



MORAL METHODS

Michael LaBossiere

Moral Methods

Tools for Ethical Argumentation

1st Edition

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About the Author

Dr. Michel LaBossiere is a guy from Maine who went to school in Ohio and ended up a philosophy professor in Florida.

While acquiring his doctorate in philosophy at Ohio State University, he earned his ramen noodle money by writing for Chaosium, GDW, R. Talsorian Games, and TSR. After graduate school, he became a philosophy professor at Florida A&M University. His first philosophy book, *What Don't You Know?*, was published in 2008. He continues to write philosophy and gaming material. He is also a blogger, but these days who isn't?

When not writing, he enjoys running, gaming and the martial arts. Thanks to a quadriceps tendon tear in 2009, he was out of running for a while, but returned to the trails and wrote a book about it, [Of Tendon & Trail](#). He can be contacted at ontologist@aol.com.

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Introduction

This concise reference work is intended to provide the reader with the basics of moral argumentation and specific tools that should prove useful in this process. There is no assumption that any specific moral view is correct (or incorrect) and no specific moral agenda is pushed in this work. Rather, the intention behind this work is to assist people in making better moral arguments. If a reader disagrees with a specific example, then an interesting exercise would be to consider a counter-argument against the conclusion presented in the example.

The book divides into three parts. The first provides a basic discussion of arguing about ethics in the context of moral issues. The second, which is the majority of the book, presents a variety of methods that should prove useful in moral argumentation. The third part consists of short moral essays that provide additional examples of moral reasoning.

Moral Issues

Moral reasoning begins with the consideration of a moral or ethical issue (“moral” and “ethical” are used interchangeably here, although some people dispute this usage). In the context of reasoning, an issue is a matter of dispute with two or more distinct sides. In this context an issue is not a psychological issue, such as having an irresistible urge to run around swatting people with a plastic light saber.

An example of a fairly mundane issue is whether or not Bill should buy a new laptop. Not surprisingly, an ethical issue is an issue that involves a moral component. An example of an ethical issue is whether capital punishment is morally acceptable or not.

While there are many ways to respond to an ethical issue, the following discussion focuses on approaching an ethical issue from the standpoint of reason and assumes that the goal is to attempt to resolve the issue in a rational manner. Naturally, people do try to resolve ethical

issues in other ways, including yelling, using explosives, or whacking other disputants with plastic light sabers. While these means can be rather effective, the method that will be focused on is the use of philosophical argumentation.

An ethical issue will have three main components: non-moral facts, concepts and, of course, the moral or ethical aspects. In order to adequately and rationally resolve an ethical issue each of these components must be considered.

To make the discussion clearer a running example will be used. Imagine that Dave wants to use his computer to copy movie DVDs. While this will save him money, he wonders whether or not it is morally acceptable. In this case the issue Dave would be considering is whether it is morally acceptable to copy borrowed or rented commercial DVDs or not.

Facts

In general it is best to begin by considering the non-moral facts. After all, it would be rather irrational to form moral judgments on a subject without knowing the relevant facts. The non-moral facts are exactly that-relevant facts about the situation at hand that are not explicitly moral in character.

In some cases the facts will be very straightforward and will provide little or no grounds for dispute. In such cases the facts can be fully considered fairly quickly before moving on.

The DVD copying example is this sort of situation. There is no dispute that even “copy protected” DVDs can be easily copied with the right software and hardware. There is probably some dispute about how much revenue companies lose to DVD copying (and how much money companies make selling people the copying tools) but this is a fairly minor dispute since it seems reasonable to believe that the companies do lose at least some income. If the facts are not controversial or in dispute, it is reasonable to simply move on and consider the relevant concepts.

In other cases the facts will be considerably more controversial. The controversy might arise from questions about the alleged facts themselves or because the non-moral facts are tied so closely to the moral aspects of the issue. An example that fits both is the deterrent value of capital punishment. Some of the dispute over its effectiveness is based on concerns about the difficulty of establishing the cause and effect relationship between capital punishment and deterrence. Some of the dispute is over the fact that its alleged deterrent value is often used in moral arguments to justify the practice.

If the facts are controversial or in dispute, then there is a factual issue (or even multiple issues) that will need to be addressed. In general terms, there are three ways to rationally resolve factual issues.

The first is by empirical investigation. This can range from simply looking at something or trying something to full scale causal experiments or studies. For example, if a person wondered if a DVD could be copied by using a DVD drive and some free software, they could simply try it. As another example, if someone with the necessary resources wondered about the deterrent effect of capital punishment, they could conduct a suitable study of the matter.

There are various standards and methods for settling factual matters with empirical investigation but a detailed examination of these goes far beyond the intended scope of this work. Fortunately, most works on critical thinking provide at least a general discussion of these standards and methods.

The second method is by appealing to authority. This is done by finding a suitable source that resolves the factual issue. For example, if a person wondered if a DVD could be copied by the use of a DVD drive and software, she could look up information on a reputable web site about computers. As another example, if someone wanted to know whether capital punishment was a deterrent or not, he could consult various reputable studies that have taken place over the years.

To use this method effectively, a person needs to be able to tell good sources from poor sources. While knowledge of the subject in question is the best way to sort out matters, there are also clear standards that are discussed as part of the argument from authority, below.

The third method is to use other arguments to resolve the facts. These would be arguments that do not directly involve empirical investigation or appeals to authority. For example, a person might use an analogy to other types of punishment to try to establish that it is reasonable to believe that capital punishment would deter others. There are so many different types of arguments that could be used in the role of supporting factual claims that it is not possible to discuss them here. Fortunately, most basic critical thinking texts provide at least some discussion of these matters.

Another matter of concern is the approach to take regarding the resolution of factual issues. One pragmatic way to look at a factual issue is as something that is resolved by settling the dispute between the disputing parties. This could be seen as a conflict resolution or a political approach: the goal is to end the dispute between the specific parties by getting them to agree.

Not surprisingly, people can agree on the relevant facts while disagreeing in their moral assessments. For example, Dave and Jane might both agree on the facts about copying DVDs but Jane might see it as wrong while Dave sees it as acceptable. In this case, there would not be a factual issue to settle between the parties involved. It is important to keep in mind that even if people agree on the facts it does not mean that the factual issue itself is resolved satisfactorily. For example, two people might agree that the world is flat, but that would not provide a reasonable resolution to the issue of the earth's shape.

People can also agree in their moral assessments but disagree about the facts. For example, Hilary and Monica might both think that lying is wrong, but disagree about whether Bill was lying or not. As another example, Rush and George might both think that capital punishment is morally acceptable, but disagree on its deterrent value. Rush might think that it is acceptable because it deters people while George might endorse on the basis of a belief in retribution while also believing that it lacks deterrence value. In such cases there would not be any moral dispute between those involved and the dispute would be purely factual.

However, this does not mean that the moral issue itself has been resolved-it just means that in this case there is no disagreement between those involved.

A more theoretical or critical/logical way to look at a factual issue is to see it as something that is resolved by settling the dispute using objective standards, such as those given above. In this case the focus is not on resolving a conflict between people, but on getting the facts right.

Regardless of the method used or the approach taken, it is important to resolve any relevant factual disputes before moving on to considering the relevant concepts.

Concepts

It is usually a very good idea to consider the relevant concepts before moving on to the moral aspects of the issue. After all, if someone does not understand the concepts involved, they can hardly reach a reasonable moral judgment on the ethical issue.

In this context a concept is a key idea or term that is relevant to the moral issue. Obviously, the concepts will tend to vary from issue to issue.

As with the facts, in some cases the concepts will be straightforward and provide little grounds for dispute because there is general agreement regarding the definitions.

For example, one relevant concept in the DVD case is that of copying. This concept is not controversial since there is general agreement on the definition of “copying” in this context.

If there is no significant dispute over the key concepts, then it is reasonable to move on to other matters. However, there are also cases in which the concepts are very controversial. The controversy can arise from a variety of causes. One main cause of controversy is that some concepts seem to be inherently difficult and complex. For example, a key concept in the moral dispute over abortion is that of personhood. As years of philosophic investigation have shown, adequately defining “person” is a rather daunting task.

Another common cause of conceptual controversy is that the concept is strongly linked to the moral issue at hand. As an example, consider the DVD case. One relevant concept that is strongly tied to the moral issue is that of stealing. Given the general assumption that stealing is wrong, the way stealing is defined would have a significant impact on the morality of copying DVDs. If copying DVDs is actually stealing, then it would seem to be reasonably easy to make the case that copying them is wrong.

In cases in which the concepts are under dispute, it is important to resolve them before moving on to other considerations. In such situations there will be a conceptual issue (or issues)-a dispute over the meaning and applicability of a key term (or terms).

It is often tempting to try to resolve a conceptual dispute by referring to the dictionary. However, it is important to keep in mind that dictionaries typically just report the accepted or common meaning of terms (or, more accurately, what the editors think they are). As such, significant conceptual disputes cannot be settled by simply looking up words. For example, looking up the word “person” in a dictionary would no more resolve the dispute over personhood than looking up the definition of “legal” would resolve a case being tried before a court of law.

The reasonable resolution of conceptual disputes involves the use of arguments. To be specific, a person would present arguments that defend her definitions of the key concepts. For example, Jane might define a type of theft in terms of denying a person his or her rightful income. She could support this view by appealing to people’s intuitions towards a hypothetical case in which their employer did not pay them for work they had done. She would then show how copying DVDs would fall under this concept of stealing, perhaps by drawing an analogy between copying the DVD and an employer stealing her employee’s work.

There are many ways to argue in defense of a concept and fully presenting these methods goes beyond the scope of this work. However, the basic idea is to provide evidence and reasons as to why one’s definition should be accepted.

Another matter of concern is the approach to take regarding the resolution of conceptual issues. A rather pragmatic way to see them is as something to be resolved by settling the dispute between the disputing parties. This could be seen as a conflict resolution or a political approach: the goal is to end the dispute between the specific parties by getting them to agree on the concepts.

People can agree on the relevant concepts while disagreeing in their moral assessments. For example, Dave and Jane might both agree that copying DVDs falls under the concept of stealing, but Jane might see it as wrong while Dave sees it as acceptable. Dave might regard his theft as being in the spirit of Robin Hood. In this case, there would not be a conceptual issue to settle between the parties involved. It is important to keep in mind that even if people agree about the concepts it does not mean that the conceptual issue has been resolved satisfactorily. For example, two people might agree that a true person is a Caucasian, but that hardly seems to be an adequate definition of the concept.

People can also agree in their moral assessments but disagree about the concepts. For example, Hilary and Bill might both think that having adulterous sex is wrong, but disagree about the definition of "sex." As another example, Sam and Andrea might both think that abortion is morally acceptable, but disagree on whether it involves killing a person. Sam might think that it is acceptable because he believes abortion does not involve killing a person and he thinks that killing non-persons is acceptable. Andrea might regard abortion as the killing of a person but think that the mother has a right to make the decision of life or death in this case. In such cases there would not be any moral dispute between those involved and the dispute would be conceptual. This does not mean that the moral issue itself has been resolved-it just means that in this particular situation there is no disagreement between those involved.

A more theoretical or critical/logical way to look at a conceptual issue is to see it as something to be resolved by settling the dispute using objective standards, such as those given above. In this case the focus is not on resolving a conflict between people, but on getting the concepts right.

One concern about conceptual disputes is that there are good reasons to think that concepts are primarily human creations. While this greatly oversimplifies matters, the available evidence seems to show that human languages are largely a matter of convention: the meaning of words seems to be largely a matter of agreement. This is supported by the fact that we know people have fairly recently created new words (like "phaser") and given new meanings to old words (like "computer"). If people agree to use the words as defined, they get added to the language. If not, they are forgotten. Given this situation, it might be thought that any definition is as good as any other. After all, it seems that people have always just "made up" words and meanings, so it would be rather unreasonable to claim that one definition is right and another wrong.

While this matter has been addressed in philosophy for quite some time, one practical approach is to look at the use of concepts as one looks at speed limits. Speed limits are clearly a matter of convention-they are put up and (mostly) followed because people agree to accept them. Even though they are a matter of agreement and convention, good reasons can be given to defend specific speed limits. For example, a good reason to have low speed limits around schools and sharp curves is to reduce the number of fatalities. Concepts can be seen the same way-they are a matter of agreement and convention, but reasons can be given to defend

specific definitions. There are also specific standards that good definitions need to meet. These are discussed in the argument by definition, which is presented below.

