor of Law College of William and Mary, Free Speech: A Philosophical Enquiry, 1982, p. 15.

"Throughout the ages many diverse arguments have been employed to attempt to justify a principle of freedom of speech. Of all these, the predominant and most persevering has been the argument that free speech is particularly valuable because it leads to the discovery of truth. Open discussion, free exchange of ideas, freedom of enquiry, and freedom to criticize, so the argument goes, are necessary conditions for the effective functioning of the process of searching for truth. Without this freedom we are said to be destined to stumble blindly between truth and falsehood. With it we can identify truth and reject falsity in any area of human enquiry."

John Stuart Mill looks at a couple aspects of this argument. He explains that suppressing an opinion because it is false cannot be justified, because it assumes that the authority doing the censoring is infallible.

***Suppression of thought assumes infallibility of authority.***

John Stuart Mill, philosopher, On Liberty (Penguin Classics), 1859, this edition 1974, p. 77.

"First, the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course, deny its truth; but they are not infallible. They have no authority to decide the question for all mankind and exclude every other person from the means of judging. To refuse a hearing to an opinion because they are sure that it is false is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility."

But Mill argues that even if the opinion is absolutely false, it is still wrong to silence it, because even wrong opinions further the search for truth.

***Both true and false opinions aid the search for truth.***

John Stuart Mill, philosopher, On Liberty (Penguin Classics), 1859, this edition 1974, p. 76-77.

"But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation -- those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error. We can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if we were sure, stifling it would be an evil still."

Supreme Court Justice Oliver Wendell Holmes argues for the marketplace of ideas from a utilitarian perspective; free speech is valuable because of its contribution to society.

***The marketplace of ideas produces truth to benefit society.***

Oliver Wendell Holmes, Supreme Court Justice, Constitutional Civil Liberties, 1984, p. 16.

"Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care whole-heartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas -- that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution."

Still, as an instrumental value, Alan S. Donnohoe goes one step beyond democracy and sees it as a means to individual liberty.

***Freedom of the press is vital to individual liberty.***

Alan S. Donnohoe, Chief Executive Officer of Media General, Leading Journalists Tell What a Free Press Means to America, 1984, no page number.

"I think it is fair to say that freedom of the press and individual liberty are highly correlated, so that any restriction on the former will reduce the latter accordingly. If any proof of this proposition is needed, it can readily be found in a survey of both freedoms, nation by nation, throughout the world today. And modern history makes it quite clear that the first priority of any authoritarian government is to control all channels of communication."

Freedom of expression is said by some to have value without regard to the consequences it produces: it is an intrinsic value. In this context it is often considered a natural right.

***Freedom of expression is a natural right.***

C. Herman Pritchett, University of California at Santa Barbara, Constitutional Civil Liberties, 1984, p. 16-17.

"Freedom to speak may also be defended as a natural right that individuals must enjoy if they are to achieve the full potentialities of their intellectual and moral endowments. Interference with such rights would on this basis be objectionable, not because society was deprived of truths it might otherwise have discovered, but because individuals were thwarted in the development and expression of their rational faculties."

**Applying and Interpreting the Constitution**

Freedom of expression as it is viewed in the United States is unique among values. Although it exists in philosophical study outside of the context of our particular government, in this country our conceptions of freedom of expression revolve around the First Amendment.

***The First Amendment to the Constitution.***

"Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."



The amendment recognizes the existence of a freedom of speech and a freedom of the press, and then prohibits Congress from making a law that abridges those freedoms. In the First Amendment, *only* Congress is prohibited from abridging those freedoms. No similar protection is granted against abridgement from state or local authorities. The extension of the freedom of expression to cover other governments in the United States was done by cross-applying the 14th Amendment to the First. This was done in 1925 in Gitlow v. New York.

***The due-process clause of the 14th Amendment.***

"No State shall enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It was ruled that among the liberties protected by this clause was the freedom of expression. Since the beginning of our nation under the Constitution, there has been a trend of expanding liberty and expanding the function of the federal government, often into realms that had been the domain of the states. Most of this expansion has been justified by changing interpretations of the Constitution. All seem to have agreed that it has changed, but exactly what kind and how much protection the First Amendment provides is hotly debated.

**Absolute**

One interpretation is that the First Amendment is absolute. Supreme Court Justice Hugo L. Black and political theorist Alexander Meikeljohn both backed an absolutist interpretation.

***The First Amendment is Absolute.***

Hugo L. Black, Supreme Court Justice, Constitutional Civil Liberties, 1984, p. 28.

"I read 'no law abridging' to mean no law abridging. The First Amendment, which is the supreme law of the land, has thus fixed its own value on freedom of speech and press by putting these freedoms wholly 'beyond the reach' of federal power to abridge. No other provision of the Constitution purports to dilute the scope of these unequivocal commands of the First Amendment. Consequently, I do not believe that any federal agencies, including Congress and this Court, have power or authority to subordinate speech and press to what they think are 'more important interests.'"

***The First Amendment is Absolute.***

Alexander Meikeljohn, Constitutional Civil Liberties, 1984, p. 29.

"No one who reads with care the text of the First Amendment can fail to be startled by its absoluteness. The phrase, 'Congress shall make no law ... abridging the freedom of speech,' is unqualified. It admits of no exceptions. To say that no laws of a given type shall be made means that no laws of that type shall, under any circumstances, be made. That prohibition holds good in war as in peace, in danger as in security."

Meikeljohn, very persuasively, alluded to the language of the other parts of the Constitution to establish the absolute position of the First Amendment.

***The Language of the Const. supports Absolute Interpretation.***

C. Herman Pritchett, University of California at Santa Barbara, Constitutional Civil Liberties, 1984, p. 29.

"Meikeljohn sought support for this view from another protection of speech found in the Constitution that has unquestionably been treated as an absolute right. That is the provision in Article I, Section 6, to the effect that members of Congress 'shall not be questioned in any other place' for 'any speech or debate in either house.' The parallel is an interesting one. Congress 'shall make no law,' and congressman 'shall not be questioned.' The congressional right of free speech is taken at its face value. Members of Congress are absolutely protected from persecution because of what they have said in Congress or its committees or its official publications. The Constitution makes a similar judgment, say the absolutists, concerning freedom of speech, because of the importance of freedom of discussion to democratic self-government. The Constitution knows how to grant qualified rights, if that is its purpose and intent. Take the due process clause of the Fifth Amendment. It does not state an absolute prohibition. It does not say that person shall not be deprived of their life, liberty, or property. It says that persons may be so deprived, provided due process of law is followed."

Despite some excellent interpretive arguments, the majority of theorists and court decisions reject an absolutist interpretation. One consideration might be that it is so impracticable as to be unthinkable. The simple fact that so many people agree that it ought to be limited may be a strong argument against an absolutist position.

***Absolutism's problems.***

C. Herman Pritchett, University of California at Santa Barbara, Constitutional Civil Liberties, 1984, p. 30.

"Liberalism-absolutism does create some problems for its advocates. A purely literal reading of the First Amendment, which applies by its terms only to Congress, would have prevented the Court from extending the amendment's coverage to the states as was done in the Gitlow case. ... It is significant that Justice Murphy, as devoted a civil libertarian as ever sat on the Court, admitted in *Chaplinsky v. New Hampshire* (1942): 'It is well understood that the right of free speech is not absolute at all times and under all circumstances.'"

**Political**

Another view can be termed as a "political" interpretation. This relates to above arguments that the function of the First Amendment is to facilitate the democratic process. Because of this function, it is argued, only speech that is political in nature is protected.

***Only political speech is protected.***

Alexander Meikeljohn, Free Speech and Its Relation to Self Government, 1948, p. 93-94.

"If however, as our argument has tried to show, the principle of the freedom of speech is derived, not from some supposed 'Natural Right,' but from the necessities of self-government by universal suffrage, there follows at once a very large limitation on the scope of the principle. The guarantee given by the First Amendment is not, then, assured to all speaking. It is assured only to speech which bears, directly or indirectly, upon issues with which voters have to deal -- only, therefore, to the consideration of matters of public interest. Private speech, or private interest in speech, on the other hand, has no claim whatever to the protection of the First Amendment."

Meikeljohn makes an interesting application of the above principle. He argues that since it is a tool of free government, freedom of expression does not apply to those who are not self-governed, such as people in prison.

***Freedom of expression applies only to the self-governed.***

Alexander Meikeljohn, Free Speech and Its Relation to Self Government, 1948, p. 100.

"If the meaning and the validity of the First Amendment be derived from the principles of self-government, still another very serious limitation of its scope must be recognized. The principle of the unqualified freedom of public speech is, then, valid only in and for a society which is self-governing. It has no political justification where men are governed without their consent. For example, in such institutions as an army or a prison or an insane asylum, the principle of freedom of speech is neither relevant nor valid."

Supreme Court nominee Judge Robert H. Bork argues that First Amendment protection goes beyond political speech.

***Freedom of expression protects more than just political speech.***

Robert H. Bork, United States Judge, The Tempting of America, 1990, p. 333.

"There was, therefore, I argued, no reason to throw constitutional protection around speech that was not political. I later abandoned that position, not because the observation about the functions of speech was not true, but because it results in an unworkable rule. Almost any speech could be made protected by simply adding a policy proposal at the end. Moreover, the discovery and spread of what we regard as political truth is assisted by many forms of speech and writing that are not explicitly political"

One conceivable use of free speech might be to advocate the overthrow of the government. This, it could be said, is a kind of political speech that is rooted in the revolutionary beginnings of the government. Thomas Jefferson spoke of a people's right to rebel when government no longer protects their rights. That idea was written into the Declaration of Independence. Judge Bork, however, sees this kind of speech as not protected by the Constitution.

***Advocating forcible overthrow of the government is not protected.***

Robert H. Bork, United States Judge, The Tempting of America, 1990, p. 333-334.

"My second contention was that there is no constitutional reason to protect speech advocating forcible overthrow of the government or speech advocating the violation of law. The reason for that conclusion is plain. The Constitution creates a republican form of government in which political speech is essential to arrive at consensus on various issues. Majorities make up their minds and either do or do not enact laws. In such a government, speech advocating the forcible overthrow of the government and the seizure of power by a minority has no value because it contradicts the premises of constitutional democracy. If the speech succeeds, democracy and individual freedom are at an end."

**Clear and Present Danger**

The "clear and present danger" standard was intended to define the point at which the freedom of speech could be limited for the good of society. The famous phrase has its origins in Schenck v. United States, where Justice Holmes wrote the unanimous opinion. In this selection Holmes puts forward the now-famous "fire in a crowded theater" example.

***First Amendment is limited when there is a clear and present danger.***

Oliver Wendell Holmes, Supreme Court Justice, Constitutional Civil Liberties, 1984, p. 21-22.

"The character of every act depends upon the circumstances in which it is done ... The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. ... The question in every case is whether the words used are used in circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree."

In 1927, Justice Louis D. Brandeis defined the clear and present danger standard in a very narrow way in Whitney v. California. The following quotation sets forth the terms under which speech can be limited. The quotation is long, you will probably want to cut it down for use in a round.

***The terms of the clear and present danger standard.***

Louis D. Brandeis, Supreme Court Justice, Constitutional Civil Liberties, 1984, p. 23.

"To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify repression ... Moreover, even imminent danger cannot justify resort to prohibition of these functions essential to effective democracy, unless the evil apprehended is relatively serious. Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trivial harm to society. ... The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. ... Among free men, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly."

Alexander Meikeljohn, in accordance with his absolutist interpretation of the Constitution rejects the clear and present danger standard and urges us to keep free expression during time of crisis.

***Clear and present danger should not be used as a limit.***

Alexander Meikeljohn, Free Speech and Its Relation to Self Government, 1948.

"Fourth, the theory regards the freedom of speech as a mere device which is to be abandoned when dangers threaten the public welfare. On the contrary, it is the very presence of those dangers which makes it imperative that, in the midst of our fears, we remember and observe a principle upon whose integrity the entire structure of government by consent of the governed rests."

**Symbolic**

The First Amendment is blurry not only on what constitutes "freedom," but also what constitutes "speech." Speech is often combined with conduct that is not speech, and this "conduct" may help to convey the message. Where does speech begin and end? Three categories used by the Supreme Court are useful in discussing this.

"Pure speech" designates actions that fall squarely within the protection of the Constitution. Talking to someone on the telephone is almost certainly pure speech.

The term "speech plus conduct" refers to occurrences like picket lines, where marching and speaking are part of the attempt at communication.

"Conduct" is symbolic speech, without verbal communication. Burning a U.S. flag is an example. William J. Brennan in Texas v. Johnson recognized that a freedom of speech does include conduct that constitutes symbolic speech.

***Freedom of speech includes symbolic speech.***

Texas v. Johnson, 1989, p. 168.

"The First Amendment literally forbids the abridgement only of 'speech,' but we have long recognized that its protection does not end at the spoken or written word. ... In deciding whether particular conduct possesses sufficient communicative elements to bring the First Amendment into play, we have asked whether '[a]n intent to convey a particular message was present, and [whether] the likelihood was great that the message would be understood by those who viewed it.' ... Hence, we have recognized the expressive nature of students' wearing black armbands to protest American military involvement in Vietnam; ... of a sit-in by blacks in a 'whites only' area to protest segregation, ... of the wearing of American military uniforms in a dramatic presentation criticizing American involvement in Vietnam, ... and of picketing about a wide variety of causes."

**Issues of Access and Conflicts with Property Rights**

One sure way to find the limits of the First Amendment, as the Supreme Court elucidated above, is to exercise speech and press in some way that conflicts with other rights. In the sit-in protests of the early 1960's, blacks entered whites-only restaurants and requested service. Many were arrested on charges of criminal trespass. The Supreme Court ruled that although the conduct would normally be protected, the right to private property would not allow an overturning of the trespassing conviction.

***Property rights limit freedom of expression.***

C. Herman Pritchett, University of California at Santa Barbara, Constitutional Civil Liberties, 1984, p. 51

"Black put the same view more forcibly in Bell v. Maryland (1964): 'Unquestionably petitioners have a constitutional right to express these views [against refusal of service] wherever they had an unquestioned legal right to be.' But they had no legal right to be on the premises of the restaurants against the owner's will. 'The right to freedom of expression is a right to express views -- not a right to force other people to supply a platform or a pulpit.'"

The same reasoning applies to people that have tried to gain access to privately owned media. A printing press is the property of the owner, and owners may dictate the content of what is printed with their equipment.

***The press cannot be forced to provide a public forum.***

C. Herman Pritchett, University of California at Santa Barbara, Constitutional Civil Liberties, 1984, p. 80.

"Popular access to the 'free marketplace of ideas' is of course subject the decisions of editors and publishers. While all papers welcome letters and news items, decisions on what to publish are controlled by available space and editorial policy. A newspaper is not a public utility. It is the essence of First Amendment rights that a paper's contents or policies in selecting news may not be dictated by government. The press cannot be forced to be 'fair,' at least in its news or editorial columns."

Freedom of the press is the freedom of the owners of the presses to print what they want. It is not the freedom of non-owners to come in and use a press that belongs to someone else. What would abridge freedom of the press would be to disallow the owner's control over their own presses. The constitutional idea of "freedom of the press," not "anarchy of the press."

The same principle was at stake with Hazelwood School District v. Kuhlmeier, a case in which the principle of a high school was allowed to make editorial judgements about the content of the school newspaper, which was written by students by owned by the school. Justice Byron R. White wrote the majority opinion, stating that the school could not be forced to "lend its name and resources" to allow student expression.

***School-sponsored expression can be limited by the school.***

Hazelwood School District v. Kuhlmeier, 1980.

"We conclude that the standard articulated in Tinker for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Instead, we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

**Censorship is Awesome**

There are cards out there that just come out and say censorship is cool; they are just hard to find. But I have tracked a couple down. Here they are.

***Censorship can be justified.***

Rebecca West, freelance literary critic and political writer, Censorship: For and Against, 1971.

"It cannot be denied (except by people so liberal as to be as insane as the silliest anti-liberals) that it is well within the bounds of possibility for certain information and opinions to be sufficiently dangerous to justify society in prosecuting anyone who publishes them. For example, if a book were issued consisting of arguments that the murder of unpleasant people should not be considered criminal, and recipes were presented for dispatching these undesirables by poisons hard to trace, society would have to do something about it."

***We need obscenity laws to protect the public morality.***

Charles H. Keating, member of the Federal Commission on Obscenity and Pornography, Censorship: For and Against, 1971.

"The very word censorship conjures up visions of book-burning, blue pencils, restricted shelves in libraries and puritanical boards gleefully consigning volumes to the flames. Despite this horrendous image, I think it is important we realize what censorship really involves. I think it is important to realize the need for laws against obscenity, laws designed to protect the public morality."

This last card shows that laws against distributing pornography to minors will not keep it away from minors as long as it is in society. This card, perhaps, should not be included in this essay -- it is far too specific. But I like this one a lot!

***If pornography is in society, it cannot be kept away from children.***

Charles H. Keating, member of the Federal Commission on Obscenity and Pornography, Censorship: For and Against, 1971.

"Once obscenity is allowed to exist legally in the community, much of it will end up in the hands of young people. They obtain it in many ways: from their father's dresser drawer, from newspaper drives conducted by the Boy Scouts, from the pervert who purposely disposes of his pornography near school grounds. It is impossible to protect juveniles from pornography as long as it is legal for any segment of society to obtain it."

On that note, good luck!

## **Equality**

### ***Matt Koenig***

Throughout history, philosophers dating back to Aristotle and Plato have argued about the true nature of equality, a value constantly sought by mankind and constantly discussed by the debater. Upon inspection, there seems to be three types of equality.

- 1. Political Equality:** political equality is concerned with the individual's relationship to the government, such as having an equal voice in policymaking and equal treatment under the law.
- 2. Natural Equality:** this is what most people mean when they use the word "equality." Natural equality upholds the fundamental characteristics of human nature, such as the equal dignity of the soul and the establishment of equal human rights.
- 3. Social Equality:** social equality centers on man's relationship with society -- his class, race, creed, or other social groupings.

#### **Political Equality**

Aristotle wrote in Politics: "The only stable principle of government is equality according to proportion." With this statement, Aristotle concludes that political equality should apply uniformly within each class. Believing that some men were meant to rule and some to be slaves, Aristotle did not contend that equality should apply uniformly throughout society, but only within each particular social group. Clearly, Aristotle's views of political equality are not very "equal" in the modern sense of the word.

It is not until Hobbes and Locke that the modern themes of equality begin to take shape in written form. Hobbes and Locke both try to justify government in terms of the voluntary acceptance of a social contract between the ruler and the governed. In this social contract, the subject voluntarily yields political power to the ruler. That the contract is voluntary indicates that some form of equality precedes the contract. Both men argue that in the state of nature, there are no political inequalities between people. The nature of the contract dictates the relationship between the government and the people.

Hobbes writes, "In the condition of mere nature ... all men are equal. The inequality that now is has been introduced by the laws civil." (Leviathan I, 15). With this conclusion, Hobbes pronounces, "for the ninth law of nature, I put this: that every man should acknowledge another for his equal by nature." (Leviathan I, 15). Locke agrees with Hobbes that "men are naturally in ... a state of nature ... a state also of equality, wherein all power and jurisdiction is reciprocal, no one having more than another." (Second Treatise of Civil Government II, 4).

However, it is important to note that Hobbes and Locke were only speaking of political equality. Locke makes this clear by prefacing his entire discussion of equality with the words, "to understand political power." He writes: "Though I have said above 'that all men are by nature equal,' I cannot be supposed to understand all sorts of 'equality.'" Locke then continues by describing those "sorts of equality" as natural differences between men, stating that "age of virtue may give men a just precedency. Excellency of parts and merit may place others above the common level." (Second Treatise of Civil Government VI, 54).

#### **Natural Equality**

Natural equality is what we normally think of when we hear the term "equality." This is what Thomas Jefferson had in mind when he stated "we hold these truths to be self-evident, that all men are created equal."

Natural equality exists at birth, regardless of class or social identification. People have inherent honor and dignity, and possess certain fundamental human rights that must be recognized in any society in recognition of that dignity.

Epictetus defined natural equality when he wrote, "These reasonings have no logical connection; 'I am richer than you, therefore I am your superior' ... the true logical connection is; 'I am richer than you, therefore my possessions must exceed yours.' But you, after all, consist neither in proportion nor in style." (Encheiridion, XLIV). Several centuries later, Montaigne echoed Epictetus' words when he wrote, "the souls of emperors and cobblers are set in the same mold." (Essays, II, 12).

Most modern philosophers agree that some form of natural equality exists. They disagree about how, if all men are by nature equal, that equality should be manifested in society.

### **Social Equality**

Social equality invokes more discussion between philosophers than any other type of equality. At the heart of the conflict is the question, if men are all fundamentally equal, does this necessarily mean that they should be made equal in social standing as well, specifically in political, economic, and social terms?

Many assert that natural equality does not necessitate social equality. Aquinas writes, "God from the beginning, has set therein creatures of various and unequal natures." (Summa Theologica, I, 65, 2). At first glance, it may seem as if Aquinas is making a case for natural inequality, but he later adds that this inequality is "without injustice, since no diversity of merit is presupposed." Years later, in a rare case of agreement with Aquinas, Voltaire composes a similar description of equality in his philosophical dictionary. "All men have the right in the bottom of their hearts to think of themselves entirely equal to other men, it does not follow from that that the cardinal's cook should order his master to prepare him his dinner." (Philosophical Dictionary: Equality). In other words, equal consideration does not warrant equal desert.

Edmund Burke believed that although men are all equal, they are not entitled to equal shares of societal wealth and power. Boswell, in Life of Johnson, also supports this view: "it is better that some should be unhappy, than that none should be happy, which would be the case in a general state of equality." (Life of Johnson, April 7, 1776).

Still, there are some who assert that social inequalities are destructive to society and the human soul. Rousseau devoted an entire work to the subject, The Origin of Inequality, in which he writes, "all the inequality which now prevails owes its strength and growth to the development of our faculties and becomes legitimate and permanent by the establishment of property and laws." (Origin of Inequality, II). One of Rousseau's greatest goals in establishing an ideal community in the Social Contract is to provide a society in which all men are equal, and therefore establishes "an equality which is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right." (Origin of Inequality, II).

### **The Merits of Equality for the Debater**

Equality can be argued successfully as a value for the debater. It is easy to understand for the lay judge, and the debater is not obligated to define a complex philosophy of equality (i.e. Hegel's concept of history versus Marx's concept of history). Granted, there are different views, but none so divergent that elaborate explanation would be necessary.

The value of equality is helpful because of its versatility. Its natural division into political, natural, and social components can be easily applied to a variety of topics. For instance, in a debate centered around the conflict between democracy and socialism, thoughts on political equality are vital, or if a debate revolved around truth versus justice, themes of social and natural equality are applicable. The smart debater will use one division to springboard to another. For instance, if one were defending democracy, one could argue that the political equality attained through giving everyone the equal right to vote leads to social equality by the impact that every



class has upon the government, or, if one were defending truth, one could argue that the natural equality of all men, a social truth, leads to an equality before the law, political equality.

The fact that equality before the law can function as a definition of justice leads to a third advantage of equality for the debater: its inclusiveness. Equality can serve as a base for many other values and therefore can be easily adapted to include the opponent's value. For instance, if an opponent offered justice, one could argue that before justice can be applied, there must be equality before the law. In another case, if an opponent offered democracy as the greatest form of government, one could argue that equality is the key merit of democracy, not only in giving every citizen the equal right to vote and equality before the law, but also in the fact that the three divisions of government, legislative, judicial, and executive, all have equal amounts of power. Equality can even function as the underlying value of socialism. Socialism attempts to attain equal status for the whole population, and by ultimately eliminating the need for government, strives for a form of political equality.

### **Problems with Equality for the Debater**

Even with its many merits, equality can be dangerous for the debater, and there are several ways to beat it. Let's say the affirmative is defending equality. The negative has many avenues of attack. First, equality's division into political, natural and social aspects can lead to ambiguities; if the affirmative is not abundantly clear, the judge can become easily confused as to what the affirmative is speaking of exactly. The negative can blur the divisions together and confuse the judge even more, making the negative side seem coherent and the affirmative garbled. Indeed, if the affirmative does not specifically define what kind of equality he is upholding in the constructive, then the negative should capitalize on the overly broad spectrum of the value, pointing out that equality can be interpreted many different ways and that the affirmative has never made it clear what he means by "Equality."

The traditional nemesis of equality is the problem of liberty. For as long as the merits of equality have been extolled, its conflicts with liberty have been criticized. Alexis de Toqueville described the history of one as the history of its conflict with the other. The debater, if trying to defeat equality, cannot ignore this. Basically, the heart of the conflict is the following: the only way to achieve equality is to reduce everyone's liberty. For example, consider how it would be possible to achieve economic equality. At the extremes, either everyone would have to be reduced to the worst poverty of the poorest person, or else everyone would have to be raised to the wealth of the richest person. Of course, no one would want everyone to be poor, but there are some arguments that everyone should be rich, or at least, in the middle class.

De Toqueville, in touring America in the 1830's, saw that Americans had an incredible passion for this type of equality: "The charms of equality are every instant felt and are within the reach of all; the noblest hearts are not insensible to them, and the most vulgar souls exult in them." (Democracy in America, Vol. II, II, I). However, as much as de Toqueville admired the passion, he also concluded that this equality could never be reached, and more importantly, in trying to reach this unattainable value, individuals and society as a whole would be hurt. This is an essential attack on equality. De Toqueville wrote that when all are born equal with no titles of birth, no inherited wealth, and all occupations within reach, then every man thinks there are no obstacles between him and the wealth he desires. In an ideal state, if a man thinks wealth is attainable for himself, he also sees it as attainable for the man he is "competing" against, and hopes that all will be equally wealthy. However, because men are in competition with each other, then it is almost impossible for any man to rise to the level of wealth he desires. Some men indeed will reach it, but the fortune of the lucky few is not the same as equal wealth for all. Individuals have an inherent desire to constantly improve their lot. This is why equality cannot be attained without severe restrictions on individual liberty. As de Toqueville concludes, "men will never establish any equality with which they can be contented ... they will never succeed in reducing all the conditions of society to a perfect level." (Democracy in America, Vol. II, II, 13).

By trying to attain this elusive value, society destroys liberty and progress; for as soon as people are made to be equal, their liberty is necessarily decreased. John C. Calhoun explains this in his Disquisition on Government: progress is attained by every individual striving to better his condition and naturally achieving the rewards of his labor. But for this progress to occur, there must be inequalities which cause men to strive for

something better. Therefore, by establishing equality, society would undermine, and ultimately extinguish progress. Furthermore, the only way equality can be attained is to either "impose restrictions on the exertions of those" who are trying to better themselves, or to "deprive them of the fruits of their exertions. But to impose such restrictions would be destructive of liberty, while to deprive them of the fruits of their exertions would be to destroy the desire of bettering their condition." (Disquisition on Government). Thus, by establishing equality, society can only stifle liberty and halt progress.

In conclusion, though equality has many strategic uses for the debater, it can also be defeated. The divisions can become confusing for the judge, especially with some help from the opposition, and the age-old conflicts with liberty are always potent. Some good books to read on this subject include The New Catholic Encyclopedia and The Great Treasury of Western Thought.

## Addendum to Equality

### *Victor Jih*

Equality is one of America's traditional values and yet one of the most vague and ill-defined one. When we say equality is important, what do we really mean? In this addendum to Matt Koenig's analysis I will offer some more thoughts on the nature of equality and its value.

First of all, is equality really intrinsically valuable. By intrinsic, I mean, is equality good for its own sake. Why is equality important? I would argue that equality is not inherently valuable. We can all be equally starving, equally oppressed, equally suffering, or equally dead and no one would say that those are desirable conditions. So I would argue that equality is only valuable when certain other values are in place. For example, equal justice is desirable, but equality without justice is not. Equal rights are desirable, but equality at the expense of individual rights is not. Debaters should explore what the source of equality's appeal really is.

As Matt points out, equality has been the traditional enemy of individual liberty and social progress. Alexis de Toqueville pointed out that sometimes a strong sense of equality fosters mediocrity. Because everyone wants to be equal to everyone else, they resent it when someone excels in a certain field and social equality begins to stifle excellence. This is a true danger of socialism and communism. Some sense of merit and desert is essential for progress: this is the basis of individual property rights.

A related conflict, but less common, is the conflict between equality and justice. Equal consideration and equal benefits are not always desired. As Aristotle's famous maxim states: justice requires that equals be treated equally and unequals be treated unequally. Justice requires that individuals receive what they deserve, and this is not necessarily equal. Equal treatment of good citizens and convicted criminals, for example, is not just and irrational.

In addition to Matt's distinction between political, natural, and social aspects, equality can also be divided into equality of opportunity, equality of condition, and equality of rights. Equality of rights is a necessity in terms of political freedom. Equality of opportunity conflicts with individual liberty in a minor way, and is generally considered fundamental to a free society. Equality of condition is where most of the controversy comes from. When debating issues of affirmative action and the like, one should think carefully about these different types of equality and which ones are more important.

Some people have argued that the right to equality is an individual's most fundamental and important right. Ronald Dworkin ([Taking Rights Seriously](#), Chapter 6 and 12) uses John Rawls' analysis of justice and the original position and concludes the most fundamental right is to the right to equal dignity and respect. All other rights stem from this one.

**Ronald Dworkin, *Taking Rights Seriously*, Harvard University Press, 1977, xii.**

"[O]ur intuitions about justice presuppose not only that people have rights but that one right among these is fundamental and even axiomatic. This most fundamental of rights is a distinct conception of the right to equality, which I call the right to equal concern and respect."

Ronald Dworkin argues that there is no fundamental right to liberty as such. Instead, we have a right to specific liberties that are all derived from the general right to equal concern.

**Ronald Dworkin, *Taking Rights Seriously*, Harvard University Press, 1977, xiii.**

"[T]here is no right to liberty as such; indeed ... the idea of such a right is itself a confusion. It does not reject the idea that individuals have rights to distinct liberties, like the right to personal moral decisions ... or the right to the liberties described in the Constitutional Bill of Rights. On the contrary, ... these conventional rights are derivative, not from a more abstract general right to liberty as such, but from the right to equality itself."

Lastly, any discussion of the value of equality must include a discussion of its abuses. Often times, negatives will try to skirt real debate and argue an equality or balance position of the negative. More often than not, this type of position will essentially say, "let's not resolve the value conflict in the resolution -- let's just value both of them equally." I'm not saying equality is never appropriate on the negative, but the negative must be prepared to justify exactly why the two values must be equal. Don't just skirt the issue and miss the entire point of value debate.

## Justice Jeremy Mallory

It seems hard to believe, but most philosophical debates center around the concept of justice. Acting justly has become synonymous with acting rightly, doing what one ought to do. The problem is, there are about as many concepts of justice as there are philosophers. Some philosophers try to prove things about justice without ever defining it (as Plato did in The Republic). Justice is a critical concept to understand for LD because the person who can define justice can usually win the round, depending on other circumstances. In this essay I will examine the many concepts of justice in what I hope is an impartial manner. Then I will discuss the primacy (or lack thereof) of justice in moral philosophy and then the applications of justice in LD. (Old extemp habits die hard: I still do previews).

The first concept of justice were laid down in ancient times. The foundations of justice as a moral principle are found in the Bible and the Koran. Whether or not one is Christian or Muslim, these books do present philosophy like Kant or Hume would, and so should not be lightly disregarded. As early as the Book of Genesis, the principle of vengeance for sin is cited as just, as in the case of Sodom and Gomorrah. Justice in the Old Testament is characterized by the "Law of the Talon" (lex talionis) as found in Leviticus 24: 19-20: "And if a man cause a blemish in his neighbor, as he hath done, so shall it be done to him: breach for breach, eye for eye, tooth for tooth; as he hath caused a blemish in man, so shall it be rendered unto him." This is the simplest statement of retributive justice, which we will see echoes of in Immanuel Kant's philosophy. In the New Testament, however, mercy finds its place in justice. In Matthew 5: 38-39, the Sermon on the Mount, Jesus says: "Ye have heard that it was said, An eye for an eye, and a tooth for a tooth, but I say unto you, Resist not him that is evil: but whosoever smiteth thee on thy right cheek, turn to him the other also." The Koran seems to agree with this notion of justice tempered by mercy. If the person injured by another's action forgoes retribution, then the injured person is considered more just than if punishment had been exacted. "Life for life, eye for eye, Nose for nose, ear for ear, Tooth for tooth, and wounds/ Equal for equal.' But if/Anyone remits the retaliation/By way of charity, it is / An act of atonement for himself."<sup>1</sup> Thus, justice would justify retribution, but also sanctions forgiveness.

The ancient Greeks, however, moved entirely away from a retributive notion of justice. Before examining what Plato and Aristotle had to say about justice, we first need to examine a peculiarity of the ancient Greek language that makes analysis of their concept of justice a bit more difficult: they had two words for justice. The word *toeson* or *isos* were the common terms for justice, and both referred to what we now would probably call "equality." Plato and Aristotle both used the word *dikaiosyne* to refer to justice, however, which translates more directly as "righteousness."<sup>2</sup> The distinction is clearer in Aristotle than in Plato, as we will see.

Plato begins his most comprehensive work The Republic by asking "What is justice?" Two of Socrates companions offer ideas which he quickly shoots down. First Polemarchus argues that justice involves giving each their due (a concept we will see again), but through adept use of analogies, Socrates disproves him. When Polemarchus gives up, hot-headed Thrasymachus takes over. Thrasymachus believes justice is the advantage of the mighty, which Socrates quickly disproves. After Thrasymachus stomps off, Socrates and his friends then discuss the worth of acting justly: the definition of justice is forgotten until later in the book when Plato's conception of justice is first defined: fulfilling one's function. Only when each person in the mythical Republic set up by Socrates fulfills their function and only their function will the city be harmonious and just. All through the dialogues in The Republic, however, Socrates and the others discuss the characteristics of justice from some intuitive notion that they never share with the reader. The concept of *dikaiosyne* is never fully defined except by fulfilling one's function. One's function, however, was determined by the gods, who weren't always very communicative. This view of justice had some problems which prompted Aristotle to expand on the idea of justice.

