Presume affirmative to overcome structural skews. Next, If the affirmative wins offense to a counter interp or wins an I meet on T or theory, vote aff, because the neg can spread the aff out in the AR – theory in particular requires huge time commitments because it is a game over issue. The only fair thing is to let the aff collapse to theory in the AR, forcing the neg to defend their interpretation.

Next, the aff defends cases of intimate terrorism, **LaRoche[[1]](#footnote-1):**

**Intimate terrorism** (IT)27 **denotes the will** or compulsion **of the perpetrator to exert general control** over the partner (Johnson, 2006a: 559; Johnson & Leone, 2005: 323; Johnson & Ferraro, 2000: 949; Johnson, 1999: [3]; Johnson, 1995: 284-285, 287), and physical violence is only one element embedded in a general pattern of controlling behaviours (Johnson & Ferraro, 2000: 949; Johnson, 1999: [4])**.** In other words, **the distinguishing feature** of intimate terrorism **is the** existence of a **pattern of both violent and non-violent behaviours rooted in the attempt to dominate the partner** (Johnson, 2006a: 559-560; Johnson & Leone, 2005: 323; Johnson & Ferraro, 2000: 949).

Prefer this interpretation since: A) All ground and topic lit is in the context of victims expecting *future* severe violence, since they are subject to a pattern of abuse. If violence were part of minimal discrete incidents, it would obviously be unreasonable to kill someone. B) Context - intimate terrorism is equivalent to the entire phrase “repeated domestic violence.” When we say repeat as part of a phrase, we’re generally trying to indicate a pattern, not just discrete incidents. Defining the words separately leads to multiple different interpretations in a vacuum, whereas there is one meaningful interpretation in a specific context, making it more predictable and equitable. I’ll accept other definition in cross-x.

Next, because it asks what is morally permissible FOR a victim to do, the resolution questions the behavior of an individual, not an act. This makes excusability and accountability irrelevant, since saying someone’s behavior was not wrong is the same thing as saying their behavior was permissible. When we excuse someone for committing a wrong act, we are saying that their behavior was the morally correct behavior. I value moral permissibility. The resolution doesn’t question whether there is an obligation to be moral, but rather questions what obligations are parts of acting morally, thus skepticism and criticisms of morality are irrelevant. Morality is about justification between people

Stephen Darwall[[2]](#footnote-2) explains,

**However desirable it might be from some external perspective** that someone do something, **this is a reason of the wrong kind to support** **a demand that he do it**, **and hence to support the claim that he would do wrong if he didn’t**. Unlike considerations of desirability (even moral desirability), **demands are second-personal reasons; their validity depends not on the value of any outcome or state, but on** normative relations between persons, on **one person’s having the authority to address the demand to another**.

Since morality is about the relation it cannot aggregate. For example, I don’t owe keeping a promise to the aggregate of everyone who I’ve made a promise too, but rather; I have a duty to keep my promise to each individual person. Moreover, meta-ethically, morality is based on our need to justify ourselves to others: Ashford and Mulgan

Elizabeth Ashford and Tim Mulgan “Contractualism” 2007. SEP.

Scanlon, by contrast, invokes no veil of ignorance. I know my own circumstances. **It is not** self-interest combined with **ignorance of self that makes me take account of everyone's interests, but rather my concern to justify myself to everyone else.** This motivation is a key feature of Scanlon's contractualism. **All** social contract theorists — even contractarians — **agree that agents want to justify themselves to others.** However, for the contractarian, such a desire is merely strategic — justification is instrumentally useful because it enables me to get others to do what serves my interests. For the Scanlonian contractualist, by contrast, **agents are morally motivated by an intrinsic desire to justify themselves to others. Having this desire is part of what it is to be a moral agent.**

Contractualism treats people as agents with desert: Darwall furthers:

**To justify oneself** to someone **is** **to** **give** her **a** kind of ***second-personal authority***.11 **It is to regard** and treat **her as having a standing to claim a justification** from one (and hence to address claims to others at all). Second-personal authority of this kind is essentially tied to accountability. **Justifying oneself to someone is part of holding oneself responsible** or accountable **to her. So justification** to one another is what **constitutes mutual accountability. When I justify myself to you, I hold myself answerable to you, and treat you as having the standing to claim this from me.** You reciprocate and accord me the same standing when you justify yourself to me. As I understand it, therefore, the root contractualist idea is that this standing is one that you and I share. We have an equal (second-personal) authority to make claims of one another, which we respect in seeing each other as beings to whom we should be able to justify ourselves. **Understanding morality in terms of mutual accountability** **illuminates** why Scanlon can say in “Contractualism” that agreement (of this sort) is **what “morality is all about.” If moral self-regulation** essentially **involves making ourselves answerable** to one another,then **agreement** on fundamental principles **is not simply a collective epistemic achievement**, or a standard of our each doing what is right individually; **it is an essential element of** the fundamental **moral *relation***(responsibility to one another). This idea is suggested also by the passages from “Preference” and “Process” quoted above. Urgency or importance of interests is justificatory weight in warranting *claims* on others. The question of when practices or institutions are *legitimate* in light of their “power to control or intervene” turns on when this is consistent with individuals’ legitimate claims.

The fundamental account of wrongness is reject-ability by an individual. Any other account of wrongness is merely derivative since it doesn’t explain why any particular moral goods matters to people. For example, I might regard pleasure as good, but the fact that pleasure is good doesn’t have any relation to how others ought to treat me. Moreover, Scanlons argument is a truth, Parfit[[3]](#footnote-3) describes an argument

Scanlonian Contractualism may seem to be, not merely plausible, but undeniable. Suppose I claimed: **Though my act is disallowed by some principle that no one could reasonably reject, I deny that such acts are wrong**. **This claim may seem close to a contradiction. Though I am rejecting this principle, I am also conceding, it seems, that this rejection is unreasonable. And, if my rejection of some principle is unreasonable, it could not be justified.**

Next, neither purely agent neutral nor agent relative concerns accurately capture moral wrongness. Purely neutral value fails since it doesn’t account for relations among people – when I harm someone, I don’t just do something wrong, I do something wrong TO them. Pure agent relativity since under it, I act in order to satisfy my obligations to an ideal, not because people themselves have moral worth. Contractualism solves this problem: Ridge Michael Ridge “Saving Scanlon: Contractualism and Agent-Relativity” Journal of Political Philosophy 9 (4):472–481. 2001.

Of course, this reply assumes that it is plausible to suppose that we should give substantial moral weight to people’s reasonable agent-relative complaints as such. This, it seems to me, is where some important issues surface, but the critics who object that contractualism is otiose have not thereby engaged those issues at all. Furthermore, Scanlon has made a prima facie case for supposing that common-sense morality gives weight to agent-relative complaints as such, and the critics’ standard objection does not address that case at all. It is worth very briefly reviewing some of the main lines of Scanlon’s argument here. First, **giving such weight to agent-relative objections fits** well **with the way** in which our **moral practice encourages us to take other people’s points of view** (“How would you like it if I did that to you?”). Intuitively, it seems plausible to suppose that **a potential victim’s complaint does not have to invoke purely agent-neutral considerations** to be morally relevant. **To appreciate** the **importance** of your agent relative concernto pursue a particular and perhaps idiosyncratic project (e.g., to write a novel), **I must really try to “put myself in your shoes,”** and common-sense morality does suppose that it is deeply important that we engage in this sort of “ideal role-playing.” 14 Whereas to appreciate the agent-neutral disvalue of pain it does not seem that I need to occupy an alternative perspective. Second, contractualism can explain what goes wrong with intuitively implausible forms of aggregation in which a very small benefit to very many people could (in principle) justify an enormous harm to a particular individual (see pp. 229-241). It is precisely because each individual’s agent-relative objections are given weight that Scanlon’s view can better track common-sense moral intuitions in such cases. Third, Scanlon plausibly argues that many of the most common forms of moral bias stem from failure to take seriously enough others’ agent-relative complaints (see p. 206). Fourth, **the appeal to a victim’s agent-relative objection helps capture our sense that immoral actions can wrong particular person(s), rather than being wrong “from the point of view of the universe**.” 15