Regardless of the method used or the approach taken, it is important to resolve any conceptual disputes before moving on to considering the matter of morality.

Morality

The final matter to be resolved is that of morality. For example, once the facts and concepts relevant to copying DVDs have been duly considered it must be determined whether copying them is morally acceptable or not.

The resolution of the moral aspects of the issue is the proper subject of ethics. While the factual issues and conceptual issues are clearly relevant (and sometimes critical) these matters properly belong to other aspects of philosophy and other disciplines.

The resolution of the moral aspect of the dispute involves the use general arguments with moral contents as well as specific moral arguments that are based on moral principles, standards and theories. These types of arguments will be addressed in considerable detail.

Values & Facts

As seen above, moral reasoning involves both facts and values. It is important to know the difference between the two types of statements.

Value statements/matters of value

Value statements are normative-they express a judgment of worth. There are a variety of measures by which the worth of a person, thing or action is assessed. One standard measure of value is money-things and actions are routinely assigned monetary worth. For example, a paycheck is a judgment of what a person's time is worth to her employer and the price tag on an item, such as a computer, expresses a judgment about its worth. In general, monetary worth is a non-moral value. While a person might think it is wrong to charge \$5 for a cup of coffee, the price is not a moral judgment of the goodness or evilness of the coffee.

Value statements often contain a prescriptive element. A prescriptive element involves stating or implying what should be done as opposed to merely describing something. Moral statements are value statements-they express a judgment of worth and typically contain a prescriptive element. For example, the claim "capital punishment is wrong" assigns a negative value to capital punishment and can often be reasonably taken as suggesting that capital punishment should not occur.

A matter of value is simply another way to describe a value statement.

Factual statements/matter of fact

Factual statements are descriptive-they simply make a statement about the way things are, were or will be. They can be tested, either actually or at least in theory. For example, the claim that "mice are smaller than elephants" can be tested by examining mice and elephants. The

claim “dimensional travel is possible” is not something that can be tested now, but is something that can be tested with suitable technology.

Objective and subjective statements

An objective statement is true or false regardless of what people believe. It is a matter of fact and hence testable. For example, the claim “The earth is a sphere” is an objective claim. It can be tested and the earth has the shape it does regardless of what people might think or believe.

In contrast, a subjective statement is neither objectively true nor false. It is not subject to resolution via testing. For example, the claim “Rocky Road ice cream tastes better than vanilla ice cream” cannot be tested and whether one flavor tastes better than another is exactly that—a matter of taste. Naturally, you can test whether Rocky Road ice cream tastes better to you or not.

Objective-subjective dispute

It is often believed that value claims are subjective. Value claims might be subjective but this is a matter of substantial dispute. Ethical subjectivism and ethical relativism are both based on the view that morality is subjective. There are arguments in support of these views, but it would be unreasonable to simply assume they are correct. After all, many other moral theories are based on the view that morality is objective and these theories are supported by arguments.

To avoid begging the question against or for a moral theory, it is necessary to begin from a neutral standpoint by neither assuming that morality is objective nor subjective. This is a substantive issue and something that must be settled by argument.

In any case, even if value claims are subjective, there are still better or worse reasons that can be given in support of a value claim. For example, if someone claims that capital punishment is morally acceptable because “capital punishment” contains the letter “c”, then they would have given a rather bad (even absurd) reason. Even if morality is relative, the fact that “capital punishment” contains the letter “c” does not seem to be relevant.

Argument Basics

As noted above, this work focuses on resolving moral issues through the use of arguments. While people have a general idea of what “argument” means, the term does have a technical meaning in the context of philosophy that is well worth considering.

“Argument” Defined

While people generally think of an argument as a fight, perhaps involving the hurling of small appliances, this is not the case—at least as the term is used in philosophy. In philosophy, an argument is a set of claims, one of which is supposed to be supported by the others. There are two types of claims in an argument. The first type of claim is the conclusion. This is the claim that is supposed to be supported by the premises. A single argument has one and only one conclusion, although the conclusion of one argument can be used as a premise in another

argument (thus forming an extended argument). To find a conclusion, ask “what is the point?” If there is no point being made, then there is no argument. If a point is being made, then there can be an argument.

The second type of claim is the premise. A premise is a claim given as evidence or a reason for accepting the conclusion. Aside from practical concerns, there is no limit to the number of premises in a single argument. To find a premise ask “what evidence or reasons are given for the point being made?” If there is no evidence or reason being offered, then there is no argument.

As such, to make an argument requires making a point (conclusion) and backing it up with evidence or reasons (premises). In the case of a moral argument, the conclusion will involve a claim about the ethics of some issue.

Varieties

There are two main categories of arguments (three if bad arguments are considered a category). The first type is the inductive argument. An inductive argument is an argument in which the premises are intended to provide some degree of support but less than complete support for the conclusion.

The second type is the deductive argument. A deductive argument is an argument in which the premises are intended to provide complete support for the conclusion.

A third “type” of argument is the fallacy. A fallacy is an argument in which the premises fail to provide adequate support for the conclusion. There are inductive fallacies and deductive fallacies. [42 Fallacies](#) and [30 More Fallacies](#) provide concise descriptions and examples of many informal fallacies.

Examples of Arguments

An Inductive Argument

Premise 1: The majority of Siberian huskies enjoy running.

Premise 2: Isis is a Siberian husky.

Conclusion: Isis enjoys running.

A Deductive Argument

Premise 1: If pornography has a detrimental effect on one’s character, it would be best to avoid it.

Premise 2: Pornography has a detrimental effect on one’s character.

Conclusion: It would be best to avoid pornography.

An Extended Deductive Argument

Argument 1, Premise 1: If pornography has a detrimental effect on one’s character, it would be best to regard it as harmful.

Argument 1, Premise 2: Pornography has a detrimental effect on one’s character.

Argument 1, Conclusion: It would be best to regard pornography as harmful.

Argument 2, Premise 1: If it is best to regard something as harmful, then the government should protect people from it.

Argument 2, Premise 2: It would be best to regard pornography as harmful.

Argument 2, Conclusion: The government should protect people from pornography.

A Fallacy (Circumstantial ad hominem)

Premise 1: Dave supports the tax reduction for businesses and says it will be good for everyone, but he owns a business.

Conclusion: Dave must be wrong about the tax reduction.

General Assessment

Just like almost everything else, arguments are subject to assessment. When creating an argument, the usual goal is to make a good one. When assessing an argument, the goal is to determine whether it is good or not.

When assessing any argument there are two main factors to consider: the quality of the premises and the quality of the reasoning.

While people often blend the two together, the quality of the reasoning is quite distinct from the quality of the premises. Just as it is possible to build poorly using excellent materials, it is possible to reason badly using good premises. Also, just as it is possible for a skilled builder to assemble crappy material with great skill, it is possible to reason well using poor premises. As another analogy, consider a check book. Doing the math is the same thing as reasoning. The math can be done correctly (good reasoning) but the information entered for the checks (the premises) can be mistaken (for example, entering \$5.00 instead of \$50). It is also possible to enter all the check correctly, but for there to be errors in the mathematics.

Reasoning

When assessing the quality of reasoning, the question to ask is: Do the premises logically support the conclusion? If the premises do not logically support the conclusion, then the argument is flawed and the conclusion should not be accepted based on the premises provided. The conclusion may, in fact, be true, but a flawed argument gives you no logical reason to believe the conclusion because of the argument in question. Hence, it would be a mistake to accept it for those reasons. If the premises do logically support the conclusion, then you would have a good reason to accept the conclusion, on the assumption that the premises are true or at least plausible.

The way the reasoning is assessed depends on whether the argument is deductive or inductive. If the argument is deductive, it is assessed in terms of being valid or invalid. A valid argument is such that if the premises were true then the conclusion must be true. An invalid argument is such that all the premises could be true and the conclusion false at the same time. Validity is tested by formal means, such as truth tables, Venn diagrams and proofs. If an argument is valid and has all true premises, then it is sound. Naturally, a sound deductive argument also has a true conclusion. If a deductive argument is invalid, has one or more false premises (or both) it is unsound.

While deductive arguments are assessed in strict “black and white” terms (valid or invalid, sound or unsound), inductive arguments are assessed in terms of varying degrees of strength.

A strong inductive argument is an argument such that if the premises are true, then the conclusion is likely to be true. A weak inductive argument is an argument such that even if the premises are true, the conclusion is not likely to be true. There are various degrees of strength and weakness which express a somewhat subjective opinion of how well the argument's premises logically support the conclusion. Such assessments are based on the standards for assessing the specific type of argument and the better the argument succeeds at meeting the standards, the stronger the argument. The worse it fails, the weaker the argument. A strong inductive argument with true premises is often called cogent.

The methods discussed below are predominantly inductive methods.

Premises

When assessing the quality of the premises, the question to ask is: are the premises true (or at least plausible)? While the testing of premises can be a rather extensive matter, it is reasonable to accept a premise as plausible if it meets three conditions. First, the premise is consistent with your own observations. Second, the premise is consistent with your background beliefs and experience. Third, the premise is consistent with credible sources, such as experts, standard references and text books. It should be noted that thoroughly and rigorously examining premises generally involves going far beyond the three basic standards presented here.

Methods

This section of the book contains the moral methods. The methods have been divided by the categories they fall under. The first category consists of three stock inductive arguments that are rather useful for moral reasoning (and other sorts of reasoning as well).

Three Stock Inductive Arguments

While the following three inductive arguments are often very useful for moral argumentation, they are actually general inductive arguments that can be used in many contexts. The arguments are presented in their general forms with specific commentary regarding their role in moral argumentation.

Since these are stock inductive arguments rather than specific moral methods, they are presented somewhat differently than the specific moral methods.

Analogical Argument

An analogy is a comparison between two (or more things). For example, if a person says "congress is like an really old car: it costs a lot of money to keep going and it makes a lot of noise, but really doesn't get you anywhere fast", then she is making an analogy. Of course, merely presenting a comparison is not the same thing as making an argument.

An analogical argument is an argument in which one concludes that two things are alike in a certain respect because they are alike in other respects.

As might be imagined, analogies are often used in ways other than in arguments. One common non-argument use of analogies is to explain something. These sorts of analogies are

often called explanatory comparisons or explanatory analogies. For example, a person might attempt to explain the working of the heart in terms of a pump. Non-argumentative analogies are often also used for humorous purposes or in other artistic contexts.

Analogical arguments are extremely common. In addition to being used in everyday life, they are commonly used in law and medicine. For example, when a lawyer argues from precedent, she is most likely using an analogical argument. Doctors also make extensive use of analogical arguments. For example, they draw analogies between what they observed in medical school and what they are observing in a specific patient. For example, a doctor might reason that because this patient's condition closely resembles the case of poison ivy she saw in medical school, the patient has been exposed to poison ivy.

Form

An analogy will typically have three premises and a conclusion. The first premise two premises establish the analogy by showing that the things (X and Y) in question are similar in certain respects (properties P, Q, R, etc.). The third premise establishes that X has an additional quality, Z. The conclusion asserts that Y has property or feature Z as well. Although people generally present analogical arguments in a fairly informal manner, they generally have the following logical form:

Premise 1: X has properties P,Q, and R.

Premise 2: Y has properties P,Q, and R.

Premise 3: X has property Z.

Conclusion: Y has property Z.

A more economical two premise version is also common:

Premise 1: X and Y have properties P,Q,R.

Premise 2: X has property Z.

Conclusion: Y has property Z.

X and Y are variables that stand for whatever is being compared, such as chimpanzees and humans or apples and oranges. P, Q, R, and are also variables, but they stand for properties or features that X and Y are known to possess, such as having a heart. Z is also a variable and it stands for the property or feature that X is known to possess. The use of P, Q, and R is just for the sake of the illustration-the things being compared might have many more properties in common.

An example of an analogy presented in strict form is as follows:

Premise 1: Rats are mammals and possess a nervous system that includes a developed brain.

Premise 2: Humans are mammals possess a nervous system that includes a developed brain.

Premise 3: When exposed to the neurotoxin being tested, 90% of the rats died.

Conclusion: If exposed to the neurotoxin, 90% of all humans will die.