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<sup>1</sup> The Koran, as cited in What is Justice?: Classic and Contemporary Readings (edited by Robert C. Solomon and Mark C. Murphy, New York: Oxford University Press, 1990, p. 52).

<sup>2</sup> Solomon and Murphy, p. 23-4.

Understanding Aristotle's theory of justice requires a bit of his metaphysics. All objects have two parts: form and matter. Matter is what we can see, feel, and otherwise perceive. Form is the perfect incarnation of that object. An object's matter, it's actuality, is changing to match the form, it's potential. The matter of an acorn, its actuality, is a small round nut. Its form, its potential, however, is the oak it grows into and the mulch it becomes thereafter. There are, of course, many finer points to Aristotle's metaphysics, but the motion from potential to actuality is the most important part.

Aristotle's concept of justice begins with his Platonic background: every human has a function. Every human is a rational being capable of choice, and that capacity leads humans towards happiness (if they choose right). Happiness can only be achieved by (1) fulfilling one's potential for rational thought, and (2) acting justly. Just actions on an individual level involve following the Golden Mean, which means simply avoiding extremes. Too much courage is foolhardiness (also known as stupidity), too little courage is cowardliness, but just the right amount of courage is prudence. Aristotle admits that the mean will vary from individual to individual (the mean for the action of eating hamburgers for George Foreman is about twenty pounds higher than the mean for me.) Aristotle also admits that some things don't have a mean: murder is always wrong, acting virtuously is always right. These two actions have no mean to follow. This is Aristotle's definition of *dikaiosyne*, which he later calls "general justice" or "justice as lawfulness," with which he associates the entirety of virtue. Aristotle's concept of "particular" or "special justice" encompasses two different ideas: retribution and distribution. Retributive, or rectificatory, justice only comes into play when a crime has been committed. The judge is then to take what was stolen and return it to the victim, thereby restoring numerical equality (*ison*). Distributive justice involves distributing goods according to proportionate equality: treat equals equally and unequals unequally. Those who are "worth" more (Aristotle leaves the criteria for "worth" wide open) get more. Anything else is an injustice.<sup>3</sup> Thus, the idea of "giving each their due" crops up again. The final part of Aristotle's theory of justice is the role of habit: justice is a condition, a way of living, that must be cultivated by habit. A truly just person will act justly by reflex, almost without conscious effort. The habit of justice is called virtue. One idea central to the Greek notion of justice is that, as a virtue, it comes from within. They speak of moral pushes from within (the habit of justice) that prompt one to be just rather than of moral pulls from outside that oblige justice, as most later thinkers do.<sup>4</sup> These notions are the hallmarks of Aristotlean justice.

After Aristotle, many people (most notably among them Thomas Aquinas in his *Summa Theologica*) debated and theorized about justice, but mostly in terms of what Aristotle and Plato said. The most fertile speculation about justice during this period came up in the form of the three main social contract theorists: Hobbes, Locke, and Rousseau. They wanted to know what made a state just. In all cases, justice centers on protecting the rights of humans and exacting retribution when they are violated. For Hobbes, there is only one right: self-preservation. A state is justified insofar as it defends its citizens right to exist. Locke adds liberty and property to the list of rights which must be protected. For Rousseau, the concept of the general will carries with it an obligation as well. In all cases, justice also involves keeping one's contracts, oaths, and promises. How are we to make sense of this speculation and relate it all to justice? All of these ideas of justice combine into one idea: giving each their due. All humans are due certain things simply because they exist: we call those entitlements "natural rights." Consenting to a contract, taking an oath, and making a promise all establish that the person taking the oath owes something (allegiance, taxes, consent, etc.) to another (either another individual or the state). The social contract theorists, though not explicitly, resurrect Polemarchus' concept of justice and reestablish it as a valid theory of justice.

The next step in resurrecting Polemarchus' theory was taken by Immanuel Kant. He puts forth the idea of a ruthless state that believes in absolutely retributive justice not for the ends it brings about but for its own sake. Punishment is not to be inflicted to improve the criminal, to improve society, or even to repay the victim, but instead simply because the criminal has committed a crime. He categorically denies using the criminal as a means to some greater good, even the greater good of society: "The Penal Law is a Categorical Imperative; and woe to him who creeps through the serpent-windings of Utilitarianism to discover some advantage that may

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<sup>3</sup> *Nichomachean Ethics*, Book V, as cited by Solomon and Murphy, p. 40-1.

<sup>4</sup> The moral push/pull distinction and its relation to Greek thought is from Robert Nozick's book, *Philosophical Explanations* (Cambridge: Belknap Press, 1981, p. 402).

discharge him from the Justice of Punishment, ... for Justice would cease to be Justice, if it were bartered away for any consideration whatsoever."<sup>5</sup> The *lex talionis* becomes the *jus talionis* (the right of retaliation) and is placed as the guiding principle for justice. All crimes are punished according to the principle of equality. The criminal, by their own will and reason, has committed an unlawful act. By choosing to take a punishable action, the only way the criminal's will can be respected is by punishing the action, the only way the criminal's will can be respected is by punishing the action. Thus, the criminal is treated as an end because their rational choice to disobey the law is respected and punished. What matters, however, is not the end result of the judicial process, but instead the process itself. "Even if a Civil Society resolved to dissolve itself with the consent of all its members ... the last Murderer lying in prison ought to be executed before the resolution was carried out. This ought to be done in order that every one may realize the desert of his deeds..."<sup>6</sup> This emphasis on the procedure rather than the outcome becomes the doctrine of "procedural justice" that forms the foundation of, among other things, the right to a fair trial and due process guaranteed by the Constitution.

Interestingly enough, even Friedrich Nietzsche, famous for his distaste for both Kant and morality in general, accepts the idea of retributive justice, but maintains that mercy, being so confident of one's works and worth that one need not exact retribution, is the higher virtue. Justice is not a system of revenge, but instead a system imposed to prevent the need for a system of revenge. Finally, justice allows crimes to be forgotten, thereby isolating and minimizing the impact of the crime (arguably) but also separating the criminal from his deed, which, to Nietzsche, was the greatest punishment of all. "The justice that began with, 'everything is dischargeable, everything must be discharged,' ends by winking and letting those incapable of discharging their debt go free: it ends, as does every good thing on earth, by overcoming itself."<sup>7</sup>

The debates about justice revolved around these ideas until 1971, when John Rawls, a professor of philosophy at Harvard University, published his landmark A Theory of Justice. In the tradition of other social contract theorists, Rawls begins from a state of nature, which he calls the "original position," and derives not a social structure, as Hobbes, Locke, and Rousseau did, but instead a theory of justice that would govern the society. Rawls' original position was also radically different from any other. He conceived of it as a group of people stuck together and charged with the task of forming a society and, more importantly, deciding what form of justice would govern that society. These individuals are, of course, self-interested, so they will try to get the best out of the society they form according to the principle of "maximin": maximize benefit, minimize risk and loss. The only problem is, being in the original position entails being behind the "veil of ignorance": these individuals have no idea what position they will hold in society once the veil is lifted. They don't know how strong, how old, how rich, how healthy they are, or anything else about themselves except a general idea of self-interest. Therefore, they have to decide how the society is to be structured and what sort of justice will govern while at the same time upholding their self-interest, but all without knowledge of where they will stand once the veil of ignorance is lifted: complete objectivity is built in. As an example, they would not decide on a system of slavery with justice determined by the ruling class: no individual behind the veil of ignorance would risk that they would be a slave once the veil is lifted.

Rawls argues that they would decide on a society by two principles of justice: "First, each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all."<sup>8</sup> He further notes that the first principle is "lexically prior" to the second: violations of the first principle cannot be justified by upholding the second, though the reverse is true. Because of lexical priority, Robin Hood was unjust: he violated rights in order to distribute wealth. Because of the second principle, however, King Richard was unjust also: he failed to distribute wealth when he could have done so without violating rights. Rawls starts from this idea of justice and proceeds to account for all of the other aspects of society, such as the obligations of the citizens to the state, civil disobedience, life plans, and happiness.

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<sup>5</sup> Immanuel Kant, "On Punishment" from The Philosophy of Law, as cited by Solomon and Murphy (ibid.) p. 252.

<sup>6</sup> Kant, "On Punishment" from The Philosophy of Law, as cited by Solomon and Murphy, p. 253.

<sup>7</sup> Friedrich Nietzsche, On the Genealogy of Morals, as cited by Solomon and Murphy, p. 262.

<sup>8</sup> Rawls, John. A Theory of Justice, p. 60.

Three years after Rawls published A Theory of Justice, Robert Nozick, head of the Philosophy Department at Harvard, published Anarchy, State, and Utopia, the first of many famous books. Nozick responds to Rawls and the other social contract theorists by maintaining that an "invisible hand" (a la Adam Smith) would guide individuals into an association much like Locke's minimal state, if not even more minimal. The basis for justice, as far as the state is concerned, is to interfere as little as possible in human affairs. The most it is bound to do is protect rights and rectify (as in rectificatory justice) wrongs. True justice means having your rights secure. Notice how justice has done a full turn since the Greeks. Justice is now negatively defined (things **not** happening) as opposed to positively (things **happening**). Moreover, it is defined in terms of moral pulls (an individual's obligations towards another person) as opposed to moral pushes (an individual's obligation to be just for its own sake).

To complete the so-called "Harvard Trinity" (gosh, those faculty meetings must be a barrel of fun), Harvard professor of philosophy Michael J. Sandel published Liberalism and the Limits of Justice in 1982 and established himself on (some would say over) the cutting edge of moral theory. His book began as a critique of John Rawls, but it became a hint of a philosophy that could have a profound impact: communitarianism. Sandel responds to the entire social contract tradition, all of whom assumed that man was "pre-political" (existed before society), by saying that man could never exist outside of a community, so the entire idea of pre-political man, and therefore the idea of a state of nature and a social contract, were ridiculous. Individuals have no identity outside of the community, and so owe a large obligation to the community. That obligation is not in terms of money or even the common good, but instead upholding those ideas which bind the community together: love, trust, honor, faith, and so on. There is no room for justice (as defined by Rawls) is a concept for a group of atomistic individuals, not for a community. Justice in the broader sense of righteousness (*dikaioσύνη*) and virtue would be upheld by following one's obligation to the community: Sandel rejects Rawls' conception of justice, but not the broader idea of justice as virtue and right action. One final word about communitarianism: it is not yet a fully developed philosophy. Sandel's critique of Rawls has a remarkable cohesiveness, but alone it is not a philosophy. Alasdair MacIntyre has also used the idea of community in his works, but as of yet, there is not one full statement of the communitarian philosophy. Rumor has it that Sandel is working on it now, but that is mere rumor. Stay tuned.

Overall, Justice has many incarnations. The first split is between deontological, or procedural, justice, and teleological, or ends-based, justice. Kant, Rawls, and Nozick, and the other social contract theorists are basically deontological. Sandel and the Utilitarians are basically teleological. Teleological justice is the part of moral theory under the most acute examination right now, and the fastest development, so as of yet, no further divisions have evolved. Deontological justice, however, is further divided into retributive and distributive justice. Kant, Nozick, and the social contract theorists would all basically agree on a retributive notion of justice as "giving each their due." For Kant that means punishment, for the others it means respecting their rights. Rawls developed the first full-fledged notion of distributive justice. Of course, these are broad labels, and may not fit specific examples of a philosopher's work. Many philosophers don't really fit at all into these categories. Notice the absence of Plato and Aristotle from the list above. They are, to an extent, both deontological and teleological. Both of them fundamentally link just ends to just means: the two are inseparable, so the distinction between just means (deontological justice) and just ends (teleological justice) becomes irrelevant. For both of them, acting justly (by habit for Aristotle) will produce just ends and just ends could only be achieved through just means. Be aware that these labels do not apply universally. There are further distinctions made about types of justice, but these major distinctions are the only ones really necessary for a good understanding of justice.

Why is justice held in such universally high esteem? Most philosophers agree that acting justly is moral and virtuous. Why is it so high in the hierarchy of values? Simply because most philosophers equate, on a basic level, justice with acting morally, acting according to one's duties (LD, however, requires a narrower definition of justice than philosophy does). Whether justice is defined as "fulfilling one's function" or as "giving each their due," it represents a moral obligation of a general sort. Acting justly, which is to say, according to moral obligation, is right or will produce good consequences. Justice, therefore, encompasses many other moral concepts, which is a nice thing for a value premise.



Using justice as a value premise in a LD round is quite simple. Making it work for you is a bit more difficult. The first step to making it win the round is to find a good criteria for it. In other words, what do you mean by justice? Do you want to use distributive or retributive justice? The easiest way to define justice and offer a criteria is simply "giving each their due." This leaves you with many options by leaving the definition of "due" open: if you want to make it retributive, each person is due punishment for the crime committed; if you want to make it distributive, each person is due a certain amount of goods according to their needs; if you want to make it social contract-based, each person is due respect for their rights. In this way, it is possible to use justice to win almost any value clash. If the opposing value is concerned with good ends (such as common good, social harmony, or Utilitarianism), simply argue that morality (the word "ought" in the resolution) requires a just means to a good end. If you can prove the means used to achieve the common good, or whatever, violate justice, and that your side of the resolution better upholds justice, you should win the round. On the other hand, if your opponent has a value premise concerned with right means (natural rights, social contract, dignity, etc.), then simply argue that there is no value conflict: justice demands that each person be given their due, and each person is due natural rights, respect for their dignity, or whatever. The real difficulty arises when both debaters are using justice as a value premise. If you have a different definition of justice (say, distributive v. retributive), then debate it out as best you can. But don't forget that you are comparing two definitions of justice, not justice and something else. Many debates about the definition of justice come down to justice as retribution vs. justice as distribution, so the judge is left with no real reason why one or the other is the correct definition of justice. Be careful about confusing the judge during such a debate: debates about definitions always annoy judges, but debates about the definition of an abstract concept like justice make them want to rip their hair out. Don't force them to debate for you on the ballot: Especially when a difficult concept like justice comes up, keep the round simple and clear. **KISS the judge: Keep It Simple, Stupid!**

Justice is obviously a complicated concept that has enormous potential for use and abuse in LD. This is but a quick survey of justice which does not replace reading about these ideas firsthand. In general, do not run an idea in a case unless you understand it. I highly recommend finding a good book about justice and reading about it so that when it does come up, you can not only win the argument but make it clear for the judge. If you can explain it clearly to the judge, they will love you for it, especially when the rounds gets into complicated moral debates about the finer semantic points of some philosopher's theory of justice. In many LD rounds, the word justice has no meaning. It is not defined or not clarified enough to really mean anything. Remember that it has enormous potential as long as it is used correctly. To paraphrase Immanuel Kant, "Let justice be done though the heavens fall!"

The following pieces of evidence substantiate many of the points made above.

***Justice is the government's first obligation.***

John Rawls, A Theory of Justice, 1971, p. 3

"Justice is the first virtue of social institutions, as truth is of systems of thought. A Theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust."

***Justice denies Utilitarianism, requires dignity.***

John Rawls, A Theory of Justice, 1971, p. 3-4

"Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good enjoyed by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal liberty are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests."

***Beneficence Is Part of Justice and Virtue***

Aristotle, Nichomachean Ethics, translated by Martin Ostwald, p. 114, Book 5, Ch. 2.

"Now the worst man is he who practices wickedness towards himself as well as his friends, but the best man is not one who practices virtue toward himself, but who practices it toward others, for that is a hard thing to achieve."

***Justice = Unqualified Virtue and Excellence***

Aristotle, Nichomachean Ethics, translated by Martin Ostwald, p. 114, Book 5, Ch. 2.

"Justice is regarded as the highest virtue of all virtues, more admirable than the morning star and evening star, and, as the proverb has it, 'In justice every virtue is summed up.' It is complete virtue and excellence in the fullest sense because it is the practice of complete virtue."

***Definition: Justice = Rendering Each Their Due***

Thomas Aquinas, Summa Theologica, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 55

"And if anyone would reduce it to the proper form of a definition, he might say that 'justice is a habit whereby a man renders to each one his due by a constant and perpetual will.'; this is about the same definition as that given by the Philosopher, who says that 'justice is a habit whereby a man is said to be capable of doing just action in accordance with his choice.'"

***Criteria: Justice Determined By Common Good***

Thomas Aquinas, Summa Theologica, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 57

"The good of any virtue, whether such virtue direct man in relation to himself or in relation to certain other individual persons, is referable to the common good, to which justice directs, so that all acts of virtue can pertain to justice insofar as it directs man to the common good."

***Definition: Justice = Timidity, and is Intuitive***

Mencius, On The Mind, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 63

"All men have things they will not do, and if what makes this so can be fully developed in the things they will do, then Justice results ... If a man can fully exploit the thing in his mind which makes him reluctant to break through or jump over (other people's) walls, Justice will ensue in overwhelming measure."

***Definition: Justice = Not Breaking Contracts***

Thomas Hobbes, Leviathan, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 88.

"From that law of nature by which we are obliged to transfer to another such rights as, being retained, hinder the peace of mankind, there follows a third, which is this: that men perform their covenants made; without which convenats are vain and but empty words, and, the right if all men to all things remaining, we are still in the condition of war. ... And in this law of nature consists the fountain and original of Justice. For where no convenat has preceded there has no right been transferred, and every man has right to every thing; and consequently no action can be unjust. But when a convenat is made, then to break it is unjust, and the definition of injustice is no other than the not performance of convenat. And whatsoever is not unjust is just."

***Justice Requires a Strong, Punitive Government***

Thomas Hobbes, Leviathan, as quoted in What is Justice? eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 88

"Therefore, before the names of just and unjust can have place, there must be some coercive power to compel men equally to the performance of their covenants by the terror of some punishment greater than the benefit they expect by the breach of their covenant. ... So that the nature of justice consists in keeping of valid covenants; but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them."

***Consent Justifies Injustice***

Thomas Hobbes, Leviathan, as quoted in What is Justice? eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 90

"Whatsoever is done to a man, conformable to his will signified to the doer, is no injury to him. For if he that does it has not passed away his original right to do what he please by some antecedent covenant, there is no breach of covenant and no injury done him."

***Retribution By Injured Individual = Justice***

John Locke, The Second Treatise On Government, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 95

"And thus in the state of nature one man comes by a power over another; but yet no absolute or arbitrary power to use a criminal, when he has got him in his hands, according to the passionate or boundless extravagance of his own will; but only to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint; for these two are the only reasons why one man may lawfully do harm to another, which is that we call punishment."

***Justice Fails to Account for Community***

Michael J. Sandel, Liberalism and the Limits of Justice, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 143

"If utilitarianism fails to take seriously our distinctness, justice as fairness fails to take seriously our commonality. In regarding the bounds of the self as prior, fixed once and for all, it relegates our commonality to an aspect of the good, and relegates the good to a mere contingency, a product of indiscriminate wants and desires 'not relevant from a moral standpoint.' Given a conception of the good that is diminished in this way, the priority of right would seem an unexceptionable claim indeed. But utilitarianism gave the good a bad name, and in adopting it uncritically, justice as fairness wins for deontology a false victory."

***Justice Is Situational (Understand Utilitarianism before you use this card)***

John Stuart Mill, Utilitarianism, as quoted in What is Justice? eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 200

"It appears from what has been said that justice is a name for certain moral requirements which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others, though particular cases may occur in which some other social duty is so important as to overrule any one of the general maxims of justice."

***Justice Is Not Subject to Utilitarian Calculation***

Immanuel Kant, "On Punishment" from The Philosophy of Law, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p.252.

"The Penal Law is a Categorical Imperative; and woe to him who creeps through the serpent-windings of Utilitarianism to discover some advantage that may discharge him from the Justice of Punishment, or even from the due measure of it, according to the Pharsaic maxim: 'It is better that one man should die than that the whole people should perish.' For if Justice and Righteousness perish, human life would no longer have any value in the world."

***The Common Good Is More Important Than Justice and Rights***

Michael J. Sandel, Liberalism and the Limits of Justice

"The overriding importance of justice and rights makes them more absolute and imperative than other claims, but what makes them important in the first place is their service to social utility, their ultimate ground."

## Addendum to Justice

### Victor Jih

Justice provides a great example of how to apply philosophical understanding to an actual Lincoln-Douglas resolution. For an illustration, let's use the California topic, *Resolved: that public education in the United States ought to be a right, not a privilege.*

According to the Dictionary, a right is a just claim. In other words, rights are grounded in justice. As the previous article indicated, one ultimate grounding for justice is desert, to give each person what he/she is due. So the affirmative on this topic needs to prove that the individual deserves, as a matter of justice, public education. Given this basic understanding, the debater can then proceed to prove that individuals deserve public education because of their humanity, their citizenship, etc. When the value of justice is clearly defined, it becomes easy to apply to value resolutions.

Justice has long been considered a necessary condition for morality. Clearly, people have a moral obligation to be just.

**Center for Applied Ethics, Santa Clara University, Issues in Ethics. "Justice as Fairness." Spring 1990, p. 1,7.**

"In fact, no idea in Western civilization has been more consistently linked to ethics and morality than the idea of justice. From the Republic, written by the ancient Greek philosopher Plato, to A Theory of Justice, written by the contemporary Harvard philosopher John Rawls, every major work on ethics has held that justice is part of the central core of morality."

But justice is not always the highest value to consider. Just because something is just does not mean that we necessarily ought to do it. Moral considerations can override decisions of justice.

**Center for Applied Ethics, Santa Clara University, Issues in Ethics. "Justice as Fairness." Spring 1990, p. 8.**

"But justice isn't the only principle to consider in making ethical decisions. Sometimes, principles of justice may need to be overridden in favor of other kinds of moral claims such as rights or society's welfare."

There are many possible definitions of justice and thus many possible uses for this value in different resolutions. Martin Luther King, following the lead of natural rights philosophers, links justice to human dignity. An unjust law is one that undermines human dignity. Thus, segregation laws were unjust.

**Martin Luther King, Jr. "Letter from Birmingham Jail." 1963.**

"To put in the terms of St. Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust."

**Center for Applied Ethics, Santa Clara University, Issues in Ethics, "Justice as Fairness." Spring 1990, p. 8.**

"Moreover, as the philosopher Immanuel Kant and others have pointed out, human beings are equal in this respect: they all have the same dignity, and in virtue of this dignity they deserve to be treated as equals. Whenever individuals are treated unequally on the basis of characteristics that are arbitrary and irrelevant, their fundamental human dignity is violated."

The traditional definition of justice is that given by Aristotle, giving each his due. Treat equals equally and unequals unequally.

**Center for Applied Ethics, Santa Clara University, Issues in Ethics, "Justice as Fairness." Spring 1990, p.7.**

"Justice means giving each person what he or she deserves, or in more traditional terms, giving each person his or her due."

Center for Applied Ethics, Santa Clara University, Issues in Ethics, "Justice as Fairness." Spring 1990, p. 7.

"The most fundamental principle of justice -- one that has been widely accepted since it was first defined by Aristotle more than two thousand years ago -- is the principle that 'equals should be treated equally and unequals unequally.'"

**Center for Applied Ethics, Santa Clara University, Issues in Ethics, "Justice as Fairness." Spring 1990, p. 7.**

"In its contemporary form, this principle is sometimes expressed as follows: 'Individuals should be treated the same, unless they differ in ways that are relevant to the situation in which they are involved.'"

Retributive justice is based directly on this principle of moral desert, or the person's due.

**Center for Applied Ethics, Santa Clara University, Issues in Ethics. "Justice as Fairness." Spring 1990, p. 8.**

"A second important kind of justice is retributive or corrective justice. Retributive justice refers to the extent to which punishments are fair and just. In general, punishments are held to be just to the extent that they take into account relevant criteria such as the seriousness of the crime and the intent of the criminal, and discount irrelevant criteria such as race."

Social justice is concerned with what people deserve as members of society.

**Center for Applied Ethics, Santa Clara University, Issues in Ethics. "Justice as Fairness." Spring 1990, p. 7.**

"Social justice or distributive justice refers to the extent to which society's institutions insure that benefits and burdens are distributed among society's members in ways that are fair and just."

Justice is important not only for its own sake, but for the desirable state it produces. Political scientists have always pointed out that legitimacy of a government has always rested on a mixture of consent and coercion. Coercion can only be relied on to an extent. Without voluntary consent on the part of the citizenry, any government will eventually crumble under internal turmoil. Thus, just governments will always be more stable than unjust ones.

**Center for Applied Ethics, Santa Clara University, Issues in Ethics. "Justice as Fairness." Spring 1990, p. 8.**

"The foundations of justice can be traced to the notions of social stability, interdependence, and equal dignity. As the ethicist John Rawls has pointed out, the stability of a society -- or any group, for that matter -- depends upon the extent to which the members of that society feel that they are being treated justly."

Center for Applied Ethics, Santa Clara University, Issues in Ethics. "Justice as Fairness." spring 1990, p. 8

"When some of society's members come to feel that they are subject to unequal treatment, the foundation have been laid for social unrest, disturbances, and strife. The members of a community, Rawls holds, depend on each other, and they will retain their social unity only to the extent that their institutions are just."

## Life Thomas Marlowe

That life is worth living is the most necessary  
of assumptions; and were is not assumed, the  
most impossible of conclusions.

*George Santyana, The Life of Reason*

Well... how could you put it any clearer? The reason life is so important is very hard to explain. It's an assumption that we've lived with ever since we've sat down and thought about it. If we try to find a logical way to prove to someone that life is sacrosanct, it's pretty difficult. Life is worth living because... because it is the basis of all other values (but don't we sometimes place those other values higher?) ... because Thomas Jefferson said so in the Preamble... because Maslow placed it at the base of his hierarchical pyramid... or, more likely, just because. Life is worth living, just because. As Santyana pointed out, this is just an assumption; it's an impossible conclusion to prove.

AAAAAGGGHHH! So what can a debater do to convince a judge that life is the most important value (or at least more important than the opponent's)? Here's a good time to learn how to argue very convincingly that a fact is a fact. Most people agree that life is a very important value, not based upon any sound logic, but just because they think that it's common sense. Therefore, I would say that every debater should argue from the point of view that it's just common sense that life comes first, that life is indeed the basis of all other values, that subordinating life to other values creates a precarious situation.

But what about the debater that wants some logic, some sound analysis? Albert Schweitzer provides just this in his book, Reverence for Life. I wouldn't recommend you use this as a quotation in a debate round, rather think about the passage and develop the analytical argumentation based upon it.

"The fundamental fact of human awareness is this: 'I am life that wants to live in the midst of other life that wants to live.' A thinking man feels compelled to approach all life with the same reverence he has for his own. Thus, all life becomes part of his own experience. From such a point of view, 'good' means to maintain life, to further life, to bring developing life to its highest value. 'Evil' means to destroy life, to hurt life, to keep life from developing. This, then, is the rational, universal, and basic principle of ethics."

The reason that life is so important is still common sense, but with Albert Schweitzer's theory we have some underlying principles to base it upon. I suppose you might consider that principle the principle of will, but I think it goes a little deeper for Albert Schweitzer. Just because we can't be certain that a dog does or does not have a will to live does not automatically mean that the dog's life is worthless. The burden is not upon the person to prove that the dog deserves life, rather upon the person trying to prove that the life is worthless. Simply because we can't be certain whether a lower form of life has or has not a will to live is, in itself, the reason why life should be held sacred.

**Albert Schweitzer, The Philosophy of Civilization.**

"A man is truly ethical only when he obeys the compulsion to help all life which he is able to assist, and shrinks from injuring anything that lives. He does not ask how far this or that life deserves one's sympathy as being valuable, nor beyond that, whether and to what degree it is capable of feeling. Life as such is sacred to him."

**Albert Schweitzer, The Teaching of Reverence for Life.**

The essence of Goodness is: Preserve life, promote life, help life to achieve its highest destiny.  
The essence of Evil is: Destroy life, harm life, hamper the development of life.



This foundation of life as the basis of goodness extends us into the value of morality. It is immoral to take life; it is moral to support life. If we uphold the universal value of life... if we show respect for life... then we show a universal concern, which upholds morality.

**Albert Schweitzer, The Teaching of Reverence of Life.**

"What do we mean when we speak of *ethics*, in a word borrowed from the Greek and *morality*, in a word borrowed from Latin? We mean right human conduct. The assumption is that we should be concerned not only with our own welfare but also with that of others, and with that of human society as a whole.

**Albert Schweitzer, The Teaching of Reverence of Life.**

"Just as white light consists of colored rays, so reverence for life contains all the components of ethics: love, kindness, sympathy, empathy, peacefulness, power to forgive."

The widest known philosopher of morality is probably Immanuel Kant with the categorical imperative, good will, and man as a means.

**Immanuel Kant, "The Good Will and the Categorical Imperative", The European Philosophers from Descartes to Nietzsche, p. 471.**

"I am never to act in any way other than so I could want my maxim to become a universal law."

In fact, Immanuel Kant himself uses an example of life as a value and how the categorical imperative applies.

**Immanuel Kant, "The Good Will and the Categorical Imperative", The European Philosophers from Descartes to Nietzsche, pp. 473-474**

"A man, while reduced to despair by a series of misfortunes and feeling wearied of life [contemplates] taking his own life. Now he enquires whether the maxim of his action could become a general law of nature. We see that a system of nature, whose law would be to destroy life by the very feeling designed to compel the maintenance of life, would contradict itself, and therefore could not exist as a system of nature; hence that maxim cannot possibly be a general law of nature and consequently it would be wholly inconsistent with the supreme principle of all duty."

Not only do we see the general categorical imperative applicable to this situation (act on the maxim to be a universal law), but also the more particular categorical imperative (treat man as an end, not a means).

**Immanuel Kant, "The Good Will and the Categorical Imperative", The European Philosophers from Descartes to Nietzsche, p. 475.**

"Act so as to treat man, in your own person as well as in that of anyone else, always as an end, never merely as a means."

Clearly, to subordinate life to any other value... to place life below anything else, whether it be freedom, dignity, or truth... would clearly treat your life (and, thus yourself) as merely a means to achieving the higher end (freedom, dignity, truth).

Another argument is the argument of naturalism. To many philosophers, especially Aristotle, that which is natural is good. Aristotle uses the argument of naturalism to prove that a state is good (man is naturally a political animal) and to argue many other points.

**Baruch Spinoza, Tractatus Theologitica Politicus, book IV.**

"Reason demands nothing against nature."

**Immanuel Kant, "The Good Will and the Categorical Imperative", The European Philosophers from Descartes to Nietzsche, pp. 470-471.**

"We assume, as a fundamental principle, that no organ [designed] for any purpose will be found in the physical constitution of an organized being, except one which is also the fittest and best adapted for that purpose. Now if the proper object of nature for a being with reason and a will was its preservation... then nature would have hit upon a very bad arrangement when it selected reason of the creature to carry out this function."

Simply put, nothing that is natural (that is, inborn characteristics, tendencies, or actions we would normally do) can be considered bad. If we apply this argument to the concept of life, the conclusion is simple: life is natural... therefore life is good, valuable, and ought not be harmed. Yes, the argument of naturalism has some basis in morality; we have a moral obligation (we ought) pursue those things that are natural (or at least we ought not degrade them). The fact that life is natural is sensible simply because it is the first factor of our naturalness. All other natural qualities arise from the precursor: life. In the final analysis, life is sacred, life is valuable, life ought be upheld... because life is natural.

Here's a good place to interject a comment. If you've been debating for a while and rely mostly upon the analysis of other philosophers, consider some of your own philosophical analysis. It's required of a good debater. The reason I mention this is simply because I don't know of a philosopher who has argued life as a significant value on the basis of naturalism; that was my own argument. Philosophers would certainly support the argument of naturalism; however, the burden of analysis of life as nature falls upon the debater.

Of course, you'd probably like to know the flaws of this argument. Luckily, they're rather simple. The argument of naturalism leads to untenable conclusions. Many things are natural which are not good. What about natural disasters? The opponent might argue that natural disasters don't fall under the definition of naturalism (since they don't relate to human characteristics). However, how can we decide which natural objects fit into the definition of naturalism? If you simply avoid all negative natural objects, then you are making the argument that naturalism is always good by definition. Clearly, this is a circular tautology and faulty logic. Even if we accept the definition of naturalism as that which related to natural human characteristics, aren't there many bad forms of natural behavior? What about our instincts? Don't instincts often cause immoral or unjust actions? Take for example the maternal instinct. It may lead a mother to value her children to the point where it is detrimental to others. Aren't there many natural passions which lead us against reason and against moral behavior? I would argue that it's natural for a certain segment of society to have homicidal tendencies. Does that make it good or moral? I would think not. Perhaps the finest example of a philosophical mistake was Aristotle's argument in The Politics that slavery is good because it is natural.

Back to the value of life.

One major argument against the value of life is simply that other values may be placed above the value of life. One example is freedom. After all, didn't Americans in the Revolutionary War sacrifice their lives for the freedom of all future Americans? Patrick Henry said, "Give me liberty or give me death!" It was pretty clear to him which value was more important.

**William Somerset Maugham**

"If a nation values anything more than freedom, it will lose its freedom."

So, what's the argument against freedom? First I recommend you look in this book for arguments against freedom. However, there are specific quotations weighing life and liberty. Since judge appeal is so important, here's an appealing quote if you notice that your judge is super conservative (say, a John Birch Society Membership card falls out of his wallet as he walks in with an issue of National Review as pleasure reading).

**Lewis E. Lehrman, National Review, Aug. 29, 1986**

"Life preceeds liberty in the words of the Declaration [of Independence] because liberty was made for life, not life for liberty. If the right to life was omitted, then liberty is a right contingent upon force and without moral substance, and the Declaration a nullity."

Suppose you have to debate someone who is a religious fanatic (or maybe just someone who argues life as the most important value on the basis of Christianity and/or other major religions). There's some very good evidence straight from the Bible that tells us that life is not the most important value.