Thus the negative burden is to demonstrate that affirming is impermissible under contractualism, which says that certain behavior is permissible when it is allowed by any principle that no one could reasonably reject. If I show the contractualist account of moral relations is the only coherent meta-ethical system, but there’s no way of resolving which reasons matter under it, then we would label affirming permissible under the burden because things are presumed to be permissible till proven otherwise – before I act, there’s a presumption of rightness and I need to find out reasons against it before I halt my action.

1. Contractualism is key to treating people as valuable ends, Ashford and Mulgan 2

“Moral requirements determine what it is to respond properly to the value of persons as rational agents. **The distinctive value of human life lies in the human capacity to assess reasons and justifications**. Therefore, **appreciating the value of a person involves recognising her capacity to appreciate and act on reasons. The way to value this capacity is to treat persons in accord with principles they could not reasonably reject. In doing so, the agent is guided by a principle that can rightly be characterised as one that the person herself authorised** that agent to be guided by, in thinking about the appropriate way to relate to her. **Contractualism illuminates the** compelling **Kantian insight that we ought to treat persons** never as mere means but always **as ends** in themselves. It interprets this as treating them according to principles they could not reasonably reject.”

1. Intentions can’t be morally relevant

HALLVARD LILLEHAMMER “Scanlon on intention and permissibility” Analysis 70 (3):578-585. < <http://www.phil.cam.ac.uk/teaching_staff/lillehammer/HLScanlon.pdf>>

According to Scanlon, questions of permissibility only apply to alternatives between which an agent can choose (58-60; 88; 230, Note 37). The reason he denies that facts about intention can make actions impermissible is that he thinks that **intentions are not really objects of choice**. True, I can decide to pursue one end rather than another, and thereby come to settle on one among a number of possible intentions. Yet **I am not**, according to Scanlon, **able to 'pick' my ends** in the way I can 'pick' one among a range of possible actions. Thus, he writes: **'One can adopt an end only if one sees some consideration as counting in favor of it, and it is at this most basic level that I do not think that we** 8 **can choose what to see as reasons'** (60). In this sense, our choice of intentions is said to lack an essential element of 'free play'. It follows that to alter one's intentions necessarily involves an act of reasoned judgement, whereby the former intention is 'downgraded' relative to the latter with respect to the reasons that are said to count in its favour. Thus, there is no such thing as 'choosing', or 'singling out' one among a number of present intentions as 'the' reason for which one acts. It follows that, **'since it is not open for us to choose which (ultimate) reasons to act on, a person who 'does the right thing, but for the wrong reason' will be doing something permissible'** (88)

Thus all ethical theories that focus on the intentions hold that anything is permissible, given that people can’t help having wrong intentions. This also means any action is permissible, Lillehammer 2

Let us therefore suppose that **I cannot choose an end except by judging that it is sufficiently reasonable to merit being chosen. If so, it is natural to think this inability will also affect the means to my ends. After all, the means to my ends are also ends in the** trivial **sense of being objects of possible desire.** Furthermore, **deciding on** a set of **means to my ends** normally **involves** me in the task of **judging** **which**, among an indefinite range of possible means, **there is sufficient reason to choose**. Yet the means to my ends are the actions I can perform to realize my intentions. So if I am unable to choose the means to my ends, I am thereby unable to choose which actions to perform to realize my intentions. **In which case, no actions taken as a means to an end can ever be impermissible, as they are not really 'alternatives between which an agent can choose'**. Perhaps this is the reason why Scanlon writes that we are unable to freely choose what to take as our 'ultimate' reasons (Scanlon 2008, 60; 88). He does not, however, explain what this restriction amounts to, or why it is imposed. It is therefore unclear how it is supposed to help.