Standards of Assessment

The strength of an analogical argument depends on three factors. To the degree that an analogical argument meets these standards it is a strong argument.

First, the more properties X and Y have in common, the better the argument. For example, in the example given above rats and humans have many properties in common. This standard is based on the common sense notion that the more two things are alike in other ways, the more likely it is that they will be alike in some other way. It should be noted that even if the two things are very much alike in many respects, there is still the possibility that they are not alike in regards to Z. This is why analogical arguments are inductive.

Second, the more relevant the shared properties are to property Z, the stronger the argument. A specific property, for example P, is relevant to property Z if the presence or absence of P affects the likelihood that Z will be present. Using the example, above, the shared properties are relevant. After all, since neurotoxins work on the nervous system, the presence of a nervous system makes it more likely that something will be killed by such agents. It should be kept in mind that it is possible for X and Y to share relevant properties while Y does not actually have property Z. Again, this is part of the reason why analogical arguments are inductive.

Third, it must be determined whether X and Y have relevant dissimilarities as well as similarities. The more dissimilarities and the more relevant they are, the weaker the argument. In the example above, humans and rats do have dissimilarities, but most of them are probably not particularly relevant to the effects of neurotoxins. However, it would be worth considering that the size difference might be relevant-at the dosage the rats received, humans might be less likely to die. Thus, size would be a difference worth considering.

Moral Argument from Analogy

It is very easy to make a moral argument using an argument from analogy. To argue that Y is morally wrong, find an X that is already accepted as being wrong and show how Y is like X. To argue that Y is morally good (or at least morally acceptable), find an X that is already accepted as morally good (or at least morally acceptable) and show how Y is like X. To be a bit more formal, here is how the argument would look:

Premise 1: X has properties P,Q, and R.

Premise 2: Y has properties P,Q, and R.

Premise 3: X is morally good (or morally wrong).

Conclusion: Y is morally good (or morally wrong).

A more economical two premise version is also common:

Premise 1: X and Y have properties P,Q,R.

Premise 2: X is morally good (or morally wrong).

Conclusion: Y is morally good (or morally wrong).

Example #1

Premise 1: Attacking your next-door neighbors, killing them and taking their property is morally wrong.

Premise 2: War involves going into a neighboring country, killing people and taking their property.

Conclusion: So, war is morally wrong.

Example #2

Premise 1: Animals and humans are both capable of suffering and experiencing pain.

Premise 2: Killing humans is morally wrong.

Conclusion: So, killing animals is morally wrong.

Responding to an Argument from Analogy

When arguing against an argument by analogy, the overall goal is to show that the two things being compared are not enough alike to justify the conclusion. To be more specific, this is done by showing that the argument in question fails to adequately meet the standards for assessing an argument from analogy. Naturally, an argument from analogy can also be criticized by calling the premises into question.

For example, consider the second example given above. In this argument it is claimed that humans and animals are both capable of suffering and experiencing pain. Given that killing humans is morally wrong, it would seem to follow that killing animals is also morally wrong.

One way to respond to this argument is to try to show that humans and animals are not similar enough in relevant ways for the conclusion to follow. Another way to approach this is to argue that there is a relevant difference (or differences) between humans and animals that weakens the analogy enough to make the argument fail. As a specific example, the French philosopher Descartes argued that humans have minds and animals do not, thus (as he saw it) killing a human is rather different from killing an animal.

The premises can, of course, also be questioned. In this example, it could be argued that killing humans is not morally wrong and this would undercut the support for the conclusion.

Such responses can be responded to in turn, so that a dispute over an argument from analogy might go through many rounds of response and counter response. For example, if someone presents an argument supporting the claim that killing humans is not wrong, the defender of the analogy could counter with an argument aimed at showing that killing humans is morally wrong.

Argument from/by Example

Not surprisingly, an argument by example is an argument in which a claim is supported by providing examples.

While they are used in academic contexts quite often, arguments by example are also commonly used in “real life.” For example, suppose someone wants to show that another person always mooches pizza without offering to help pay for it. The case could be made by listing examples in which the “pizza mooch” ate pizza but did not contribute any money.

Form

Strictly presented, an argument from/by example will have at least one premise and a conclusion. Each premise is used to support the conclusion by providing an example. The general idea is that the weight of the examples establishes the claim in question.

Although people generally present arguments by example in a fairly informal manner, they have the following general form:

Premise 1: Example 1 is an example that supports claim P.

Premise n: Example n is an example that supports claim P.

Conclusion: Claim P is true.

In this case n is a variable standing for the number of the premise in question and P is a variable standing for the claim under consideration.

An example of an argument by example presented in strict form is as follows:

Premise 1: Lena ate pizza two months ago and did not contribute any money.

Premise 2: Lena ate pizza a month ago and did not contribute any money.

Premise 3: Lena ate pizza two weeks ago and did not contribute any money.

Premise 4: Lena ate pizza a week ago and did not contribute any money.

Conclusion: Lena is a pizza mooch who eats but does not contribute.

Standards of Assessment

The strength of an analogical argument depends on four factors. First, the more examples, the stronger the argument. For example, if Lena only failed to pay for the pizza she ate once, then the claim that she is a mooch who does not contribute would not be well supported—the argument would be very weak.

Second, the more relevant the examples, the stronger the argument. For example, if it were concluded that Lena was a pizza mooch because she regularly failed to pay for her share of gas money, then the argument would be weak. After all, her failure to pay gas money does not strongly support the claim that she won't help pay for pizza (although it would provide grounds for suspecting she might not pay).

Third, the examples must be specific and clearly identified. Vague and unidentified examples do not provide much in the way of support. For example, if someone claimed that Lena was a pizza mooch because “you know, she didn't pay and stuff on some days...like some time a month or maybe a couple months ago”, then the argument would rather weak.

Fourth, counter-examples must be considered. A counter-example is an example that counts against the claim. One way to look at a counter example is that it is an example that supports the denial of the conclusion being argued for. The more counter-examples and the more relevant they are, the weaker the argument. For example, if someone accuses Lena of being a pizza mooch, but other people have examples of times which she did contribute, then these examples would serve as counter-examples against the claim that she is a pizza mooch. As such, counter-examples can be used to build an argument by example that has as its conclusion the claim that the conclusion it counters is false.

Moral Argument by/from Example

Arguments by/from example are generally not used to directly argue that something is right or wrong. They are most commonly used to argue for a claim that will itself be used in an explicitly moral argument. That is, they are generally used to settle a factual issue.

For example, suppose that someone is arguing about stem cell research. A person in favor of the research might want to argue that it is morally acceptable because of all the benefits. In order to do this, she would most likely want to argue that it has numerous significant benefits by giving examples of these benefits in an argument by/from example. A person who is opposed to stem cell research might, in contrast, want to argue that it is immoral because of the harms it would generate. As such, he might present various examples of significant harms that would support the claim that stem cell research would be harmful.

Because of its usefulness in arguing that something is beneficial or harmful, arguments by/from example are often used in conjunction with the appeal to consequence (see below).

Example

Premise 1: Stem cell research could allow doctors to regrow replacement limbs and organs, which would be beneficial.

Premise 2: Stem cell research could allow the development of new treatments for disease ranging from diabetes to Parkinson's disease, which would be beneficial.

Premise 3: Stem cell research could allow more effective testing of drugs without using animal or human subjects, which would be beneficial.

Conclusion: Stem cell research could have significant benefits.

Responding to an Argument by/from Example

Responding to an argument by/from example in a critical manner involves assessing it based on the standards presented above and showing how it fails to meet one or more of them (in the case of counter examples, this involves presenting counter examples). The overall goal is to show that the examples do not adequately support the conclusion. Naturally, an argument by/from example can also be criticized by questioning the truth of the premises.

In the example given above, the gist is that stem cell research could have significant benefits because of the numerous examples of potential benefits. The benefits do seem to be relevant and adequately numerous, so the most likely avenues of criticism would involve the other two standards. First, it might be argued that the examples need to provide more details (such as the likelihood of the positive results) before the conclusion can be considered adequately supported. Second, perhaps the best way to counter this argument is by presenting counter examples to show that such research would be harmful rather than beneficial (one common argument is that such research would devalue human life).

As with any argument, the premises can be challenged. In this example it would involve presenting reasons or evidence showing that the research is not likely to have the alleged benefits.

Such responses can be responded to in turn and these can also be countered. For example, if it were argued that stem cell research most likely will not lead to the ability to grow limbs and organs, another argument could be given to try to show that it is likely that it will have the

alleged benefits. This process can go on for quite some time, especially in very controversial matters-such as stem cell research.

Argument from Authority

This is an argument in which the conclusion is supported by citing an authority. Since the argument is based on an appeal to the authority, the strength of the support depends on the quality of the authority.

Given that no one can be an expert on everything and the fact that people regularly need reliable information, these arguments are very common. In fact, they are used so often that people generally do not even realize they are being used. For example, when a politician cites an economist to justify her policies, she is making an argument from authority. As another example, when a student cites a source stating that a historic event took place, he is using an argument from authority. As a final example, when people trust a news source (such as CNN, The Daily Show, or Fox News) they are probably relying on an argument from authority-they assume the news source should be trusted because the people involved are supposed to be experts.

Not surprisingly, this argument is used when a person lacks the required knowledge and expertise and therefore needs to rely on another source of information. For example, most lawyers are not experts on DNA testing or ballistics, so they hire experts to testify in court. In effect they are saying that what the expert says about the DNA or gun is true because the person is an expert. This sort of argument is also used when a person wants to add extra weight to his/her position. For example, an author of a book on dieting might cite other doctors and nutritional experts that agree with her views on dieting.

Like other arguments, an argument from authority can be used to establish its conclusion for use as a premise in another argument. For example, a person who is arguing for the censorship of violence might cite an authority who claims that watching violent television makes children violent.

It should be noted that an argument from authority is not an exceptionally strong argument. After all, in such cases a claim is being accepted as true simply because a person is asserting that it is true. The person may be an expert, but her expertise does not really bear on the actual truth (or falsity) of the claim. This is because the expertise of a person does not actually determine whether the claim is true or false. Hence, arguments that deal directly with evidence relating to the claim itself will tend to be stronger.

Despite the inherent weakness in this argument, a person who is a legitimate expert is more likely to be right than wrong when making considered claims within her area of expertise. In a sense, the claim is being accepted because it is reasonable to believe that the expert has tested the claim and found it to be reliable. So, if the expert has found it to be reliable, then it is reasonable to accept it as being true. Thus, the listener is accepting a claim based on the testimony of the expert. Naturally, the main challenge is determining whether the person in question is a legitimate expert or not.

Form

Although people generally present arguments from authority in a fairly informal manner, they have the following logical form:

Premise 1: A is (claimed to be) an authority on subject S.

Premise 2: A makes claim C about subject S.

Conclusion: Therefore, claim C is true.

Example

Premise 1: Dr. Michael LaBossiere is an authority on arguments.

Premise 2: Dr. LaBossiere claims that an argument can have only a single conclusion.

Conclusion: Therefore, it is true that an argument can have only a single conclusion.

Standards of Assessment

An argument from authority is assessed in terms of six standards. If an argument meets these standards, then it is an acceptable argument from authority and it is reasonable to accept the conclusion based on the premises. If the argument fails to meet the standards, then it would not be reasonable to accept the conclusion based on the premises. Bad arguments from authority are relatively common and are known as fallacious appeals to authority.

The person has sufficient expertise in the subject matter in question.

Claims made by a person who lacks the needed degree of expertise to make a reliable claim will, obviously, not be well supported. In contrast, claims made by a person with the needed degree of expertise will be supported by the person's reliability in the area.

Determining whether or not a person has the needed degree of expertise can often be very difficult. In academic fields (such as philosophy, engineering, history, etc.), the person's formal education, academic performance, publications, membership in professional societies, papers presented, awards won and so forth can all be reliable indicators of expertise. Outside of academic fields, other standards will apply. For example, having sufficient expertise to make a reliable claim about how to tie a shoe lace only requires the ability to tie the shoe lace and impart that information to others. It should be noted that being an expert does not always require having a university degree. Many people have high degrees of expertise in sophisticated subjects without having ever attended a university. Further, it should not be simply assumed that a person with a degree is an expert.