**The Holy Bible, Matthew 6:25.**

"Therefore I say unto you, 'Take no thought of life, what ye shall eat, or what ye shall drink; nor yet for your body, what ye shall put on. Is not the life more than meat, and the body more than raiment?'"

Furthermore, didn't Jesus Christ die *by his own will* in order to forgive the sins of all people? Religious references continually show that life is not the most important value to a Christian. Other religions pose the same arguments. Buddhism places virtue above life, allowing for the highest form of altruism - self sacrifice. Hinduism places a relaxed union with the universe (one which may require death as a means of obtaining it) much higher than life.

Perhaps Hegel was right... every truth is found only by merging opposites and accepting that both are true. Anyway, it would appear that many religions follow this crede, because you'll find a lot of evidence proving that religions hold life as the number one value. Perhaps the best example is the incredibly high respect for life a Hindu holds. Strict vegetarianism. Some Hindus even insist that the plants they eat have died already. Many Buddhists believe that the highest virtue is promoting life. The Bible is absolutely saturated with passages talking of life as a reward and death as the ultimate punishment. ("The wages of sin are death.")

**The Holy Bible, Proverbs 11:19.**

"Virtue directs toward life, but he who pursues evil does so to his death."

**The Holy Bible, Job 2:4.**

"Skin for skin, yea, all that a man hath will he give for his life."

Turning to a different Jesus... Jesus Jones says that "it feels good to be alive." (Right Here, Right Now) But, Jesus, why does it feel good to be alive? Is it because life is good in itself, or because of the qualities we may possess when we have life? All animals and vegetables have life, even the lowly amoeba. Is there any sanctity in the life of an amoeba? I don't think so. What makes us human isn't that we have life, but that our lives contain certain qualities without which we wouldn't be human and life wouldn't be worth living.

**William James**

"Man's chief difference from the brutes lies... in the fantastic character of his wants: physical, moral, aesthetic, and intellectual."

However, there is a major problem that we run into when we start determining that some lives have better qualities than others. Decisions become rather arbitrary, or, even if they don't become arbitrary, they certainly set up a precedent that doesn't sound too good. Albert Schweitzer argues that when we start labelling some life forms as "lesser" and thus undeserving to live, we create a slippery slope.

**Albert Schweitzer, The Teaching of Reverence of Life.**

"The ethics of reverence for life makes no distinction between higher and lower, more precious and less precious lives. In making such distinctions, we are apt to decide that there are forms of life which are worthless and may be stamped out without it mattering at all. This category may include anything from insects to primitive peoples, depending on circumstances.

Not only are the qualities (the aspects and characteristics) of our lives important, but also the quality (the degree of excellence) of our lives. Would you wish to live a very long life, a life of torture and pain... or a rather short, but happy life?

**Montaigne**

"Life is not the length of the days, so much as how we make use of them."

**C.H. Parkhurst, Pattern in the Mount**

"Purpose is what gives life meaning."

Some people disagree, and point out that simply having life is valuable in and of itself - that it would be better to lead a miserable life than not to lead one at all.

**Stephen Phillips**

"How good it is to live, even at the worst!"

Furthermore, is the quality of life the standard by which we wish to work? Could you honestly say that an affluent Wall Street executive has more of a right to live than a poor ghetto dweller simply because his life is of higher quality? I hope your answer is no.

And what about euthanasia and abortion? I'm not going to tell you my views, and I certainly hope you do a good job of not telling a judge what your views are. The worst ballot to get back is one where you slaughtered your opponent but your judge votes against you because she/he does not hold the same views as you. However, some evidence lays before you if you wish to use it.

**Paul S. Applebaum, Professor of Psychiatry, University of Massachusetts Medical School**

"In sum, having sanctioned the consideration of quality of life issues, physicians are now faced with judgements at every turn as to whether a given patient's life is worth saving. One does not need the support of empirical studies (although they exist) to know that the judgements of physicians as to the quality of any patient's life are likely to be highly variable: what looks like quality to one may fall well below the standards of another.

**Death is a Noun**

Mrs. Sarah Harris, a thirty-three-year-old paralytic, in 1912, begged the state of New York to put an end to her life.. She felt that she was suffering to such a point that life was no longer worth living. The state of New York denied her "personal autonomy." One year later she said, "When I asked for euthanasia, I would have hailed it as a welcome deliverance. Now I shudder to think what might have happened had such a law been enacted (allowing euthanasia)."

## The Social Contract

### Thomas Marlowe

The theory of the social contract begins with the concept of the "state of nature." In the state of nature, man has not civil organization. Mankind is similar to the beasts in that there is no formal groupings bonding them together. Other than that, the three social contract theories have very little in common. The three main philosophers of social contract theory are Thomas Hobbes (Leviathan), Jean Jacques Rousseau (The Social Contract), and John Locke (The Second Treatise of Government). John Rawls claims that he is a social contract philosopher, too; but, many people claim that they've seen Elvis Presley. I don't listen to either.

#### Thomas Hobbes

When men are in state of nature, other will wrongfully deprive them of the natural rights. When people start killing one another or fighting for whatever reason, they put themselves in a state of war. Since no one is safe, people join together for protection (kind of like inner-city gangs). They form nations or societies (not so much like an inner city gang).

According to Hobbes, man is naturally a greedy, hateful character; therefore, societies are absolutely necessary for protection. With a few basic logic leaps, Hobbes proves that dictators are all right, making him a poor philosopher to use. However, his idea sparked Rousseau to develop his own theory of the social contract.

#### Jean Jacques Rousseau

Extending on Hobbes' work, Rousseau also tries to form the basis of the government. Although he says it should be the will of the people, he gives this argument a weird spin. He divides the idea of will into general will and particular will. The general will is defined as *our best interests*. We always want what's best for us. That's our general will. The general will is not the majority will. The majority will may not always be best for us; it may in fact harm us. This is why Rousseau says that we do not always see what the general will is; in other words, we do not always know what's best for us.

#### **Jean Jacques Rousseau, Social Contract**

"Our will is always for our own good, but we do not always see what it is."

The particular will, on the other hand, is what we want from time to time. Rousseau points out that the general will must always be placed above the particular will.

#### **Jean Jacques Rousseau, Social Contract**

"It is therefore in the fundamental and universal law of the greatest good of all and not in particular relationships that we must look for the true principles of justice."

Unfortunately, Jean Jacques Rousseau then makes the argument that we are not best qualified for knowing what is in our best interest. It lies with the sovereign to decide. He adds in conjunction with this idea that in joining the social contract, we give up some rights in order to gain the benefits of society. (This will probably be an argument often used in debate rounds.) As a result, Rousseau justifies some pretty nasty premises:

#### **Jean Jacques Rousseau, Social Contract, Ch. 5**

"Furthermore, the citizen is no longer the judge of the dangers to which law desires to expose himself; and when the prince says to him: 'It is expedient for the State that you should die,' he ought to die, because it is only on that condition that he has been living in security up to the present, and because his life is no longer a mere bounty of nature, but a gift made conditionally by the State."

If you are opposed to this statement, I assume you would be opposed to the draft. Rousseau softens this support of outright dictatorship by saying:

**Jean Jacques Rousseau, Social Contract**

"The sovereign, for its part, cannot impose upon its subjects any fetters that are useless to the community, nor can it even which to do so."

However, all in all, Jean Jacques Rousseau is a good philosopher for powerful sounding quotes that can be used without using his entire philosophy. For this reason, many people like Rousseau.

**Jean Jacques Rousseau, Social Contract, p. 387**

"The social order is a sacred right which is the basis of all other rights."

**Jean Jacques Rousseau, Social Contract, p. 398**

"The social treaty has for its end the preservation of contracting parties."

### **John Locke**

According to Locke, in the state of nature, we are each born with the three natural rights of life, liberty, and property. Furthermore, John Locke says that in the state of nature, all men are created equal. He explains that he is not talking of intellect or athletic ability, but that each man has equal rights endowed in the state of nature.

**Thomas P. Peardon, 2Nd Treatise on Government**

"The chief lesson John Locke learned from the law of nature was that even before the government existed men were free, independent, and equal in the enjoyment of inalienable rights, chief among them being life, liberty, and property."

Locke differs from Rousseau and blatantly disagrees with Hobbes as to why man leaves the state of nature. He believes that mankind does not have the inclination or the right to treat another individual in the state of nature poorly. He believes it is unnatural for the state of nature to become a "state of war." In fact, the reason mankind enters into a social contract is in large part, not that he wants protection from his fellow man's transgression against him, but that mankind wants protection from arbitrary retribution. To explain: John Locke believes that if someone attacks you, you have the natural right to protect yourself. The example that Locke uses is that if someone robs you, you have the right to go so far as to kill him in order to protect yourself. (After all, he has his sights set on stealing your money; he may very likely kill you. Therefore, you may protect yourself by killing him.) Unfortunately, different people will have different standards. The punishment will not always fit the crime. In addition, you are always the judge in your own case. Not fair; quite arbitrary - and no one should have arbitrary power over another person. Therefore, the social contract is established to protect ourselves from such precarious living.

**John Locke, 2Nd Treatise on Government, p. 22.**

"Freedom of men under government is to have a standing rule to live by... and not to be subject to inconstant, uncertain, unknown, arbitrary will of another man."

**John Locke, 2Nd Treatise on Government**

"A man was free when he could 'order his person, actions, possessions and his property, within allowances of the laws under which he is; and therein not be subject to the arbitrary will of another, but freely follow his own."

John Locke later explains that no one in the state of nature has the right to harm another (except in self defense or in defense of mankind). What I'm saying here is don't let an opponent talk about how horrible the state of nature is if they are using John Locke's version of the social contract.

**John Locke, 2Nd Treatise on Government, p. 35.**

"A man cannot subject himself to the arbitrary power of another; and having in the state of nature no arbitrary power over another - so the society can have no more than this."

**Thomas P. Peardon, 2Nd Treatise on Government**

"Lock viewed man as a pretty decent fellow, far removed from the quarrelsome, competitive, selfish creatures found in Hobbes. He has more inclination to society and is more governed by reason."

One statement that many people claim John Lock believes which is neeeevvvver said is that you give up some rights to join society and gain greater benefits. The conclusion that an opponent might make is that it is all right to give up this or that right because John Locke said we gave up rights upon entering society. In fact, what he said was:

**John Locke, 2Nd Treatise on Government, p. 8.**

"Man in the state of nature has two distinct rights: the one of punishing the crime for restraint and preventing a similar offense; the other of taking reparation."

**Thomas P. Peardon, 2Nd Treatise on Government**

"Locke used the Social Contract so as to preserve natural freedom as much as possible. Men surrender only the right of enforcing the law of nature. All other rights they retain as fully as before."

**J.W. Hough, Locke's Political Philosophy**

"According to Locke, when men enter a society, they only give up the right of enforcing the law of natures [which is personal retribution]."

According to John Locke, there are two conditions under which everyone who enters the contract agrees with: that the government is founded upon the consent of every individual and that if the government becomes tyrannous, they may dissolve the contract. In his first condition, Locke sets down the precedent that American politics is based upon - that of the consent of the people, and that of a democratic rule. In his second condition, he states that if a government ever harms the people's liberties, they would be justified in violent revolution. Sound familiar? This second condition was accepted by Thomas Jefferson in the Declaration of Independence as a necessity to every body of people under any government.

**Sir Ernest Barker, Social Contract**

"The social contract expresses two fundamental [values] - the value of Liberty which is the idea that Will (not Force) is the basis of government and the value of Justice which upholds the idea that Right (not Might) is the basis of all political society and of every system of political order."

## **The Individual and Society**

### ***Fred Carroll***

Much of the conflict surrounding the individual and the society stems from and becomes confused by the conception of society. If society is seen as a collective, that is, a the group of all the individuals, the course of argumentation takes a different course than if the society is seen as the machine or vehicle which provides for the individual. So before getting into the various issues related to the individual's conflict with society, I feel that it is necessary to distinguish one conception of the society from the other.

Webster's defines the nation as "the people of a territory united by a common government." By that token, the nation is not defined by political machinery, geographical location, or economic interests, but rather by the people who are supposedly served by these things, in a collective sense.

On the other hand, if you ask the question, "what is a nation?", most folks would respond that it is the thing which protects rights, provides for needs, and lends leadership, or something of the sort. By this definition, the nation cannot be equated with the people, but rather must be viewed as the agent, or vehicle, of the people. When arguing against the individual, then, it seems that most folks would choose the first definition, that the nation, or the society is a group of individuals. But when you delve a bit deeper, a slight difference in connotation emerges between "society" and "nation," which isn't necessarily obvious in normal, everyday speech, as the two are often used interchangeably.

As far as connotation goes, society tends to be equated more with the group itself, and not the agent of the group. The dictionary provides no help. Webster's has six definitions, only two of which are particularly relevant. 1. "a group of persons forming a single community." Great. This agrees with the collective notion, and supports the most defensible (in my opinion) argument for the society, that it's a group of INDIVIDUALS -- many of them.

But then comes definition #2. "A particular system of group living." -- the agent or vehicle again. This little discrepancy really fouls things up and brings many rounds down to petty semantics.

The following sections will analyze both of these definitions. Also, the following analysis deals primarily with why either the individual or society is more important, not how. That is, I'm primarily talking about justifications for one or the other, as opposed to giving specific ways to deal with the conflict.

#### **I. The individual is paramount (and stuff on the other side too.)**

**A.** One main way of showing the primacy of the individual is by invoking the idea of dignity. If each individual possesses a fundamental amount of dignity, or worth, then the society must not override that, whether the society is defined as a community or as an agent. Obviously, if the individual's dignity is circumvented for the will or interests of the society, then an essential part of that society has lost worth, died essentially, while also simultaneously violating the principal duty of the society -- to uphold and protect individuals. Of course, if you're arguing for the individual, you want to stick with the definition of the society as this evil Leviathan, bent on killing the individuals it's meant to serve -- a large body with a severe affinity for self-flagellation. (OK, so maybe you don't want to get quite that vehement, but you get the point.)

John Stuart Mill worded it quite nicely on the last page of On Liberty.



**John Stuart Mill, On Liberty, p. 187.**

"The worth of the state, in the long run, is the worth of the individuals composing it; ... A state which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes -- will find that with small men no great thing can really be accomplished; and that the perfection of machinery to which it has sacrificed everything will in the end avail it nothing, for want for the vital power which, in order that the machine might work more smoothly, it has preferred to banish."

***The Ultimate Value is Individual Life***

Ayn Rand, The Virtue of Selfishness, p. 17

"An ultimate value is that final goal or end to which all lesser goals are the means -- and it sets the standard by which all lesser goals are evaluated. An organism's life is its standard of value."

Be careful when using Ayn Rand, however. She said lots of things that lots of people don't agree with, so if you get evil scowls from the judges, change the subject or at least the support.

***Objectivism places individual life as the ultimate value.***

Ayn Rand, The Virtue of Selfishness, p. 25.

"The three cardinal virtues of the Objectivist ethics -- the three values which, together, are the means to and the realization of one's ultimate value, one's own life -- are: Reason, Purpose, Self-Esteem, with their three corresponding virtues: rationality, productiveness, pride."

***Dignity is Necessary to Deal with Reality***

Nathaniel Branden, "Mental Health versus Mysticism and Self-Sacrifice", p. 1

"In order to deal with reality successfully --- to pursue and achieve the values which his life requires -- man needs self-esteem; he needs to be confident of his efficacy and worth."

***Self-Sacrifice Sells Out the Mind***

Nathaniel Branden, "Mental Health versus Mysticism and Self-Sacrifice", p. 41

"To sacrifice one's happiness is to sacrifice one's desires; to sacrifice one's desires is to sacrifice one's values; to sacrifice one's values is to sacrifice one's judgment; to sacrifice one's judgment is to sacrifice one's mind -- and it is nothing less than this that the creed of self-sacrifice aims at and demands."

***Human Good Does Not Require Sacrifice of Individuals***

Ayn Rand, The Virtue of Selfishness, p. 31

"The Objectivist ethics holds that human good does not require human sacrifices and cannot be achieved by the sacrifice of anyone to anyone."

For an interesting synopsis of objectivism and its quirks, read The Virtue of Selfishness, by Ayn Rand.

**B.** Another good defense of the individual as paramount can be based on the idea of rights. Most people would agree that one aspect, probably the prime duty, of society is to protect each person's rights, and if one person's rights are violated, the act is an affront to all people on the basis that rights, regardless of whose they were, were infringed upon. Moreover, if you can establish in constructive or cross-examination that the purpose of society is to protect rights, then by violating rights (i.e. -- placing the individual below the society), the society loses its defining characteristic. Note, though, that individualism can still be upheld even if restrictions are placed upon the individual, provided that such restrictions are imposed for the protection of each and every individual. Refer to social contract theory for more on this aspect. Take the good ol' USA for example. History has it that we formed a society because some pioneer folks, pilgrims and the like, wanted certain rights, like freedom of religion and

equal representation, to be guaranteed. Thus we get the Constitution and the Bill of Rights. When these rights are violated, as with censorship or prayer in schools, these bases upon which our society was formed crumble and the original purpose of the society, to serve the people, is lost.

***Individuals are not to be used for welfare of others.***

Ayn Rand, The Virtue of Selfishness, p. 27

"The basic social principle of the Objectivist ethics is that just as life is an end in itself, so every living human being is an end in himself, not the means to the ends or the welfare of others -- and therefore, that man must live for his own sake, neither sacrificing himself to others nor sacrificing others to himself."

***Moral Purpose of Government is to protect rights.***

Ayn Rand, The Virtue of Selfishness, p. 33

"The only proper, moral purpose of a government is to protect man's rights."

**C.** At this point, it is necessary to distinguish between what is right and what is good. Good is usually associated with an ends-based system, also sometimes referred to as consequentialism. That which is good, by dealing with ends attained, usually applies to long-term concerns. That which is right, on the other hand, pertains primarily to the means used and holds that the ends do not justify the means. Thus, right deals with short-term concerns in hopes of attaining a purer end in a beneficial way. The conflict between right and good can easily be applied to the conflict between the individual and society. For instance, it may be good to kill all prisoners or to quarantine AIDS patients, as such measures would have long term benefits such as decreased population and recidivism, or the ability to isolate a very threatening disease. But even though such programs would benefit society in the long run, or in the end (which is questionable anyhow), they would come with such atrocious breaches of individuals in the short run, not only by dehumanizing them, but by denying morality of means, that any end eventually achieved would be irrevocably tainted by the horrific fascism of the means. Usually, the idea that we ought to do what is right is most easily applied to the individual, whereas the good, or that with the most future benefits, would be applied to the justification of the primacy of the society.

**D.** Equality is yet another way of dealing with the conflict between the individual and the society. If each individual is to be treated equally, then no one can be sacrificed to the society, for if one can be sacrificed to others the equality disappears. Again, for this sort of argument to work for the individual, you would want to make society out to be an instrument of the people rather than the collective unit.

***Equality and Freedom must be brought into equilibrium.***

Thomas Mann, reprinted in Frederick Unger's Practical Wisdom, 1977, p. 109

"Freedom and equality, they contradict each other and can never come to an ideal union, because equality carries in itself the seeds of tyranny, and freedom anarchical disintegration. It is mankind's task today to find a new equilibrium between them and to allow them to form a new union, in which it cannot be denied that the greatest possible realization of justice, the dominating idea of the epoch, has become a matter of the world's conscience."

***Equality Other Than Of Opportunity Is Unjust***

Karl Jaspers, in Frederick Unger's Practical Wisdom, 1977, p. 110

"Equalization of people beyond equality of opportunity is the greatest injustice."

***People Are Inherently Unequal***

Ludwig Borne, reprinted in Frederick Unger's Practical Wisdom, 1977, p. 110

"People's innate inclinations and talents are different. Attempting to eliminate those differences was the tyranny of which Lykurgus, Phillipe II, Robespierre, and Louis XVI made themselves guilty."

On the other side of the argument is the idea that if people are truly equal, then no one individual can take precedence over another individual or group of individuals. So the society must be favored in order to avoid selfish indulgence or personal tyranny over others.

**E. Freedom.** The concept upon which this nation was founded but which modern-day politicians and leaders (also known as clowns and cretins) are constantly trying to take away. Anyhow, if you're upholding the individual you could certainly say that the individual's freedom ought not to be outweighed by societal concerns. This is pretty basic stuff -- read the Constitution, for crying out loud. Many philosophers dealt with elsewhere in this book thought that freedom or autonomy, and the subsequent protection thereof, is the prime function of the society. On the side of society, one person's freedom ought not to threaten the freedom of others. The arguments are usually pretty straight up here, so I'll throw in some more cards.

***Free Conscience Cannot Be Violated***

S.I. Benn and R.S. Peters, Principles in Political Thought, 1964, p. 388

"When Locke said that men were free by nature, he surely meant, at the very least, that no one can deprive another of the right to form his own judgements... In that capacity, no man can put his conscience in the permanent keeping of any authority."

***Each Person Must Decide His/Her Duties***

S.I. Benn and R.S. Peters, Principles in Political Thought, 1964, p. 388

"Every man, therefore, must decide for himself whether he has a duty to accept a given authority; for no one else can decide that for him. Similarly, he can accept authority only with reservations. For he yields his freedom to act on his moral estimate of situations, or as Locke put, to do 'whatsoever he thought fit for the preservation of himself and the rest of mankind,' only 'so far as the preservation of himself and that society shall require.'"

***People Must Distinguish Freely Among Principles***

Justice Oliver Wendell Holmes

"People are always extolling the man of principles; but I think the superior man is one who knows that he must find his way in a maze of principles."

***Freedom is the Key to Everything***

Arthur Schnitzler, reprinted in Frederick Ungar's Practical Wisdom, 1977, p. 29

"Without the assumption of free will we would be forced to relinquish all our ethical concepts of guilt and atonement, benevolence and malevolence, meaningfulness and emptiness, and find designations for them that, without an attempt at aesthetic or moral evaluation, would give expression to the causal relationship alone. The idea of responsibility would be done away with: there would be no occasion to love or hate, to reward or punish, to admire or scorn, to pardon or avenge, to be proud or ashamed."

***Individual is Paramount***

Arthur Schnitzler, reprinted in Frederick Ungar's Practical Wisdom, 1977, p. 29

"What is the art of living? It is knowing how to subordinate the particular laws of one's life to the general laws of nature, the state, and society, and yet to preserve one's very self above all."

**F.** From the depths of policy debate and poorly-worded resolutions comes an idea which, while wholly applicable to the conflicts between the individual and the society, is not entirely welcome or needed in Lincoln-Douglas debate -- the idea of impacts. Impacting an argument is fine, and I hope to show you how this can be done on a value level for some issues. However, putting out nuclear war disadvantages in your speeches is not only obnoxious, it's not LD. You can, though, with some resolutions and some conflicts, show what's going to happen by impacting your arguments. Hopefully most of these impacts

will be regarding things related to values -- loss of morality, loss of freedom, maybe even things like tyranny if you keep it on a values level. Most of the cards you'll find on such impacts will need to be pretty specific to the topic, but I'll provide a few general ones.

***Imposed Force Negates Humanity***

Friedrich Schiller, quoted in Frederick Ungar's Practical Wisdom, 1977, p. 102

"Nothing is so unworthy of man than the toleration of force, for force negates him. Whoever inflicts force upon us, denies us nothing less than our humanity. Whoever submits to it, casts away his humanity."

This card argues that when human beings are manipulated by force, the essence of humanity, namely autonomy, is negated.

***Unconditional Obedience Hurts Human Nature***

Johann Gottfried Seume, quoted in Frederick Ungar's Practical Wisdom, 1977, p. 102

"Unconditional obedience is unthinkable between rational people. If somebody can use me according to his whims, I do not owe him obedience. This follows from man's moral nature."

Like the last one, this card shows how one thing leads to another undesirable state of being.

***Denied Freedom of Speech Leads to Denied Freedom of Thought***

Immanuel Kant, quoted in Frederick Ungar's Practical Wisdom, 1977, p. 109

"Freedom of thought is opposed, first, by governmental constraint. True, they say, the powers that be can take from us the freedom to speak or to write, but not the freedom to think. But how much and how well would we think, if we did not think in communion with others, to whom we communicate our thoughts as they do theirs to us? Hence we may well say that any external power that deprives man of his freedom to state his thoughts publicly also deprives him of the freedom of thought."

***Freedom and Truth must Coexist***

Karl Jaspers, quoted in Frederick Ungar's Practical Wisdom, 1977, p. 105

"Truth and freedom belong together as do lying and violence. Only truth can unite the free world; it is lost without truth. Freedom and untruth cannot exist together. Only a free world can achieve peace. It will not fight lies by lies. Every lie is one step on the path to totalitarianism."

Anyhow, you get the idea -- on some issues you can impact your value arguments without slipping into policy disadvantages. Be careful, though, just because you can argue like this doesn't mean you should.

**G.** An idea that comes up often when dealing with the issue of the individual vs. society is that the society is the collection of the individuals in it. If you argue this definition, then your argumentation will probably go something like this: the society is the collection of individuals. Why then, can some individuals be given higher priority than others by placing them above the group -- the society, in such a conflict situation. If you're not careful, however, this position can bleed into something less respectable -- the idea of utilitarianism. The greatest good for the greatest number and all that jazz, the hedonic calculus, etc. I'm not going to go into all of that, but mostly because I really hate every aspect of it. To uphold the society on this issue without sounding like either a utilitarian or a fascist, you've almost got to go with this collectivist stuff and make your opponent sound like a stalwart of selfishness and greed. You can also invoke that old American doctrine of the majority rule, but again, you've got to link it to higher values, i.e. dignity for the most people or something to have any credibility. Oftentimes this can come down to a chicken and egg type of nonsense argument. Avoid it if you can, and remember -- rhetoric wins.

## **Addendum to the Individual and Society**

### ***Victor Jih***

As should be obvious after reading Fred's essay, he probably favors the individual over the society. If there is any doubt of his liberal tendencies, read his logical fallacies essay which was substantially toned down. To recap and elaborate and extend on many of the pro-society arguments which Fred refers to, I offer the following summary.

#### **II. The Society is Paramount.**

**A.** If society is a collection of individuals, then, when the good of lots of individuals conflicts with the good of one individual, then clearly we must choose the good of more individuals. If individuals are truly equal to each other, then one must certainly be worth less than two. If we want to say that the individual is superior to society, then we must be prepared to say that the interest of one individual is morally equivalent to the interests of several million (as in the United States).

**B.** If society is the mechanism or vehicle (nation) that upholds individual rights, then given a conflict between a single individual right and the society, we should still uphold the society. Why? Well, let's look at one particular instance of free speech versus national security, the welfare of society. Let's grant the fact that society exists to protect individual rights. But we must acknowledge the fact that society exists to protect many different individual rights -- including the right to life, security, property, etc. And society is a vehicle that protects all of these rights. If in a particular conflict scenario it is necessary to sacrifice some freedom of speech, for the sake of the very mechanism that protects all of our other rights, then we must sacrifice that portion of freedom of speech. Unless we are prepared to say that the protection of all these other individual rights are not as important as the temporary infringement of one, single right, then again we must uphold the society over the individual.

**C.** Philosophers (including Aristotle and Jeffrey Reiman) that humans are not atomistic cells. People are by nature social animals. The society is an intimate part of what being human means. Part of my definition as a person comes from my family, my friends, my community, my society. As an individual, I depend on the society for part of my meaning and value. Even in Fred's piece of evidence from Immanuel Kant in the latter portion of his essay recognized that an essential part of freedom of thought is the importance of being able to bounce ideas of other people -- which requires a society, a community of people. As such, individuals require society as much as society requires the individual.

**D.** Jean-Jacques Rousseau writes in his Social Contract that people enter society to seek the common good, what he calls the general will. He writes that everyone's rights are limited by the general will. In that sense, the society trumps the individual. But what we lose as individual beings, Rousseau writes, we gain as social beings. Thomas Hobbes, another social contract theorist, writes that life without society is so harsh, so horrible, so brutish and short, a state of war, that society is essential for the peace and order it provides. This purpose of society is more important than any other individual right. Because without society, we are guaranteed no protection of any right.

**E.** Many utilitarians argue that the very reason we have individual rights is because these claims are in the interest of the general welfare. If this is true, then certainly when the general welfare is at risk, the common good outweighs the individual rights. For more on this argument, see the essay on Utilitarianism.

## **Utilitarianism**

### *Eric Johnson*

In the context of Lincoln/Douglas debate, utilitarianism seems to be the perfect criteria. It applies to at least one side, if not both, of almost every resolution.

The problem is that LD has a long tradition of dragging utilitarianism over the coals. One thing is clear: utilitarianism is much misunderstood in high school value debate. The common conception is very shallow. Utilitarianism, however, has many complex interpretations. The debater who has a working knowledge of these will have an awesome advantage over more ignorant opponents if utilitarianism is used as the criterion in the debate.

Simply stated, utilitarianism is the line of thought that advocates "the greatest happiness for the greatest number." Happiness is defined as being the attainment of pleasure and the avoidance of pain.

The idea is simple. There is nothing to assume. There is no need to invent some objective truth and then try to stretch and squeeze it into the form of the human character. The idea depends on no faith in religious deities, yet it can be compatible with a belief in God or gods.

The complexity and quantity of interpretations can be utilitarianism's saving grace. On the downside, the theory sparks more controversy than perhaps any other in ethical philosophy. The evidence is out there on both sides. The situation allows the debater who has the best knowledge to be in the best position to pick up ballots.

#### **Using Utilitarianism In The Context of Debate**

The acceptability of utilitarianism varies by region. Utilitarianism in Eastern national-circuit debating is greeted with the same kind of warm welcome that Jesse Helms' neighborhood would give to a topless bar, or that Beverly Hills would give to a homeless shelter.

On the other hand, in some areas, including parts of California, utilitarianism is so ingrained that it sometimes goes as the unstated criterion in L/D.

Perhaps the reason utilitarianism is so maligned in certain circles is because of a useful, but ridiculously overvalued textbook, The Individual and the Political Order: An Introduction to Social and Political Philosophy. The book is critical of utilitarianism, and many LD debaters have invoked this book to stave off evil utilitarian demons. It is regarded in some circles as a sacred text, and its conclusion about utilitarianism are used to portray utilitarianism as a dead philosophy.

The truth is that utilitarianism is well-supported and well-suited to LD. If you don't take occasion to use it, you are missing out.

#### **Why Debate Utilitarianism?**

First of all, utilitarianism can be used for more cases than any other criterion. Some topics stop just short of actually posing utilitarianism against something else: *Resolved: that the pursuit of scientific knowledge ought to be limited by a concern for societal good.*

Other topics cry out for utilitarianism to be used on both sides of the resolution: *Resolved: that the development of natural resources ought to be valued above the protection of the environment.* It could be argued that either the protection of the environment or the development of it could be more useful.

Debaters can learn one or two criteria inside and out and use them for almost all cases. Utilitarianism is a good choice; you will find that you can use it with almost anything. Part of the reason this is true is because, as we have mentioned before, there are so many interpretations of utilitarianism.

### **Many Different Interpretations of Utilitarianism**

After "justice" and "freedom," "utilitarianism" has more meanings than any other word in philosophy. Utilitarianism can be expanded to include almost anything, as in, "Sure, Kant was basically a utilitarian." And the theory is often represented to be much less than what it is: "Utilitarianism is nothing but hedonism."

If you know utilitarianism inside and out, you can use this plethora of interpretations to your advantage. At the beginning of the round you say that utilitarianism is a really nifty value, and then you define it as you go along. (As a corollary, in opposing utilitarianism, the first object of cross-examination is to get your opponent to define it so that you can pin it down.)

For example, you can advocate: act utilitarianism, rule utilitarianism, personal utilitarianism, motive utilitarianism, descriptive utilitarianism, egoistic utilitarianism, universalistic utilitarianism, or many others. The possibilities are almost endless, and they are not all going to be reviewed here.

From its primitive beginnings as a godless, perverted and general fun philosophy, some of history's most intelligent philosophers have devoted much mental effort into making brilliant excuses for utilitarianism. And you can use every single one of them if you'd like. If you learn these modern addendums to utilitarian theory, you will be prepared to quickly dispose of the traditional objections your opponent will present.

For the sake of convenience, the opponent of utilitarianism will be called Joe Obnoxious. Joe has all the classic arguments against utilitarianism, and after you read this essay you will have all the answers.

### **Essential Ideas in Utilitarianism**

A major controversy in ethics centers around consequentialism: the theory that the worth of actions ought to be judged by their consequences. Utilitarianism is a kind of consequentialism. The other major camp can be labeled "deontological ethics." Adherents care about the inherent worth of actions, not the consequences.

"Let justice be done though the heavens should fall," is something a person who subscribes to deontological ethics would say.

"The hell with justice!" is something a person who subscribes to consequentialism might say. Utilitarianism falls into this camp.

#### ***Utilitarianism is a kind of consequentialism.***

Amartya Sen and Bernard Williams, philosopher and Knightsbridge Professor of Philosophy at the University of Cambridge, respectively. Utilitarianism and Beyond, 1982, p. 3-4.

"Let it be assumed that a theory of this very ambitious scope is needed. What, in particular, is utilitarianism? We have already implicitly referred to the point that it can be regarded as the intersection between two different kinds of theory. One is a theory of the correct way to assess or assign value to states of affairs, and it claims that the correct basis of assessment is welfare, satisfaction, or people getting what they prefer. This theory, one component of utilitarianism, has been called welfarism."

Utilitarianism is a kind of consequentialism that asks that actions be evaluated on their propensity to create happiness.

***Utilitarianism is welfarist consequentialism.***

Amartya Sen and Bernard Williams, philosopher and Knightsbridge Professor of Philosophy at the University of Cambridge, respectively. Utilitarianism and Beyond, 1982, p. 4.

"The other component is a theory of correct action, which claims that actions are to be chosen on the basis of the states of affairs which are their consequences: this has been called consequentialism. Utilitarianism, in its central forms, recommends a choice of actions on the basis of consequences, and an assessment of consequences in terms of welfare. Utilitarianism is thus a species of welfarist consequentialism."