I contend that no one could reasonably reject a principle that allowed deadly force in the case of victims of repeated domestic violence. If a person has the opportunity to avoid a bad consequence, then they are less able to object to a principle that allows for it: Scanlon

TM Scanlon “Chapter 10: Thomson on Self-Defense” *Fact and Value: Essays on Ethics and Metaphysics for Judith Jarvis Thomson* Ed. Judith Jarvis Thomson. MIT Press: 2001. Print. 202.

The important point is that if by doing X I forfeit my claim against others that they not treat me a certain way this is so because of many things, including the reasons that others have to want to act in the way in question, the reasons I have to want not to be treated this way, and the ease and cost to me of doing or not doing X. If these considerations balance out in the right way then doing X constitutes forfeiture of my claim; otherwise it does not. When it is true that giving consent, or just acting or not acting a certain way, constitutes forfeiture, this is a product of a moral argument of the kind just described, not an input into it. What serves as an input into this argument is not the idea of forfeiture, or consent, but what I call the value of choice: the fact that **the ability to avoid an unwanted consequence is something one has reason to want**. **Because** this is so—because **being faced with an avoidable burden is less bad than being faced with an unavoidable one**—**the opportunity to avoid an unwanted consequence can diminish the force of one’s objection to a principle that would permit others to behave in ways that would bring that consequence about.** The terms ‘forfeit’ and ‘consent’ suggest an act of consciously laying down a right, or consciously allowing it to lapse. As the concert ticket example shows, however, this suggestion is misleading. If I do not pick up the tickets by the prescribed time then I have forfeited my right to them even if I am unaware of doing any such thing and never made a decision not to go to the concert. It might be that I simply forgot, or was distracted by something more important. What, then, differentiates cases in which an agent forfeits a right or claim from the more general cases in which an agent simply ceases to have a claim? It may be that as Thomson says, “The English word, ‘forfeit’ is really too soft an affair to rest any great weight on.” 7 I suggest, however, that we take the difference to be this: it is proper to speak of forfeit in those cases in which the principle that permits some action holds that that action would not have been permissible if the person in question had done (or not done) a certain thing, and it is crucial to the defense of that principle that it allows a person in that position to avoid the consequences of the permitted action by doing that thing. One question before us, then, is whether forfeiture, so understood, plays an important role in explaining the permissibility of actions in self-defense.

This justifies self-defense, Scanlon 2

TM Scanlon “Chapter 10: Thomson on Self-Defense” *Fact and Value: Essays on Ethics and Metaphysics for Judith Jarvis Thomson* Ed. Judith Jarvis Thomson. MIT Press: 2001. Print. 204.

**When we speak of self-defense**, the cases that are most likely to come to mind are ones like Villainous Aggressor, and **the fact that it would not be reasonable to reject principles permitting the use of force in such cases is adequately explained** along the lines I have been discussing. **The grounds that someone in the aggressor’s position would have for rejecting such a principle are undermined both by the fact that such a person can avoid being vulnerable to the legitimate use of force by simply refraining from aggression, and by the fact that in so doing he or she would not be making any sacriﬁce that has weight** in moral argument.

External standards don’t apply because the victim has the right to determine the force necessary to escape their situation. If the abuser and society has placed them in such a situation, it’s unreasonable to impose ex post facto standards of justification on people who simply tried to escape their condition in whatever manner they could. This is especially true for domestic violence because the abuser intentionally isolates victims and skews their worldview: Wright

Nancy Wight [Law Professor at Santa Clara University School of Law and a former Visiting Law Professor at Stanford Law School.] “Voice for the Voiceless: The Case for Adopting the "Domestic Abuse Syndrome" for Self Defense Purposes for All Victims of Domestic Violence Who Kill Their Abusers” American University Washington College of Law. 2009.