Of course, what is required to be an expert is often a matter of great debate. For example, some people have (and do) claim expertise in certain (even all) areas because of a divine inspiration or a special gift. The followers of such people accept such credentials as establishing the person's expertise while others often see these self-proclaimed experts as deluded or even as charlatans. In other situations, people debate over what sort of education and experience is needed to be an expert. Thus, what one person may take to be a fallacious appeal another person might take to be a perfectly good appeal to authority. Fortunately, many cases do not involve such debate.

The claim being made by the person is within her area(s) of expertise.

If a person makes a claim about some subject outside of his area(s) of expertise, then the person is not an expert in that context. Hence, the claim in question is not backed by the required degree of expertise and is not reliable.

It is very important to remember that because of the vast scope of human knowledge and skill it is simply not possible for one person to be an expert on everything. Hence, experts will only be true experts in respect to certain subject areas. In most other areas they will have little or no expertise. Thus, it is important to determine what subject area a claim falls under.

It is also very important to note that expertise in one area does not automatically confer expertise in another. For example, being an expert physicist does not automatically make a person an expert on morality or politics. Unfortunately, this is often overlooked or intentionally ignored. In fact, a great deal of advertising rests on a violation of this condition. As anyone who watches television knows, it is extremely common to get famous actors and sports heroes to endorse products that they are not specially qualified to assess. For example, a person may be a great actor, but that does not automatically make him an expert on cars, shaving, underwear, diets or politics.

There is an adequate degree of agreement among the other experts in the subject in question.

If there is a significant amount of legitimate dispute among the experts within a subject, then it will be fallacious to make an argument from authority using the disputing experts. This is because for almost any claim being made and “supported” by one expert there will be a counterclaim that is made and “supported” by another expert. In such cases appealing to the authorities would tend to be futile. In such cases, the dispute has to be settled by consideration of the actual issues under dispute. Since the various side in such a dispute can invoke experts, the dispute cannot be rationally settled by an argument from authority.

There are many fields in which there is a significant amount of legitimate dispute. Economics is a good example of such a disputed field. Anyone who is familiar with economics knows that there are many plausible theories that are incompatible with one another. Because of this, one expert economist could sincerely claim that the deficit is the key factor in the state of the national economy while another equally qualified individual could assert the exact opposite.

Another area where dispute is very common (and well known) is in the area of psychology and psychiatry. As has been demonstrated in various trials, it is possible to find one expert that will assert that an individual is insane and not competent to stand trial and to find another equally qualified expert who will testify, under oath, that the same individual is both sane and competent to stand trial. Obviously, one cannot rely on these authorities in such a situation without making a fallacious argument. Such an argument would be fallacious since the evidence would not warrant accepting the conclusion.

It is important to keep in mind that no field has complete agreement, so some degree of dispute is acceptable. How much is acceptable is, of course, a matter of serious debate. It is also important to keep in mind that even a field with a great deal of internal dispute might contain areas of significant agreement. In such cases, an argument from authority could be legitimate.

The person in question is not significantly biased.

If an expert is significantly biased then the claims he makes within his area of bias will be less reliable. Since a biased expert will not be reliable, an Argument from Authority based on a biased expert will be fallacious. This is because the evidence will not justify accepting the claim.

Experts, being people, are vulnerable to biases and prejudices. If there is evidence that a person is biased in some manner that would affect the reliability of her claims, then an Argument from Authority based on that person is likely to be fallacious. Even if the claim is actually true, the fact that the expert is biased weakens the argument. This is because there would be reason to believe that the expert might not be making the claim because he has carefully considered it using his expertise. Rather, there would be reason to believe that the claim is being made because of the expert's bias or prejudice.

It is important to remember that no person is completely objective. At the very least, a person will be favorable towards her own views (otherwise she would probably not hold them). Because of this, some degree of bias must be accepted, provided that the bias is not significant. What counts as a significant degree of bias is open to dispute and can vary a great deal from case to case. For example, many people would probably suspect that doctors who were paid by tobacco companies to research the effects of smoking would be biased while other people might believe (or claim) that they would be able to remain objective.

The area of expertise is a legitimate area or discipline.

Certain areas in which a person may claim expertise may have no legitimacy or validity as areas of knowledge or study. Obviously, claims made in such areas will not be very reliable.

What counts as a legitimate area of expertise is sometimes difficult to determine. However, there are cases which are fairly clear cut. For example, if a person claimed to be an expert at something he called "chromabullet therapy" and asserted that firing colorfully painted rifle bullets at a person would cure cancer, it would not be very reasonable to accept his claim based on his "expertise." After all, his expertise is in an area which is devoid of legitimate content. The general idea is that to be a legitimate expert a person must have mastery over a real field or area of knowledge.

As noted above, determining the legitimacy of a field can often be difficult. In European history, various scientists had to struggle with the Church and established traditions to establish the validity of their disciplines. For example, experts on evolution faced an uphill battle in getting the legitimacy of their area accepted. In an interesting reversal, those who advocate intelligent design now face rejection by many authorities in science.

A modern example involves psychic phenomenon. Some people claim that they are certified "master psychics" and are experts in the field. Other people contend that their claims of being certified "master psychics" are simply absurd since there is no real content to such an area of expertise. If these people are right, then anyone who accepts the claims of these "master psychics" as true are victims of a fallacious appeal to authority.

The authority in question must be identified.

A common variation of the typical fallacious appeal to authority fallacy is an appeal to an unnamed authority. This fallacy is also known as an appeal to an unidentified authority.

This fallacy is committed when a person asserts that a claim is true because an expert or authority makes the claim and the person does not actually identify the expert. Since the expert is not named or identified, there is no way to tell if the person is actually an expert. Unless the person is identified and has his expertise established, there is no reason to accept the claim.

This sort of reasoning is not unusual. Typically, the person making the argument will say things like “I have a book that says...”, or “they say...”, or “the experts say...”, or “scientists believe that...”, or “I read in the paper..” or “I saw on TV...” or some similar statement. In such cases the person is often hoping that the listener(s) will simply accept the unidentified source as a legitimate authority and believe the claim being made. If a person accepts the claim simply because they accept the unidentified source as an expert (without good reason to do so), he has fallen prey to this fallacy.

Using an Argument from Authority in a Moral Argumentation

An argument from authority can be used to support a concept or factual claim that is being used in a moral argument. For example, suppose that an argument is being presented against capital punishment on the basis that it does not deter crimes. In order to support this factual claim, qualified experts could be cited in its defense. As another example, suppose that an argument is given in which it is argued that capital punishment is morally acceptable because it has the beneficial consequence of reducing crimes. In this case an argument from authority could be presented by citing qualified experts on this matter. Not surprisingly, experts can often be found on either side of almost any controversial issue.

An Argument from Moral Authority

One “variation” on the argument from authority is the argument from moral authority. It works exactly like a normal argument from authority except the expert is specifically an expert on morality and the conclusion is that the expert’s claim regarding a moral issue is true because of this expertise. The strict form looks like this:

Premise 1: A is (claimed to be) an authority on morality

Premise 2: A makes claim C about a moral issue.

Conclusion: Therefore, claim C is true.

Example #1

Premise 1: Kant is a noted moral philosopher and an expert of morality.

Premise 2: Kant claims that suicide is morally wrong.

Conclusion: Therefore, suicide is wrong.

Example #2

Premise 1: Hume is a noted moral philosopher and an expert of morality.

Premise 2: Hume claims that suicide is morally acceptable.

Conclusion: Therefore, suicide is morally acceptable.

While this is a legitimate line of reasoning, it suffers from a general flaw: there is so much disagreement among moral authorities that appealing to any one of them to settle a dispute is a rather weak line of reasoning. Naturally, if one moral authority could be shown to be conclusively superior to the others, then arguments based on the authority of this source would be stronger than arguments from other moral authorities.

As a final note, people often attempt to make moral arguments based on what is stated by a legal or religious authority. For example, someone might cite the bible when making a moral argument against same sex marriage or capital punishment. As another example, someone might cite the Bill of Rights of the United States Constitution when making a moral argument against censorship of the arts. However, going from religion or law to ethics requires some special reasoning that is discussed in mixing norms, below.

While people are often convinced by appeals to moral, religious or legal authorities that share their views, it should always be kept in mind that this is a rather weak method of argumentation.

Consistency

The following three methods are based primarily on the notion of consistency. They are logical consistency, consistent application and reversing the situation.

Logical Consistency

This method is based on a basic concept in logic, that of logical consistency. Two claims are consistent when both can be true at the same time. For example, the claim “lying is sometimes acceptable” is consistent with the claim “lying is sometimes unacceptable.” This is because both of these claims could be correct. Two claims are inconsistent when both cannot be true at the same time (but both could be false). For example, the claim “national health care would do more good than harm for America” is inconsistent with the claim “national health care would do more harm than good for America.” This is because while these claims cannot both be true at the same time, they could both be false. National health care might, for example, be neutral in terms of overall benefits and harms.

Because of the nature of inconsistent claims, if someone makes inconsistent claims, then at least one of their claims must be false. Similarly, if a person accepts principles that are inconsistent or entail inconsistent claims, then at least one of the principles must be flawed. This assumes, of course, that principles have truth values. Not surprisingly, theories must also be internally inconsistent—a theory that has inconsistencies must contain at least one false claim.

The fact that two (or more) claims are inconsistent does not show which of them is false—the inconsistency just shows that they all cannot be true at the same time. Sorting out the true from the false is another matter entirely.

Given that logically inconsistent claims cannot be true at the same time, it is irrational to accept such claims when their inconsistency is known.

People sometimes take an inconsistency to be the same as a contradiction, however there is a rather important difference. While two inconsistent claims can both be false, two claims that contradict each other are such that one must be true while the other must be false. For

example, the claims “Mike LaBossiere is the author of this book” and “Mike LaBossiere is not the author of this book” are contradictory. Either I am the author of this book or I am not. Of course, the mere fact that two claims contradict each other does not reveal which one is true and which one is false.

The Method

The method is primarily an “attack” method in that it is generally used in order to criticize rather than to support or defend a claim. The gist of the method is that an inconsistency (or an actual contradiction) is shown to hold between a person’s claims or principles. Once an inconsistency is shown, it can be concluded that one (or more) of the claims is false. The method has the following general form:

Step 1: Show that two (or more) claims made by a person or principles held by a person are inconsistent.

Step 2: Conclude that both (or all of them) cannot be true/correct.

For example, suppose that during the course of a conversation Ann seems to accept the principle that people should be treated equally but she also asserts that certain people should receive special treatment. On the face of it, there seems to be an inconsistency here: If people should be treated equally, then certain people should not receive special treatment. But, if some people should receive special treatment, then all people should not be treated equally. Therefore, one of the principles must be incorrect.

Of course, the fact that there is an inconsistency does not show which claim or principle is mistaken-it just shows that at least one must be incorrect. All of them could, however, be incorrect. If, however, two claims are shown to be contradictory, then one of them must be true and the other false.

Responding to a Charge of Inconsistency

As with most attacks and criticisms, there are ways to respond to a charge of inconsistency. One way is to abandon one of the inconsistent claims or principles. Obviously, the least plausible claim or principle should be the one rejected. For example, Ann might decide to abandon the principle that some people should receive special treatment and stick with the principle that people should be treated equally. Naturally, this is not really much of a defense. However, if there are excellent reasons to reject one (or more) of the principles or claims, then this can be the reasonable thing to do.

In some cases it is possible to respond to the charge of inconsistency by dissolving the inconsistency. This can be done by showing that the inconsistency is merely apparent. This is achieved by arguing that the claims/principles are actually consistent. For example, Ann might present the following reply: Treating people equally requires providing special treatment to certain groups or people. As a specific example, allowing equal access to public facilities requires providing some people with special treatment in the form of ramps and special parking. Thus, the apparent inconsistency has been dissolved.

Relativism, Subjectivism and Nihilism

The following involves some philosophical theory that rather complicates matters. As such, some readers might prefer to skip over this.

As noted above, for two claims to be logical consistent (or contradictory) they must be such that they can actually be true or false (but not both at the same time). There are certain ethical theories that include the view that moral claims are not objectively true or false. These views include ethical relativism, moral subjectivism and moral nihilism.