What if we thought an action would have good consequences, but we were wrong. Maybe we had good intentions, but were mistaken about the effects. Non-consequentialists often argue that the intent of actions is what is important. Consequentialists also believe intent is important; they, however, have a goofy way of saying it.

***Actors who are mistaken about consequences are not to blame for them.***

Robert Merrihew Adams, Philosopher, Utilitarianism and Its Critics, ed. Jonathan Glover, Fellow in Philosophy at New College, Oxford, 1990, p. 238.

"Bentham would presumably defend the evaluating of intentions by the utility of expected consequences of the intended act rather than the utility of the intentions themselves in the same way that he defends a similar method of evaluating dispositions. That is, he would appeal to the assumption 'that in the ordinary course of things the consequences of actions commonly turn out conformable to intentions' (Introduction, 133), so that there is no practical difference between the utility of the intention and the utility of the expected consequences of the intended action."

***Actors who are mistaken about consequences are not to blame for them.***

J.J.C. Smart and Bernard Williams, Emeritus Professor at the University of Adelaide and Knightsbridge Professor Philosophy at the University of Cambridge, respectively. Utilitarianism: For and Against, 1973, p. 86.

"It is perfectly possible for an agent to be ignorant or mistaken, and non-culpably ignorant or mistaken, about what is the right action in the circumstances. Thus the assessment by others of whether the agent did, in this sense, do the right thing, is not bounded by the agent's state of knowledge at the time, and the claim that he did the wrong thing is compatible with recognizing that he did as well as anyone in his state of knowledge could have done."

***Actors who are mistaken about consequences are not to blame for them.***

J.J.C. Smart, The Encyclopedia of Philosophy, vol. 4, 1967, p. 211.

"The utilitarian must reply that the objector is confusing two things, the rightness or wrongness of an action and the praiseworthiness and blameworthiness of it. The action, he can consistently say, was very wrong, but it was not very bad: that is, it ought not to be blamed very much, if at all. If we blame it, we are concerned with the utility of discouraging similar actions on the part of other people, and since going to the office with a head cold is not normally productive of very bad consequences, this action, although in fact very wrong, was not a very bad or blameworthy one."

**The Generic Evidence for Utilitarianism**

Here are the generic quotes to kick off utilitarianism in your constructive speech.



***Mill's summary of utilitarianism.***

John Stuart Mill, Utilitarianism, (Hackett Publishing) orig. 1861, this ed. 1979, p. 7.

"The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain and the privation of pleasure."

***Pleasure and freedom from pain are the only ends.***

John Stuart Mill, Utilitarianism, (Hackett Publishing) orig. 1861, this ed. 1979, p. 7.

"But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded -- namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain."

**Act and Rule Utilitarianism**

There are many offshoots of utilitarianism, but the most common division among utilitarians is over act utilitarianism and rule utilitarianism.

Act utilitarianism is the simple brand. Act utilitarianism tests the validity of every individual action by the consequences which it is supposed to produce. Jeremy Bentham was an act utilitarian. Ought you eat at Taco Bell or Burger King? What are the probable effects on the welfare of the human race for each choice? Does this seem like a cumbersome moral system? There is a variation of utilitarianism called rule utilitarianism that provides much relief.

Rule utilitarianism argues for the creation of rules. What rules are followed depend on which rules tend to maximize utility. Utilitarianism becomes the standard for rules, not actions. Bowie and Simon explain Mill's position as a rule utilitarian.

***Utilitarianism is used to formulate rules.***

Norman E. Bowie and Robert L. Simon, University of Delaware and Hamilton College, respectively, The Individual and the Political Order, 2nd Ed., 1986, p. 37.

"The task of the moral philosopher on the rule utilitarian account is to formulate those rules which pass the utilitarian test. If Mill is interpreted as a rule utilitarian, individual rights can be construed as rules that protect individuals. These rights, however, are grounded on utilitarian considerations. Individual rights should be recognized only if by recognition of such rights the happiness of the greatest good for the greatest number can be secured."

When we adopt rule utilitarianism, we have gone a long way toward making a kinder, gentler philosophy out of utilitarianism than it appears at first glance. Let's consider a hypothetical example.

You are a Trident submarine captain. You happen to know for a fact that Los Gatos, California is such a run-down, ugly town, that the world would be better off if it did not exist. Based on act utilitarianism, you could make the decision to launch a nuclear weapon at Los Gatos. Let us assume (it is not hard to do) that this really would improve the world. A moral system that supports this may be a little scary.

That is where rule utilitarianism becomes so helpful. A rule that says we ought not to kill people without a trial or a declaration of war is a justified rule.

Some versions of rule utilitarianism allow that if an individual action would produce extreme results, then it may be excepted from the rule. (Perhaps the benefit of nuking Los Gatos would be so overwhelming that it might be exempted from the rule.)

***Rules are useful, but not all important.***

Richard B. Brandt, University of Michigan, Ethical Theory, 1959, p. 384.

"Does the utilitarian formula leave any place for moral maxims like 'Keep your promises' and 'Always tell the truth?' Yes, these maxims can be regarded as directives that for the most part point out what is a person's duty. They are rules of thumb. They are properly taught to children and used by everybody as a rough timesaving guide for ordinary decisions. Moreover, since we are all prone to rationalizing in our own favor, they are apt to be a better guide to our duty in complex cases than is our on-the-spot reflection. However, we are not to be enslaved to them. When there is good ground for thinking the maximum net expectable utility will be produced by an act that violates them, then we should depart from them. Such a rule is to be disregarded without hesitation, when it clearly conflicts with the general welfare."

**Proof**

In chapter four of his essay, *Utilitarianism*, Mill says that utilitarianism does not need to be proven. This was a smart move. But then he tries to prove it anyway. Mill's "proof" has come under fire more than any other single part of his essay. The proof runs throughout chapter four, but here is the essential quotation.

***Mill's "proof" of utilitarianism.***

John Stuart Mill, philosopher, Utilitarianism, ed. George Sher (Hackett Publishing), orig. 1861, this edition 1979, p. 34.

"The sole evidence it is possible to produce that anything is desirable, is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and practice, acknowledged to be an end, nothing could ever convince any person it was so. No reason can be given why the general happiness is desirable except that each person, so far as he believes it to be attainable, desires his own happiness."

The attempted proof is commonly attacked and reaffirmed on the grounds of logic.

***Mill's "proof" is flawed.***

Jonathan Glover, Fellow in Philosophy at New College, Oxford, Utilitarianism and Its Critics, 1990, p. 5-6.

"Both parts of the derivation seem likely to have problems. From the fact that someone wants something, it does not seem intuitively to follow that what they want is morally desirable. (There are people who, for reasons of sadism or revenge, want others to suffer). And the second step may also be hard to make. Perhaps there is a conflict between my own happiness and that of people in general. (I inherit some money. Giving it to charity may do the most for the general happiness, but spending it on a trip around the world may do most for my happiness.) Unless such conflicts can be explained away, the psychological derivation of the utilitarian morality seems to be in trouble. The morality tells me to do what the psychology says is impossible."

***Mill's 'proof' is plausible.***

William H. Williams, Associate Professor of Philosophy at Virginia Polytechnic Institute and State University, The Limits of Utilitarianism, 1982, p. 32.

"If my earlier elucidation of Mill's argument for happiness as the kind of thing that makes the objects of desires desirable was convincing, then the argument has some plausibility. Desire does not confer desirability; it is evidence for what kind of thing constitutes welfare. Thus, that one desires only his own happiness does not restrict the desirability of happiness to one's own happiness. If the desirability of happiness as such is identified (and not created) by one's own desire for it in one's own experience, its desirability -- wherever it is located -- can be admitted by the intellect."

Debating a logical proof of utilitarianism in a debate round seems to be a useless thing to do. However, here is evidence that no normative ethical system can be proven, so perhaps we shouldn't waste our time.

***Ethics cannot be proven.***

J.J.C. Smart, The Encyclopedia of Philosophy, vol. 4, 1967, p. 209.

"A system of normative ethics cannot be proved intellectually. Any such 'proof' of utilitarianism as was attempted by Bentham or Mill can be shown to be fallacious. ... Sidgwick and Moore were clearer on this point and saw that ethical principles cannot be deduced from anything else. ... We may nevertheless recommend such a system."

**Moral Feelings**

The attack here is simple, not to mention simple-minded. Utilitarianism runs counter to our moral feelings, therefore we ought to abandon it. Not surprisingly, some of the best evidence for this comes from The Individual and the Political Order.

***Utilitarianism runs counter to our moral feelings.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd Ed., 1986, p. 33.

"To see the force of this criticism the reader should ask whether he or she would willingly become a pig even with an ironclad guarantee that the life of the pig would be happier. Those who are still with us can see hedonism conflicts with our strong convictions that in fact some activities are better than others even if they are not more pleasurable."

Bernard Williams, a person who has spent most of his life whining about utilitarianism, also makes the appeal to people's pre-formed moral feelings.

***Utilitarianism runs counter to our moral feelings.***

Bernard Williams, Knightsbridge Professor of Philosophy at the University of Cambridge, Utilitarianism and Its Critics, ed. Jonathon Glover, 1990, p. 169.

"[It] is not that we are utilitarians who are uncertain what utilitarian value to attach to our moral feelings, but that we are partially at least not utilitarians, and cannot regard our moral feelings merely as objects of utilitarian value. Because our moral relation to the world is partly given by such feelings, and by a sense of what we can or cannot 'live with,' to come to regard those feelings from a purely utilitarian point of view, that is to say, as happenings outside one's moral self, is to lose a sense of one's moral identity; to lose, in the most literal way, one's integrity."

Using a little trickery, opponents of utilitarianism often take advantage of the audience's more conventional moral ideas, and they present an example of an action that would be moral under utilitarianism, but generally repulsive to the common person.

This line of argumentation should be fairly easy to dispose with. Against the simple argument that utilitarianism goes against our moral feelings, I would ask why those learned moral feelings should be regarded as correct. Whose conception of them should we use, mine? my opponent's? the judge's? Adolf Hitler's? Pee-Wee Herman's? Surely that is not the proper way to argue for or against a moral system. It is simply a primitive persuasive device, and it is a commonly known logical fallacy to appeal to the audience's emotions to prove a point.

Secondly, to those opponents who come up with grand examples of utilitarianism in which babies are killed, people are starved, or children are tortured, I would present them with some extreme examples on their side, just to show I could do it. Then I would argue that extreme examples that are blatant emotional appeals are not part of proper moral argument.

***Extreme examples are improper in moral argument.***

R.M. Hare, philosopher, Utilitarianism and Its Critics, ed. Jonathan Glover, 1990, p. 231-232.

"The most common trick of the opponents of utilitarianism is to take examples of such thinking, usually addressed to fantastic cases, and confront them with what the ordinary man would think. It makes the utilitarian look like a moral monster. The anti-utilitarians have usually confined their own thought about moral reasoning (with fairly infrequent lapses which often go unnoticed) to what I am calling level 1, the level of everyday moral thinking on ordinary, often stressful, occasions in which information is sparse. So they find it natural to take the side of the ordinary man in a supposed fight with the utilitarian whose views lead him to say, if put at the disconcertingly unfamiliar standpoint of the archangel Gabriel, such extraordinary things about these carefully contrived examples. To argue in this way is entirely to neglect the importance for moral philosophy of a study of moral education."

**Integrity and the Separateness of Persons Objection**

Opponents of utilitarianism can argue that we ought to be responsible for our actions and that the utilitarian system rejects this principle of responsibility. Since consequences alone are to be the standards for morality, they argue, there is no room left for the integrity of the individual.

***Utilitarianism rejects integrity and responsibility.***

Bernard Williams Knightsbridge Professor of Philosophy at the University of Cambridge, Utilitarianism and Its Critics, ed. Jonathon Glover, 1990, p. 166.

"A feature of utilitarianism is that it cuts out a kind of consideration which for some others makes a difference to what they feel about such cases: a consideration involving the idea, as we might first and very simply put it, that each of us is specially responsible for what he does, rather than for what other people do. This is an idea closely connected with the value of integrity. It is often suspected that utilitarianism, at least in its direct forms, makes integrity as a value more or less unintelligible."

A good way to set up the above argument is to ask in cross-examination: "Do you believe people should be responsible for their own actions in a moral sense?" and continue with the impact to integrity.

The way to respond to this line of attack is to point out that the opponent is confusing the wrongness of an action with the blame-worthiness of it. The distinction is explained above in the last three cards of the section "Essential Ideas in Utilitarianism."

Another argument along similar lines is called the "separateness of persons objection."

***Utilitarianism fails to account for the separateness of persons.***

Derek Parfit, philosopher, Utilitarianism and Its Critics, ed. Jonathon Glover, 1990, p. 95.

"Since Utilitarians reject distributive principles, they believe that the boundaries of lives have no moral significance. On their view, the separateness of persons can be ignored."

The analysis is that utilitarianism is concerned with the consequences of actions, and it cares nothing about the moral agent. The doctrine of utilitarianism asks for a mass measure of the total happiness in a society, and does not take into account individuals or their differences. This is a useful position against utilitarianism if your position is tied-in with autonomy, Rawls, Kant, individual rights or similar individual-based moral systems.

Part of the response lies in the distinction between blameworthiness and wrongness. After that, the gutsy approach is to argue that distinctions between individuals are not important. If you would rather find a place for the individual in the utilitarian doctrine, this may be done with the help of the section on moral codes and the section on rights.

**Equality, Justice and Just Distribution**

This is definitely one of the top ten objections to utilitarianism. Utilitarianism, it is said, has no room for fairness in the distribution of happiness. Here is a kind of argument that is used classically:

Suppose there are three units of happiness and three people. By saying "units of happiness," we are assuming that they would bring the same amount of happiness to any person they were given to. If you have two units of happiness, then you are exactly twice as happy as a person who has none. How are we to distribute the units?

Naturally, it would seem fair to give one of them to each person. But utilitarianism says "maximize total happiness," so you could give all three units to one person, and utilitarianism would seem not to care.

If that example is not impressive, it is possible to construct examples where it would maximize utility to employ unequal distribution.

Either way, there seems to be nothing in simple utilitarianism that speaks to fairness. Incidentally, it is this kind of thinking that made John Rawls abandon rule utilitarianism and adopt the kind of philosophy he talks about in a Theory of Justice and "Justice as Fairness."

***Justice is not provided for under utilitarianism.***

John Rawls, Professor of Philosophy, Harvard University, Utilitarianism and Its Critics, ed. Jonathon Glover, 1990, p. 91.

"The striking feature of the utilitarian view of justice is that it does not matter, except indirectly, how this sum of satisfaction is distributed among individuals any more than it matters, except indirectly, how one man distributes his satisfactions over time. The correct distribution in either case is that which yields the maximum fulfillment. Society must allocate its means of satisfaction whatever these are, rights, and duties, opportunities and privileges, and various forms of wealth, so as to achieve this maximum if it can. But in itself no distribution of satisfaction is better than another except that the more equal distribution is to be preferred to break ties."

***Utilitarianism ignores just distribution.***

John Rawls, Professor of Philosophy, Harvard University, Utilitarianism and Its Critics, ed. Jonathon Glover, 1990, p. 94.

"Many utilitarians answer moral questions with the method called that of an Impartial Observer. When such a Utilitarian asks himself, as an observer, what would be right, or what he would impartially prefer, he may identify with all of the affected people. He may imagine that he himself would be all of these different people. This will lead him to ignore the fact that different people are affected, and so to ignore the claims of just distribution as between these people."

Now if you are gutsy, it is always possible to argue that it does not matter: utilitarianism is the way it is, and equality and justice just are not in the picture. But you may want to take a more traditional route.

There are numerous ways for fitting justice into utilitarianism. One argument, common to economics, is that distributive justice and relative equality tend to maximize utility. If resources in society are spread out, then everyone will be happy. But if all the wealth is held by a few people, the unhappiness of the poor will bring down total utility.

The analysis behind this is a type of "diminishing returns" argument: the more rich you get, the less happiness you gain from each additional unit of wealth. For instance, if you are the Queen of England, an additional \$100 is going to mean almost nothing to you. On the other hand, if you gave that \$100 to a homeless person, you would probably make him or her very happy.

Looking specifically to justice, as I have already mentioned, I think "Justice" is one of the most useless words in philosophy. It almost always requires an adjective in front of it to be clear (as in retributive justice, distributive justice, criminal justice, etc.). In the most common usage, Mill incorporates it into utilitarianism.

***Justice is part of utilitarianism.***

John Stuart Mill, philosopher, Utilitarianism, ed. George Sher (Hackett Publishing) orig. 1861, this ed. 1979, p. 63.

"The idea of justice ... no longer presents itself as a stumbling block to the utilitarian ethics. Justice remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative, than any others are as a class (though not more so than others may be in particular cases)."

As "justice" applies to punishment, Mill has applied utilitarianism to justice.

***Simple retributive justice is negated by utilitarianism.***

John Stuart Mill, philosopher, Utilitarianism, ed. George Sher (Hackett Publishing) orig. 1861, this ed. 1979, p. 50-51.

"The sentiment of justice, in that one of its elements which consists of the desire to punish, is thus, I conceive, the natural feeling of retaliation or vengeance, rendered by intellect and sympathy applicable to those injuries, that is, to those hurts, which wound us through, or in common with, society at large. This sentiment, in itself, has nothing moral in it; what is moral is the exclusive subordination of it to the social sympathies, so as to wait on and obey their call. For the natural feeling would make us resent indiscriminately whatever anyone does that is disagreeable to us; but, when moralized by the social feeling, it only acts in the directions conformable to the general good."

**Government, Democracy, and Authoritarianism**

As you might expect, utilitarianism has been said by different writers to promote both authoritarianism and democracy.

Jeremy Bentham and John Stuart Mill were both primarily political philosophers, and their presentation of utilitarianism is generally received as a normative theory of policymaking.

***The purpose of government is to maximize utility.***

George Abernathy (Chairman of philosophy at Davidson College) and Thomas Langford (professor at Duke University), Introduction to Western Philosophy: Pre-Socratics to Mill, 1970, p. 319.

"In Bentham's view, the purpose of government and its system of law is to provide the citizenry with the greatest possible amount of happiness. In order to accomplish this, the legislators need to choose among acts which please one person and those which bring happiness to others."

Also, as you might expect, much of the good evidence that utilitarianism supports authoritarianism comes from *The Individual and the Political Order*.

***Utilitarianism justifies authoritarianism.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd ed., 1986, p. 32.

"The second question asked what is the proper scope of the state or what is the extent of the state's authority. As a matter of consistency, utilitarian philosophy is compatible with a philosophy of a strong, socially oriented, paternalistic government. Since any state action that contributes to the greatest happiness of the greatest number is justifiable on utilitarian grounds."

Bernard "Get a Life" Williams is also in on the attack.

***Utilitarianism demands manipulative government.***

J.J.C. Smart and Bernard Williams, Utilitarianism: For and Against, 1978, p. 138.

"If we insist on being told from what actual social spot the utilitarian judgements are made, and if we form some definite picture of utilitarian decision being located in government, while the populace to a significant extent is non-utilitarian in outlook, then it must surely be that government in that society is very importantly manipulative."

***Utilitarianism demands coercion and political restriction.***

J.J.C. Smart and Bernard Williams, Utilitarianism: For and Against, 1978, p. 139.

"The situation is inherently manipulative, and would very probably demand institutions of coercion or severe political restrictions to sustain itself. This is a social and institutional manifestation of that lack of openness which I have already remarked in Smart's proposals."

Both Bentham and Mill, however, were proponents of democracy. Mill, after all, was the guy who wrote On Liberty. They did not see any contradiction between utilitarianism and democracy. Both argue that utilitarianism supports democratic government.

***A limited government maximizes utility.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 1986, p. 32.

"[Bentham] believed that the greatest happiness of the greatest number was best served by a very limited government. For Bentham, government action involved coercive action and coercive action created unhappiness."

John Ely and Jonathan Riley tie utilitarianism directly into American democracy.

***American democracy is bound up with utilitarianism.***

John Hart Ely, "Constitutional Interpretivism: Its Allure and Impossibility," Indiana Law Journal, Vol. 53, 1978, p. 407.

"What is important to an attempt to understand the seemingly inexorable appeal of democracy in America is that whether we admit it or not... we are all, at least as regards the beginnings of our analysis of proposed government policy, utilitarians. There may be, indeed there must be, further steps, but the formation of public policy, at least in this country, begins with the questions how many are helped, how many hurt, and by how much."

***American democracy is bound up with utilitarianism.***

Jonathan Riley, "Utilitarian Ethics and Democratic Government," in Ethics, January 1990, p. 336

"The fact that democracy and utilitarianism are so closely related in principle should give pause for thought to the many recent writers who combine their apparent faith in democracy with a rather strident anti-utilitarianism."

***Utilitarianism is the standard for good law.***

Alexis de Tocqueville, Democracy in America, Volume 1, 1835, p. 247-249.

"Democratic laws generally tend to promote the welfare of the greatest possible number; for they emanate from the majority of the citizens, who are subject to error, but who cannot have an interest opposed to their own advantage. ... The advantage of democracy does not consist ... in favoring the prosperity of all, but simply in contributing to the well-being of the greatest number."

***Utilitarianism is the standard for good law.***

Hanna Fenichel Pitkin, The Concept of Representation, 1967, p. 200

"The General Will expresses what is best for society as a whole. It is what emerges in a society when its members seek collective goals instead of individual or factional interests."

**Wild Sex and Pigs**

If you have ever seen a picture of John Stuart Mill, then you, like me, would have a hard time believing that he was a hedonist. But he was. Hedonism is defined as the belief that pleasure is the chief good in life. If utilitarianism asks for a maximization of happiness, then utilitarians are hedonists. Perhaps everyone ought to engage in as much wild sex as the society can support. Why do boring things like high school debate when we could have worldwide drunken orgies?

Bowie and Simon are in for the kill once again.

***Utilitarianism justifies hedonism.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd ed., 1986, p. 33.

"Bentham's hedonistic view that individual happiness was best understood in terms of pleasure soon came under ridicule. In fact his philosophy was sometimes referred to as the 'pig philosophy.' The difficulty centered on a conflict between the logic of hedonism and some commonly held beliefs on matters of value. In point of logic, under hedonism the pleasures of artistic creation may be no better than, or even inferior to, the pleasures of wine, sex, and song so long as the happiness of the latter is equal to or more than the former."

How does the debater supporting utilitarianism repel this criticism? The gutsy thing to do is simply state that society is, as a whole, undersexed and entirely too sober, not to mention the fact that rock 'n' roll ought to be government subsidized.



If you decide to pass on this gutsy approach, don't worry. Utilitarianism can be properly described as a type of hedonism, but things are not that simple. For instance ol' John Stuart Mill would say that he would prefer a good book to a date with Cindy Crawford. Mill may be lying, but he nonetheless developed the ideas that saved utilitarianism from the pigs. They are Mill's conceptions of higher and lower pleasures. Pleasures of the intellect are higher, and bodily pleasures are lower.

***An issue of quality as well as quantity.***

John Stuart Mill, Utilitarianism, (Hackett Publishing) orig. 1861, this ed. 1979, p. 8.

"It is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that, while in estimating all other things quality is considered as well as quantity, the estimation of pleasure should be supported to depend on quantity alone."

***Mental pleasures are superior to bodily pleasures.***

John Stuart Mill, Utilitarianism (Hackett Publishing), orig. 1861, this ed. 1979, p. 8.

"Utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc. of the former -- that is, in their circumstantial advantages rather than in their intrinsic nature. And on all of these points utilitarians have fully proved their case."

Of course, Mill was a philosopher, so he liked thinking. If he didn't have something earthly pleasure to compare that mental work with, then he's a biased source. Unfortunately, my exhaustive research uncovered no writings of his wife that could shed light on this.

***People like books better than sex.***

John Stuart Mill, Utilitarianism (Hackett Publishing), orig. 1861, this ed. 1979, p. 9

"Now it is an unquestionable fact that those who are equally acquainted with and equally capable of appreciating and enjoying both do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs."

**Putting Utilitarianism Into Action**

The best arguments against utilitarianism are that it is impracticable, unworkable, and disadvantageous. In short, it is argued that utilitarianism will have bad consequences. This is seen as a contradiction. If utilitarianism would have bad consequences, then it dejustifies itself. Conventional morals would produce better consequences, it is argued.

***Utilitarianism is unworkable.***

Jonathon Glover, Fellow in Philosophy at New College, Oxford, Utilitarianism and Its Critics, 1990, p. 3.

"Some of the objections to utilitarianism are practical. It is said to be unworkable. We can predict only some of the consequences of our actions. We have no way of measuring happiness. We cannot say, for instance, that the birth of a child gives the parents three hundred and seven times the happiness they would get from a holiday in France. There are further difficulties about comparing the happiness of different people. The weighing of consequences seems more often a matter of vague intuition than of scientific calculation."

Along the same lines it is argued that utilitarianism could not be put into effect -- people would not follow it. They might be expected to take advantage of it, acting for their own happiness instead of society's.

***Utilitarianism in practice would be disastrous.***

J.J.C. Smart and Bernard Williams, Utilitarianism: For and Against, 1973, p. 134.

"Granted some empirical generalities of a kind which are the background to all problems of morality, utilitarianism's fate is to usher itself from the scene. As we have seen, direct utilitarianism represents certainly a distinctive way of deciding moral questions, a way, however, which there is good reason to think, if generally employed, could lead to disaster."

The evidence for this can be found chiefly in Bernard Williams's section of Utilitarianism: For and Against, and the second chapter of The Individual and the Political Order.

The response to this is simple and persuasive. It can be granted that utilitarianism would be disastrous as a personal morality, or even as a standard of government policymaking. But this says nothing of utilitarianism's validity as a criterion for debate. If utilitarianism can be shown to be the superior criterion, on its own merits, then its consequences if internalized in government or society matters not. No disaster is going to come out of the judge using utilitarianism in the context of debate.

Arguments about the consequences of utilitarianism do not apply to debate, unless they specifically show that harms would result from its use as the winning criterion in the debate, and that would be a ridiculous argument.

**Utilitarianism Stinks**

Here are all the reasons utilitarianism is bad, that were not covered above. This is exactly the kind of "blithering list of evidence" that Victory Briefs claims to avoid. These are good cards; there is just nothing to say about them. Use them for persuasive value, at your own risk.

***Consequentialism is unacceptable.***

Jonathon Glover, Fellow in Philosophy at New College, Oxford, Utilitarianism and Its Critics, 1990, p. 4.

"Other objections have been to the way utilitarians seem to accept that 'the ends justifies the means.' It is a form of consequentialism: the view that acts are never right or wrong in themselves, but only because of their consequences. But it can be right that whether or not to torture a child should be decided by cool calculation of consequences? What sort of people would we become if we adopted this attitude?"

***Utilitarianism justifies slavery.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd ed, 1986, p. 35.

"Indeed under utilitarianism there is nothing inconsistent in saying that a slave society is the best society. All one would need to show is that the happiness (total or average) of the slave society exceeds that of the nonslave society. Most of us, however, would not declare that the slave society is better even if it is happier. The utilitarian's lack of concern with rights offends some of our more firmly grounded moral insights."

***Utilitarianism stinks.***

Robert B. Brandt, University of Michigan, Morality and the Language of Conduct, 1963, p. 109-110

"It implies that if you have employed a boy to mow your lawn and he has finished the job and asks for pay, you should pay him what you promised only if you cannot find a better use for your money. It implies that when you bring home your monthly paycheck you should use it to support your family and yourself only if it cannot be used more effectively to supply the needs of others. It implies that if your father is ill and has no prospect of good in his life, and maintaining him is a drain on the energy and enjoyments of others, then, if you can end his life without provoking public scandal or setting a bad example, it is your positive duty to take matters into your own hands and bring his life to a close."

***Utilitarianism justifies racism.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd Ed., 1986, p. 44.

"The only factor most utilitarians consider is intensity. Those with more intense desires are provided with proportionately more pleasure. However, this is hardly the only difference that should enter in. Consider a racist society, for example. On strictly utilitarian grounds, the intense desires of the racist majority would count more than the more passive desires of the oppressed. Surely that is unjust."

***Utilitarianism treats people as means (Great for you Kantophiles!)***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd Ed., 1986, p. 44.

"Even though rule utilitarians and some antiutilitarians might endorse the same rules, the two schools look at the people governed by the rules in very different ways. The antiutilitarians do not treat people as means toward achieving maximum net satisfaction."

***Utilitarianism is too simple-minded.***

J.J.C. Smart and Bernard Williams, Utilitarianism: For and Against, 1973, p. 149-150.

"A common element in utilitarianism's showing in all these respects, I think, is its great simple-mindedness. ... the demands of political reality and the complexities of political thought are obstinately what they are, and in face of them the simplemindedness of utilitarianism disqualifies it totally."

**Rights**

A simple calculation of happiness leaves no place for rights, it is argued. Suppose you are a tremendous bore. You go to parties, and everyone leaves. You're basically a real drag. You might be afraid that under utilitarianism you might be killed in order to maximize utility. Where are your rights?

***Utilitarianism tramples on individual rights.***

Jonathon Glover, Utilitarianism and Its Critics, 1990, p. 4

"Others object that the largest total happiness might be compatible with unjust inequalities in its distribution, or with policies that trample on people's rights. And utilitarianism has problems over life and death. Can it avoid saying that persistently unhappy people (or just people persistently below average happiness) should be killed if they cannot be cheered up?"

Bowie and Simon get especially excited at this point.

***Individual rights are omitted from utilitarianism.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd ed., 1986, p. 34-35.

"From our point of view, one of the most important values omitted from Bentham's utilitarianism is the value of individual rights. Indeed, failure to consider individual rights is one of the chief criticisms of utilitarianism today."

***Utilitarianism's support for rights is shaky.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd Ed, 1986, p. 46.

"First, the utilitarian support for rights rests on too shaky a foundation. As you recall, Braybrooke argued that there is 'an impressive empirical consideration that offers a strong defense, indefinitely continuing, for the inalienability of certain rights. Mindful of the weakness of human nature and aware of the imperfections of provisions for legislation, people believe that they will be safer if certain rights are kept out of reach.' From our point of view this provision for natural rights is too insecure. Let people's attitudes about the frailty of human nature become less pessimistic and human rights will be in danger."

***Utilitarianism is too complex; rights should be focus.***

Norman E. Bowie and Robert L. Simon, The Individual and the Political Order, 2nd Ed., 1986, p. 46.

"Second, the very complexity of the utilitarian attempt to find a place for human rights suggests that we might do better to let human rights serve as the focal point at the outset."

The fact is that there is good support for rights under utilitarianism. It is not complex; in fact, it is intuitive. Would we really be more happy without rights? No, of course not. David Braybrooke views rights as an integral part of welfare.

***Rights are part of welfare.***

David Braybrooke, Dalhousie University, Three Tests for Democracy/Personal Rights, Human Welfare, Collective Preference, 1968, p. 87-88.

"But if this is true -- if rights are devices for protecting people's welfare -- then a government's respect for rights will be a test of its effective concern for welfare. Rights might in fact be the only devices steadily operating on behalf of welfare. They might cover between them, furthermore, all the provisions for welfare yet thought of. Property, livelihood, education, the use of public facilities, health, even companionship might all be subjects wholly regulated by particular rights."

***Democracy is justified by welfare-maximizing rights.***

David Braybrooke, Dalhousie University, Three Tests for Democracy/Personal Rights, Human Welfare, Collective Preference, 1968, p. 90.

"It is possible to do without rights when arguing for welfare; and to do without welfare when arguing for rights. Advocates of democracy, however, as I envisage them, would be loath to do without either. They would certainly be eager to enlist behind the rights that they champion all the empirical support which they could get from the consideration of welfare."

***Even if there are other justifications, welfare is still the primary one.***

David Braybrooke, Dalhousie University, Three Tests for Democracy/Personal Rights, Human Welfare, Collective Preference, 1968, p. 90.

"An advocate would at least want to say that if certain rights did obviously rest securely upon moral intuition, they could also be shown to conduce to welfare. Why give up an argument that need not be omitted -- and would be so dangerous to omit? Surely it would be dangerous to give men the impression that the rights advocated to give men the impression that the rights advocated by democrats did not assist, and might even hinder, provisions for welfare."

***Even more obscure rights are used to maximize utility.***

David Braybrooke, Dalhousie University, Three Tests for Democracy/Personal Rights, Human Welfare, Collective Preference, 1968, p. 91.

"Even these reserved rights [fair trial and equal protection], however, would be demonstrably compatible with promoting welfare. A sophisticated advocate of democracy would want to show this. He would want to harmonize rights with welfare in every direction, though he would chiefly rely on the straightforward connection with those rights (like the right to private property; or the right to a livelihood) where welfare can figure as the reason for instituting the rights. On this view, sophisticated advocates of democracy belong to one or another species of utilitarian."

A final quote from Braybrooke offers an interesting thought. Not only can utilitarianism justify rights, the alternatives can be highly arbitrary and even dangerous. There ought to be a good reason for supporting rights, and utilitarianism is it.

***Rights can be touted without an appeal to welfare.***

David Braybrooke, Dalhousie University, Three Tests for Democracy/Personal Rights, Human Welfare, Collective Preference, 1968, p. 89.

"On the other hand, people may champion rights without being interested in welfare at all, even (it may appear) their own. If they have any reasons purporting to justify the rights they champion, these reasons may be theological ones. They may say, for example, that God has imposed a system of rights and duties on men, and done so for His own good reasons."

Mill argues that rights are justified under utilitarianism because they allow people the liberty to choose their own lifestyle, as long as it does not interfere with the choice of others. Mill says that their own choice will be best for them.

***Autonomy and rights are nec. to utilitarianism.***

George L. Abernethy and Thomas A. Langford, Davidson College and Duke University, respectively, Introduction to Western Philosophy: Pre-Socratics to Mill, 1970, p. 326.