The women and children who are domestically abused by their spouses or parents are among **the most marginalized members [are]** of American society, **trapped in abusive relationships from which they can see no escape**. They are often trapped by their **abusers**, who isolate **them from family and friends who might otherwise provide them with assistance** and support in leaving. They are frequently trapped by poverty, making retreat from the abusive situation a financial impossibility. And they **[Victims] are virtually always trapped by the unremitting violence, which** not only **batters them physically [and]** but **emotionally** as well**, making leaving the abusive situation a psychologically unrealistic option.** **Faced with** the **inevitable** prospect of **escalating physical violence, often accompanied by sexual and psychological abuse, some** of these women and children **decide** that **the only escape** from their imprisonment **is to kill their abusers**. Every year, almost 500 battered women murder their abusive spouses or partners. n18 Although less frequent, studies show that about 2% of all homicides in the nation, or approximately 400 killings each year, are committed by children against their parents. n19 Although not all of these homicides are committed by children who have suffered domestic violence, according to some estimates, more than 90% of the children who commit parricide have been abused by the parent. n20 In situations like these, the tables are turned, and it is **the** battered women or children **[victims]** who **decide that the only way out of their agony is to kill their abusers**

Deadly force is a natural reaction to domestic violence. LaViolette and Barnett

Alyce D. LaViolette [Alternatives Counseling Association, Co-author of best selling academic books], Ola W. Barnett [Distinguished Professor Emerita of Psychology at Pepperdine University, Malibu, California. She earned her undergraduate and doctoral degrees in Psychology at UCLA, specializing in Learning. Her initial research centered on batterers, and she later studied battered women and dating violence. She has coauthored two best-selling Sage books (with Alyce D. LaViolette) on why battered women stay with abusive partners. Remains active in the field of family violence by reviewing articles for a large number of journals] “It could happen to anyone: why battered women stay” Print. SAGE, 2000. Pg 107.

**In animal research**, **punishment leads to increased aggression**, a phenomenon **termed elicited aggression**. A punished monkey will attack objects, other organisms not involved in the punishment, or even itself (Ulrich, Wolff, & Azrin, 1964). **Humans also will become aggressive** toward noninvolved individuals when shocked (Berkowitz & LePage, 1967). **This** finding **helps explain battered women’s self-defensive aggression,** and it predicts outbursts of aggression toward others. Surprisingly, an extrapolation of the phenomenon of elicited aggression suggests that battered women’s agression toward their children may occur as one outcome of being battered themselves. Anothcr possibility is Freud ian displacement of aggression—the trickle-down theory—or that women them selves are violent. **Anger and fear emerge as the two predominant reactions to assault** (Gore Felton et al., 1999). **Anger can be, and often is, a buffer against fear**. In one En glish study, 62% of crime victims reported feeling angry because of their victimization (Shepherd, 199Œ, Stuckless, 1998). **Similarly, battered women** and those in shelters **are significantly angrier than** are comparison groups of **nonbattered women** (see also Edleson & Brygger, 1986; Feindler, 1988; Russell et al., 1989). Several **experts have recognized this combination of anger and fear** in victims (Blackman., 1988; Walker, 1984). Very likely, **the motives of self-defense (**fear motivated) and retaliation (anger-motivated) **become blended together** for some battered women (Saunders, 1986). Legally, self-defense pleas **in homicide cases** do not become nullified when extreme terror becomes mixed with extreme rage, because it **is reasonable to combine anger and fear** when attacked (Schneider & Jordan. 1978).

Next, the moral relationship is constrained by those responsive to reasons, Scanlon 3

Thomas Scanlon “Blame” *Moral Dimensions: Permissibility, Meaning, Blame.* Harvard University Press: 2008. Print. pg 139.