Ethical relativism is the view that the truth of a moral statement depends on the culture in which the claim is made. To modify the old saying, when in Rome what the Romans accept as right is right and what they regard as wrong is wrong. This makes ethics somewhat like law. After all, what is legal or illegal in a state depends on the law of that state. For example, Florida might have a speed limit of 65 while the adjacent state of Georgia might have a speed limit of 55 on the same road. If someone is driving 65 in Florida and crosses over into Georgia, although nothing has changed but her location, she has gone from driving legally to breaking the law.

Obviously, cultures with different moralities will present claims that are inconsistent with each other. Assuming this moral theory is correct, the truth of such ethical claims depends on the culture, so that a claim can be true in one culture and false in another. Hence this sort inconsistency would not be a problem when comparing moral claims between cultures. As a specific example, if one culture accepted that abortion is morally acceptable and another culture did not, there would be no inconsistency between the two—at least from the ethical relativist.

Even on the assumption that ethical relativism is true it is still possible to apply a charge of inconsistency—but only within that culture. For example, in the 1800s American social morality (as expressed in the Declaration of Independence and countless speeches) held that all men are equal and have the right to life, liberty and the pursuit of happiness. Yet, slavery was also accepted by the culture, thus making it at least morally tolerable. Obviously the acceptance of slavery and the professed values of equality, life, liberty and the pursuit of happiness are inconsistent with each other. Hence, one of those views must be mistaken—at least within the context of American culture.

Of course, a culture could presumably accept as a moral principle that moral inconsistency is morally acceptable. In that case, the charge of inconsistency would bear no weight (assuming that relativism is correct).

Moral subjectivism is the view that the truth of a moral statement depends on the individual. This makes morality something like taste. In the case of taste, whether Rocky Road ice cream is good or not depends on the taste of the individual eating it. Likewise, for the moral subjectivist whether killing is good or not depends on the moral view of the person in question. Individuals with different moralities will obviously present claims that seem to be inconsistent with each other. For example, one person might claim that abortion is morally acceptable while another person endorses it. If ethical subjectivism is true, the truth of each moral claim depends on the individual, so a claim can be true for one person and false for another. In this case, inconsistency is not a problem because it simply cannot occur between individuals. Everyone is correct because morality is subjective.

However, even if subjectivism is true, a person can be charged with inconsistency in their principles and claims. However, a person could hold that moral inconsistency is perfectly acceptable and if subjectivism is true they would be right.

Moral nihilism is the view that moral claims have no truth value—they are neither true nor false. If moral claims are neither true nor false, then there is no possibility of logical inconsistency between moral claims. Hence, if moral nihilism is correct, then inconsistency in regard to moral claims and principles is impossible.

Consistent Application

This method is somewhat similar to logical consistency. The main difference is that while logical consistency focuses on the inconsistency between claims or principles, consistent application is focused on criticizing an inconsistency in the application of a principle.

Like the previous method, this method is generally employed to criticize rather than to defend or support.

A principle is consistently applied when it is applied in the same way to similar beings in similar circumstances. Inconsistent application is a problem because it violates three commonly accepted moral assumptions: equality, impartiality and relevant difference.

Equality is the assumption that people are initially morally equal and hence must be treated as such. This requires that moral principles be applied consistently. Naturally, a person's actions can affect the initial equality. For example, a person who commits horrible evil deeds would not be morally equal to someone who does predominantly good deeds.

Impartiality is the assumption that moral principles must not be applied with partiality. Inconsistent application would involve non-impartial application.

Relevant difference is a common moral assumption. It is the view that different treatment must be justified by relevant differences. What counts as a relevant difference in particular cases can be a matter of great controversy. For example, while many people do not think that gender is a relevant difference in terms of how people should be treated other people think it is very important. This assumption requires that principles be applied consistently.

The Method

This method involves showing that a principle or standard has been applied differently in situations that are not relevantly different. This allows one to conclude that the application is inconsistent, which is generally regarded as a problem. The general form is as follows:

Step 1: Show that a principle/standard has been applied differently in situations that are not adequately different.

Step 2: Conclude that the principle has been applied inconsistently.

Step 3 (Optional): Require that the principle be applied consistently.

Applying this method often requires determining the principle the person/group is using. Unfortunately, people are not often clear in regards to what principle they are actually using. In general, people tend to just make moral assertions and leave it to others to guess what their principles might be. In some cases, it is likely that people are not even aware of the principles they are appealing to when making moral claims.

The following is an example of this method. Suppose that Barbara claims that male-only country clubs are immoral and should be opened to women. But then Barbara claims that women should be allowed to have women-only gyms so they can work out without being gawked at by men.

If Barbara's principle is that exclusion based on gender is immoral, then she is not applying the principle consistently. This is because it is applied one way to men, another way to women. Thus, her application is flawed and is thus subject to criticism on the grounds of this inconsistency.

Responding to a Charge of Inconsistent Application

There are four main ways of responding to a charge of inconsistent application. The first is to admit the inconsistency and stop applying the principle in an inconsistent manner. This obviously does not defend against the charge but can be an honest reply.

A second way to reply and one that is an actual defense is to dissolve the inconsistency by showing that the alleged inconsistency is merely apparent. One way to do this is by showing that there is a relevant difference in the situation. Returning to the gender equality example, the alleged inconsistency could be dissolved by arguing that country clubs are relevantly different from gyms or that men are relevantly different from women in this case. Successfully arguing for either of these would justify the difference in application and hence defeat the charge of inconsistency. This is because the application is only inconsistent if the situations are morally the same.

A third way to reply is to reject the attributed principle. Using the inequality example presented above, a person could claim that her actual principle justifies the difference in application. For example, she might claim that her actual principle is that women should be treated equally except when it is to their advantage to be treated differently. Alternatively, she might claim that her actual principle is that people should not be discriminated against except in cases in which the presence of one gender would create undue discomfort to the other gender.

Naturally enough, the "new" principle is still subject to evaluation. For example, the principle that allows women to be treated unequally when doing so is to their advantage seems to violate the standards of equality, impartiality and relevant difference. The other sample principle is less problematic and could be supported by an argument based on the fact that each gender has its own restrooms, locker rooms, etc.

A final, somewhat extreme, method of replying is to undercut the method by arguing against the grounding assumptions of this method—the principles of equality, impartiality, and relevant difference. To the degree that these assumptions are undercut, the method is weakened.

Reversing the Situation

A common method of moral assessment is imagining what it would be like to be on the receiving end. Parents and others often employ this method informally by asking questions such as "how would you feel if someone did that to you?"

Somewhat more formally, this method is based on the Golden Rule: "do unto others as you would have them do unto you." Assuming this rule is correct, if a person is unwilling to abide

by his own principles when the situation is reversed, then it is reasonable to question those principles.

This method is often most effective when one is actually interacting with a person and can ask them if they would be willing to be subject to their own actions, policies, etc. As such, it is no surprise that this method is often employed in live debates.

Method

This method is similar to consistent application and in this role it is based on the same assumptions. In general terms, the primary basis of the method is fairness. Something is fair when all those involved would find it acceptable to trade places under similar circumstances – provided that they viewed the situation objectively. It has the following general form:

Step 1: An action, policy etc. is proposed or implemented with at least two parties: an agent and the target of the action, policy, etc.

Step 2: Hypothetically, the situation is reversed with the agent and the target switching places.

Step 3: If the hypothetical switch is not morally acceptable to both parties when they observe it from an objective standpoint, then the action, policy, etc. is morally questionable.

For example, a person might argue that women should receive the same pay as men when they are doing the same jobs, have the same education and so on by noting that men certainly would not find it fair if they were paid less simply because they are men.

Considerations

There are two main considerations in regards to this method. The first is that in some cases, those involved could not really switch places. In such cases, the method can be slightly modified by having the action, principle, policy, etc. applied to the agent. For example, consider a situation in which a developer wants to bulldoze a wilderness area and build a new student housing complex. The plants and animals in the area will be harmed or killed. Obviously, these creatures cannot be developers or operate bulldozers. However, it could be argued that the developer would not want her house plowed under and her family scattered or killed by other people who want her land. From this it could be concluded that the development is morally questionable.

The second consideration is the need for an impartial observer. This need arises from the problem of bias. To be specific, in certain situations the two parties might be unwilling to switch positions, yet the action, policy, or procedure might be morally acceptable. For example, a judge who sentences a criminal to be punished would obviously not be willing to trade places with the criminal. Yet, the punishment for the crime could be just and fair. As another example, no professor would want to receive an F when s/he was a student, yet there are clearly cases in which F grades can be assigned justly by the professor.

Fortunately, this apparent problem can be easily fixed by appealing to a hypothetical impartial observer: If, from the standpoint of the ideal impartial observer, it would be fair to apply the same action, etc. to the parties if they were switched, then the action, etc. would be morally acceptable. If not, it would be morally questionable.

In such cases, the switch would involve a switch of the morally relevant properties as well. For example, in the hypothetical case involving the judge, it is not that the judge would be switched with the criminal so that the innocent judge would be punished for the criminal's crime. What would occur would be that the judge would be considered to hypothetically have committed the same crime in the same circumstances. If the impartial observer would regard this as morally acceptable, then there is good reason to accept it as such. In some cases, directly appealing to impartiality might be a better choice than using the reversing the situation method.

Responding

When on the receiving end of this method, the rational way to respond is by contending that there is a relevant difference that serves to defeat the argument. The way to do this is to argue that there is a relevant difference between the two parties that justifies the action, etc. even if the agent would be unwilling to switch places. The overall goal would be to show that there is a difference between the parties that morally justifies the difference under debate.

As an example, consider my relationship with fire ants. While I generally try to avoid harming living creatures, I make a special exception for fire ants and will, in fact, "kill the heck out of them" at every opportunity. I consider this not only acceptable but morally commendable. Obviously, I would not want to be killed by fire ants (or anything else). Thus, it would seem that my actions against fire ants are morally wrong because I am not doing unto them as I would have others do unto me.

In reply, I can present the following relevant difference: the fire ants started the conflict by attacking me without provocation. Hence, I am merely acting in self-defense against them. This is a morally relevant difference that could be supported by using an argument by analogy to other cases of self-defense in the face of intolerable provocation.

While I would not make this argument myself, others might argue that a relevant difference exists between humans and ants in terms of humans being a superior species and hence justified in killing ants in order to protect their lawns (and skin) from the savage depredations of these ants.

Definitions & Intuitions

These methods are very useful for addressing conceptual and moral issues.

Argument by Definition

A common method of argumentation is to argue that some particular thing belongs to a general class because it fits the definition for that class. For example, someone might argue that a human embryo is a person because it meets the definition of "person." The goal of this method is to show that the thing in question adequately meets the definition. Definitions are often set within theories (see Apply Moral Theory, below). This method is most often used as part of an extended argument. For example, someone might use this method to argue that a human embryo is a person and then use this to argue against stem cell research involving embryos.

Method

This method can be used to argue that something, X, belongs in a class of things based on the fact that X meets the conditions set by the definition. Alternatively, it can be argued that X does not belong in that class of things because X does not meet the conditions set by the definition.

The method involves the following basic steps:

Step 1: Present definition D.

Step 2: Describe the relevant qualities of X.

Step 3: Show how X meets (or fails to meet) definition D.

Step 4: Conclude that X belongs within that class (or does not belong within that class).

For example, imagine that someone wants to argue against stem cell research involving human embryos. They could begin by presenting a definition of “person” and then show how human embryos meet that definition. This would not, by itself, resolve the moral issue but she could go on to argue that using persons in such research would be wrong and then conclude that using human embryos would be wrong.

An important note on dictionaries

Since dictionaries conveniently provide a plethora of definitions it is tempting to use them as the basis for an argument from definition. However, such arguments tend to be rather weak in regards to addressing matters of substantive dispute. For example, referring to the dictionary cannot resolve the debate over what it is to be a person. As another example, looking up “God” in the dictionary will not settle the questions of God’s nature or existence. This is because dictionaries just provide the definition that the editors regard as the correct, acceptable, or as the generally used definition as opposed to what would be the correct, philosophical definition of such a metaphysical concept. Dictionaries also generally do not back up their definitions with arguments-the definitions are simply provided and are not actually defended.

Obviously dictionaries are very useful in terms of learning the meanings of words. But they are not means by which substantial conceptual disputes can be settled. Naturally, an appeal to the dictionary could be taken as an argument from authority based on the expertise of those involved in the dictionary.