"For Mill the purpose of good government is to protect and advance the common welfare. The government has a right to interfere with the acts of individuals only to prevent harm to others. In his own personal life, where he does not harm others, the individual should have the fullest liberty of thought and expression, of choice and action. Mill asserts, 'If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode.'"

C.G. Shaw actually defines a right in the context of utilitarianism. A right is a device that promotes welfare.

***A moral right promotes welfare.***

C.G. Shaw, Moral Responsibilities, 1972, p. 273

"A moral right is a kind of behavior which an individual should be able to manifest without interference by others or which others should do for him in order best to promote the welfare of mankind."

He goes on to say that the only right that is inalienable is the general right concerned with utilitarianism.

***One inalienable moral right.***

C.G. Shaw, Moral Responsibilities, 1972, p. 273.

"There is only one inalienable moral right: the general right to act and to be treated by others in a manner that best promotes the welfare of mankind."

**Moral Codes**

Utilitarian theorists have developed complex ways of bringing utilitarianism more in line with traditional moral thinking. The most common version of this is rule utilitarianism. Another version is developed by Richard B. Brandt. He contends that utilitarianism is a way of evaluating competing moral codes.

In this doctrine are the tools that can defeat arguments like authoritarianism, justice, equality and rights.

***A moral code is to be evaluated by its effects.***

Richard E. Brandt, University of Michigan, A Theory of the Good and the Right, 1979, p. 196-197.

"I shall concede at once that (as will be fully explained later) the main benefit of having a moral code at all is its influence on actions. If nobody ever paid any attention to his moral code, instilling a moral code in children would be a waste of time. The moral code is an instrument. Of course, in large part human behavior is an instrument, also. For we care about how people act mainly because of how their behavior affects other people for good or ill, by disappointing their expectations, injuring them, and so on. For the most part, actions are important to us because of their consequences. Finally, then, a moral code is important largely because it influences human behaviour in bringing about desirable states of affairs."

To counter charges that utilitarianism cares nothing about the moral actor, or the moral actor's conscience, Brandt writes that conscience should be entered into the equation.

***Moral system evaluated on conseq. in consideration of conscience.***

Richard E. Brandt, University of Michigan, A Theory of the Good and the Right, 1979, p. 198-199.

"In deciding what is to be morally forbidden -- what we shall call 'morally wrong' -- we should not only count the advantages of people behaving in a certain way, but the costs of having motivated them to behave in this way on account of conscience. The moral system, like the legal system, should be devised to count the costs as well as the benefits."

**U Kant Touch This**

Mill is a later philosopher than Immanuel Kant. Mill's Utilitarianism makes careful reference to Kant's work. This first piece of evidence probably belongs in the section on Kant, but I did not write that section.

***Kant fails to deduce useful principles from the categorical imperative.***

John Stuart Mill, Utilitarianism, (Hackett Publishing) orig. 1861, this ed. 1979, p. 51.

"I might go much further and say that to all those a priori moralists who deem it necessary to argue at all, utilitarian arguments are in dispensable. ... [Kant] lay down a universal first principle as the origin and ground for moral obligation; it is this: 'So act that the rule on which thou actest would admit of being adopted as a law by all rational beings.' But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction; any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the consequences of their universal adoption would be such as no one would choose to incur."

In this next quotation, Mill subsumes Kant into utilitarianism. Perfect for those head-to-head Kant versus Mill debates.

***Kant's principle reduces to utilitarianism.***

John Stuart Mill, Utilitarianism, (Hackett Publishing) orig. 1861, this ed. 1979, p. 51.

"To give any meaning to Kant's principle, the sense put upon it must be that we ought to shape our conduct by a rule which all rational beings might adopt with benefit to their collective interest."

In other words, what Kant is really saying is that after we universalize a principle, we should check if the consequences are desirable or not.

**A Final Word**

When I debated I always wished there were, published somewhere, the perfect quotation. Something that required no analysis. It would just come out and win the round for me. And so here are two:

"Utilitarianism is the most studly philosophy of all, and it totally rocks."

"There is no doubt that utilitarianism is totally bogus and most non-excellent."

**Good luck!**

## Dignity and Autonomy

### *Jeremy Mallory*

Wouldn't it be nice if there was one value that was at the foundation of all other values, that was an assumed truth in almost all philosophies? Wouldn't it be nice to be able to run it on almost any resolution? Wouldn't it be nice to have a value that does all of that and is simple to boot? Wait no longer! It slices, it dices, it juliennes (your opponents, that is)! The amazing Wondervalue Dignity and its sidekick Autonomy are here and available at a Ronco affiliate near you for only \$19.95!

I realize I may sound a bit like a salesman, but I think these values are underused. As a quick matter of definition, dignity is the inherent value possessed by human beings and autonomy is the capacity for self-government and self-direction. Not only do these two assumptions lie at the foundation of almost any other value, and not only are they almost universally applicable, but they are also simple: such a combination is a gift from heaven.

Let's begin, as many philosophers do, with dignity: the inherent value of the individual. Many philosophers assume this principle to be true without ever proving it. The drawback to running dignity is when opponents ask this question in CX: "Why do people have inherent value?" It's a drawback, that is, unless one has a ready answer to the question. Most philosophers base the origin of dignity on God, maintaining that God created humans with inherent value or that humans are created in God's image and therefore have value. God, however, is not a very strong basis of argument in LD: that answer must be combined with another to appeal to the atheist judges out there. In general, the reasons humans have inherent value is threefold. First, we've just got to assume it's true: that argument will not hold water in a debate. Second, we were created with inherent value: that argument is fine, but needs another part for the judges who don't believe we were created. Third, if the judge doesn't look like they're buying the other two arguments, is the law of supply and demand: rare things are valuable, and it is pretty rare to find a bunch of atoms in a pile that just happens to be rational. The chances of that happening are one in a zillion (but still better than one's chance of winning money from Publishers' Clearing House). There's a threefold answer to the one simple question that could seriously undermine your position: first, we must assume I'm right, second, God created us that way, and third, the chances of this happening again are extremely remote.

Now that we've established that dignity exists and is defined as an inherent value, what next? It becomes a source of moral obligation: others' dignity bids us to act in particular ways toward them, and our own dignity bids us to act in certain ways in general. Others' dignity exerts "ethical pulls" on us by bidding us to act in certain ways, and our own dignity exerts "ethical pushes" on us by bidding us to act certain ways in general.<sup>9</sup>

The moral pulls determined by dignity are simple. They obligate the individual in two ways. First, by imposing a negative obligation<sup>10</sup> to refrain from interfering in others' affairs. Not only are individuals valuable in and of themselves, but so are their actions (excepting, of course, those actions that violate another's dignity). Even the stupidest action is an expression of the fact that the actor is a rational human being, and therefore of value. The value accorded to even the simplest of actions is the reason why even the worst attempts at acting are applauded: those actions are a part of the actor and deserve respect accordingly.

This seemingly minimal theory of the obligation of noninterference gave rise to the important theory of natural rights. Because humans exist, are rational, and dignified, they have certain entitlements called natural rights which must be met: the three natural rights are the right to life, the right to liberty, and the right to property. All three rights define negative obligations: the right to life obligates others not to interfere with an

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<sup>9</sup> The idea of ethical pushes and pulls is from Robert Nozick's book *Philosophical Explanations* (Cambridge: Belknap Press, 1981), p. 401. Though Nozick calls them "ethical," I will refer to them as "moral" to emphasize their role in moral obligation. For further explanation of that role, please refer to the essay on moral obligation.

<sup>10</sup> For clarification on the negative and positive obligation please refer to the moral obligation essay.



individual's life in certain ways (like torture and murder). The natural right to liberty obligates others not to interfere in an individual's actions: as long as Bob is acting within his right to liberty, Victor can't do anything material to stop him. Please note this right does not preclude indirect attempts to stop the action like persuasion or guilt trips: it only covers direct, material attempts to stop an action. The right to property obligates others to refrain from defiling my property because it is an extension of me: according to John Locke's logic, I own myself, therefore I own my labor; and when I invest my labor in changing something from its natural state, I therefore invest part of myself in it and it becomes my property.

These three rights are absolute within their scope: one individual's natural rights are limited by other individual's natural rights. Thus arises the famous maxim (known as the Harm Principle), "My rights end where yours begin," and the overused example: "I have a right to swing my arm as much as I want until my fist comes into contact with my opponent's nose." (The example is true, but overused.) Nobody has a right to harm anybody else (or themselves for that matter), but they do have a right to do just about anything else. These three natural rights form the basis of the various social contracts in some form or another. By unduly interfering in another's affairs and violating their natural rights, the individual fails to give the actions the respect they deserve and therefore fail to respect the dignity of the actor. Thus, dignity imposes a negative obligation to refrain from interfering in others' actions in the form of the three natural rights.

The second obligation imposed by dignity is positive in nature: individual's ought to treat each other with humanity. The negative obligation of noninterference asks individuals to keep their distance from each other, and that might cause the individuals to become fractured, atomistic and competitive, seeing each other not as dignified humans but as obstacles and tools. No actual interference takes place, so the negative obligation does not cover such a situation: only the positive obligation imposed by dignity can prevent such a situation. Dignity obligates us to keep our distance but also to remember that there is a common bond between individuals: we are all human and ought to treat each other accordingly. Failing to respect others' humanity is a violation of dignity whether or not those impulses are acted upon (in which case the negative obligation would pertain): the intent is key. Dignity is an end in itself and commands a positive obligation to be considered as such.

So dignity exerts a moral pull, but what about moral pushes? Again, dignity determines two types of moral pushes on the individual: negative and positive. The negative obligation determined by the dignity of the actor is simply not to do anything that undermines that value. The individual must not forget that they possess dignity also and it too ought not be undermined. This obligation manifests itself in the obligation not to harm oneself or one's inherent value. Don't commit suicide, don't harm yourself, and don't forget that you too have inherent value (nobody ever guessed that Hallmark cards would state a moral principle). This raises the issue of consent: if an individual consents to be harmed or otherwise devalued, doesn't that justify the harm? No: all that circumstance proves is that the individual fails to respect their inherent value and gave that consent in violation of a moral obligation. Their immoral action does not justify or excuse the immoral action taken upon them: two wrongs don't make a former Speaker of the House (Jim Wright: get it? Oh, never mind...) The obligation to one's own dignity denies the validity of any consent to an action that undermines that consent.

The positive moral push that dignity implies the obligation to abide by one's own will and take responsibility for it. My dignity dictates that I treat myself as a human possessing inherent value which means, practically, not merely respecting the decisions I make but actively following up on them and not abandoning them when it seems convenient. This is the idea of what normal people call "self-respect" or "self-reliance" and what Friedrich Nietzsche calls "amor fati". (Go figure). Some people take advantage to do whatever they want but fail to remember the other side of the obligation: individuals must also take responsibility for all their actions. By failing to take responsibility, they are abandoning their action simply because it is convenient to do so: truly respecting one's own will mandates not surrendering it under any circumstances, even when maintaining it becomes burdensome. Also, it is important to remember that this obligation, like any of the others, doesn't stand alone: this obligation is only one of four. Therefore, the individual is still obligated to respect others' dignity by (a) not interfering, and (b) treating them as dignified humans, as well as respecting their own dignity. All four of these obligations go together.

So what do these four obligations have to do with LD? The two moral pulls (noninterference and humanity towards others) apply in some way to almost any LD resolution. The moral push to refrain from harming oneself does crop up sometimes, mostly in the guise of consent arguments. The moral push to respect

one's will (and take responsibility for it) doesn't come up very often in LD (though it is a powerful argument when it does), but is a good lesson in life. (Who says you never learn anything in LD handbooks?) They have a narrow range of application that is fairly self-evident from the nature of the obligations.

The obligation of noninterference is usually phrased in terms of natural rights (especially liberty). When people run natural rights arguments, just remember that the reason for rights is the inalienable value of the individual: the individual's dignity. If you win the issue of dignity, you win the debate.

The positive obligation of humanity towards others is an argument that deserves more use. In many resolutions, there is no way to prove something is immoral except by resorting to the use of some positive obligation. Positive obligations run into some problems, however, unless they are very simple. The obligation to treat others as humans, as ends in themselves, is a simple positive obligation: "So act as to treat humanity, whether in thine own person or in that of another, as an end withal, and never as a means only."<sup>11</sup> In resolutions, look for people being used as means only, being risked, or being treated as subhuman: such situations may not immediately leap to the eye, but are grounds for negating a resolution if they exist. The way this conflict most often arises is in terms of the individual used as a means to society's benefit. It is possible to argue that the individual's dignity is not being respected. An opponent will often reply that society is benefitted, therefore the individual (as a member of society) is being treated as an ends as well. That analysis, however, commits the fallacy of division: just because society benefits does not mean each individual in the society benefits. Be aware of such analysis when using the obligation of humanity towards others to argue a resolution.

Dignity (as a moral concept), in general, can also be used to coopt an opponent's value and subsume it as part of your own. Simply put, that means you can eliminate the value clash and pull the debate entirely into your ballpark. For the sake of clarity, I will deal with dignity in opposition to other values in two batches: teleological values and deontological values.

Teleological values are those that are rooted in the consequence of some action. Examples include common good, economic stability, food (don't laugh: it's been used successfully before), safety, peace (usually in the sense Thomas Hobbes used it in), and the "Big U": Utilitarianism and all of its variations. These values are fairly easy to beat, but you have to fall back on the nature of LD. Since LD asks us to debate values, we must determine a moral obligation. It is moral, of course, to achieve a good end, but not through immoral means. We must first determine if the means used to achieve this end of (insert opponent's value here) is moral before we can move on to figuring out if the end is ever even achieved or if the end is worth it or not. By arguing that the consequences are important, but can wait until after morality is determined, you will leave your opponent without much to say: you have made their case irrelevant, but in such a reasonable way that they will look bad arguing against you. If push comes to shove, finally argue that consequences are irrelevant, but in order to look reasonable until then, just say the debate must be postponed until the verdict on morality is in. Of course, the verdict on morality won't be in until the debate is over, and you have effectively postponed your opponent's entire case until the debate on yours is finished. Going into rebuttals, that is a nice position to be in. The debate will then, if the argument works, entirely in your ballpark.

If all else fails, extend the definition of "ought" as a moral obligation and argue that good consequences are irrelevant to a moral obligation. If you are forced into further analysis, turn to Kant. Argue that your opponent's value does indeed give a moral obligation, but that obligation is to achieve the consequences of the value: in other words, the agent of action in the resolution is doing x (some action in the resolution like suppressing pornography, valuing the constituent's interest, or something like that) in order to get y (your opponent's value: common good, food, etc.). "Doing x for y's sake" is what Kant terms a "hypothetical imperative". Morality, however, is a "categorical imperative," one that brooks absolutely no exception, "doing x for x's sake." Actions that are good in and of themselves (those in conformity with dignity) always carry a higher obligation than those that are only good insofar as they achieve another end (your opponent's value). Categorical imperatives are more binding than hypothetical imperatives. If you argue all of the above and make it clear, the judge and your opponent should get the message that you win the value clash. If the judge doesn't, then try

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<sup>11</sup> This is the third formulation of Immanuel Kant's famous Categorical Imperative as found in *Fundamental Principles of the Metaphysics of Morals* translated by T.K. Abbott. (Buffalo: Prometheus Books, 1987) p. 58.

clarifying the arguments more. That should be enough analysis to make dignity and whether or not the resolution upholds dignity the focus of the debate.

With a deontological value, things are a bit different. Deontological values are other values that, like dignity, are rooted in the morality of the action itself. Examples include justice, natural rights, liberty, social contract, or the Generic Value: Moral Obligation. The nice thing about running dignity against one of these values is that they are all based on dignity. Just ask yourself (or better yet, ask your opponent in CX): "Why do we have an obligation to (fill in your opponent's value)?" Force them to give a straight answer (no circular answers: "We have an obligation to justice because it's just.") and to clarify any answer they give until you hear what you want. Keep asking "why?" If they know the philosophy of their value at all, they will eventually admit that it is founded on and carries an obligation because of the inherent value of the individual. At that point, move on to something else. In your next speech, just say that dignity must be upheld before your opponent's value can be evaluated, so if you can prove that your opponent fails to uphold dignity, they can't uphold their own value. Voila: the debate is now in your ballpark. Please note: this method works best if you are using the positive obligation of humanity towards others as part of dignity.

So where does autonomy fit into all of this? The obligation to autonomy, the capacity for self-rule, is basically a subset of dignity's two moral pulls: don't interfere, and do treat others as humans. Autonomy, however, has specialized application to action. The negative obligation to noninterference becomes an obligation not to interfere in another's action: don't prevent them from doing anything (anything, that is, within their rights). The positive obligation of humanity towards others becomes the obligation to treat others as self-governing humans: don't do things for them (unless they consent, another special circumstance applies). The negative obligation of noninterference remains essentially the same, but the autonomy highlights the positive obligation to treat others as self-governing humans.

This raises the issue of paternalism: some agent (usually a government) treating others like children and acting "in their best interests". This conflict comes up often, so LD debaters must be familiar with all of the arguments on both sides. The basic premise of paternalism is that the government is allowed to (some say has an obligation to) interfere in the individual's sovereign affairs in order to prevent harm. This means requiring seatbelts by law, making drug use illegal, or preventing people from standing up in the bathtub: as you can see, paternalistic interference goes all the way from common-sense laws to unreasonable edicts. The basic premise of those who oppose paternalism is that the individual's autonomy does not allow the government to interfere unless the individual consents or is somehow acting outside their rights. The government can't pick up garbage unless the citizens ask, or the government can't search anybody's property without probable cause (and a warrant). Both sides have extremes which are abusable: a totally interfering government (a la Orwell) or a completely laissez-faire government (a la Nozick). Dignity and autonomy don't unfortunately resolve the conflict. On the one hand, the individual is not being treated as a rational human capable of making their own choices. On the other hand, they are being treated as an end: this is all in their best interest, after all. Paternalism is a short-range violation of dignity for a long-range respect for dignity. Which part is more important, and therefore whether or not paternalism is a violation of dignity, is debatable.

So how does autonomy apply in LD? Autonomy is usable almost any place where a restriction of action takes place. Anytime some agent in the resolution limits, restricts, suppresses, or in some way hems in another's full scope of action, autonomy applies, and therefore paternalism does as well.

One final note about dignity: it is an assumption most philosophers make, so they don't write much about it too much. There isn't really a structured theory about dignity written by any philosopher (at least none that I know of). In order to find evidence on dignity, look through the works of philosophers who take it as a basic assumption: someplace they might fall back on it to substantiate an argument. I would highly suggest Immanuel Kant as a source: he comes the closest of anyone to explicitly dealing with dignity. John Rawls, John Locke, Robert Nozick, and any other who advocate rights in some form or another might have some tangential words of wisdom. Even Thomas Hobbes has to start from some assumption about why the individual's preservation is so important that it warrants the subordination of all other rights. To my knowledge, there are no books that deal explicitly with dignity separate from some other theory, but that doesn't mean there aren't any. Debaters might also research paternalism, since it is so closely related.

The nicest thing about dignity is that it is a simple value. There's no need to explain a social contract or define justice in some complicated way: most judges understand dignity. Don't confuse them by making the obligations to dignity complicated. **KISS: Keep It Simple, Stupid!** Dignity is a simple issue, don't muddle it up with complicated analysis. If you keep it simple and explain it clearly, then it will work for you, and all for only \$19.95.

The following two quotes establish the existence and primacy of dignity in all humans. Because dignity is assumed rather than argued, most of the thinking about dignity will have to come from the debater. These cards will start out an argument, but it is up to each debater to finish it. No evidence explicitly arguing either for or against dignity exists, to my knowledge, so these cards and the ones in the actual article will serve until somebody does write such a work.

***The Individual Trumps Society***

John Rawls, A Theory of Justice, 1971, p. 3-4.

"Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good enjoyed by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal liberty are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests."

***Everybody is Intrinsically Good; Whether They Show it or Not***

Immanuel Kant, Fundamental Principles of the Metaphysic of Morals, translated by T.K. Abbott, Prometheus Books, 1987, p. 26

"The pre-eminent good which we call moral can therefore consist in nothing else than the conception of law in itself, which certainly is only possible in a rational being, in so far as this conception, and not the expected effect, determines the will. This is a good which is already present in the person who acts accordingly, and we have not to wait for it to appear first in the result."

***Only Liberty Can Limit Liberty***

John Rawls, A Theory of Justice, 1971, p. 244

"[T]he precedence of liberty means that liberty can only be restricted for the sake of liberty itself."

***Liberty is key.***

Jean-Jacques Rousseau

"To renounce liberty is to renounce being a man, to surrender the rights of humanity ... Such a renunciation is incompatible with man's nature: to renounce all liberty is to renounce all morality from his acts."

***Government's Purpose is to Preserve Natural Rights***

William Channing, The Collected Works of William Channing, as quoted in Reflections in American Political Thought, 1973, p. 92

"Human rights, however, are not to be so reasoned away. They belong ... to man as a moral being, and nothing can divest him of them but the destruction of his nature. They are not to be given up to society as a prey. On the contrary, the great end of civil society is to secure them. The great end of government is to repress all wrong. Its highest function is to protect the weak against the powerful, so that the most obscure human being may enjoy his rights in peace."

***Paternalism Violates Free Choice (Autonomy)***

Donald Regan, Paternalism, 1983, p. 43

"Anyone who suggests that we are justified in compelling people to do that which will make them happiest are ignoring another value that is not the same as happiness: freedom of choice."

***Benefits of Paternalism Outweigh Disadvantages***

Donald Husak, "Paternalism and Autonomy," Philosophy and Public Affairs, Winter 1980, p. 27

"It seems beyond dispute that many paternalistic interferences promote the good or the welfare of the agent who is coerced, and do so without introducing disadvantages that outweigh the benefits."

***Paternalism is Common Sense***

Joel Feinberg, "Legal Paternalism," Paternalism, 1983, p. 3

"Yet if we reject paternalism entirely, and deny that a person's own good is ever a valid ground for coercion, we seem to fly in the face of ... common sense."

## Moral Obligation Jeremy Mallory

Quick quiz: what's the most common thing to hear in an LD round? "My value premise is the common good"? Nope. "As John Rawls wrote on page three, paragraph two of A Theory of Justice, 'Each person possesses an inviolability...'"? Almost, but not quite. "According to Victor Jih of Stanford University..."? Not yet. I'll give you a hint: it's a definition. Still don't know? "'Ought' implies a moral obligation." Since 'ought' is in almost every LD resolution worth its salt, most people have given up trying to win rounds with unique definitions of 'ought.' Besides, many people finally realized that LD is distinct from CX debate in that LD debates values and morality. The term 'ought' therefore, distinct from the 'should' found in team debate resolutions, implies that LDers have to consider ... gasp! ... morals, values, and, worst of all, the 'O word': **Obligation!** It's such an old, musty word, redolent of dust and mildew: can't we debate around it? Sorry: as long as LD is about values, and since values imply an obligation, then obligation is a necessary part of LD debate.

OK then, what is an obligation? (Just hope that nobody asks you that in cross-examination.) Obligations come from two origins: ethical pushes and ethical pulls. "Pushes" are the impulses that make people act morally without reference to others: morality for its own sake. Moral pushes are, in effect, self-imposed obligations: "Gosh, I ought to eat oatmeal because 'it's the right thing to do and the right way to do it.'" (Thanks to Wilford Birmley and Quaker Oats). We will see various forms of moral pushes, all the way from Kant's notion of the "good will" to Nietzsche's "will to power." Each individual's value determines their own moral pushes: high value, big pushes; low value, little taps. In contrast, others' value determines their moral pull on us. The value of others constrain our action towards them. "Gosh, I ought to tip my hat because a lady just walked by." Moral pulls can run the gamut from Kant's edict to "never treat man as a means only" to the entire theory of natural rights. Obligation is determined by the balance between pushes and pulls.<sup>12</sup>

At this point, we need to deal with the slimetoad of moral relativism. By moral relativism I mean the idea that people have equally valid ideas that cannot be compared. I have no quarrel with the "equally valid ideas" part, but LD and debate in general **requires** a comparison of those ideas. Moral relativist arguments are usually phrased as follows: "The affirmative is taking natural rights as the highest value. What about people who don't believe in natural rights? How can the affirmative dictate what is moral? The affirmative is imposing morality on people." Please note one key distinction: arguing that a **state** (or other agent of action in the resolution) cannot impose values is usually fair grounds for debate, but arguing that a **debater** cannot impose values usually creeps into the realm of relativism. Such an argument usually assumes that the given debater is enacting and enforcing a plan instead of affirming or negating a proposition, which is clearly a misguided idea. Whether or not the idea of moral relativism is true or not, it has absolutely no place in LD whatsoever. If moral relativism is accepted as a true idea in an LD round, no decision would be possible: how could a judge decide between two competing value systems with no overriding value to judge by? Moral relativism deals with the difference in moral pushes amongst people: they are inclined to believe different things are moral. LD deals, for the most part, with different moral pulls on people: where does the highest obligation lie? Moral relativism focuses on the issue of differing moral pushes to the exclusion of the consideration of moral pulls, the ground where LD debate is.

So what are the sources of moral pushes? That depends on which philosopher one reads. Kant had the simplest idea: in each person resides what he calls "the good will." The good will, though never explicitly defined, seems to be an individual's capacity to feel moral obligations. "Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a Good Will."<sup>13</sup>

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<sup>12</sup> The idea of moral pushes and pulls comes from Robert Nozick's book Philosophical Explanations (Cambridge: Belknap Press, 1981), p. 400-401.

<sup>13</sup> Kant, Immanuel. Fundamental Principles of the Metaphysic of Morals (Buffalo: Prometheus Books, 1987. Translated by T.K. Abbott) p. 17. Please note, however, that Kant's German suffers from several different possible translations. I call this same work Foudations... instead of Fundamental Principles.... Do not be distressed if you run across several other names as well.

**Immanuel Kant, *Fundamental Principles of the Metaphysic of Morals*, 1987, p. 17.**

"Even if it should happen that, owing to a specific disfavor of fortune, or the niggardly provision of a stepmotherly nature, this will should wholly lack power to accomplish its purpose, if with its greatest efforts it should yet achieve nothing, and there should remain only the good will ..., then, like a jewel, it would still shine by its own light, as a thing which has its own value in itself."

This good will is therefore not good because of its manifestations, but simply because of its existence. This good will impels its possessor to act in certain ways according to certain moral pulls, which we will discuss later. (Incidentally, the idea of the good will, which includes both moral pushes and pulls, makes Kant's moral philosophy one of the best developed.)

Another source of moral pushes, according to Aristotle, is habit. If one makes a habit of acting justly, then eventually one will feel an internal motivation to continue to do so. In other words, one begins to act justly for some other reason, probably a moral pull. If one keeps doing so, the habit of acting justly will be cultivated and will not require a willful response to a moral pull: the habit will continue without external forces, making it a moral push.

The final source of a moral push we will discuss we find in the philosophy of Friedrich Nietzsche. The continuous drive to mold one's own fate, the eternal "will to power" is a sort of moral push, though of a different kind from the others. We must abide by the moral dictates set down by our wills. For Nietzsche, there are, at least initially, no moral pulls: nobody else has a legitimate claim on our will. The individual can, however, generate a moral push (by sheer force of will) to feel moral pulls. If I will to feel a moral obligation to others' rights, others' rights then exert a moral pull on me.

Moral pulls are a bit simpler. There are many different types of moral pulls, but almost all of them are based on one idea: the inherent value of other individuals. Just as moral pushes are based on one's own value, moral pulls are based on the value of others and how that value constrains one's actions. I will refer to this inherent value possessed by each individual as their "dignity" (which will be further expanded on in another article). The dignity of others morally constrains individuals. For example, people ought not treat others as slaves because of their dignity: the slaveowner is morally obligated by the dignity of his slaves to free them. (Here we can see a good example of moral pushes and moral pulls not matching, resulting in immorality. The moral push from within the slaveowner is not sufficient enough to match the moral pull exerted by the dignity of other humans, so the slaveowner is immoral. In short, his own morality does not measure up to universal standards of morality.) This emphasis on the dignity of others and the individual's obligation to respect that dignity lead Kant to state his famous third formulation of the Categorical Imperative: "So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as a means only." (Kant, p. 58). All humans are members of what Kant calls the kingdom of ends: "Rational nature exists as an end in itself." (Kant, p. 57). Thus, each individual has an obligation to respect the dignity of other individuals. (As a side note, Kant refutes the idea of moral relativism by saying that this law and the Categorical Imperative, which we will discuss later, is not handed down from outside the individual, by their own good will. Of course people ought only follow moral principles determined by their own will: this is it, and it just happens to be a universal principle.)

So how do we fulfill this obligation to respect others' dignity? The exact nature of obligation to others is one of the most hotly debated points in LD and affects many arguments. There are two opposing views: first, all we owe to other people is noninterference, and second, we owe them something more. The first defends what is called a negative obligations: an obligation **to refrain** from doing something, in this case, interfere in another's affairs. The second defends the idea of a positive obligation: an obligation **to do** something for somebody else. (Terms that are usually heard in association with positive obligations: generosity, altruism, beneficence, and supererogatory duties.) Knowing how to argue and defend each side is of great importance in LD because the clash between positive and negative obligations arises very often.

How do people defend negative obligation towards others? This is usually considered the stronger of the two positions. Almost anybody will agree that an individual's affairs are sacrosanct, protected from meddling by outsiders by their natural rights. Natural rights are claims that the individual can make by virtue of the fact that they exist, are rational (choice-making), and possess inherent value. The three natural rights are life, liberty, and property. An individual's right to liberty (lack of external constraints) is unlimited within the bounds of other individuals' natural rights: I am at liberty to swing my arm all I want until I hit somebody on the nose. Effectively, liberty draws circles around each individual which others cannot enter but which the individual cannot leave. Liberty imposes a negative obligation on other individuals: do what you want, but you are obligated to refrain from crossing this line. Violating another's liberty is therefore an immoral action. Defenders of negative obligations say that is enough: as long as we don't infringe on others' rights, we respect their dignity. We owe nothing to each other except to keep our distance. Going beyond that, being generous, altruistic, and beneficent, is nice and good, but not morally obligatory. Therefore, people who defend negative obligations usually distinguish between virtue and duty: fulfilling one's duties is morally obligatory, but being virtuous and going beyond those duties is not morally obligatory. This stance is typified by natural rights theorists like Locke and Nozick and also by Immanuel Kant. His philosophy of duty and moral virtue lie at the core of this stance: only fulfilling one's duties is morally virtuous. Being heroic (by definition, "going above and beyond the call of duty") is not any more virtuous than just fulfilling one's duties.

But what about Mother Theresa and other people who sacrifice themselves for others: are they not more virtuous than Joe Schmoe who merely avoids killing people? Instinctively, one would say that people who go beyond their duty are more virtuous. Merely fulfilling one's negative obligations is nice and even obligatory, but we ought (remember: ought implies moral obligation) to go farther than that sort of minimal morality: this is the rallying cry of the supporters of positive obligations. Philosophers who defend such an idea are fairly sparse: LD, for better or worse, is mostly focused on the liberal tradition which mandates only negative obligations. One must move outside the liberal tradition (for the most part) to find philosophers who advocate positive obligations towards each other. The most prominent is Michael J. Sandel and his nascent philosophy of communitarianism. Other philosophers defend positive obligations in limited circumstances: for example, Jeffrey Reiman argues for some positive obligations like limited patriotism and rescuing others when in distress, all within a framework of negative obligations.

We owe more to each other than just keeping our distance. Besides, simply drawing circles around people does not respect their dignity: individuals become isolated from each other and treat each other as obstacles instead of as humans with dignity. Rights are an outgrowth of dignity, but there's more to dignity than rights. The argument sounds good so far, but usually flounders when it comes to specific positive obligations to others. Philosophers who try to take the easy way out say we owe respect to each other, but that really doesn't say much: respect means "feeling an obligation toward," so they are arguing that we owe others an obligation. That's fine, but that's just where we started. Others say we are obliged to give love to others, but that too suffers from a lack of definition: what does it mean to "give love" to another? To respect their rights? If so, then they are only arguing for a negative obligation. When the predicament of the position is evident, the defenders of a negative obligation usually stand up and ask: "Fine, being heroic is nice, but are you trying to tell me that we are obligated to be heroic? You would morally require people to be saints? Pshaw!" The smart defenders of negative obligations would realize that obliging people to go beyond their obligations would make the idea of heroism moot. If heroism is defined as "going above and beyond the call of duty," in other words doing what one is not morally obliged to do, and then individuals have a positive obligation to be heroic, they are just doing what they are obliged to do and wouldn't, by definition, be heroes anymore.

About the only positive obligation that doesn't run into the same problem as heroism (which includes most positive obligations) is the obligation to look upon other people as dignified human beings: that involves not only respect for their rights but a particular attitude towards others that moves it beyond a mere negative obligation. This is a positive obligation that doesn't run into the trouble all of the other ideas do. So the clash between the defenders of negative and positive rights should focus on whether or not this is truly an obligation: anything more (arguably) runs into problems, but anything less is (arguably) inhuman. The defender of negative obligations would argue that an individual is at liberty to consider another individual as subhuman as long as no rights are violated, but the defender of positive obligations would argue that such an action fails to respect the dignity and humanity of the other individual. Please note, however, that this is by no means a solution to the debate. Each LD debater ought to answer this question for themselves and be able to defend their answer in a



round. Presented here are outlines of both sides: both sides have more thought and analysis behind them that, but for the sake of space and clarity, could not be included here.