**In** the case of friendship and **most** other **personal relationships**, these **conditions involve the parties’ attitudes toward one another,** and it is in virtue of these attitudes that their relationship exists—that they are friends. **In the case of morality**, **however**, the **relevant conditions do not concern the parties’ existing attitudes toward one another but only certain general facts about them**, **namely that they are beings of a kind that are capable of understanding and responding to reasons.** Insofar as one assumes that any relationship must, like friendship, be constituted by the parties’ attitudes, this provides a second reason for thinking it inappropriate to say that morality de fines a relationship that holds even between total strangers. But this assumption is mistaken. The conditions in virtue of which relationships exist, and the relevant normative standards therefore apply, do not always involve the parties’ attitudes toward one another

Next Domestic violence is the worst harm possible because a) it’s continual – many abusive relationships continue for years, inflicting untold amounts of suffering. In contrast, killing an abuser probably involves significantly less suffering. B) Its cyclical – many abusive spouses also abuse the children of their spouse, which does untold amounts of damage to both the child and the parent. The emotional damage that comes from having a child’s well-being endangered is the worst possible harm. c) Death is a non-event – a dead person can’t be harmed, at least not in any way we can figure out. The only harm of death is that it takes away future benefit to that person, but that future benefit doesn’t outweigh the future lifetime of suffering to the victim if they stayed alive. Moreover, abusers tend to be more unhappy meaning their loss in future wellbeing isn’t as great. D) Domestic violence is deadly, especially for women **NOW 06[[4]](#footnote-4):**

Murder. **Every day four women die in this country as a result** of domestic violence**,** the euphemism for murders and assaults by husbands and boyfriends. That’s approximately **1,400** women **a year**, according to the FBI**.** The number of women who have been murdered by their intimate partners is greater than the number of soldiers killed in the Vietnam War Battering. Although only 572,000 reports of assault by intimates are reported to federal **officials each year, the most conservative estimates indicate two to four million women of all races and classes are battered each year. At least 170,000** of those violent incidents are serious enough to **require hospitalization**, emergency room care or a doctor’s attention.

Thus, no one could reasonably reject using deadly force to stop domestic violence. Moreover, this implies deadly force, which usually refers to both severe harm and death, is reciprocal. No one could have a reasonable objection to the reciprocal use of force because by using a certain level of force, they grant implicit authorization for the victim of their aggression to use the same force against them – it’s unreasonable something to say I can do something but you can’t. Next, leaving isn’t an option Fleury 2000

RUTH E. FLEURY, [Phd. Specialty Areas: Couple Relationships; Domestic Violence; Family Violence] CRIS M. SULLIVAN and DEBORAH I. BYBEE. [Michigan State University]“When Ending the Relationship Does Not End the Violence : Women's Experiences of Violence by Former Partners” Violence Against Women 2000 6: 1363

Sev’er (1997) suggests that violence by an ex-partner takes much the same form and has many of the same dynamics as violence by a current partner. Justas **batterers** use violence to control their current partners, they also **use violence** after a separation **to reassert control** over their former partners. The power and control model (Pence & Paymar, 1993) was modified by Sev’er to include the four components most relevant to abuse after a separation: use of economic and legal abuse, use of chiLdren and other loved ones, escalated intimidation, and coercion and explosive violence. Research has shown that separation assault is not uncommon. **The majority of domestic assaults** reported to law enforcement agencies **occurred after** the **couples** had **separated** (US. Depart ment of Justice, 1983). A recent survey found that **nearly one in five separated wives were assaulted** while they were separated. Of those women who were assaulted**, 35% reported** that their **husbands became more violent** after the separation Uohnson & Sacco, 1995). The most extreme case of separation assault is separation homi cide. A study of homicides in three locations (Chicago, Canada, and New South Wales, AustraLia) demonstrated that **estranged wives were more likely to be killed** by their husbands than were still-married women (Wilson & Daly, 1993). Research supports the idea that re-establishing control is often the motive behind these crimes. In one study of intimate partner homicide in Philadelphia and Chicago, the woman’s leaving the relationship was the motive in more than 1 in 4 cases in which a woman was killed by a male ex partner. Similarly, Campbell (1992) found that attempts to reassert control over the ex-partner were the underlying cause of murders of women by estranged partners. In the majority of these killings, there was a documented history of abuse. it is not uncommon for women to report their batterers’ telling them, “If I can’t have you, nobody can.” **Homicide,** then, **becomes the ultimate** final **control.**