Assessing Definitions

When making an argument from definition it is important to begin with a good definition. In some cases providing such a definition will involve settling a conceptual dispute. Resolving such a dispute involves, in part, showing that the definition of the concept being presented is superior to the competition and that it is at least an adequate definition.

An acceptable definition must be clear, plausible, and internally consistent. It must also either be in correspondence with our intuitions (see the appeal to intuition, below) or be supported by arguments that show our intuitions are mistaken in this matter. Of course, people differ in their intuitions about meanings so this can be somewhat problematic. When in

doubt about whether a definition is intuitively plausible or not, it is preferable to argue in support of the definition. A definition that fails to meet these conditions is defective.

An acceptable definition must avoid being circular, being too narrow, being too broad or being too vague. Definitions that fail to avoid these problems are defective.

A circular definition merely restates the term being defined and thus provides no progress in the understanding of the term. For example, defining “goodness” as “the quality of being good” would be circular.

A definition that is too narrow is one that excludes things that should be included—it leaves out too much. For example, defining “person” as “a human being” would be too narrow since there might well be non-humans that are persons. Angels or aliens, for example, might also be people.

As another example, defining “stealing” as “taking physical property away from another person” is also too narrow. After all, there seem to be types of theft (such as stealing ideas) that do not involve taking physical property. There might also be types of theft that do not involve stealing from a person. For example, if there is no after-life, then grave robbing would not be stealing from a person (since the person is gone). However, it might still be theft. Naturally enough, there can be extensive debate over whether a definition is too narrow or not. For example, a definition of “person” that excludes human fetuses might be regarded as too narrow by someone who is opposed to abortion while a pro-choice person might find such a definition acceptable. Such disputes would need to be resolved by argumentation.

A definition that is too broad is one that includes things that should not be included—it allows for the term to cover too much. For example, defining “stealing” as “taking something you do not legally own” would be too broad. A person in a life raft fishing in international waters does not legally own the fish but catching them would hardly seem to be stealing.

As with definitions that are too narrow there can be significant debate over whether a definition is too broad or not. For example, a definition of “person” that includes apes and whales might be taken by some as too broad. In such cases the conflict would need to be resolved by arguments.

While it might seem odd, a definition can be too broad and too narrow at the same time. For example, defining “gun” as “a projectile weapon” would leave out non-projectile guns (such as laser guns) while allowing non-gun projectile weapons (such as crossbows).

Definitions can also be too vague. A vague definition is one that is not precise enough for the task at hand. Not surprisingly, vague definitions will also tend to be too broad since their vagueness will generally allow in too many things that do not really belong. For example, defining “person” as “a being with some kind of mental activity” would be vague and also too broad.

Responding

There are a variety of ways to respond to this method. One way is to directly attack the definition used in the argument. This is done by showing how the definition used fails to meet one or more of the standards of a good definition. Obviously, since the argument rests on the definition, then if the definition is defective so too will be the argument.

For example, suppose someone argues that a monkey is a person based on their definition of “person” in terms of being a being that has feelings. This definition could be attacked on the

grounds that it is too broad since almost many living creatures can feel and yet are not intuitive regarded as people.

A second option is to attack X (the thing that is claimed to fit or not fit the definition). This is done by arguing that X does not actually meet the definition. If this can be done, the argument would fail because X would not belong in the claimed category.

As an example, a person might argue that a human being who is headless but still alive is still a person, but the response could be an argument showing that the headless human lacks the alleged qualities of personhood. As a second example, someone might claim that dolphins are people, but it could be replied that they lack the qualities needed to be persons.

An argument by definition can also be countered by presenting an alternative definition. This is actually using another argument of the same type against the original. If the new definition is superior, then the old definition should be rejected and hence the argument would presumably fail. The quality of the definitions is compared using the standards above and the initial definition is attacked on the grounds that it is inferior to the counter definition. For example, a person might present a definition of “person” that is countered by a better definition. As a second example, a person might present a definition of “stealing” that is countered by presenting a more adequate definition.

Appeal to Intuition

An intuition is typically taken as a blend of how one thinks and feels about a matter prior to reflection. Crudely put, it is sort of a “gut” reaction. Naturally, a “gut” reaction is not an argument for a claim. An argument is when reasons are provided in support of a claim. In the case of an appeal to intuition, the goal of the argument is to “motivate” the reader’s intuitions so s/he accepts your position on the issue. This makes the argument something of a blend between persuasion and argumentation.

It is an argument in the sense that the goal is to support a position through reason. It is similar to persuasion in that the goal is also to get the audience accept your view because you have presented something that appeals to their intuitions.

Basic Method

The basic method is simple in that it involves just two steps. Its main disadvantage is that it tends to be more in the realm of persuasion than argument.

Step 1. Show that X violates (or coincides with) our intuitions.

Step 2. Conclude that X is incorrect/improbable/wrong (or correct/plausible/right).

As an example, consider the following argument: In the Bible, Deuteronomy 21:18-21 says that stubborn and disobedient children should be stoned to death in public. However, this seems to violate our moral intuitions about just grounds for capital punishment. Therefore, the stoning of disobedient children is not acceptable.

Story Method

A more complex method has three steps and combines both persuasive and argumentative elements. This method

Step 1. Present a plausible and appealing story or scenario that aims at motivating the target's intuitions towards your position on the issue.

Step 2. Present a developed argument that shows the reader why the story or scenario rationally supports your position.

Step 3. Conclude that your position is correct.

Example of the Story Method: Arguing for Injustice

Consider, if you will, two people who are each starting their own software companies. One, Bad Bill is unjust. The other, Sweet Polly is just. Now, imagine a situation in which both Bill and Polly stumble across a lost tablet at a technology expo. This tablet, of course, contains key trade secrets of another competing company. Polly will, of course, return the tablet to the rightful owners and will not look at any of the details- the information does not belong to her. Bill will, of course, examine the secrets and thus gain an edge on the competition. This will increase his immediate chance of success over the competition.

Now imagine what will happen if Sweet Polly continues along the path of justice. She will never take unfair advantage of her competition, she will never exploit unjust loopholes in the tax laws, and she will never put people out of work just to gain a boost to the value of her company's stock. She will always offer the best products she can provide at a fair price.

In direct contrast, if Bad Bill follows his path of injustice, he will use every advantage he can gain to defeat his competition and maximize his profits. He will gladly exploit any tax loophole in order to minimize his expenses. He will put people out of work in order to boost the value of the company stock. His main concern will be getting as much as possible for his products and he will make them only good enough that they can be sold.

Given these approaches and the history of business in America, it is most likely that Sweet Polly's company will fail. The best she can hope for is being a very, very small fish in a vast corporate ocean. In stark contrast, Bad Bill's company will swell with profits and grow to be a dominant corporation.

In the real world, Bad Bill's unjust approach could lead him to a bad end. However, even in reality the chance is rather slight. In the real world, Polly's chances of success would be rather low, this showing that her choice is a poor one-even in reality. Given these conditions, it should be clear that Bill's choice for injustice is preferable to Polly's choice.

Naturally, more than a story is needed to make the general point that injustice is superior to justice. Fortunately a more formal argument can be provided.

The advantages of injustice are numerous but can be bundled into one general package: flexibility. Being unjust, the unjust person is not limited by the constraints of morality. If she needs to lie to gain an advantage, she can lie freely. If a bribe would serve her purpose, she can bribe. If a bribe would not suffice and someone needs to have a tragic "accident", then she can see to it that the "accident" occurs. To use an analogy, the unjust person is like a craftsman that has just the right tool for every occasion. Just as the well-equipped craftsman has a considerable advantage over a less well equipped craftsman, the unjust person has a considerable advantage over those who accept moral limits on their behavior.

It might be objected that the unjust person does face one major limit-she cannot act justly. While she cannot be truly just, she can, when the need arises, act justly-or at least appear to

be acting justly. For example, if building an orphanage in Malaysia would serve her purpose better than exploiting those orphans in her sweat shop, then she would be free to build the orphanage. This broader range of options gives her clear edge-she can do everything the just person can do and much more. With her advantage she can easily get the material goods she craves-after all, she can do whatever it takes to get what she wants.

Turning to the real world, an examination of successful business people and other professionals (such as politicians) shows that being unjust is all but essential to being a success. Now I turn to the just person.

If a person, such as Polly, is just then she must accept the limits of justice. To be specific, insofar as she is acting justly she must not engage in unjust acts. Taking an intuitive view of injustice, unjust acts would involve making use of unfair tactics such as lying, deception, bribes, threats and other such methods. Naturally, being just involves more than just not being unjust. After all, being just is like being healthy. Just as health is more than the absence of illness, being just is more than simply not being unjust. The just person would engage in positive behavior in accord with her justice-telling the truth, doing just deeds and so forth. So, the just person faces two major impediments. First, she cannot avail herself of the tools of injustice. This cuts down on her options and thus would limit her chances of material success. Second, she will be expending effort and resources in being just. These efforts and resources could be used instead to acquire material goods. To use an analogy, if success is like a race, then the just person is like someone who will stop or slow down during the race and help others. Obviously a runner who did this would be at a competitive disadvantage and so it follows that the just person would be at a disadvantage in the race of life. As such, being unjust with the appearance of being just is vastly superior to actually being just.

Weakness and Strength

A major weak point of this method is that moral intuitions are intuitions and not the result of reflection and argument. Because of that fact, this method is strong and effective with people who share intuitions, but tends to be weak and ineffective with people who do not share the same intuitions.

Because the story method involves presented a developed argument, it is potentially still effective in cases in which the audience does not initially share the intuition of the person making the argument. However, even the story argument relies heavily on an assumption of shared intuitions.

Responding

There are various ways to respond to this method. Each of which will be considered in turn. First, it can be argued that the intuition is flawed. A way to do this is to present a counter-intuition: an argument by intuition that goes against the original argument. The idea is to show that the opposing intuition is more appealing, thus undercutting the original argument.

For example, one might respond to the argument about stoning children in the following way: While it is believed by some that children should not be stoned to death for being disobedient, my moral intuition tells me that one must obey the will of God. Through the Bible God makes it clear that he wills that disobedient children be stoned to death. Therefore the stoning is right and good.

As another example, in the case of the Polly and Bill example, a story could be told in which the just Polly triumphs over the unjust Bill.

Second, one can present an argument aimed to show that the intuition is mistaken. This is done by showing the case against the position the intuition supports is strong enough to reasonably lead us to abandon the intuition.

In the example involving the stoning of children, one might respond as follows: while our intuition might lead us to believe that stoning disobedient children is wrong, the consequences of doing this shows that it is right. Disobedient children are a great burden on their parents and an annoyance to the rest of society. Disobedient children often turn to crime and some become career criminals. Fear of stoning or actual stoning will drastically cut down the number of disobedient children, thus greatly benefiting society. So, stoning disobedient children is morally acceptable.

As a second example, injustice might be argued against in the following manner: While our intuitions might lead us towards injustice, the consequences of doing this show that it is a mistake. Unjust people do great harm to society and even to themselves. Thus, the life of justice is better because it provides a better existence for everyone.

Testing Theories and Principles

This method is a useful tool in philosophy and is regularly used to check theories, principles, and such. If a theory or principle violates our intuitions, the theory, etc. becomes less plausible unless an adequate reason can be given as to why our intuitions are mistaken in this matter. If a theory or principle matches our intuitions, the theory, principle, etc. is more plausible. A bit more will be said below about intuitions in the context of moral theories and principles.

God & Nature

When arguing about an ethical issue, it is rather common for people to claim that something is immoral because it involves playing God or being against nature. It is also common for people to argue that something is morally correct because it is in accord with nature or the natural order. This section covers these methods by looking at the “playing God” argument and the unnatural/natural argument.

The “Playing God” Argument

People often claim that certain decisions should not be made or certain actions should not be done because doing so would be “playing God.” Obviously, simply making this assertion is not an argument-but it can be developed into one. However, developing a proper argument of this sort is as hard to do as it is easy to simply shout or type “that is playing God!” This is why most people simply use those words rather than actually making an argument.

The Literal and the Metaphorical

Taken literally, this method is based on three assumptions. The first is that God exists. The second is that God has set certain limits regarding what is His domain of activity and what is fit for humans (or other non-deity beings). The third is that people should follow these limits and

hence not “play God.” For those who do not want to use the method literally, there is also a metaphorical version (guaranteed agnostic and atheist safe).