The origins of moral obligation in moral pushes and pulls, as well as the different types of moral pulls (negative and positive) are clear. That, however, is a mere framework for moral obligation. A quick (and I do mean quick) summary of Immanuel Kant will flesh out the idea of moral obligation. Kant wanted to find a universal moral structure, but such a structure would require that he reject all reference to specific circumstances: he wanted to find moral principles to apply anyplace, anytime. He began, as we saw before, with the good will. The good will felt certain obligations, and Kant set out to find out exactly what sort of obligations. He knew some sort of law compelled the good will, but he had already rejected any specific circumstances, so it could not be any specific law. Therefore, it could not be obligated by anything but the general idea of obedience to universal laws:

"As I have deprived the will of every impulse which could arise to it from obedience to any [specific] law, there remains nothing but the universal conformity of its actions to law in general, which alone can serve the will as a principle [to act upon], i.e. I am never to act otherwise than *so that I could also will that my maxim* [rule for action such as "I will cross the street." *should become a universal law.*"<sup>14</sup>

This is the groundwork for Kant's infamous and much-abused but extremely important Categorical Imperative: "Act only on that maxim whereby thou canst at the same time will that it should become a universal law." (p. 49). Since this is a very broad law, he further analyzes it and comes up with the obligation never to treat humans as means only (previously quoted).

The most important application of the Categorical Imperative, however, is to determine what our duties are and how binding they are. Kant alludes to this test, but never makes it explicit.<sup>15</sup> This test analyzes a maxim and determines whether a perfect or imperfect duty attaches to it, or no duty whatsoever. Since it is a complicated test, please refer to the illustration. The test begins with a maxim ("I ought to do x."), reverses it ("I ought not do x."), and puts it through tests: first, could the reversed maxim **conceivably** be a universal law without contradicting itself?, and second, can the moral agent will that the maxim be a universal law? If the reversed maxim fails the first test, there is a perfect duty to do the original (unreversed) maxim. If the reversed maxim fails the second test, there is an imperfect duty to do the original (unreversed maxim). If it passes both tests, there is no duty to do the original maxim. If they come into conflict, perfect duties take precedence over imperfect ones, and both take precedence over actions that carry no duty.

For example, begin with the maxim "I will not kill," and then reverse it: "I will kill." Can this (reversed) maxim conceivably be a universal law of nature without contradicting itself? No: if everybody followed this maxim, then there would be nobody to follow it. It fails the first test, so the original maxim ("I will not kill") carries with it a perfect duty.

For the next example, take the maxim "I will develop my talents," and reverse it: "I will be a lazy bum and not develop my talents." Can this conceivably be a universal law without contradicting itself? Sure: it is conceivable that everybody on earth would cease to develop their talents. Now for the second test: can I as a moral agent will that this maxim be a universal law? Nope: I cannot will that others not develop their talents. The reversed maxim fails the second test, so the original maxim ("I will develop my talents.") carries an imperfect obligation.

As a note of warning, Kant hedges on using the test to find something that has no obligation (that passes both tests), therefore, when using this test use the intuitively more moral alternative as the original maxim and,

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<sup>14</sup> Kant, p. 27. Notes in brackets are mine, but italics are in the original.

<sup>15</sup> The author does not know who first thought up this test based on the Categorical Imperative, but would like to credit Eric Brown and Tucker Curtis for making it known to him.

just to be sure, test its opposite as well. The best safeguard is intuition because morality, and this test in particular, is a fuzzy concept.

There are two other issues that Kant brings up that have a bearing on LD. First, the issue of empirical proofs of morality (proof by example) and exceptions on that basis. "Nor could anything be more fatal to morality than that we should wish to derive it from examples." (p. 36). Making moral laws contingent upon any circumstance or other outside variable undermines the universal nature of morality. True moral law must always be true for all rational beings in any circumstance:

"Unless we deny that the notion of morality has any truth or reference to any possible object, we must admit that its law must be valid, not merely for men, but for all rational creatures generally, not merely under certain contingent conditions or with exceptions, but with absolute necessity, then it is clear that no experience could enable us to infer even the possibility of such apodictic laws."<sup>16</sup>

Unless we throw out morality altogether, we cannot try to derive it from experience (examples). Kant was trying to derive a principle of morality from a priori reason, which simply means reason "before the fact": such a moral principle could be reached by anybody regardless of amount of experience or any other variable. Experience, however, is an *a posteriori* matter: it is impossible to learn the lessons of experience until after having the experience, until "after the fact." That distinction disqualifies experience, observation, and empirical evidence as potential foundations for morality.

The second issue is the matter of how to evaluate, in retrospect, an action: which part is to be subject to moral scrutiny? There are three parts to an action: the intent, the means, and the end. In practical application, these can blur, so be aware of using practical examples when analyzing an action. Also, the distinction between intent and means blurs since both are under the control of the actor (I will separate them to show both in contrast to the end, however). Kant argues that the only part of an action that could be of moral value or disvalue is the maxim acted upon: the intent of the action. Thus, if I intended to drop a safe on an old lady but missed and dropped it on a mugger instead, I would still be acting immorally because I intended to smash the old lady. After all, when we evaluate morality, we evaluate somebody's choice, and this is the level on which the choice takes place. Other philosophers argue that the means is the most important part of an action. I could intend to promote public harmony by killing people who fight, but that clearly is an immoral means regardless of the intent or the ends because it violates rights. In this case, most people combine the intent and the means and compare them both to the end. Moral laws are universal and without exception, so no consequence, no matter how wonderful, justifies using an immoral means. Finally, there are some (the Utilitarians) who claim that the end of an action is the part that should be scrutinized: I could intend to rob a bank and could even use the immoral means of killing hostages, but if the hostage were a threat to society like Ted Bundy, I would have acted morally because I would be eliminating a threat to society. Morality doesn't matter so long as good consequences result. (For a more spirited defense of Utilitarianism, please read the pertinent article: I can't be fair.) Obviously there is conflict between examining the means/intent and the end. The usual conflict is between examining the ends and the means, but examining the intent is a powerful (and I think underused) argument. A good LD debater will be able to use and defend any one of these as a grounds for evaluating moral obligation.

The final issue concerns duties to self and others. This conflict comes up fairly rarely in LD. Along with the perfect/imperfect distinction, Kant also splits duties between duties to self and duties to others. How to tell the difference needs no explanation, but the conflict does. In cases where a duty to the self and a duty to another come into conflict, Kant argues that the duty to the self takes priority (remember, he is an advocate of negative duties towards others). On the other hand, a believer in positive duties towards others like Michael J. Sandel might reverse the priority: duties to others take precedence over duties to the self. Kant would argue that a rational being is interested in self preservation first, and therefore looks out for itself first. Others would argue that it is noble to sacrifice oneself so that another may live. Either way, this conflict does (occasionally) crop up in a round and a good LD debater will be aware of this possibility.

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<sup>16</sup> Kant, p. 35.

So, in conclusion, how does moral obligation apply to LD? If you actually have to have me answer this question, read this whole article again. Moral obligation is a vital concept to understand in LD. The origins of moral obligation (moral pushes and pulls) rarely come up in rounds but should be understood regardless. The different sorts of obligation (positive and negative) come up very often and must be understood. The role of empirical evidence (or lack thereof) is, unfortunately, an argument that must be understood: some people never get the point. How to evaluate moral obligations is also important: whether the judge must examine the ends or the means/intent is the deciding factor in many rounds. The conflict between duty to self and others doesn't crop up very often, but when it does come up, the debate usually turns on the outcome of the clash. There are many layers to moral obligation, like an onion, but debate rounds become more like thunderous clashes between roaring bull elephants if the debaters don't have a grasp on the idea, and the judge is stuck in between like the grass, and as the overquoted Swahili proverb says: "When two elephants fight, its the grass that gets trampled."<sup>17</sup>

A few pieces of evidence backing up the finer points of this article follow:

***Only valuing the end is really evil.***

Karl Jaspers, The Future of Mankind, 1958, p. 111-2.

"An action based on the principle of total rule is always bad. It can only seem to agree with desired objectives. 'There is some good in it,' or 'good things are being done' -- such views are delusions. Here, ... we must say 'no.' We must see through the illusion of good -- or we have fallen for the principle of evil."

***Intent is what matters, no the end.***

Immanuel Kant, Fundamental Principles of the Metaphysic of Morals, translated by T.K. Abbott, Prometheus Books, 1987, p. 24.

"An action done from duty derives its moral worth, not from the purpose which is to be attained by it, but from the maxim by which it is determined, and therefore does not depend on the realization of the object of the action, but merely on the principle of volition by which the action has taken place, without regard to any object of desire."

***Inclination Is Irrelevant to Duty: No Exceptions***

Immanuel Kant, Fundamental Principles of the Metaphysic of Morals, translated by T.K. Abbott, Prometheus Books, 1987, p. 25.

"Now an action done from duty must wholly exclude the influence of inclination, and with it every object of the will, so that nothing remains which can determine the will except objectively the law, and subjectively pure respect for this practical law, and consequently the maxim that I should follow this law even to the thwarting of all my inclinations."

***No moral worth to hypothetical imperatives: no exceptions.***

Immanuel Kant, Fundamental Principles of the Metaphysic of Morals, translated by T.K. Abbott, Prometheus Books, 1987, p. 26.

"Thus the moral worth of an action does not lie in the effect expected from it, nor in any principle of action which requires to borrow its motive from this expected effect. For all these effects -- agreeableness of one's condition, and even the promotion of the happiness of others -- could have been also brought about by other causes, so that for this there would have been no need of the will of a rational being; whereas it is this alone that the supreme and unconditional good can be found."

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<sup>17</sup> I would like to apologize to Dale McCall for the punny references to her article "Of Elephants and Onions" found in the November 1988 edition of The Rostrum. I highly recommend this article as an analysis of how LD **ought** to be debated.

***Obligated to common good, but not to beneficence.***

Thomas Aquinas, Summa Theologica, as quoted in What is Justice?, eds. Robert C. Solomon and Mark C. Murphy, 1990, p. 59

"The common good is the end of each individual member of a community, just as the good of the whole is the end of each part. On the other hand, the good of one individual is not the end of another individual."

***Only the intent matters: not ends, not means. No exceptions.***

Immanuel Kant, Fundamental Principles of the Metaphysic of Morals, translated by T.K. Abbott, Prometheus Books, 1987, p. 44.

"There is an imperative which commands a certain conduct immediately, without having as its condition any other purpose to be attained by it. This imperative is Categorical. It concerns no the matter of the action [the means], or its intended result [the ends], and what is essentially good in it consists in the mental disposition [the intent], let the consequence be what it may. This imperative may be called that of Morality."

***Morality is Intrinsically Valuable***

Ralph Walker, Kant: The Arguments of the Philosophers

"There can be nothing independent of morality from which morality gets its value."

***Consent + Promise = Moral Obligation***

A. John Simmons, Moral Principles and Political Obligation

"Consent is clear ground of obligation. If we are agreed on anything concerning moral requirements, it is that promising and consenting generate them." [Please note that this card uses consent in the political sense: consent to be governed. It does not deal with consent in general: if I consent for Victor to kill me, that does not obligate him to kill me.]

***Not Morally Obligated to Heroism***

James Fishkin, The Limits of Obligation

"Certain levels of heroism cannot be morally required of any given individual. There are limits, in other words, on what can be demanded of someone as a matter of obligation. Beyond these limits, an act is 'beyond the call of duty.' ... Saintly behavior, however admirable, is not morally required of us all."

## Addendum to Moral Obligation *Victor Jih*

The word "ought" and moral obligation are very important to Lincoln-Douglas debate and deserve some more consideration here.

First of all, to even establish that the word "ought" means a moral obligation is debatable. Though most debaters are willing to concede this point, there is no real reason why debaters should so easily accept the higher standard of trying to prove an actual obligation.

Mortimer J. Adler clearly agrees with those who believe "ought" means a moral obligation.

**Mortimer J. Adler, A Dialogue on the Nature of Goodness, 1982, in St. Thomas Aquinas on Politics and Ethics, edited by Paul E. Sigmund, 1988, p. 199**

"It says 'ought,' its an injunction, it's a command. It's a direction of action, with a moral obligation. The word 'ought' has a full sense of moral obligation."

**Mortimer J. Adler, A Dialogue on the Nature of Goodness, 1982, in St. Thomas Aquinas on Politics and Ethics, edited by Paul E. Sigmund, 1988, p. 194**

"When I say 'ought,' whenever I use the word 'ought,' I'm referring to a basic need that I think you are morally obliged to fulfill."

The relationship between basic human needs and moral obligation, as Adler hints at here, is very interesting and will be developed a little bit later.

Not everyone agrees with Adler on the definition of the word "ought." H.L.A. Hart writes that to say "I ought to do X" is not the same as "I have a moral obligation to do X."

**H.L.A. Hart, A New Conception of Law, 1961, in Philosophy of Law, edited by Feinberg and Gross, 1991, p. 51**

"'He ought to have' and 'He had an obligation to' are not always interchangeable expressions, even though they are alike in carrying an implicit reference to existing standards of conduct or are used in drawing conclusions in particular cases from a general rule. Rules of etiquette or correct speech are certainly rules: they are more than convergent habits or regularities of behaviour; they are taught and efforts are made to maintain them; they are used in critiquing our own and other people's behaviour in the characteristic normative vocabulary. 'You ought to take your hat off,' 'It is wrong to say 'you was.'" But to use in connexion with rules of this kind the words 'obligation' or 'duty' would be misleading and not merely stylistically odd."

H.L.A. Hart makes some more distinctions with moral obligations. He notes that obligations and an individual's interests and desires are not identical.

**H.L.A. Hart, A New Conception of Law, 1961, in Philosophy of Law, edited by Feinberg and Gross, 1991, p. 52**

"Hence obligations and duties are thought of as characteristically involving sacrifice or renunciation, and the standing possibility of conflict between obligation or duty and interest is, in all societies, among the truisms of both the lawyer and the moralist."

To feel obliged to do something and having a moral obligation are also different concepts. If a person is commanded under gunpoint to do X, he is certainly obliged to do X, but not morally obligated to do X.

**H.L.A. Hart, A New Conception of Law, 1961, in Philosophy of Law, edited by Feinberg and Gross, 1991, p. 52**

"To feel obliged and to have an obligation are different though frequently concomitant things. To identify them would be one way of misinterpreting, in terms of psychological feelings, the important internal aspects of rules to which we drew attention in [a previous discussion]."

But let's take for granted that an "ought" statement is a statement of moral obligation. The perpetual question for both the philosopher and the debater is how do we derive, let alone prove moral obligations. How do we prove to the judge and our opponent that we have a moral obligation to do such and such. Jeremy Mallory, in the preceding article, points to moral pushes and pulls based on the inherent dignity of the individual. He also expands on the theory of Immanuel Kant, who is probably the most famous for coming up with a test or rule for determining obligations. I'm going to take the time here to discuss two other philosophers' suggestions.

First of all, Mortimer J. Adler believes the moral obligations are intimately linked to human needs. Adler was confronted with a classic dilemma in moral philosophy. How can there be any objective truth in moral judgements? Adler answers this question by grounding moral imperatives in human needs. Human needs, of course, are different from human wants and desires. Human wants, such as a desire to be rich, a desire to lie, a desire to kill, etc. can be evil, but human needs, such as food, knowledge, community are always good. Thus, individuals are morally obligated to fulfill their needs and thus their potential and other individuals are morally obligated to respect those needs. I would read Adler's article "A Dialogue on the Nature of Goodness" to fully flesh out this theory. It is very interesting and very powerful.

**Mortimer J. Adler, A Dialogue on the Nature of Goodness, 1982, in St. Thomas Aquinas on Politics and Ethics, ed. Paul E. Sigmund, 1988, p. 194**

"I know the needs that are common to all human beings. The only way that I can make any moral judgments that have universal validity is if the needs I'm talking about are common to all human beings."

**Mortimer J. Adler, A Dialogue on the Nature of Goodness, 1982, in St. Thomas Aquinas on Politics and Ethics, ed. Paul E. Sigmund, 1988, p. 196**

"Every need is a right desire, for something that is really good for the person that needs it. And since we all have the same human nature, and our potentialities are the same, our inherent natural needs are the same -- that is the basis of our moral judgments."

**Mortimer J. Adler, A Dialogue on the Nature of Goodness, 1982, in St. Thomas Aquinas on Politics and Ethics, ed. Paul E. Sigmund, 1988, p. 199**

"You're morally obligated to seek knowledge. You're morally obligated to exercise political liberty. Because these are essential to your human nature."

Joel Feinberg also offers an interesting theory on moral obligation. He believes that there are certain self-evident, prima facie obligations, called PFO's. Every other moral obligation must stem from these PFO's. In deciding a specific obligation, one takes into account the competing moral obligations, balances all of them, and comes up with a resultant obligation. First, Feinberg begins with Cohen's observations on moral obligations.

**Carl Cohen, Civil Disobedience: Conscience, Tactics, and the Law (New York, 1971), p. 6**

"One's ultimate or actual obligation in any morally complex situation will require the careful weighing of several, even many, prima facie obligations, some of which may conflict head-on with others. We may think of such prima facie obligations as components, or vectors, pushing us in different directions with different degrees of force, the morally correct outcome of the set being our resultant obligation."

Using Cohen as a starting point, Feinberg then lists several basic PFOs philosophers have recognized over the centuries.

**Joel Feinberg, Civil Disobedience in the Modern World, 1979, in Philosophy of Law, edited by Feinberg and Gross, 1991, p. 124.**

"The following list of basic PFOs is, I think, representative and plausible, though I can make no stronger claim for it here: 1. the PFO to fidelity: to keep promises. 2. the PFO of veracity: to tell the truth (or better -- not to tell lies). 3. the PFO of fair play: not to exploit, cheat, or 'free load' on others. 4. the PFO of gratitude: to return favors. 5. the PFO of nonmaleficence: not to cause pain or suffering to others. 6. the PFO of beneficence: to help others in distress when this involves no great danger to oneself or third parties. 7. the PFO of reparation: to repair harms to others that are one's own fault. 8. the PFO not to kill others (except in self-defense). 9. the PFO not to deprive others of their property. 10. the PFO to oppose injustice when this involves no great cost to oneself. 11. the PFO to promote just institutions and to work toward their establishment, maintenance, and improvement."

Other obligations can be derived from Feinberg's list of PFOs. For example, some philosophers have tried to defend a moral obligation to obey the law from PFO's number 1 (to keep promises), number 3 (fair play), number 4 (of gratitude), and number 11 (to promote just institutions). Feinberg, however, rejects these derivations as inadequate. Nevertheless, they serve as a perfect example of how to try to derive other moral obligations from the prima facie ones that Feinberg lists.

Feinberg writes that obligations are either prima facie or derivative of the PFOs. When faced with a particular moral question, every obligation is a reason either in favor or against doing X.

**Joel Feinberg, Civil Disobedience in the Modern World, 1979, in Philosophy of Law, edited by Feinberg and Gross, 1991, p. 125.**

"Either this alleged PFO is one of the basic ones, on the same level as the eleven on our list, or it is derivative from some one or combination of them. If basic, it can only be defended by an appeal to self-evidence, for ex hypothesize there is no more basic ethical principle from which it follows. But whereas that kind of appeal is plausible in the other eleven cases (who could deny, for example, that 'you promised' is always a reason, at the very least, for doing what was promised?), it seems much less so in this case."

**Joel Feinberg, Civil Disobedience in the Modern World, 1979, in Philosophy of Law, edited by Feinberg and Gross, 1991, p.124.**

"Insofar as a given act is an instance of one of the above eleven kinds, that is a moral reason in favor of doing it, and if it is not, at the same time, a negative instance of one of the other categories on the list, then it is a decisive reason. If it is a positive instance of one type and a negative instance of another, say a promise that can only be kept by telling a lie, then one's actual duty will be to perform the PFO which is the more stringent in the circumstances. That is all that a moralist can say in the abstract with any degree of certainty."

Finally, to conclude Feinberg's argument, and to point out a significant distinction for LD debate, a moral obligation is very different from a legal obligation.

**Joel Feinberg, Civil Disobedience in the Modern World, 1979, in Philosophy of Law, edited by Feinberg and Gross, 1991, p. 125.**

"Nazi rules against helping Jews were 'valid laws' in Germany, all right, and duly enacted by Nazi legislatures. Their ruthless enforcement, moreover, gave every German citizen a prudential reason for obeying them. But the fact that helping Jews was illegal was itself morally irrelevant, neither here nor there in the moral universe, utterly beside the point."

Debates about moral obligations can be very interesting. And certainly, appeals to human dignity, Kant, Adler, and Feinberg are not the only ways to establish moral obligations. Debaters should read and research other authors. The reading is actually very interesting.

## **Immanuel Kant**

### *Fred Carroll*

The theories of Immanuel Kant, being both intricate logically and complex rhetorically, are almost impossible to summarize completely in a chapter. It is therefore important to recognize that what is to follow regarding Kant's theories is not to be taken as a scholastic, pedantic treatise meant for coffee table discussion among philosophy professors. Rather, it is a basic overview of a few of Kant's ideas with some ideas for application in debate rounds, as well as a few responses to Kant's ideas. It is written for folks without an extensive background in Kantian ethics. This means several things: 1. read the books referred to yourself. No review or critical interpretation, or debate manual for that matter, can adequately substitute the author's original work. 2. Don't assume, after reading this or any other piece of writing on Kant that you are an expert. Any philosophy major or other philosophically studly person will probably humiliate you mercilessly. 3. Don't be lazy. This is not meant in any way to be a substitute for original research.

By most, if not all, modern estimates, Kant was a pretty interesting guy with a pretty boring life. History has it that he died a virgin. Anyhow, he is said to have tried to get all irregularity out of his life so that he could come as close as possible to attaining an a priori state of reason. This seemingly eccentric and unimportant detail played a key role in much, if not all of Kant's philosophy. Kant's fundamental assumption was that human beings are rational (that is, have the capability to be rational.) Thus, he believed that if all aspects of individuality which tainted rationality, (which is an objective concept) could be eliminated, if we could reach this a priori state of reason, then our objective reason would lead us to all the same conclusions.

Let me explain: my dictionary (Webster's New World, 1979) defines a priori as "based on theory instead of experience or experiment." Someone in an a priori state of reason then would be uninfluenced by experiences or emotions, etc. A newborn baby is a decent example -- newborns, having no experience (except the presumably horrid experience of coming down the birth canal into our bright neon-clad world) to cloud their perspectives would, if they used logic, reach the same conclusions since reason is objective. In a sense, then, the Truth could be attained through this a priori state of reason. This whole idea is dealt with more thoroughly in Kant's lengthy and merciless Critique of Pure Reason, which is a guaranteed cure for insomnia, and which I won't go into. An understanding of this objectivity in moral issues based on a priori reason, however, is central to other, more applicable aspects of Kant's philosophy.

### **Explanations**

Kant's concept of the Categorical Imperative is probably one of the most misrepresented, misunderstood ideas in contemporary Lincoln-Douglas debate. The Categorical Imperative is this: "Act only according to that maxim by which you can at the same time will that it should become a universal law." (Foundations of the Metaphysics of Morals, originally published in 1785, p. 44)

Simply put, we ought not do something if we cannot also justify that all people act in the same way in the same situation. That is, if I am going to tell a lie and I'm curious as to whether or not telling such a lie is immoral, I must ask myself, "Can I justify this lie for all people, or am I merely justifying it based on my own relative or situational convictions?" It is in this way that the Categorical Imperative is objective, as it takes the subjectivity of relativism out of the decision-making process for morality. If I can justify my actions not only for myself but for all people, then my action is much more likely to be right than if I were justifying it merely for myself based on this or that set of circumstances. In the case of the lie, then, it becomes clear that I could not universally justify my action. Obviously, if everyone were to lie when they felt like it, and be able to justify it morally, the entirety of society would break down to one cess-ridden mass of crass, slovenly politicians stabbing one another in the back and negating any of the cohesion or protection provided by the society, while also dragging individual dignity through the gutters of untruth by permitting both internal and external violations of the self to an outrageous extent.



The Categorical Imperative and its dictates of universality thus becomes a great tool for Lincoln-Douglas debate by providing an objective criteria for comparing different moral claims. The Categorical Imperative is also characteristic of deontology -- the theory of the right. The opposite of deontology is teleology, or the theory of the good. Clearly, what is right and what is good are oftentimes at least different if not in clear conflict. To refer back to the analogy of the lie, it may be good for me to tell a lie because such an untruth may avoid a conflict situation. On the other hand, the ends may not justify the means. As Kant himself noted, the means used color the end attained, so if the means are unjust, or not right for one reason or another, not only are we not attaining the good end in the best possible way, but we're actually tainting the end by using such means. Again, the Categorical Imperative is a system of the right, so by invoking it as support in a round, you're probably holding the higher moral ground by arguing that the ends do not justify the means and that we must look to what is right, and not just what produces good ends.

Another fundamental aspect of Kant's philosophy which is related to the Categorical Imperative is the idea that human beings must be treated as ends in themselves. As he noted in Foundations of the Metaphysics of Morals, "rational beings are designated 'persons' because their nature indicates that they are ends in themselves, i.e., things which may not be used merely as a means." (p. 153).

A similar quotation from Foundations of the Metaphysics of Morals is: "Act so that you treat humanity, whether in yourself, or in that of another person always as an end and never as a means only." (p. 54).

This is another particularly applicable aspect of Kant's philosophy. With this he contends that people ought not to be used as tools to some other end, which is an idea that either directly or indirectly to almost every resolution. Consider for instance, the 1991 NFL National Tournament Resolution, *Resolved: that members of the United States Congress ought to value the national interest above the constituent's interest when the two are in conflict*. The resolution dictates that the members of Congress, (who, while immoral, evil, and probably only sentient at a reduced subhuman level, are humans nonetheless,) determine in a conflict situation whether the nation -- an instrument of human beings, or the constituents -- the human beings themselves, are of higher importance. Under a Kantian viewpoint, though, it is repugnant to value the instrument above the people. The instrument is supposed to serve because humans are meant to be ends in themselves, not means used to serve some outside entity like the nation. So, by invoking this aspect of Kant's philosophy, you can make your opponent look like a complete fascist bent on objectifying people while you occupy the higher moral ground of valuing humans as ends in themselves.

OK, so now we've covered the two most frequently used aspects of Kant's theories. Before going on to specific applications of these ideas, I'll address some of the less-frequently used ideas of Kant's philosophy; but remember, this is a general explanation (the following even more so than the above), so go to a good used book store and buy some of Kant's works and actually read them, as painful as that may be. At the very least, spend enough time in your library to do some research of your own.

The question of practicality often comes up in a discussion of Kant's philosophy. Remember, however, before you reach a narrow-minded conclusion, that Kant said, "all moral concepts have their seat and origin entirely a priori in reason." (p.1) He contends that moral law comes from reason in an a priori fashion. He also notes that morality cannot adequately be determined through practicality: "Nor could one give poorer a council to morality than to attempt to derive it from examples." An absolutely beautiful and quoteable "card" expressing this same idea goes as follows:

**Immanuel Kant, Foundations of the Metaphysics of Morals, orig. 1785, p. 20**

"Thus the moral worth of an action does not lie in the effect expected from it, nor in any principle of action which requires to borrow its motive from this expected effect. For all these effects -- agreeableness of one's condition, and even the promotion of the happiness of others -- could have been also brought about by other causes, so that for this there would be no need of the will of a rational being; whereas it is in this alone that the supreme and unconditional good can be found."

Kant goes on to assert that the will is the determinant of the moral worth of a maxim. That is, the will from which an action springs, and not the end attained, is the gauge that must be used in ascertaining the morality of an action. Another good quotation:

**Immanuel Kant, Foundations of the Metaphysics of Morals, orig. 1785, p. 19.**

"It is clear from what precedes that the purposes which we may have in view in our actions, or their effects regarded as ends and springs of the will, cannot give to actions any unconditional or moral worth. In what, then, can their worth lie, if it is not to consist in the will and in reference to its expected effect? It cannot lie anywhere but in the principle of the will without regard to the ends which can be attained by the action."

At any rate, anyone who asserts that Kantian morality is bunk because it's not practical should be asked the questions: 1. How do you know that things like universality can't be applied realistically? Obviously, just because something hasn't happened yet doesn't mean that it can never happen, so you've caught your opponent in a logic trap. 2. Even if it can't ever happen, why shouldn't we at least try to get as close as possible? Peace, for instance, can probably never be attained in the political arena of the world, but most people would agree that this impossibility doesn't in any way mean that we should just forget the whole idea and give in to the swine trying to mess things up. In other, less vehemently opinionated words, we should, or ought to (depending on the resolution) at least try for something better.

Kantian philosophy also presents the concepts of duties which bind individual's actions. He proposes that we have both primary and secondary duties, the primary duties being the more binding of the two. In general, we have duties to ourselves and duties to others. The duty to the self must take the seat of prime importance, for as Kant concluded in Lectures on Ethics:

**Immanuel Kant, Lectures on Ethics, p. 117**

"Far from ranking lowest in the scale of precedence, our duties towards ourselves are of primary importance and should have pride of place; for it is obvious nothing can be expected from a man who dishonours his own person."

Upholding the duty towards the self, however, must only take place while respecting and considering the duty toward others. Take the following analogy for instance: Say a cop comes to your door. (By the way, you live in some Southern town where Jesse Helms and his friends censor things like records and textbooks because they feel offended by some of the material.) Anyhow, you've been listening to those darn 2 Live Crew albums again and you turned the volume up while the neighbors were doing some lawn work. They complained of 'obscenity and reported you to the cops. So when good old Officer Emphysema comes to the door, he pulls a typical cop trick -- he says that if you tell him which small, independently owned record store sold you the record, he'll let you off with a warning. What do you do? First, you don't trust the cop any farther than you can throw him, which probably isn't too far after all those years o doughnut breaks. From a Kantian perspective, though, you have to look to your duties. You have a primary duty to yourself, which means that you shouldn't kill yourself. You also have a primary duty to others, which means you ought not to tell a lie. If you squeal on the record store, you're obviously helping to put the store owner out of business, and possibly in jail. If, on the other hand, you take the rap, you may not be killing yourself, but you're certainly not helping yourself. At this point, the politician dwelling in your soul gives you the answer -- lie! But wait a second, that would be violating your duty to the officer, who is also a person, if only barely. Since you must uphold yourself first, you've got to squeal because you can't morally lie. But as soon as Officer Emphysema leaves, you ought to consider your duty to the store owner and call him/her immediately so that he/she can pull all the "offensive stuff" off the shelves before the officer gets there. Then you call the ACLU and report the incident. (It wouldn't even be a bad idea to report it to the newspapers and radio shows -- pull the rats out of their holes.) By doing all of this, you've upheld yourself with respect to others, and acted according to Kantian morality.

But then you've got secondary duties. For yourself, you've got an imperfect duty to develop your talents. For others, you've got an imperfect duty to help people. That's about as far as Kant goes in specifying the particulars of our duties. Be careful about using duties in rounds; it can get tricky. Make sure you've thought out your own arguments, as well as the possible counter-arguments so that you avoid making a fool of yourself.

Finally, as far as the explanations go, there is the idea of autonomy. According to Kant, the ultimate end is to maximize autonomy. This idea that all people must be self-governing came from the premises that all humans must be treated as ends in themselves, and never as a means only. That "only," though, is very important. Humans can be used as a means, but only if humans are also the end goal. That is, I can develop my talents and use them to work for social change, becoming a means, as long as I'm doing it to better myself and other humans. Kant also goes on to note that all things have a price but two: humans and morality. Both of these things are intrinsic, due to dignity. Free will, then, is choosing through reason what course of action you will take next. Free will overrides freedom and is the basis of morality. (Free will is different from freedom in that free will is the ability to make autonomous decisions, whereas freedom is usually associated with acting out those decisions.) Moral laws, therefore, act as constraints for the will, while the will, through reason, has respect for the moral law.

### **Applications**

The most effective way to use Kantian philosophy in a round is generally to work the Categorical Imperative into some sort of criterion. Presumably, both you and your opponent will have either implicit or explicit values, so as a strategic consideration, you may want to introduce some sort of criterion to weigh the competing values. If you can show that it could be universally willed that your side be upheld, while your opponent's side is conditional, that is, dependent on individually relative convictions or something, then you can make a pretty strong case for the adoption of your position.

For instance, when considering the draft and the morality thereof, many of these questions come up. Can we universally will that people agree to serve once they are drafted? First, it must be noted that not all people will make the choice to serve voluntarily, so compulsion is involved. Obviously, when this sort of compulsion exists in a moral decision, then much of the morality is negated from a Kantian viewpoint, as autonomy is violated. Second, such a draft may not be founded on reason. It can be said, without even getting very politically divisive, that some of our draft practices in the past have been a bit unreasonable, if not outright discriminatory. Third, what would happen if all people who were drafted actually went to serve? We'd have a war, but not only that, we'd have a well-supported war that could last a long time. On the other hand, if everyone were to refuse to serve or fight, then it would be impossible to continue with a war. (Of course, by everyone, I mean everyone on both sides of the conflict.) Whereas we may not be able to universally justify participation in a war, we might be able to universally justify the lack of a war, or the conclusion of one that's already started. This is, obviously, just one analogy -- and the issue is more complicated than that, but it shows how the Categorical Imperative can be used to judge between competing values and moral claims.

Another effective tactic in employing Kantian philosophy comes from the idea that humans ought not to be used as mere means. If you can show how your opponent is using humans to some end other than humanity itself, such as national security, order, or even freedom, then you can put him/her into a tough situation. For example, if the opponent values freedom in such a way that humans are being used to promote freedom, without directly and simultaneously acting as ends in themselves, then a value switcheroo has taken place. We value freedom because it's good for people. When we start valuing freedom above the people that it is supposed to serve, then humans are being used as a means and therefore their dignity is violated. As above, this idea is a good way of evaluating moral claims and putting your opponent in a strategically sticky situation.

### **Defending Kant**

Unfortunately, debates often come to a point where instead of arguing the points as they apply to the resolution, you end up in a game of dueling philosophers. **AVOID THIS SCENARIO IF AT ALL POSSIBLE.** If you are put in a situation where you are called upon to defend Kant and your use of his ideas, a few things must be remembered. First, no matter what your opponent says, the Categorical Imperative is an **OBJECTIVE** way of determining morality, as noted earlier. The following card is an absolute godsend for just such a situation:

**Julius Ebbinghaus, "Interpretation and Misinterpretation of the Categorical Imperative." Philosophical Quarterly, vol. IV, no. 15, April 1954, p. 97.**

"The concept connected by Kant with the phrase 'categorical imperative' seems easy to explain. It means a law valid for the will of every rational being and therefore valid unconditionally."