Finally, the affirmative recognizes that domestic violence can happen to anyone –evidence indicates both men and women, straight and lesbian, and indeed all types of people suffer from it. Even if evidence mostly focuses on one type, the larger problem is still there. Moreover, since domestic violence can happen to anyone, deadly force is potentially in everyone’s interest, and thus nobody could reasonably reject it.

Valuing doesn’t create reasons

Reasons for action not determine by our taking on intents

Whether they arise from re\_ection or not, these intentions alter the reasons an agent has (if they are held to and she does not have reason to reconsider them). This is an important respect in which our reasons for action depend on us rather than being determined by any independent facts about what “counts in favor of” what.But it is a mistake to see this as the basic case of having a reason for action.

Even though adopting an intention (or an end or aim) can alter the reasons one has, these are not basic sources of reasons. Selecting something as an end by adopting an intention to pursue it does not make that thing better or more valuable than the other worthy alternatives; it just gives it a particular role in the agent’s practical reasoning. To put the same point more technically, the fact that an intention alters one’s subsequent reasons only so long as one does not have reason to reconsider its adoption indicates that the normative force of this intention depends on the substantive reasons that made it worth adopting in the ~rst place.

The attitude we have must give guidance of whether legit reason

A reason is a consideration that counts in favor of some judgment sensitive attitude, and the content of that attitude must provide some guidance in identifying the kinds of considerations that could count in favor of it. If it does not, then the question of whether something is a reason for it will make no sense, and any answer will seem truly arbitrary. Even when, as in the example just given, the categories of possible reasons are vague, they at least provide us with some direction in looking for an answer to the question of whether a particular consideration is a reason or not.

Contracutalism don’t treat as mere means – aprfit

**If we are trying to be truly moral or are sacrificing we do not treat people as a mere means**

112 On my rough definition of this ordinary sense, we treat someone merely as a means if we both use this person in some way and regard her as a mere tool, someone whose well-being and moral claims we ignore, and whom we would treat in whatever way would best achieve our aims. [Thus] We do not treat someone merely as a means, nor are we even close to doing that, if either (1) our treatment of this person is governed in a sufficiently important way by some relevant moral belief, or (2) we do or would relevantly choose to bear some great burden for this person’s sake. When people give other definitions, they are mostly trying to make Kant’s claim cover a wider range of acts.That can best be done, I have said, not by using ‘merely as a means’ in some special sense, but by revising Kant’s claim so that it also condemns acts that areclose to treating people merely as a means.And, rather than stretching Kant’s claim so that it covers other kinds of act, we should sometimes appeal instead to other, similar claims.When Bad Samaritans ignore someone who needs urgent help, they do not treat this person as a mere means. But they do treat this person as a mere thing, something that has no importance, like a stone or heap of rags lying by the road. That, we could say, is just as bad. And there are ways of treating people that are worse than treating them as a mere means. Though Hitler treated the Slavs in his conquered Eastern territories as a mere means, that is not how he treated the Jews