Taken metaphorically, this method is based on the assumption that people should not make decisions or take actions as if they were God. In this case, what it means to make decisions or take actions as if one is God must be defined. This is often defined in terms of arrogance or acting outside the limits of normal constraints. Why this should not be done must also be defended. In such cases, there is often a tacit or hidden appeal to a moral theory. For example, playing God might be seen as having terrible consequences; thus involving a concealed appeal to consequences (see below).

While this method has a certain dramatic appeal, it is usually better to use the underlying moral theory rather than playing the “God card.”

Method

The method involves the following steps:

Step 1: Argue that making the decision about X or doing Y would be playing God.

Step 2: Argue that people should not play God (literally or metaphorically).

Step 3: Conclude that people should not make the decision about X or do Y.

While there are only three steps, properly completing them can involve a considerable amount of work. Completing the first step requires adequately showing that the decision or action in question would be playing God. Doing this would require providing an adequate account of what it is to play God and how that specific action or decision would be playing God. In many cases it might be found that the criticism is not that people would be playing God, but that the action is simply seen as being wrong for other reasons and the playing God card is played for dramatic effect. In that case, another method should be used. The second step is also challenging because it requires providing a suitable argument as to why people should not play God. This can be done by arguing that humans should abide by limits whose violation would be crossing a line into a moral area meant only for God. Once the first two steps are completed, the third step is easy in that it follows logically.

As an example, this method is often employed to argue against euthanasia (“mercy killing”). The first step would be to argue that making the decision to let someone die or actually pull the plug would be playing God. The second step would be to argue that people should not play God. From these two points it would follow that people should not make the decision about euthanasia or actually pull the plug.

This method is also often used to argue against genetic engineering or other scientific “tampering.” The first step would be to argue that tampering with the genetic code of living things is tampering with God’s work. The second step would be to argue that people should not play God in this way. From these two points it would be concluded that people should not tamper with the genetic code of living things.

Responding

In a live discussion, one way to respond to the “playing God” card is to request that the person spell out exactly how one is playing God and why this is wrong. This can also be a

request for the person to explicitly state the underlying theory/principle. This is not actually a counter-argument but can be used to expose the lack of an argument on the other person's part. Obviously enough, if a person challenged to provide such details cannot deliver, then they might very well lack an argument. In many cases people will simply not expect to be challenged in this manner and hence will be ill-prepared to reply.

One general way to respond is to show that there are defects in one or both of the first two steps. This is done by arguing that the person either failed to show that X would be playing God or failed to show that playing God is wrong.

Another way to respond is by arguing that it is acceptable to "play God" in similar situations. This can be done by presenting an argument by analogy. The analogy is drawn between the situation at hand and a similar situation in which making the decision or taking the action is regarded as morally acceptable.

Using the euthanasia example, the argument could be countered by showing situations in which people make similar life and death decisions that are considered acceptable. For example, in the legal system and in military operations people routinely make decisions to kill people and this is generally not seen as playing God. This sort of response is especially effective when the person being argued against holds an inconsistent position. For example, some people who are against euthanasia endorse the death penalty and accept war. If such a person argues that euthanasia is playing God and hence wrong, then they would either have to show why the death penalty and war are not playing God or change the views because of the inconsistency.

Someone who holds to a consistent moral position will obviously be far less subject to this line of response. For example, a person who rejects euthanasia because she regards it as "playing God" and also opposed war and capital punishments on the same grounds would not be subject to this sort of reply (that she holds an inconsistent position).

As a second example, consider the matter of genetic engineering. While people often claim that such tampering is playing God, the fact is that people have been altering animals through selective breeding for thousands of years without being accused of playing God. Genetic engineering, it can be argued, is simply a more efficient method of achieving the ends of selective breeding. Therefore, it can be concluded that genetic engineering is not playing God.

This sort of response can be countered by breaking the analogy. In the example just given, the argument could be countered by an argument which shows that genetic engineering is relevantly different from the manipulation of animals by selective breeding. For example, it could be argued that breeding dogs to produce Golden Retrievers is one thing, but blending goat and spider genes is quite another matter. Of course, a person could also counter by arguing that selective breeding is also playing God and hence morally wrong.

The Unnatural Argument/The Natural Argument

People often claim that certain things are wrong or that certain actions should not be done because doing so would be "unnatural." This argument is sometimes used in conjunction with the "playing God" argument, but it does not require a religious foundation.

It is also common for people to take the approach that what is natural is good or what should be done. Both of these approaches hinge on a view of what is natural.

Literal and Metaphorical Versions

Taken literally, the argument rests on three assumptions: there is a natural way things should be, we should act in accord with the natural way and unnatural things and actions are morally wrong. Defining what is natural and what is not is a critical part of this method. Fortunately, there are moral theories that are based on the concept of human nature or a natural way and they can be used by those employing this method. Aristotle, for example, bases his morality on his view about human nature. Taoism, although claiming to eschew ethics, includes a conception of nature and endorses acting in accord with this nature. There are also moral theories that define the natural in terms of God (such as Aquinas' view that Natural Law comes from God).

One common version of this method is based on the assumption that if X is not done in nature or does not exist in nature, then X is wrong. Somewhat ironically, this method is often used in situations when it turns out that in fact X actually happens in nature.

Taken metaphorically, this method is based on the assumption that people should not go beyond certain limits so that staying within them is right and going beyond them is morally wrong. What it means to make decisions or take actions beyond these limits must be defined. This is often defined in terms of arrogance or acting outside the limits of normal constraints. Obviously, why this should not be done must also be defended.

In many cases when people use this method they are making a tacit or hidden appeal to another moral theory. For example, doing something unnatural might be seen as having terrible consequences. In this case the argument would be an appeal to consequences. While this method has dramatic appeal, it is usually better to use the underlying moral theory rather than playing the "unnatural card."

Method: The Unnatural Argument

This method has three steps:

- Step 1:** Argue that X or doing X is unnatural
- Step 2:** Argue that unnatural things or actions are wrong.
- Step 3:** Conclude that X is wrong or X should not be done.

As an example, this method is often employed to argue that homosexuality is immoral. Following this method, the first step would be to argue that homosexuality is an unnatural lifestyle. The second step would be to argue that people should not live unnatural lifestyles. The conclusion would be that homosexuality is morally wrong.

Like the "playing God" method, this method is often employed to argue against scientific "tampering." For example, it might be used to argue against genetic engineering. The first step would be to argue that creating new life forms with genetic engineering creates unnatural things. The second step would be to argue that people should not create unnatural things. The conclusion would be that the use of genetic engineering to create new life forms is morally wrong.

Method: The Natural Argument

This method has three steps:

Step 1: Argue that X or doing X is natural

Step 2: Argue that natural things or actions are right

Step 3: Conclude that X is right or X should be done.

As an example, this method is sometimes employed to argue that heterosexuality is natural. Following this method, the first step would be to argue that heterosexuality is a natural lifestyle. The second step would be to argue that people should live natural lifestyles. The conclusion would be that heterosexuality is morally right. From this people sometimes then attempt to argue that marriage between a man and a woman is morally correct.

Natural

Since this method rests on using unnaturalness as a moral defect and naturalness as good, defining what is natural is critical. While people often uncritically make assumptions about what is natural and unnatural, presenting a coherent and plausible account of what is natural is rather difficult.

If natural is taken as being non-artificial, then all technology ranging from shoes to space vessels would be immoral. This seems to be rather absurd.

If natural is taken in terms of the way things should be, the method seems to be circular since the argument would be that people should not do things they should not do-or that they should do what they should do.

Fortunately, as noted above, moral theorists have developed accounts of nature that can be employed (perhaps using an argument from authority) when using this method. In such uses, the applying moral theories method (see below) would be combined with this method to develop the argument.

Responding

As with the “playing God” argument, one way to respond (at least in a live conversation) is to require that the person spell out exactly how X is unnatural and why X is wrong or how X is natural and why X is right. This is can also be a request for the person to explicitly state the underlying theory/principle they are actually employing. This is not a counter-argument but can be used to expose the lack of an argument on the other person’s part. If it can be shown that the person has not spelled out how X is unnatural and why this is wrong (or how X is natural and why this is right) it can be concluded they did not make their case-they merely expressed their unsupported opinion with a dramatic appeal to nature.

A second way to reply to the unnatural argument is to show that it is acceptable to be “unnatural” in similar situations. This can be done by an argument by analogy. The analogy is drawn between the situation at hand and a similar situation in which making the decision or taking the action is acceptable. The challenge is finding an analogy that is acceptable.

Using the genetic engineering example, it can be pointed out that people have been altering animals through selective breeding for thousands of years without being accused of engaging in unnatural activities. Genetic engineering is simply a more efficient method of achieving the ends of selective breeding. Thus, if breeding Golden Retrievers is not unnatural, then neither is creating hybrid corn via genetic engineering. Therefore, genetic engineering is not unnatural.

A third way to reply to the unnatural argument is by showing that the alleged unnatural act or thing occurs in nature. This reply is, obviously, only effective when someone is arguing that something is unnatural because it does not occur in nature. For example, some people contend that homosexuality is not uncommon among animals. So, it is not unnatural because it occurs in nature. Therefore it is not morally unacceptable. *The Daily Show* did a rather interesting segment on gay penguins that makes fun of the unnatural argument.

When responding to the natural argument, there are two main avenues of response. The first is to argue that the X in question is not actually natural or does not occur in nature. For example, if someone argues that marriage is good because it is natural, an easy counter is that marriage rests on a legal system that does not occur in the natural world but only in the artificial realm of human society.

A second way to respond is to argue against the view that being natural makes something right. One approach to this is to show the seemingly horrible things (like killing, cannibalism, parasitization, and so on) that occur in nature and argue from this that it would be absurd to conclude that what is natural is thus good.

Naturally, all these responses can be responded to in turn.

Moral Principles & Moral Theories

Moral philosophers have been busy for thousands of years creating moral principles and theories. As such, there is often no sense in reinventing the wheel when there is already an assortment of wheels on the shelves.

Included below are the general methods of applying moral principles and applying moral theories as well as specific versions of commonly used principles/theories.

Applying Moral Principles

One method of moral reasoning is to apply a moral principle. Appeal to consequences, appeal to rules and appeal to rights are specific examples of this general approach (see below). There are many other moral principles available and people are free to create (and defend) their own.

Method

This method has the following steps:

Step 1: Present and argue for moral principle M.

Step 2: Describe the relevant qualities of X.

Step 3: Show how X meets or fails to meet the conditions set by the principle M.

Step 4: Draw the relevant moral conclusion in regards to X.

As an example, imagine a situation in which an athlete has to decide whether or not to use a questionable performance enhancing drug. Suppose that the athlete takes as her principle that cheating in competition is wrong and that the drug has the qualities that would make using it cheating. The athlete would conclude from this that using the drug would be wrong.

Assessing Moral Principles

While the full assessment of a moral principle would tend to be a complex process, the following general standards can be used:

A moral standard must be presented.

This standard must be supported by arguments (the arguments are also subject to assessment).

The application of the principle must produce reasonable solutions to the moral problem.

The principle must be coherent.

The principle must be plausible.

The principle must correspond to our moral intuitions or provide adequate grounds for abandoning our intuitions.

A principle that fails to meet these standards is defective. Naturally enough, a principle can be criticized on these grounds and it is to this that the discussion now turns.

Responding

One way to respond to this argument is by arguing against the principle by showing that it fails to meet one or more of the standards presented above. If the principle is flawed or incorrect, then its use would also be flawed.

As an example, consider the athlete's principle presented above. The athlete's unethical agent might argue that using the drug would not be cheating because it is almost impossible to adequately define "cheating." After all, athletes use a wide variety of enhancements (expensive equipment, special training, and supplements) so the line between cheating and performance enhancement is blurred beyond recognition.

Another way to respond is by attacking X. This is done by arguing that X lacks the relevant qualities and hence does not meet the conditions set by the principle. For example, consider the athlete's principle once more. The agent might argue that the drug does not have the qualities that would make using it cheating. After all, the clever agent might argue, many performance enhancing substances and methods are not considered cheating.

One final way to respond to this method is to employ a counter-principle. It can be argued that X is better assessed by a different principle. This is actually using another argument of the same type against the original. If assessment by the new principle is a better assessment, the first assessment is undercut.