Second, keep in mind that Kant deals with ought and not is, and is therefore a particularly good reference for Lincoln-Douglas debate, which at least in theory, is about values and not policies.

Third, Kant's theories stem strictly from logic, so if someone opposes an idea, there's a good chance that their response will be rhetorical, not logical, so point out the fallacy.

### **Opposing Kant**

Of course, there are an infinite number of ways to respond to any argument, and those based on Kantian ethics are certainly no exception. Many arguments must be suited to the specifics of your opponent's use or application. There are, however, a couple of well-supported arguments that apply to Kantian ethics in general. I'll deal briefly with a couple of these.

John Stuart Mill proposed the argument that there is no logical impossibility to the universal adoption of terribly immoral modes of behavior. Strange people can universally will strange things. Take Hitler or Manson for example, or even Reagan, for that matter. The nice thing as far as debate rounds go about this argument is that it is empirically supported. Then again, refer to what Kant said about deriving morality from examples. Regardless of whether or not you agree with this argument (and I don't), it can work, especially with judges whose paradigms (to use an icky policy term) are based on practicality. As Mill himself wrote:

**John Stuart Mill, Utilitarianism, Chapter 1.**

"When [Kant] begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct."

Or, as another writer put it:

**E. Becher, Die Grundfrage der Ethik, 1908, p. 88**

"It can almost be said that there is no atrocity and no crime which has not been enjoined at some time and some place by conscience and duty or which is not still enjoined today. Murder, scorching and laying waste, the slaughter of the defenseless, of women and children without regard to guilt or innocence, robbery and betrayal, debauchery and orgies count as in accord with duty or at least as not against conscience; and so too actions that appear to us as morally quite indifferent are enjoined by this strict command."

So, you will be on pretty well-supported ground if you advocate this argument. What's more, you'll probably put your opponent in a bad situation, as most debaters are not experts on Kant who can readily refute your argument -- not within the time constraints of rebuttals, anyhow. One last card on this:

**John Dewey, German Philosophy and Politics, 2nd ed., 1944, p. 87**

"The gospel of a duty devoid of content naturally lent itself to the consecration and idealization of such specific duties as the existing national order might prescribe."

That last quotation leads to another good way to refute Kant, especially the Categorical Imperative. The Categorical Imperative, by telling us about universality, gives a model for what such an objective moral duty would look like without telling us what, specifically, such an imperative would be. This argument is supported by Dewey (and for the record, I don't necessarily agree with it either). This argument proposes that the

Categorical Imperative has form, by prescribing what a universal moral law would have to look like, without lending any substance to the model. Just because a maxim has a particular form doesn't necessarily logically mean that it behaves in the same manner as others which also fit the form, does it? Well, of course, Kant addresses this at length, and if you're particularly masochistic, you may want to retrace his logic, but you would never be able to explain it in a debate round, and if you can't explain to the judge that you're right convincingly, then you lose.

Anyhow, what kind of lousy criteria has no substance, I mean, if it's just a pattern for some unfound duty to take, then how can it be binding? These are the kind of questions which, when posed, can be extremely effective. Remember, when advocating this kind of argument, though, that Kant was a metaphysical philosopher, not a pragmatic one. Also keep in mind that a criteria or value premise may be valid, even if it has only form, in that it compares competing moral claims and weighs them against the ideal form. Either way, you can be pretty convincing if you show your opponent's criteria or value premise to be hollow while asserting the primacy of yours.

At the end here I'll list a few cards which didn't really fit with the above form, but which nonetheless are quite useful.

***People are ends in themselves.***

Immanuel Kant, Foundations of the Metaphysics of Morals, p. 55

"Now I say: man and generally any rational being exists as an end in himself, not merely as a means to be arbitrarily used by this or that will, but in all his actions, whether they concern himself or other rational beings, must be always regarded at the same time as an end."

***Kant only proposes POTENTIAL moral obligation***

Julius Ebbinghaus, "Interpretation and Misinterpretation of the Categorical Imperative" Philosophical Quarterly, April, 1954, p. 99

"When we say that it is our duty to do something or to refrain from doing it, we manifestly have in mind such a categorical demand or such an objectively valid principle. Hence we can also that on Kant's view the categorical imperative contains nothing but the concept of being under a possible moral obligation as such."

***Categorical Imperative Has only Form.***

Julius Ebbinghaus, "Interpretation and Misinterpretation of the Categorical Imperative" Philosophical Quarterly, April 1954, p. 100

"We can sum all this up in the proposition that the categorical imperative determines the concept of duty solely as regards its form."

***Categorical Imperative is not Blind Obedience***

Julius Ebbinghaus, "Interpretation and Misinterpretation of the Categorical Imperative" Philosophical Quarterly, April 1954, p. 109

"We have at least established this -- that the obedience required by the categorical imperative is the direct opposite of an obedience by which a man could subject himself at random to any arbitrary power."

***Good Will is Intrinsically Good***

Immanuel Kant, Foundations on the Metaphysics of Morals, p. 10

"The good will is not good because of what it effects or accomplishes or because of its adequacy to achieve some proposed end; it is good only because of its willing, i.e., it is good of itself."

***Inner Principles are the Most Important***

Immanuel Kant, Foundations on the Metaphysics of Morals, p. 23

"For we like to flatter ourselves with a pretended nobler motive, while in fact even the strictest examination can never lead us entirely behind the secret incentives, for, when moral worth is in question, it is not a matter of actions which one sees but of their inner principles which one does not see."

## **Logical Fallacies – Part I**

### ***Jeremy Mallory***

Logical fallacies can be useful as methods of argument in LD. Since cases, in theory, are based on logical links, using logical fallacies to break those links would be a nice way to argue difficult cases. In short, when you claim your opponent is committing a logical fallacy, you are claiming that he is making an unjustified assumption, a logical leap with no foundation. There are as many fallacies as there are debate rounds, but here are some of the most common and most useful:

#### **Fallacy of Composition/Division**

These fallacies are flipsides of each other. The fallacy of composition says that what is true of the parts is not necessarily true of the whole: just because one marble in a jar is blue does not mean that the whole jar contains blue marbles (this analogy courtesy of Eric Johnson). The fallacy of division says that what is true of the whole is not necessarily true of the parts: even though German society in the late 30's was Nazi, not all individuals in that society were Nazi. Note, however, that these fallacies merely prevent your opponent from making an unsubstantiated assumption: if they can prove the link, the fallacy becomes irrelevant. If you can plainly see that all of the marbles are blue, the fallacy of composition doesn't mean a heck of a lot.

The fallacy of division has a special application in LD: forcing your opponent to debate the resolution in its entirety. In some places, it is currently in vogue to offer a case on the affirmative that affirms only part of the resolution, or a negation of only one extreme example of the resolution. Resorting to quoting the NFL Guidelines for LD (#5) can only go so far. There is another way to beat these cases: the fallacy of composition. In CX, establish that the affirmative/negative is supposed to affirm/negate the resolution: most people should agree. Then set up the fallacy of composition with some sort of analogy: "If we could indulge in some creative visualization for a moment, imagine a jar of marbles right ... there (point). If one of these marbles is blue, are all of them blue?" Hopefully, your opponent will answer "No, that's stupid." In your next speech, argue that your opponent has only proven part of the resolution true/false, which doesn't prove the entire resolution true/false. What is true of the example of the resolution is not necessarily true of the whole resolution: making that assumption is committing the fallacy of composition.

#### **Ad Verecundium/Ad Novarum**

These are just fancy Latin names for the fallacious appeal to age (verecundium) or youth (novarum). What is older/younger is not necessarily better. Plato's philosophy is not more correct than Kant's just because it's older, and Kant is no more right than Plato just because he is younger. Victor's card from '92 is not necessarily more right than Bob's card from '91 (gee, do you think that policy debaters commit the ad novarum fallacy?). Again, however, the superiority of one piece of evidence can be established through other means: accounting for new data, field context, etc. These fallacies just prevent debaters from proving the superiority of their evidence by resorting to comparing the ages of their cards.

#### **Bandwagon**

Basically, this fallacy says that one hundred thousand satisfied customers CAN be wrong. Just because a lot of people think that something is true does not prove that it is true. You may think that nobody commits this fallacy, but they do: every time somebody uses a poll to substantiate their argument that such-and-such is moral, they are committing this fallacy. Morality is not subject to majority vote or temporal fluctuation. Even though a majority of Americans want to silence Neo-Nazi propaganda, the Neo-Nazi's right to free speech ought not be overridden: it is not subject to arbitrary whims. Even though people in the 1850's believed that slavery was moral, it wasn't. Morality is not subject to change over time because of changing public opinion. All that the slavery example proves is that people in the 1850's could not accurately perceive what was moral. The bandwagon fallacy is a handy way to beat back moral relativism when it oozes its way into an LD round.

#### **Appeal to Authority**

Even Kant can be wrong. Just because somebody who is a recognized philosopher said something does not mean that it is automatically more valid than the analysis of a lowly LD debater. Evidence explains and clarifies arguments, but does not lend any extra weight or truth to them. Evidence is not queen in LD as it is in team debate. Thus, LDers are not excused from running smart arguments: just because it is possible to find a card that evil is good, that rights are irrelevant, and that negatives ought to win all rounds does not mean that the card can stand on its own and win the round on its own. Debate is still an educational activity, and parroting what other dead people have said will not substitute for adding your own analysis. Besides, moral principles (which is what LD is all about) cannot be proven by reference to authority: only through analysis. Whether the analysis comes from John Locke or John Doe doesn't matter: it's the quality of the analysis that matters. Don't take this as discouraging the use of evidence: use it all you want, just use it right. Use evidence for the analysis, not the name.

### **Naturalistic Fallacy**

This is the granddaddy of all fallacies and the one most often committed by philosophers. "Is" does not imply "ought," nor does "ought" imply "is." Just because something is true does not mean that it **ought to be** true, and vice versa. Famine, injustice, oppression, and Congress all exist, but that existence does not imply that they ought to exist. True justice, true beauty, a communitarian society, and free Victory Briefs all ought to exist, but don't necessarily exist now. This idea extends to acts of Congress, decisions of the Supreme Court, and even the Constitution. Yes, Congress does legislate this way and the Supreme Court did rule that way, but ought they have done so? The naturalistic fallacy can take Constitutional debates onto a whole new level: yes, the Bill of Rights does grant us this right, but ought it? Is the Bill of Rights the final moral authority? Debates like these are usually the good ones.

### **False Dilemma**

This fallacy usually comes up in Cross-Examination. It is easier illustrated than stated: when your opponent asks for "just a yes or no answer please" and the question is more complicated than just a one word answer, your opponent has created a false dilemma. Creating a false dilemma means oversimplifying a complicated issue: trying to make an issue with many shades of gray into a simple black-and-white choice. If your opponent tries to do this in CX, simply reply: "The question is more complicated than that. Those aren't the only two choices."

### **Straw Man**

This fallacy is the least useful one on the list because the situation does not arise too often. When the situation does arise, however, it is indispensable. The straw man fallacy is using a deliberately weak counterargument to prove another argument or a deliberately weak analogy to weaken your opponent's argument. In almost every case, the straw man fallacy is combined with another. For example: "Justice is to be valued above murder, therefore, justice is the highest moral value." The false dilemma in that analysis is assuming that justice and murder are the only two choices. The straw man part of that argument is using the deliberately weak value of murder to show how valuable justice is by contrast. Another example to illustrate the other type of straw man fallacy: "So you believe in a minimal state? A weak central government? So I suppose you believe people can govern themselves without any higher authority. People accused of murder should be their own judge, then, and children should raise themselves? Is that right?"<sup>18</sup> In this case, the speaker tried to link deliberately weak examples to the idea of a weak central government by analogy in order to weaken that position. In this example, the comparison by analogy of disparate things is the fallacy of misclassification (coming up next), and the straw man fallacy is using such a comparison to weaken the initial argument. The straw man fallacy does not crop up very often, but it is useful to know how to beat it if it does.

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<sup>18</sup> The example of children raising themselves is provided courtesy of the book Argument (2nd ed. 1980, Eisenberg and Ilardo).



### **Misclassification**

This fallacy is a broad term for various types of misanalysis. The two most prevalent types of misclassification are arbitrary conflation (also known as the "apples and oranges" fallacy) and arbitrary separation (also known as the "siamese twins" fallacy). Arbitrary conflation involves somehow removing the distinction between two very different categories of things. This can be through comparison or consideration. For example, using Utilitarianism to weigh rights and goods against each other arbitrarily conflates two things which are very different by comparing them. Going one step further and putting some monetary value on rights considers rights and goods to be equivalent, making the misclassification even worse. The other type of misclassification, arbitrary separation, involves separating two ideas that are intrinsically linked. This occasionally happens when people delve too deep into the philosophy of an argument: negative, positive, meritorious, supererogatory, secondary, and tertiary obligations all boil down to one idea. Arguably, splitting them up in such a seemingly arbitrary manner commits the fallacy of misclassification. This can also occur in definitions, especially if one word in the resolution is repeated. Take the following resolution: Resolved that Members of the United States Congress ought to value the national interest above the constituent interest when the two are in conflict. Defining "national interest" to mean "the nation's welfare" and the "constituent's interest" to be "the constituent's opinions" commits the fallacy of misclassification: the term "interest" is defined two ways in the same sentence (as "welfare" and "opinions"). Those definitions arbitrarily split the idea of interest into two different ideas, committing the fallacy of misclassification.

### **Ad Hominem**

This fallacy focuses the debate on ideas, not the lives of either the philosophers or the debaters. Private, or even public, lives are not legitimate grounds for refuting an argument. Just because Rousseau liked it when his nannies spanked him (he did: read The Confessions) does not mean his philosophy is any less valid. Just because your opponents kick dogs and knock over elderly people in wheelchairs in their spare time does not mean their arguments are less valid. Beat their arguments, not their reputations, into the ground.

### **Genetic**

This fallacy is committed when somebody assumes that bad comes of bad or that good comes of good without any other analysis. Just because somebody is "such a good girl" or "such a nice boy" doesn't mean that they won't rob a convenience store: look at Dana Plato. This usually comes up when discussing ends and means in a debate round: just because the means are good does not mean the ends will necessarily be good, and even more important, just because the ends are good does not mean that the means were necessarily good. This fallacy simply prevents people from making such logical leaps without further analysis.

### **How to Use Fallacies in a Round**

Fallacies are risky. They are supposed to clarify one of your opponent's mistakes so you can refer back to it easier. They make you sound smart, but if the judge doesn't understand the fallacy, they make you sound complicated, and that's bad. When using a fallacy, watch the judge very closely to see if they understand.

Fallacies can be thrown out with total abandon, but there is a way to make them clear to the judge in five steps:

- 1. Explain the logical leap your opponent is making.*
- 2. Name the fallacy.*
- 3. Explain the general rule of the fallacy.*
- 4. Impact it.*
- 5. Refer back to the fallacy when extending the argument.*

Here is an illustration of the first four steps: "The affirmative assumes here that benefitting the society by upholding the common good will necessarily benefit each individual (step 1). That, however, is not necessarily true. Making that assumption commits the fallacy of division (step 2) which says that 'what is true of the whole is not necessarily true of each part' (step 3). We simply can't make that logical leap. This means that my opponent cannot claim to necessarily uphold the welfare of each individual, and therefore fails to uphold the criteria of the individual good (step 4)." When returning to that argument in rebuttals, simply refer to the fallacy when extending the argument like so: "My opponent never refuted my analysis that he fails to uphold his own criteria because the fallacy of division: benefitting the whole, society, does not necessarily benefit each part, the individual."

When using logical fallacies in rounds, observe the judge closely to see how they react. If they furrow their brow, reexplain the fallacy or provide an example. There is a simple rule to keep in mind during all debate rounds, but especially when using logical fallacies: **KISS. Keep It Simple, Stupid!**

## **Logical Fallacies – Part II**

### *Fred Carroll*

Logic is one of the most powerful tools a debater can possibly use to defeat, refute, counter, oppose, humiliate, punish, etc. the opponent. Just knowing enough to point out the faulty parts of your opponents argument is sufficient to crush his/her credibility, and maybe even bring tears. Pointing out fallacies can also be a lot of fun when arguing with people in a non-debate oriented context. Anyhow, here are descriptions of some of the most common fallacies, but the list is in no way conclusive.

#### **Fallacy of composition**

The fallacy of composition is an illogical statement that assumes that what is true of the parts is also true for the whole. For example, Tipper Gore: "All heavy metal and punk music is Satanic and preaches that kids should kill their parents."<sup>\*</sup> Even if a couple of metal or punk bands do have silly lyrics about horned cartoon characters, that doesn't mean that the entire musical genre is devoted to such ridiculousness.

#### **Fallacy of division**

The fallacy of division is the exact opposite of the fallacy of composition. It assumes that what is true for the whole is true for the parts, too. For example: "Whadda ya mean you want to get a tattoo? As a group, people with tattoos are scary Hell's Angels biker rapists, so there's no way you'll fit in." That's one I've heard several different variations of lately. Of course, even if, as a group, people with tattoos are a bit unpleasant, that doesn't mean that every individual with a tattoo has to be that way.

Often, this and the fallacy of composition come up in economic issues. For instance, here's another example of the fallacy of division: Small Ma 'n' Pa grocery store owner: "I jus' don't see why them politicians can't balance th' budget. Cuttin' my social security ... I have a budget and I keep mine balanced jus' writin' things down and such, now why can't they do that?" Keynes pointed out that the economy as a whole doesn't behave in the same way that small proprietorships do, etc. The whole just doesn't behave the same way as the parts do.

#### **Post hoc ergo propter hoc (After the fact therefore because of the fact)**

This fallacy holds that because one thing precedes another, that it also was the cause of the second thing. For example: Paranoid incompetent parent: "Little Jimmy just stopped obeying me since he started listening to those Dead Kennedys records. I can't believe it, he doesn't even want to call me Mommypoo anymore. It must be those records."

Again, just because a kid listens to good music doesn't mean that he or she is going to quit saying Mommypoo. The change in behavior is probably because the kid is growing up and getting sick of the parental oppression, and because these changes happen after buying some music, it certainly doesn't mean that the music caused it.

#### **Mistaken causation**

This fallacy occurs when all alternatives are not considered in the relationship between supposed causes and effects. Crazy parent again: "It's because little Jimmy's grades are getting bad that he's killing those puppies."

Obviously, plummeting grades and murdering puppies are about as unrelated as two things can be. The mother isn't considering all the possible alternatives. She's also not distinguishing between symptoms and causes.

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<sup>\*</sup> Note: the quotations used to demonstrate the logical fallacies are meant to be fictitious dialogue. The personalities attributed to them DID NOT, to my knowledge say these (exact) words. Any resemblance to persons, alive or deceased, is purely coincidental, and all that jazz.

The dropping grades are probably indicative of another problem, but are not the source. As the saying goes, correlation does not imply causation.

**Fallacy of circular argumentation**

A circular argument is one that, as the name indicates, doesn't go anywhere. It is characterized by two or more unsupported claims which allegedly prove another. For example:

Joe: "The New York Times is a horrible newspaper."

Bob: "Oh, why is that?"

Joe: "Because my Dad says so."

Bob: "And why does your Dad say that?"

Joe: "Because the New York Times is a really bad paper."

The first claim, "the NYT is a horrible newspaper," is allegedly supported by the claim "my Dad says so," which is in turn supported by the statement "the NYT is a really bad paper." The argument goes nowhere and neither claim is supported in the end.

**Genetic Fallacy**

This is a weird sort of a priori reasoning that assumes that the "good guys" always do good things, while "bad guys with tattoos" always do bad things. For example: Dumb neighbor: "I just simply don't believe that he's a drug addict -- he is such a sweet boy."

Good people can do bad things, bad people can do good things. After all, evil quasi-fascist politician Mark Hatfield (R-OR) did vote against the right-wing crazy paranoid guilty-until-proven-innocent AIDS bill.

**Argumentum ad populum**

This logical fallacy asserts that something is true just because lots of people believe it. For example:

Ron: "Boy, this war in the Gulf is sure a good thing."

Don: "Why is that?"

Ron: "Well so many people support it, parades in the streets and all, a new wave of patriotism."

Don: "Shut up."

Certainly, the fact that many people support something doesn't mean it's true or right. Remember Dachau.

**Fallacy of significance**

This fallacy attributes significance or credibility to a claim without knowing all of the facts. For example, the polls say that 80% of Americans support George Bush and think he's a good guy. What we usually don't get, though, is a) the size of the group surveyed, b) the socio-economic background of the sample group, c) the geographical location of the sample group, and d) any of the million other things that could characterize such a blatantly false and obviously misleading statement as that.

**False analogy**

This kind of fallacy simply contains an analogy which is applicable. For instance, if I were drawing an analogy between my role as a contributor to Victory Briefs and William Faulkner's role as a novelist, I would have a false analogy. William Faulkner was a brilliant creator of literature. Victory Briefs comes out with each new resolution. The two are essentially and inherently different.

**Non sequitor (Does not follow)**

This kind of fallacy occurs when there is just a missing link in someone's logic. For instance, "Jerry was a race car driver, therefore Jerry likes the color orange," is just plain non sequitor. It is the kind of analysis that tries to draw links between unrelated things. Non sequitor statements often occur in conversation.

*Her: "The clouds remind of that last time we spent on the beach."*

*Him: "Yeah. That was a great day. We really had a lot of fun."*

*Her: "Yeah. I think Gorbachev is really in trouble with the Soviet economy."*

Clearly non sequitor -- one of those things that goes from A to Q without going through the space in between.

**False Dilemma**

This is a logical fallacy that blows a problem to preposterous implications. Most policy debate disadvantages fall into this category. (Without ecofeminism we'll have a nuclear war?) But while false dilemmas are an integral part of policy debate (which I'm not saying is bad), they are not a part of the LD game -- or at least they ought not to be.

For example, Redneck: "I say America, love it or leave it." What this slogan forgets is that our Constitution gives us more choices than that.

Another one: PMRC Fool: "If we don't regulate the music industry, every band is going to sing about killing good Christian people with hatpins." What this fool fails to realize is that there will always be sellout artists willing to compromise artistic freedom for really big paychecks and neat glittery clothes. Even some of the bands who don't well out will sing about other things.

**False Consolation**

This fallacy involves the accepted continuance of an evil due to the presence of a larger evil. For instance,

*Cool guy: "Did you know that the police have the power to pull you over and search your car just because they feel like it or don't like the color of your skin or the way you look?"*

*Lame guy: "In Uruguay they train police dogs to sodomize political prisoners, so aren't you just a little bit out of line -- I mean, you're lucky to be here."*

The existence of the Uruguay police squad and their atrocities do not in any way justify the intrusion upon individual rights and lives by the American police, nor should we acquiesce under such delusions.

**Reductio ad absurdum**

This happens when a rational point gets taken to absurd extremes (reduction to the absurd, in translation.)

*Kid: "Hey Mom, can I get my ear pierced?"*

*Mother: "No, you cannot! Don't you know that if you get your ear pierced you're going to start hanging around hippies, and then probably go to UC Berkeley and end up with no job, no friends, and no life."*

Most kids should have no trouble with this type of logical fallacy. The conclusions are obviously extreme and ridiculous.

**Loaded Question**

A classic example of this fallacy is the question, "When did you stop beating your wife?" No matter how you answer it, you're in trouble. Whenever an affirmation and a negation of a statement lead to the same conclusion, the question is probably loaded. The best response usually contains the disclaimer, "I don't."

**Fallacy of Extension**

When people extend responsibility or accountability beyond reasonable grounds, the fallacy of extension is committed. For instance,

*Sally: "I just don't like that movie, 'The Last Temptation of Christ,'; it's just not Biblically accurate."*

*Sue: "It's not meant to be."*

That particular film was an artist's interpretation of what some of Christ's feelings and inner conflicts may have been. It was not meant to be a film version of the New Testament, and is therefore not accountable on those grounds.

**Straw Man Fallacy**

This fallacy occurs when the opponent takes a minor or indirectly related point and bases subsequent refutation on the entire argument on that point. For example,

*Sally: "So you really believe that marijuana should be decriminalized?"*

*Suzy: "Yes. I believe that there are many good things that can be done with the hemp plant that have absolutely nothing to do with getting high."*

*Sally: "I suppose you think we should legalize heroin, too, so that we can give it to little kids and get them hooked on sticking a needle in their little adorable arms and dying of overdoses eventually?"*

Sally links heroin to marijuana and thus tries to defeat the argument by slamming its addictive properties. She's not, however, dealing with the crux of Sally's argument about the aspects of hemp that are not related to smoking it.

**Argumentum ad novarum**

This fallacy assumes that something new is better than something old just because it's new. For example: Schmuck: "Hey man, I got a new car, a '91. Way better than that dinosaur of yours." Maybe he got a new Yugo and I have a shiny black 1969 Cadillac. This one's pretty obvious.

**Argumentum ad miseracordiam (Appeal to pity)**

This happens when an argument's credibility comes from sympathy. For instance: "Even though Oliver North is a criminal who didn't follow the democratic process, lied to the nation, and helped people prepare for war, he is a good Christian and pillar of values and merit who was just following orders. How can we condemn this man of treason in front of his poor children and his aging mother, who has cancer? ..." You get it. If the argument only appeals to pathos, it is fallacious logically.

**Ad verecundium fallacy**

Arguments that draw their appeal from tradition or time-honored customs are categorized under this fallacy. For instance: "We've always had a strong military to defend this country, so why should we change now?" Neither the past nor the present justify the future in any logical sense.

**Ad hominem (Against the man) fallacy**

This kind of fallacy attacks a person and not a person's argument. For instance: "Only hippie peace freaks can oppose the war in the Gulf." The examination focuses on the person and not the presence or lack of merit in the argument, and is therefore illogical.

## **Philosopher Abstracts**

*These abstracts are mere tastes of what the philosopher is all about. Please do not substitute this for reading the actual works. These summaries do not even pretend to be fully comprehensive.*

### **Mortimer J. Adler**

Mortimer J. Adler is probably the widest reaching philosopher in that he deals with both moral and political philosophy, while other philosophers "specialize". In fact, Mortimer J. Adler is an editor for Encyclopedia Britannica! As far as debate goes, Mortimer J. Adler is best noted and best used for his approach to American philosophy, his indictments, and his Six Great Ideas.

Adler is excellent for his insight into American philosophy. In his book, We Hold These Truths, he examines the philosophical concepts underlying the Constitution and the Declaration of Independence. For example, he explains how life, liberty, and pursuit of happiness (which he defines by saying that the government has a moral obligation to provide for every citizen that which is necessary to achieve what Aristotle termed "the good life") are all natural rights and inalienable, since they are necessary in achieving real goods (those things we truly need). At the same time, civil rights (constitutional rights) are those which a society gives (not ones with which we are born); therefore, society can abridge or alienate him.

Adler is also good for his philosophical indictments. Probably the three most important ones in debate are the indictments of Kant, Rawls, and the Social Contract Theory. Although Immanuel Kant posits that we should do unto others as we would which become a universal law, Adler points out that we really don't know what ought and what ought not be a universal law. (10 Philosophical Mistakes p. 122) Against Rawls, he points out that justice as fairness allows "murdering someone, committing mayhem, falsely imprisoning another. They are all violations of rights, not violations of the precept that equals should be treated equally." (6 Great Ideas p. 93) In indicting the Social Contract Theory, Adler points out that no state of nature ever existed, nullifying the very rationale behind the social contract theory. (10 Philosophical Mistakes p. 171)

In the book Six Great Ideas, Adler provides us with Truth, Beauty, Goodness, Justice, Liberty, and Equality. The first three are ideas we judge things upon; the last three are ideas we act upon. In debate, the only ideas which are really important are the ideas we base our actions upon: Liberty, Equality, and Justice. (Although some resolutions ask for evaluation, most are based upon what action should be taken). Adler provides some interesting insight into the value of justice by pointing out that it comes through a balance of liberty and equality. Too much liberty would allow some individuals to stifle, physically or economically, other individuals who work harder to earn the fruits of their labors. All merit would be lost, people wouldn't get what they deserve, and justice would not be served. The only condition for justice is to strike a balance between equalitarian and libertarian thought. From the standpoint of a government, Adler gives us three criteria for achieving justice: "The man made law of the state derives its authority from Justice in each of three ways: (1) by enactment of measures that protect natural rights, (2) by the legislation that prescribes fairness in transactions among individuals, and (3) by regulating matter affected with the public interest for the general welfare of the community." (Six Great Ideas p. 197)

-- Thomas Marlowe

### **Aristotle**

Aristotle essentially tries to bring Plato down to a more attainable level. While Plato argues that the Forms are imperceptible to anybody but philosopher kings, Aristotle argues that even us groundlings can move up the Divided Line. For Aristotle, all matter has two parts to it: matter and form (Notice: not Form, as Plato would have it. The two are essentially the same idea, but Aristotle brings it down a notch). The matter is what is actually there, an object's actuality. The form is what it is moving towards, its potential. For example, an acorn's matter (physical shape) is pretty clear. Inside, though, it has the potential to become an oak, though we can't see



it. Over time, though, the acorn's potential becomes actuality: it grows into an oak. There are more levels that make things more complicated, but that is the basic idea. The same goes for humans: all of us have the potential to be rational (choice-making) individuals. For Aristotle, virtue involves fulfilling your potential: in the case of an acorn, becoming an oak; for a human, using one's capacity for rational choice. Aristotle talks about how to be just, and finally concludes that just action involves sticking to the "Golden Mean": don't go to either extreme. Don't give away all you own, but don't be stingy either: give moderately. The mean will be different for different people: the mean for quantity of food eaten would be higher for an athlete than for a philosopher, but there would still be a mean. Aristotle further says that "not every action nor every emotion admits of a mean." (Nicomachean Ethics, Macmillan Publishing Company, New York, 1962, p. 44). There is no mean for murder or for acting virtuously: murder is always wrong, virtue is always right. Aristotle's major works that have bearing on LD are The Nicomachean Ethics and The Politics.

-- *Jeremy Mallory*

Aristotle's *Ethics* is a book about goodness. He argues that all humans and all institutions should strive towards eudaimonia, loosely translated as happiness, more accurately translated as human well-being. Aristotle tries to answer what eudaimonia is? He comes up with the function argument. Just as goodness for a flute player means playing the flute well, goodness for mankind must mean doing what the function is. Aristotle concludes that this function is rationality, the ability to reason and make choices. Thus, eudaimonia and well-being is a function of choosing well. The act of choosing well is virtue. The goal of the state is to facilitate this, since most virtue is a result of good upbringing.

-- *Victor Jih*

### **Jeremy Bentham**

Jeremy Bentham is known to be the father of utilitarianism. He acted as tutor for the young John Stuart Mill, who would later write a defense of his own conception of utilitarianism. Bentham's breed of utilitarianism is often referred to as act utilitarianism. Under this system, each action is judged independently from similar situations, thus creating a system where there is no categorization of actions. In utilitarianism, the rightness or wrongness of an action is determined by the rightness or wrongness of the end that is attained. To weigh this, the hedonic calculus was established. Under this calculus, the good consists of: 1) the intensity of the pleasure or pain, 2) the duration of the pleasure or pain, 3) certainty v. uncertainty as to whether or not the end will actually be attained, 4) fecundity -- the chance that pleasure will produce more pleasure, the pain more pain, 5) the nearness of the pleasure or pain, 6) the extent of the pleasure or pain, and 6) the purity -- whether the pain produces a pleasure or the pleasure a pain. Bentham's idea of the state revolved around the premise that the government exists to produce pleasure, and subsequently that there are no obligations or rights, only pleasure or pain.

-- *Fred Carroll*

### **Bowie and Simon**

"Norman E. Bowie and Robert L. Simon among all these great philosophers?" you may ask. I suspect Bowie and Simon don't consider themselves among the greats, but many Lincoln Douglas debaters have hallucinated visions of the names "Bowie" and "Simon" on the same marble walls as "Plato," "Aristotle," "Hume," and "Kant."

Their book, The Individual and the Political Order, is touted by some as the "Bible of Lincoln Douglas." Some Bible-thumpers (mostly from Florida, where they call it "the IPO") have never looked beyond it. Like many college texts, it is written as opinion, not as objective journalism. This is considered an acceptable style for college materials because college students are supposed to be smart enough to separate the fact from the opinion. If you'll notice, this is not how high school books are written. Little wonder, because many high school debaters

that have gotten hold of "The Individual and the Political Order" take it as the last word on the issues it discusses. But any shallow exposure to the wealth of literature on philosophy will reveal that it certainly is not.

Nonetheless, I recommend that serious LDers get a hold of it. While I don't regard it as the last word on anything, enough people regard it as the last word on everything that you should be prepared to respond to the arguments within it.

Simply evaluating the book on its own merits, as a college text, it is excellent. Sifting through the opinions is a small price to pay to be exposed to so many important lines of thought in such a pleasant and potable way as The Individual and the Political Order provides.

-- *Eric Johnson*

### **Alexis de Tocqueville**

Alexis de Tocqueville is best known for his observations of the United States during the first half of the Nineteenth Century, which provided the information for his two-volume classic, "Democracy in America." Unlike such European visitors as Mrs. Trollope and Charles Dickens, de Tocqueville praised America as a success in the Great Experiment of democracy. He saw Americans as true champions of equality, and although he recognized some inequalities, he argued that they were neither supported by the establishment nor by popular sentiment, and certainly paled in comparison to Europe. Birth and education mattered little in America, wrote de Tocqueville, and therefore wealth was within the reach of all. De Tocqueville was also amazed at the lack of central administration in America, and concludes that this is a result of American desire for autonomy and local self-rule. But not all of de Tocqueville's observations were so laudatory. He severely indicted the institution of slavery and the forced migration of Indians.