Intentions can’t determine permissibility

According to Scanlon, questions of permissibility only apply to alternatives between which an agent can choose (58-60; 88; 230, Note 37). The reason he denies that facts about intention can make actions impermissible is that he thinks that intentions are not really objects of choice. True, I can decide to pursue one end rather than another, and thereby come to settle on one among a number of possible intentions. Yet I am not, according to Scanlon, able to 'pick' my ends in the way I can 'pick' one among a range of possible actions. Thus, he writes: 'One can adopt an end only if one sees some consideration as counting in favor of it, and it is at this most basic level that I do not think that we 8 can choose what to see as reasons' (60). In this sense, our choice of intentions is said to lack an essential element of 'free play'. It follows that to alter one's intentions necessarily involves an act of reasoned judgement, whereby the former intention is 'downgraded' relative to the latter with respect to the reasons that are said to count in its favour. Thus, there is no such thing as 'choosing', or 'singling out' one among a number of present intentions as 'the' reason for which one acts. It follows that, 'since it is not open for us to choose which (ultimate) reasons to act on, a person who 'does the right thing, but for the wrong reason' will be doing something permissible' (88)

If intentiosn can’t everything is permissible

Let us therefore suppose that I cannot choose an end except by judging that it is sufficiently reasonable to merit being chosen. If so, it is natural to think this inability will also affect the means to my ends. After all, the means to my ends are also ends in the trivial sense of being objects of possible desire. Furthermore, deciding on a set of means to my ends normally involves me in the task of judging which, among an indefinite range of possible means, there is sufficient reason to choose. Yet the means to my ends are the actions I can perform to realize my intentions. So if I am unable to choose the means to my ends, I am thereby unable to choose which actions to perform to realize my intentions. In which case, no actions taken as a means to an end can ever be impermissible, as they are not really 'alternatives between which an agent can choose'. Perhaps this is the reason why Scanlon writes that we are unable to freely choose what to take as our 'ultimate' reasons (Scanlon 2008, 60; 88). He does not, however, explain what this restriction amounts to, or why it is imposed. It is therefore unclear how it is supposed to help.

We can never equate desires with the good

Even if we accept internalism, it’s still incorrect to say that whatever we desire is good. It meets the necessary conditions of internalism, but that doesn’t make it a true moral theory.

Mill's definition of 'good' assigns it a naturalistic descriptive meaning, and one that satisfies internalism, but not yet one that is normative in the way that goodness is normative. For we can still meaningfully ask of anything that is desired whether it is good for the person who desires it.30 The meaningfulness of our question does not, however, take the form of a bare "So what?" We are not indifferent to what we desire. Rather, we think that what we desire can diverge from our good

Internalism fails because people don’t have static identifies they can be related to

**Motivational internalism fails to be a proper internalist theory. It doesn’t account for the fact that people are self inventors.**

Let's return once again to the assumption allied with internalism: the good for a creature must be made for or suited to that creature; the good for persons must thus be made for or suited to persons. Because persons are fundamentally self- inventors, creatures who construct and guide themselves by ideals of the person, an account of the good of persons must be suited to them as self-inventors. An account of a person's good will fail to be suited to persons as self-inventors insofar as it treats a person as identical with certain motivations or traits, for this is to accord her current features a normative authority that they lack. The new naturalists, in seeking to satisfy a plausible internalist constraint, attempt to fashion an account of the good that is "made for us." But their definition of 'good for a person' incorporates a person's current motivational system into the very criterion of her good. It thereby treats her as identical with that motivational system for purposes of determining her good.

1. Laroche, Denis. [Canadian gov. offical report and examiner of DV issues] “Context and Consequences of Domestic Violence Against Women in Canada in 2004.” Institut de la statistique du Quebec. [www.stat.gouv.qc.ca](http://www.stat.gouv.qc.ca). April 2008. [↑](#footnote-ref-1)
2. Stephen Darwall, *The Second Person Standpoint* (Cambridge: Harvard University Press, 2006): p, 103. [↑](#footnote-ref-2)
3. Derek Parfit. Climbing The Mountain. 2009. [↑](#footnote-ref-3)
4. NOW. 2006. “Violence Against Women in the United States.” [↑](#footnote-ref-4)