-- *Matt Koenig*

### **Patrick Devlin**

Patrick Devlin is most famous for his analysis of victimless crimes. He answers the question "Is it appropriate for a society to legislate morality?" Devlin argues that such laws are legitimate, even in a democracy. A society is much more than a group of people who live together. Every society rests on a consensus or common agreement about some morals. As such, the survival of society requires such common agreement. Without a common agreement about issues of right and wrong, society inevitably crumbles and we return to a mere group. Society has a right to use the law to do whatever is necessary to preserve its existence. Thus, society has a right to legislate certain moralities. Devlin supports legislation that criminalizes prostitution, homosexuality, euthanasia, suicide, etc. simply because society has decided that these are immoral. A society that does not protect its morality will decay internally and crumble.

-- *Victor Jih*

### **Ronald Dworkin**

Dworkin is most famous for his work, Taking Rights Seriously. In this book, he develops a strong theory of individual rights. He believes that each individual possess certain inalienable rights that cannot be overridden by social concerns. He writes: "Individual rights are political trumps held by individuals. Individuals have rights when, for some reason, a collective goal is not a sufficient justification for denying them what they wish, as individuals, to have or to do, or not a sufficient justification for imposing some loss or injury upon them." (1977, p. xi). If rights can be overridden by collective goals, then we aren't taking individual rights seriously and the term is meaningless. He develops an elaborate theory for what constitutes an individual right.

Dworkin believes that the most basic and axiomatic right is the right to equality, namely equal consideration and respect. He doesn't believe there is a general right to liberty, instead there are rights to specific liberties that are derived from the basic right to equal respect. Dworkin's theory includes "the derivation of particular rights from the abstract right to concern and respect taken to be fundamental and axiomatic." (1977, p. xv).

Dworkin offers a great outline of his book in the Introduction. Here he lays out what he argues in each chapter of the book. Chapter 6 and Chapter 12 are particularly instructive. He basically argues what the practical consequences of calling some claim an individual right are if we are to take them seriously.

-- Victor Jih

### **H.L.A. Hart**

Hart is known for his views on many different issues. This summary will focus on his understanding of law and morality. He is also known for his arguments on natural law and positive law and on individual rights. There was a famous debate known as the Hart-Devlin debate on the appropriateness of laws criminalizing so-called victimless activities such as prostitution and homosexuality. Hart argued that the only proper province of the law is the prevent harm to others.

The law should not exist to legislate or enforce any type of moral beliefs. Individuals have a right to believe whatever they'd like. The only legitimate limitation on a person's liberty is when they threaten the liberties of others.

-- Victor Jih

### **Thomas Hobbes**

Hobbes was an English philosopher who lived from 1588 to 1679. His most famous work was the Leviathan in 1651. Hobbes believed that man was inherently selfish and evil. This human nature led to the state of nature, or rather, state of war, that preexisted society and civilization. Life in this state is horrific -- in Hobbes' words, life in the state of war is "solitary, poor, nasty, brutish and short." The state of war was anarchy, no merely a state of inconvenience as Locke likes to describe it. Hobbes was particularly concerned with how man left the state of war and entered civilized society. He concludes that reason discovers certain laws of nature, principles to end the state of nature and attain civil society. The most fundamental law of nature is that every man seeks peace. Peace is the indispensable condition for all other values. Without peace and the security of the state, we revert to the state of war and there are no other goods. Men enter society through agreement, conquest, whatever. But once a society is established, no matter how evil it may be, it is still preferable to the state of war, which is absolute hell on earth. Thus, Hobbes has a vision of an ideal society, but realizing how horrible the state of war is, he gives the sovereign ruler virtually no limits on the power to rule.

-- Victor Jih

### **David Hume**

David Hume (1711-1776) is regarded by many as the greatest British philosopher ever. He is more famous for his empiricism than for his moral philosophy. In fact he derived his moral philosophy from his work on empiricism.

Hume states that morals cannot be derived from reason. He writes that the reason is completely removed from moral determination, and contends that reason cannot prevent or produce any actions. He sees morals existing in the realm of passions, ideas and impressions. Our moral judgements, he argues, come from a

moral sense. Unfortunately, he does not explain the origins of this sense, or the mode in which it is supposed to operate. Hume has a very optimistic view of human nature, believing that benevolence was stronger in most people than self-interest. He views justice as partly induced by motives of self-interest, but strengthened by societal benevolence.

In the context of Lincoln Douglas, Hume is probably more famous for the idea that "ought" statements cannot be derived from "is" statements, the naturalistic fallacy.

His principle work was A Treatise of Human Nature. Also important is An Enquiry Concerning the Principles of Morals.

-- *Eric Johnson*

### **Immanuel Kant**

Immanuel Kant was a German philosopher who dealt primarily with moral or ethical issues instead of political concerns. He believed that human beings are, or at least have the ability to be, rational. Because of this, he also believed that if people were in an a priori (uninfluenced by outside impetus) state of reason, they would all reach the exact same conclusions, as logic is an objective thing. From this objective premise, Kant derived his categorical imperative, "Act only according to that maxim by which you can at the same time will that it should become a universal law." Put more simply, the categorical imperative states that we ought to be able to justify our behavior not only by our relative or subjective sets of ideas or for our particular circumstances, but for all people in the same situation, regardless of individual convictions or backgrounds. With this, Kant sets forth the form for an objective determinant of morality based on reason. By extending this, he goes on to note that we should "Act so that you treat humanity, whether in yourself or in that of another person, always as an end and never as a means only." That is, we ought not to merely use people. These ideas, along with Kant's strong belief in autonomy, form the substance for most of the applicable Kantian arguments that come up in Lincoln-Douglas debate.

-- *Fred Carroll*

### **John Locke**

John Locke's is the simplest and most widely utilized social contract. Though his writing lacks much of Rousseau's elegance and Hobbes' starkness, Locke's easily comprehensible philosophy provides the foundation of our American political system. His state of nature is peaceful, for it follows a wholly undesirable state of war, yet individuals within it are subject to violations of rights and can only achieve restitution or retribution through arbitrary, vigilante-style "justice." The highest value in this state of nature is Property, which represents material possessions (the results of individuals mixing their own labor), the freedom to act in any way that does no harm to others, and occasionally life itself. Locke posits a system of natural laws similar to Aquinas' in that they represent perfect rules for behavior and just punishments for infractions; though Locke's natural law is ostensibly designed by God, his philosophy stands on its own sans all Deistic aspects. Because these Natural Laws are only arbitrarily and unequally enforced by lone individuals in the state of nature, man is motivated by innate self-interest to form a society. The purpose of society is to protect Property rights by enforcing the negative obligations of individuals (to not violate others' rights) and by acting as a third-party arbiter in cases of property disputes. Society has no right at all to place positive obligations upon citizens, and whenever government violates any aspect of its duty, the citizens incur a duty of their own to institute reforms. After all other viable methods have been tried, revolution is not only justified but morally obligatory.

The two critical aspects of Locke's social contract are his insistence that individuals give up only their incidental rights (such as those of meting out punishment and judging in one's own case) when entering society and his notion of the referee state, whose only duty is to protect property in accordance with Natural Law.

-- *Jason Ingram*

**Machiavelli**

The Italian Renaissance is regarded by most as a triumph of culture and civility, but not by Nicolo Machiavelli. Machiavelli grew up seeing his beloved Italy sacked time and time again by France and other foreign powers. He concluded that the reason for Italy's weakness was the "civility" produced by the Renaissance. He, therefore, sought a rule that was strong enough to raise Italy back to its previous stature and detailed the nature of this rule in his masterpiece, The Prince, in 1513.

Machiavelli's political philosophy is usually summed up as "the ends justify the means," but it is more accurate to describe it as a description of what is done, rather than what ought to be done. Machiavelli renounced any opinion of what the ideal state ought to be, but instead argued for what he thought was the most pragmatic way for a Prince to rule successfully. He saw human nature as inherently corrupt and therefore claimed that it was ridiculous for a Prince to rule with morality when his subjects and his enemies were so obviously immoral. Instead, Machiavelli argued that a Prince should be moral and upright in appearance, but prepared to act deviously if the circumstances so required. It is only through such action that new territories could be conquered, the existing state defended, and the people pacified.

For Machiavelli, the Prince should not be ruled by fate, religion, or morality, but should have the courage to act in his own best interest, for he would be judged only by his results, and results are better for a ruler who is feared than one who is loved. Although Machiavelli is often portrayed as a monster capable of sacrificing all morality, his works were an accurate picture of the politics of the times, if not a prophetic view of Europe's political future.

-- Matt Koenig

**John Stuart Mill**

Mill is a famous English philosopher who lived from 1806 to 1873. His three major works, On Liberty (1859), Utilitarianism (1863), and Considerations on Representative Government (1861), all have great application to Lincoln-Douglas debate topics.

In On Liberty, Mill explains his famous "harm-to-others" principle. He writes that the only legitimate reason government can ever limit an individual's liberty is if he/she poses a harm to the like liberty of other individuals. Thus, the government cannot legislate morality but can only proscribe actions that pose a harm to other people.

In Utilitarianism, Mill's position as a rule utilitarian is set forth. A rule utilitarian believes that morality consists of rules that are determined by what is generally the greatest good for the greatest number. The last chapter of this book is particularly instructive as Mill argues that even principles of Justice are really principles of rule utilitarianism, of maximizing good.

In Considerations on Representative Government, Mill writes why representative government is better than any other form of government. More importantly, his ideas have a broad application to the United States political theory. Mill talks about the characteristics of representation and the dangers that this form of government must avoid, including factionalism.

-- Victor Jih

**Montesquieu, Charles De Secondat**

Montesquieu was a French philosopher who lived from 1689 to 1755. His major work was the Spirit of the Laws, written in 1748. He believed that laws or rules underlie all things in life, be they human, natural, or divine laws. These laws can be discovered through experience and empirical analysis. Through his studies of various forms of government, Montesquieu developed a political philosophy that heavily influenced the Founding Fathers. Montesquieu loved individual freedom and despised tyranny. He thought the protection of freedoms would occur with the separation of powers. The framers of the Constitution took this to heart when they separated the legislative, judicial, and executive branches.

-- Victor Jih

**Plato**

Plato's most famous dialogue is The Republic. He is known for many analogies including the Allegory of the Cave, The Divided Line, etc. He likened justice in a society to justice in a person's soul. From his analysis, Plato argues that the ideal republic would be ruled by philosopher-kings who spend their entire lives studying politics and the forms (ideals). Plato's republic is rather harsh and communitarian. He even advocates the communal ownership of children. Nevertheless, his insights on justice have been foundational to many later theories.

Plato also believed that man is by nature a social animal. Everyone inherently seeks the good and virtue. Consequently, for Plato, duty and interest coincide. We ought to do what is in line with what we really are. We should do what we really want, because we naturally seek to be virtuous.

One cautionary note: make sure not to quote Plato out of context. Plato writes dialogues between various characters and Socrates (his teacher). For example, there is a dialogue between Thrasymachus and Socrates on the true nature of justice. Many debaters mistakenly quote Thrasymachus' view of justice. But in the dialogue, Plato actually refutes Thrasymachus' views. Be certain to read everything in their proper context and quote appropriately.

-- Victor Jih

**John Rawls**

John Rawls is a professor of philosophy at Harvard University. His magnum opus is A Theory of Justice (Belknap Press, Cambridge, 1971). People who haven't read Rawls often call him a Socialist. Besides being an ad hominem attack, and therefore irrelevant, that statement is also incorrect. Rawls is a social contract theorist along the lines of Hobbes, Locke, and Rousseau. The state of nature, for Rawls, is what he calls the Original Position. People in the Original Position are asked to form a society and choose the principle of justice that will guide it. The catch is, the people in the Original Position are behind the Veil of Ignorance, which means that they don't know what position they will hold in the society they form, so they will be totally impartial when handing out benefits. For example, this means they would not choose a society based on slavery, because each person in the Original Position would not want to run the risk of being a slave once they enter into society (they are still self-interested). Rawls argues that the people in the Original Position would agree to a principle of justice defined by the following two rules: "First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all." (Theory of Justice, p. 60). Simply put, the first principle takes priority: this is his doctrine of "lexical priority." Rawls would not find Robin Hood to be just. The second principle is often referred to as the "difference principle": this is the hallmark of what Rawls terms "justice as fairness." Rawls firmly believes in the primacy of the individual, as exhibited by his famous quote on page three of A Theory of Justice: "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override..."

Rawls is much more complex than this overview makes him seem: either buy the book or another summary of Rawls' philosophy. Rawls is one of the philosophers most often misconstrued by LD'ers.

-- Victor Jih

**Jeffrey Reiman**

To a large extent, Reiman is an expansion of Rawls. His major work is Justice and Modern Moral Philosophy (Yale University Press, New Haven, 1990). He moves from Rawls' notion of "justice as fairness" to his own idea of "justice as reason's response to subjugation" (p. ix). The most salient feature of his philosophy is in the final chapters of his book: he proceeds from a reassertion of justice's primacy as a moral concept and concludes by offering his view of the first two articles of the social contract (based heavily on Rawls' two principles of justice). The first principle is "the right and duty of noninterference" (p. 300), a simple guarantee of negative liberty. This principle is mostly concerned with benefits produced without cooperation with others (in other words, things one makes of one's own labor). The second principle deals with cooperatively produced goods and what Reiman calls the "conditions of sovereignty." Here is the exact statement of the second principle: "In the design of social structures, inequalities in the distribution of the cooperatively produced conditions of sovereignty are just insofar as they maximize everyone's net share in these conditions, starting from the worst-off individual ... and proceeding upward (ratchet-like) to the best-off individual. Where everyone's net share in the conditions of sovereignty can be maximized without inequality, no inequality is just." (p. 300). This rule is a lot like Rawls' Difference Principle except in what it distributes. "Conditions of sovereignty" are defined as "those cooperatively produced things that generally enable people to realize their sovereign interests" (p. 299), which, simply put, are those things that individuals need to be able to better exercise their rights. Ted Turner, Victor Jih, and I all have the exact same right to free speech, but I have less access to, say, brief books than Victor does, so I can't exercise my right as much as he can. But Ted Turner can exercise his right to free speech better than both Victor and I. He has more access to one of the conditions of sovereignty than either Victor or I do. Other conditions of sovereignty include: equal access to broadcast media, equal access to education, equal access to money, and equal access to transportation. Reiman is an interesting philosopher to read and to grapple with. He goes far beyond mere justice but tackles many more specific issues that may be of equal relevance to particular LD topics, so he is well worth looking into.

-- Jeremy Mallory

**Jean-Jacques Rousseau**

Rousseau was a famous French philosopher who lived from 1712-1778. He is most famous for his Social Contract. This theory posited a state of nature in which individual rights and interests were not protected, because there was no government to enforce obligations. As such, men entered the society and became social beings. When they did so, they voluntarily renounced absolute liberties. Every individual right is limited by what Rousseau called the general will. The general will is not majority rule but rather what is the common good. Rousseau did argue, however, that majority rule was the best possible approximation of what the general will really was. Philosophically, however, individual rights were to be limited by the common good when individuals entered society. To Rousseau, the government was a tool that society creates to serve its purposes -- namely the common good.

-- Victor Jih

**Michael J. Sandel**

Michael J. Sandel, a live philosopher currently teaching at Harvard University, is most widely known for his indictments of John Rawls. Secondly, he is noted for his communitarian theory.

Against Rawls' Theory of Justice, Sandel provides three basic attacks. His first challenge is to Rawls' assertion that justice is primary. In attacking this supposition, Sandel points out that benevolence should be weighed higher than justice; for, if we were more benevolent, justice would not be necessary (or at least less often needed). Justice is often the balance between two competing claims (therefore, we have an adversarial judicial system). With more benevolence toward our fellow man, we wouldn't have as many conflicts, and therefore less need of a tool like justice to balance our competing claims. Justice as fairness would not be as necessary if we treated people in a better manner.

Sandel's second major argument against Rawls is that the Theory of Self in conjunction with the veil of ignorance strips the person of an identity which is necessary to make moral decisions. When we place ourselves behind the veil of ignorance and try not to consider our position in life (our economic, racial, social backgrounds), we strip ourselves of the identity that helps us make moral decisions. In other words, it is absolutely necessary to take into account the environment in which we live because that is what makes us who we are. To deny this would be to deny our individuality and to deny our commonalities with others from our communities... both of which form the basis of our moral faculties.

Sandel's final attack is that the initial position presupposes a faulty conclusion. To assume that everyone in the veil of ignorance would derive the same two principles of justice is stupid. (For example, when I asked my father what conclusions he would reach on a just society, given that he didn't know his position in it, he proposed a wonderful society - perfectly just - which didn't sound at all like what John Rawls suggested.) Furthermore, if you were to accept the assertion that all people would reach the same conclusion, you would deny the person's faculty of choice. "The Original position is set up so that the only possible outcome is already chosen for him." (Liberalism and the Limits of Justice, p. 127)

The final idea that Michael J. Sandel is famous for is his theory of communitarianism. If utilitarianism, as Rawls argues, fails to see the fact that we have our differences, then Rawls' theory of justice fails to see the fact that we have our similarities. These similarities are the basis of the communitarianism theory. Just as John Donne said that no man is an island, so too does Sandel point out that each and every one of us affects each other. We are unequivocally bound and partly defined by our relations with others and our roles in the community.

-- *Thomas Marlowe*

**Sartre**

Jean-Paul Sartre (1905-1980) was not, for the most part, an ethical, social or political philosopher, so his relation to LD is indirect, but his theories do have ethical and social implications. Sartre advocated existentialism, which means "existence precedes essence." When human beings are born there is no meaning and value in their lives. The meaning of life comes from the plan that the individual formulates, and the value of life in how that plan is fulfilled. Humans have complete choice of how to define themselves and how to live their lives. Since Sartre was an atheist, he believed there was no God to define the "essence" of life. From this he derives that there is no a priori good, or nothing good in itself. Since people define their lives as they live them, they are fully responsible for their own actions, and the outcomes of their lives. (I am really jumping through hoops to avoid sexist pronouns.) Therefore, Sartre believes in a brand of absolute moral autonomy. This is complicated by the fact that in later works he wrote that this moral autonomy was compromised by an exploitive society. His definitive work is Being and Nothingness.

-- *Eric Johnson*



**Henry David Thoreau**

Thoreau, author of Walden and "Civil Disobedience," is perhaps the best known Transcendentalist. Transcendental philosophy urges the individual to rise above mediocrity and conformity to communal standards. In accordance with this ideal of self-reliance, Thoreau centers his philosophy on a staunch advocacy of individualism and holds that government possesses no inherent worth. Rather, governments are tools which individuals create to expedite action. Laws are only valid if they accord with the individual's morality. When government attempts to force adherence to unjust policies, only an indolent or ignorant person will acquiesce; a true individual will deny his support to those programs or laws. Though Thoreau states that one is not obligated to fight against injustice, he adamantly holds that none should *act* in an immoral fashion. When laws are violated, however, his principle of civil disobedience holds that punishment ought to be accepted. He offers no explicit justification for this, but the intent of civil disobedience is to CHANGE the law, not to flout it, so fleeing punishment would accomplish nothing.

Thoreau transcends previous conceptions of duty and legal authority to posit the individual's supremacy -- he argues in "Civil Disobedience" that "The only obligation which I have a right to assume, is to do at any time what I think right ... Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice" (p. 2). Thoreau's life modeled his ideas, in that he retreated from civilization for a time to ponder by Walden pond (now a condominium park) and spent a night in jail for refusing to pay a poll tax. His ideas devalue community and legal authority to prioritize freedom of thought and belief as well as individual morality. He ends "Civil Disobedience" with the thought that "There will never be a really free and enlightened state, until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly" (p. 20).

-- Jason Ingram

**Voltaire**

Voltaire is the pen name of Francois Marie Arouet, a French philosopher who lived from 1694 to 1778. His most famous work is Candide. While at the same time a charming story, Candide was a philosophical discourse into the nature of good and evil. Voltaire used Candide to criticize the pride of rank, and religious and political intolerance. The book was intended to be an appeal to fight oppression of all forms. Voltaire was a strong supporter of the freedom of conscience and worship, freedom of speech, and the right to own property. He sought to abolish all forms of special privileges. For Voltaire, the ultimate goal in life is to be happy and useful.

-- Victor Jih

## Value Bibliography

*This list is by no means complete or exhaustive of all the important philosophy books a debater can use. These happen to be the ones we could think of that were particularly helpful to us. Each debater should explore the local bookstores and libraries to begin their own value libraries.*

**Abernethy, George L. and Thomas A. Langford.** Introduction to Western Philosophy: Pre-Socratics to Mill. [Cliff's notes for all of philosophy; great reference.]

**Aiken, William and Hugh LaFollette.** Editors. World Hunger and Moral Obligation. Englewood Cliffs, NJ: Prentice-Hall, 1985. [This book is a compilation of essays by various famous authors discussing the moral obligation to help other people. Is there a obligation to beneficence? Both pro and con analysis is given and special attention is given to the issue of world hunger.]

**Adler, Mortimer J.** Six Great Ideas. [A famous, basic discussion of fundamental values such as justice and equality.]

**Anderson, John B.** Congress and Conscience. 1970. [A collection of essays from various Congressmen regarding their proper roles as elected officials. It also contains analysis on the conflict between law and morality and disrespect for the law and civil disobedience.]

**Anderson, J.N.D.** Morality, Law and Grace. Downers Grove, IL: InterVarsity Press, 1972. [This book offers great analysis on the relationship between law and morality and practical ethical problems such as pornography.]

**Aquinas, St. Thomas.** Politics and Ethics. Translated and Edited by Paul E. Sigmund. New York: W.W. Norton & Company, 1988. [Aquinas discusses happiness, morality, the best form of government, the legitimate role of law, and justice. He is best known for his natural law theory. This particular edition includes great essays in the back on natural law, individual rights, moral obligation, the nature of goodness, just war, and abortion.]

**Aristotle.** Nichomachean Ethics. [This classic discusses the nature of good. What makes something desirable. Aristotle argues that the ultimate good is eudaimonia, sometimes translated as well-being or happiness. This is a good book for reference on Greek thought. It delves deeper into questions pertinent to LD than does Plato's work. One warning, though: Aristotle was not really trying to please an audience with sparkling, light prose. This book is boring.]

**Baird, Robert M. and Stuart E. Rosenbaum.** Editors. The Ethics of Abortion. Buffalo, NY: Prometheus Books, 1989. [Beyond the obvious discussion of the abortion issue, this book also offers great analysis on a duty to help others and the classic conflict between life and the quality of life.]

**Baird, Robert M. and Stuart E. Rosenbaum.** Editors. Morality and Law. Buffalo, NY: Prometheus Books, 1988. [Great discussion of the proper relationship between morals and the law. When is it legitimate to break the law? Is it legitimate to legislate morality?]

**Baird, Robert M. and Stuart E. Rosenbaum.** Editors. Philosophy of Punishment. Buffalo, NY: Prometheus Books, 1988. [A great book on the philosophy behind the reason for punishment: retribution, deterrence, rehabilitation, the death penalty, etc.]

**Berns, Walter.** Freedom, Virtue, and the First Amendment. 1957. [Berns discusses loyalty in a democratic society and the First Amendment. He argues that the marketplace of ideas cannot be absolute. In a democratic society there are some moral truths, such as dignity of the individual and freedom. Thus, society should be able to legislate against ideas we know to be wrong, such as Fascism, Nazism, etc. It is inconsistent for a liberal to extol the virtues of free expression and say that he values the expression of anti-freedom positions.]

- Bowie, Norman E. Editor.** Ethical Issues in Government. 1981. [*This is an anthology of various writers about different political ethical dilemmas. There is an entire section on civil disobedience and on the proper role of a representative.*]
- Bowie, Norman E. and Robert L. Simon.** The Individual and the Political Order. Englewood Cliffs, NJ: Prentice-Hall, 1986. [*This is the best book on an introduction to philosophy. The chapters deal with values in a way that is extremely relevant to Lincoln-Douglas debate. There are chapters on law and conscience, social contract, utilitarianism, justice, liberty, etc. This book is known in some parts of the country as the Bible of Lincoln-Douglas debate. This is an excellent explanation of natural rights, utilitarianism, justice and social contract theory in plain English with contemporary, relevant illustrations and applications.*]
- Callahan, Joan C. Editor.** Ethical Issues in Professional Life. New York: Oxford University Press, 1988. [*This is a great book that addresses the various ethical issues that arise for professionals: doctors, lawyers, etc. The essays discuss the nature of professional ethics and is a great source for many L-D topics.*]
- De Toqueville, Alexis.** Democracy in America. [*This two-volume work is this Frenchman's famous observations of democracy in his journeys through America. It includes a discussion of what makes democracy work, what dangers it faces, liberty and equality, and the danger of tyranny of the majority.*]
- Devlin, Patrick.** The Enforcement of Morals. 1965. [*Devlin argues that every society requires a cohesive tie or sentiment that binds people together. There must be a shared morality that society is justified to preserve through laws.*]
- Donnelly, John.** Suicide: Right or Wrong? Buffalo, NY: Prometheus Books, 1990. [*The subject of this book is obvious: life, individual autonomy, etc.*]
- Dworkin, Ronald.** Taking Rights Seriously. Cambridge, Massachusetts: Harvard University Press, 1977. [*This is an excellent book on individual rights. He has a particularly interesting understanding of the right to equality. See the summary on Dworkin and the discussion on him in the Equality section.*]
- Dworkin, Ronald.** Editor. The Philosophy of Law. Oxford: Oxford University Press, 1977. [*This book is an anthology of famous philosophers covering topics including natural law and positive law, legislating morality, treason, civil disobedience, abortion, and freedom of expression.*]
- Emerson, Thomas.** Toward A General Theory of the First Amendment. 1966. [*Emerson develops a coherent approach towards free expression and speech. He also describes the various foundations for the value of free expression. In other words, he answers the question, why is the First Amendment important?*]
- Feinberg, Joel and Hyman Gross.** Editors. Philosophy of Law. Belmont, California: Wadsworth Publishing Company, 1991. [*This book is a great collection of essays on the nature of law, natural law v. positive law, law and morality, civil disobedience, liberty, paternalism, freedom of expression, individual rights, justice, responsibility, and punishment.*]
- Glover, Jonathan.** Editor. Utilitarianism and its Critics. [*This book offers all the dirt and all of the responses - very contemporary.*]
- David Theo Goldberg.** Ethical Theory and Social Issues: Historical Text and Contemporary Readings. [*Original selections from important ethical philosophers, and then relates those ideas to contemporary issues such as AIDS, political violence, sexual morality, etc.*]
- Grodzins, Morton.** The Loyal and the Disloyal. 1956. [*This book examines what loyalty means and to what Americans are loyal too. Grodzins spells out the American values and the common beliefs that are*

*fundamental to the United States. He develops a theory of limited loyalty in which some treason is legitimate. This has applications to First Amendment questions and issues of treason.]*

**Hamilton, Alexander and John Jay, James Madison.** The Federalist Papers. [A great reference for constitutional issues. What did the framers really intend? What philosophies did they rely on in drafting the Constitution? I would also suggest reading the Anti-Federalist papers.]

**Hayek, Freidrich A.** Law, Legislation and Liberty. Chicago: 1976. [This book is a general discussion of the role of law and social justice. It includes a discussion of social welfare and positive and negative rights. This book is highly pro-individualism.]

**Hohfeld, Wesley Newcomb.** Fundamental Legal Conceptions. Edited by Walter Wheeler Cook. New Haven and London: Yale University Press, 1919. [Hohfeld discusses the differences between a right and privilege. He explores in great detail what we mean when we call something a right.]

**Oliver A. Johnson, editor.** Ethics: Selections from Classical and Contemporary Philosophers. [Selections of important works on ethics, edited down nicely.]

**Kalven, Jamie.** A Worthy Tradition. New York: Harper & Row, 1988. [This is one of the premiere books on the First Amendment. Kalven traces the development of this freedom through specific court cases and develops a compelling argument.]

**Kant, Immanuel.** Foundations on the Metaphysic of Morals. [This is THE TEXT on moral obligation and morality in general. Kantian arguments are among the most powerful in LD. Even though Kant's prose can be a bit dense at times, this text is still worth reading.]

**King, Martin Luther, Jr.** Why We Can't Wait. New York: Harper & Row, Publishers, 1963,64. [This book discusses civil disobedience, civil rights, and an excellent analysis of what constitutes just laws. King argues that just laws must promote human dignity; any law that undermines human worth is unjust.]

**Lee, Simon. Editor.** Law and Morals: Warnock, Gillick, and Beyond. Oxford and New York: Oxford University Press, 1986. [This book discusses the proper role of law in a society. Is it to prevent harm or can it also dictate morality? There is also a discussion of democracy, freedom of conscience, and freedom of religion. Excellent source for analysis and quotations.]

**Locke, John.** Second Treatise on Government. 1690. [This is John Locke's theory of property, natural rights, the state of nature, and the social contract. It also discusses the duty to revolt when the government fails in its ultimate obligation to protect rights. Locke writes as if he knew he would be quoted.]

**Long, Edward LeRoy, Jr.** War and Conscience in America. Philadelpha: The Westminster Press, 1980. [This book discusses the relation of law and morality and ethical issues involved in war.]

**Machiavelli, Nicolo.** The Prince. [This classic book is a list of practical advice to a prince on how to effectively rule a nation.]

**Maritain, Jacques.** Man and the State. [Jacques Maritain has some very interesting thoughts that are an interesting compilation of both Rousseau and Locke, though he seems to come down more on Locke's side. Regardless, he is a worthwhile source for political philosophy.]

**Mill, John Stuart.** On Liberty, 1859. [Mill discusses what restrictions are legitimate on individual freedom. He writes that the only just restriction on freedom is when there is harm to other people. This is his famous harm to others principle.]

**Mill, John Stuart.** Representative Government. 1861. [Mill discusses the virtues of a representative democracy and describes the particular dangers a democratic government must guard against.]

**Mill, John Stuart.** Utilitarianism. [This classic lays the foundation for utilitarianism. Many debaters refer to this book. The last chapter is an excellent discussion on the relation of utilitarianism to justice. John Stuart Mill answers the arguments many debaters will bring up in opposition to utilitarianism.]

**Nagel, Thomas.** What Does It All Mean? New York: Oxford Press, 1987. [This is a great basic introduction to the most famous ethical problems of our times -- including justice and what is morality?]

**Nozick.** Anarchy, State, and Utopia. [Besides being fun to say in rounds, Nozick (along with the other two members of the "Harvard Trinity") is on the cutting edge of moral philosophy. He is strongly neo-Lockean, so his version of the social contract is as an interesting counterpoint to Rawls'. He has also published other books on philosophy in general. Philosophical Explanations has some really interesting ideas and is worth looking over.]

The Oxford American Dictionary. [Take it to the round with -- the best paperback dictionary.]

The Oxford English Dictionary. [Look at it in the library -- it's in 20 volumes. Photocopy the pages for the topic and you will have every possible definition at your fingertips.]

**Palmer.** Looking at Philosophy: The Unbearable Heaviness of Philosophy Made Lighter. [This is the best general overview of philosophy I have ever seen. It is written in plain, simple, clear language with plenty of illustrations. The entire book is written in print (supposedly the author's own hand) and he uses cartoons to explain concepts clearly. The overview goes from the sixth century BC to the middle of the twentieth century, and is a good basic background source.]

**Plato.** The Republic. [A famous book concerning justice and Plato's conception of the ideal republic, a society ruled by philosopher-kings. Includes the famous allegory of the cave. As far as philosophy goes, this book is invaluable. As far as LD goes, this book is of more limited use. It has many ideas worth investigating, but only the fundamental ideas behind those discussed would be relevant to LD.]

**Pritchett, C. Herman.** Constitutional Civil Liberties. [This is like the Individual and the Political Order for civil liberties, but without the editorializing.]

**Rawls, John.** A Theory of Justice. Cambridge, Massachusetts: Harvard University Press, 1971. [This is probably the most often quoted book by Lincoln-Douglas debaters. All the quotes really come from the first three pages of the book. No real need to read the whole thing unless a topic directly applies. But one should understand Rawls' Original Position.]

**Reiman, Jeffrey.** Justice and Modern Moral Philosophy. [Reiman does a nice job of reasserting the primacy of justice in the moral hierarchy. He extends Rawls' two principles of justice and also provides specific applications that might be directly relevant to certain LD topics. His ideas, along with those of the "Harvard Trinity", are the most recent elaborations on justice.]

**Reimer, Neal.** Editor. The Representative: Trustee? Delegate? Partisan? Politico?. 1967. [The various authors explore the various roles for a elected representative. Should a representative be a trustee or a delegate, or something else?]

**Rousseau, Jean-Jacques.** The Social Contract and Discourse on the Origin of Inequality. [The social contract is a very important work on the relationship of the individual to society, the proper role of government, and individual rights. Rousseau tends to be more communitarian than John Locke.]

**Sandel, Michael J.** Liberalism and the Limits of Justice. [Michael J. Sandel wrote this book as a critique of Rawls' A Theory of Justice, but it became much more than that. All of the critique came from one distinct point of view which was identified with the community. This budding philosophy of communitarianism has not yet been specifically set out, but rumor has it that such an explication is in

*the works. Watch Sandel, Rawls and Nozick for new works that will have a large impact on justice and philosophy in general.]*

**Solomon and Murphy.** What is Justice?: Classic and Contemporary Readings. [These two editors have brought together all of the most relevant pieces of philosophy regarding justice into one handy dandy book. It is an accurate account of justice through the ages. Admirably, they remain quite impartial.]

**Sterba, James P.** The Demands of Justice. Notre Dame, ID: Notre Dame Press, 1980. [The title says it all. This book discusses the different types of justice.]

**Thoreau, Henry David.** Walden and Civil Disobedience. Ed. Owen Thomas. New York: W.W. Norton & Co., 1966. [See Jason Ingram's summary of Thoreau's study. Thoreau's transcendental philosophy and theory of civil disobedience.]

**Wasserstrom, Richard A.** Editor. War and Morality. Belmont, CA: Wadsworth Publishing Company, 1970. [This book discusses just war theory, when it is appropriate to take life, and pacifism. It answer the question of when it is legitimate to use violence to achieve certain ends.]