Turning one last time to the example of the athlete's principle, the agent might argue that a better principle is that it is morally acceptable for an athlete to use any means to enhance performance (and make more money).

Applying Moral Theories

One method of moral assessment is to apply a moral theory. Moral theories also contain moral principles. This method is primarily a larger scale version of applying moral principles. A wide variety of moral theories have been developed over the centuries. These include ethics based on religion, ethics based on virtues, rule based ethics, ethics that focus on consequences and many more types.

Method

This method involves the following steps.

Step 1: Present and argue for the relevant aspects of the moral theory.

Step 2: Describe the relevant qualities of X.

Step 3: Show how X meets or fails to meet the conditions set by the theory.

Step 4: Draw the relevant conclusion regarding the status of X.

The first step can be the most difficult step. In some cases completing step one would involve creating and defending an entire ethical theory. This is the sort of thing that would be done in a book or dissertation and is obviously beyond the scope of an ethical essay.

In the case of a short essay or blog post on ethics, the first step would need to be fairly condensed. Three approaches are suggested here. The first is to use an argument from authority in support of the theory. In this approach you are essentially claiming the view is correct because an expert moral philosopher presents the view. While this does complete the first step it is a fairly weak approach because ethics is hotly contested between many experts. Thus, resting your case on the expertise of one philosopher is not well founded. The second is to simply assume the theory for the sake of the argument. In this case, the argument would be made within the context of an established theory. Making such assumptions for the sake of developing an argument within a context is acceptable but also very weak. After all, you would simply be assuming a major point of contention—the correctness of a moral theory. The third way is to present a concise argument that supports the aspect of the theory needed to make your case. This requires more work than an argument from authority but tends to produce a far stronger case. Obviously it is considerably stronger than simply assuming that the theory you want to use is correct.

Assessing Moral Theories

Moral theories tend to be complex and hence their assessment is generally rather involved. However, there are some basic standards that any moral theory must meet.

Moral standards and guides must be presented.

These standards and guides must be supported by arguments (these arguments are also subject to assessment).

The application of the theory must produce reasonable solutions to moral problems.

The theory must be internally consistent.

The theory must be coherent.

The theory must be plausible.

The theory must correspond to our moral intuitions or provide adequate grounds for abandoning our intuitions.

A theory that fails to meet these conditions would be defective. There are other standards that are used when assessing moral theories but these are more controversial and more complex than these general standards.

Examples of Theories

As mentioned above, there are many types of moral theories. One commonly accepted view is divine command theory. This is the view that ethics is determined by the will of God (or whatever supernatural entities are alleged to exist). On this view, what God commands is good and what God forbids is evil.

Another commonly accepted view is utilitarianism. This theory is most famously developed by the English philosopher John Stuart Mill. On his view, actions are right as they promote happiness and are wrong as they promote unhappiness.

There are many other types of moral theories. Some of these are examined in detail during the second part of the course.

Responding

There are a variety of ways to counter this method. The first is to attack the theory being used. If the theory is flawed, then its employment would also be flawed. As with defending a theory, attacking a theory can require an extensive amount of work. If a person is writing a book or dissertation against a moral theory, then this amount of work would be fine. However, a full scale attack on a moral theory would go beyond the scope of an ethical essay or short paper. In such a situation, there are two concise ways to attack a theory. The first is to use an argument from authority and employ criticisms of the theory made by other thinkers. This can be further developed and strengthened by presenting the arguments used by the other thinkers. One disadvantage of this method is that the arguments will not be your own. The second is to present focused criticisms of the theory (as opposed to a large scale attack on the theory). This is most effective when the attacks are made on aspects of the theory that are especially relevant to the specific matter at hand.

A second method of response is to attack X by arguing that it lacks the relevant qualities needed to allow the theory to apply as claimed. For example, if someone is using religious ethics to argue against stem cell research, then this might be countered by arguing that stem cell research does not have the qualities that make it ethically forbidden on religious grounds.

A third way to respond to this method is to use a counter-theory. This is done by arguing that X is better assessed by a different theory. If it can be shown that the counter-theory is better, then the original argument would be shown to be defective.

Appeal to Consequences

Appeal to consequences is a very popular method of moral reasoning. The basic idea is that moral assessment is done in terms of weighing harms and benefits. It is generally accepted that harming people and things is morally bad and benefiting them is good. Not surprisingly, if something is more beneficial than harmful it is good; if something is more harmful than beneficial it is bad.

The theory behind this method is consequentialism-the view that the value of actions is to be assessed in terms of their consequences. There are many types of consequentialist theories and not all of them are moral theories. Because of this it is important to present an appeal to consequences as a moral argument and not just a cost-benefit analysis. Though this method is generally accepted, there is considerable philosophical debate over the underlying theories.

Method

The method involves the following steps:

Step 1: Show that action, policy, etc. X creates Y harms and Z benefits.

Step 2: Weigh and assess Y and Z.

Step 3: Argue that moral assessment is based on the consequences of actions.

Step 4A: If Y outweighs Z, then conclude that X is morally unacceptable.

Step 4B: If Z outweighs Y, then conclude that X is morally acceptable.

When making a moral argument, Step 3 is a critical step. Without an argument that moral assessment should be based on consequences, there would be no reason for the reader to accept a moral conclusion based simply on an assessments and benefits. People often leave out this step when attempting to present a moral argument. Instead, they often end up providing practical advice instead of presenting a moral argument. This is discussed in greater detail, below.

As an example, this method could be used to provide a moral argument in favor of censoring violent movies. The first step would be presenting the harms and benefits of these movies. This could be done by using an argument from authority to present data from various studies that contend that exposure to such violent movies causes people to become violent (such as shooting people in schools). This would be a harmful consequence of such movies. The beneficial consequences would be the entertainment provided to the audience as well as the profits to the media industry. The second step would be to weigh these harms and benefits. One could argued that while there are some benefits from violent media, such as large profits, one cannot weigh money more than human suffering and death. The third step would be to argue that moral assessment should be based on assessing consequences. This could be done by using an argument from authority (appealing to, for example, the authority of philosophers such as John Stuart Mill) or by another sort of argument. The final step would be to draw the appropriate conclusion. In this case the argument would lead to the conclusion that such censorship is morally acceptable and hence violence in the media should be eliminated or at least curtailed.

Moral versus Practical

A common mistake when using this method in a moral argument is to simply weigh harms and benefits without actually including a moral element. This approach can be used to provide a practical argument for or against something but obviously does not provide a moral argument.

For example, when someone argues against cheating in a relationship s/he might present practical reasons as to why someone should not cheat. In doing so they might begin by presenting potential harms such as disease, pregnancy, divorce, damage to one's reputation and physical injury. The potential benefits would include such factors as pleasure and companionship. If the person concludes that a person should not cheat because of these practical concerns (like avoiding disease and harm) then s/he would be presenting a practical argument and not a moral argument: if you do not want to be harmed, then do not cheat. While this is good practical advice, it does not show that cheating is immoral or morally acceptable.

In order to properly use the method to make a moral argument, the moral element needs to be included. The object of this argument is to show that the morality of something (such as an action) can be determined by assessing its harms and benefits. One way to do this is to use an argument from authority. For example, you might use John Stuart Mill as an authority and cite his view of ethics (specifically utilitarianism). This would make the connection between consequences and morality. While this is a legitimate argument, it is rather weak because there are other equally authoritative philosophers who argue against utilitarianism.

A second approach is to use the method of applying moral theories and state that you are arguing within the context of a consequentialist ethical theory (such as Mill's). While this is a legitimate approach it does have the weakness of simply assuming the correctness of the theory—thus making the argument conditional upon how appealing the theory is to the reader. A third approach is to develop an argument from intuition to argue that creating positive value is good and creating negative value is wrong. It could then be argued that more positive value is better than more negative value (this could be done by using an analogy, perhaps to something like profit and loss). The appropriate conclusion could then be drawn based on the assessment of the relative weight of harms and benefits. There are also other ways to bring in the moral element.

Responding

One way to respond to this method is to accept the method but offer an alternative assessment. This can be done by presenting an alternative set of harms or benefits or by arguing for a different assessment of their relative weight.

For example, a person might present the following counter to the example given above.

While violent media might produce such harms, it also produces benefits. Violent films, shows and video games are very popular, generating large profits. People also enjoy violent media. If we weigh the small number of deaths and injuries against the massive profits and enjoyment, it is clear that the benefits of violent media outweigh the harms. Therefore, violent media is morally acceptable. Naturally, a proper argument would need to be developed more, but the example provides the general idea of how this sort of thing can be done.

A second way to respond is to reject the method and argue using another method (this would be to argue by counter method). It can be argued that some factor other than consequences should be used when assessing the situation. This can be done by using another method, such as appealing to rights or rules, to counter the original argument. To continue with the example of censorship of violent movies, the following illustrates this approach. While violence in the media might lead to harms, people have a moral right to free expression. This moral right overrides the consideration of harms. Therefore, violence in the media should not be censored. Naturally, this sort of argument would need to be fully developed. In this example, the right to free expression would need to be supported by an argument.

Appeal to Rules

People often take the view that one must sometimes ignore the consequences of an action and simply assess the morality of the action itself. It is generally accepted that some things are simply wrong even if they bring about good consequences. It is also accepted that people should not do such things (as the saying goes: “that’s just not right”). It is generally accepted that some things are acceptable or right even if they have harmful consequences. It is also accepted that people should do such things.

This method involves assessing the action, policy, etc. in terms of the nature of X itself as opposed to its effect(s). The theoretical basis is rule deontology, the view that morality is based on determining and following the correct moral rules. Immanuel Kant is perhaps the best known deontologist. Religious ethics also tend to be rule deontological in nature. For example, the Ten Commandments provide a set of rules that are supposed to be followed without exception.

While rule deontological theories often have a great deal of appeal, they are also subject to debate and criticism.

While this method refers to rules it is important not to confuse moral rules with other rules, such as those of civil or criminal law. There are theories that do involve the claim that morality is determined by the law of the state. For example, legal positivism is the view that morality is set by the laws of the state. Thomas Hobbes is often considered a legal positivist. The aptly named Chinese Legalists also held this view. It is, of course, possible to argue from the legal rules to moral rule-this is discussed in the method known as mixing norms.

It is also important not to confuse religious rules with moral rules. While people often assume that what is a rule in their religion is thus a moral rule, this does not follow automatically. There are, however, moral theories in which what is a religious rule is automatically a moral rule and, of course, mixing norms can be used to transition from religion to ethics.

Method

There are two general versions of this method. Each version has two steps.

Method 1

Step 1: Argue that X violates (or does not) violate moral rule Y.

Step 2: Conclude that X is morally unacceptable (or acceptable).

Method 2

Step 1: Argue that X is required by moral rule Y.

Step 2: Conclude that X is morally obligatory.

The most difficult part of the method is the first step. The challenge is to argue in favor of a moral rule and show how X breaks or is required by the moral rule. One way to do this is to use an established moral theory or principle (rule). For example, one might make an argument against lying by using the religious commandment against being a false witness and use divine command theory to make the transition from religion to morality.

People often make appeals from legal rules, such as the Bill of Rights, in making moral arguments. For example, moral arguments about censorship in the United States inevitably involve an appeal to the legal right outlined in the 1st amendment. However, to make a proper moral argument requires showing that the legal right of the 1st amendment supports a moral right to free speech. Mixing norms, below, is a useful way of doing this.

Responding

There are two main ways to counter this method. The first is that the rule used in the method can be attacked. If the rule is successfully attacked, then the argument is undercut. The type of attack varies depending on the rule and the circumstances.

It can be argued that the rule is illegitimate. For example, someone might attack an argument based on a religious rule by arguing that the rule is mistaken or no longer applies today.

It can also be argued that a more important rule overrides the rule. For example, it could be argued that a rule about lying might be breakable because the rule of saving life is more important.

The second main avenue of reply is to argue that some factor other than moral rules should be used when assessing the situation. This can be done by using another method, such as an appeal to consequences, to offer a counter argument. For example, someone might argue that while it is not a pleasant thing to contemplate or do, those with incurable contagious diseases should be mercifully put to death. This would effectively reduce the spread of contagious diseases protecting everyone else from them. And, of course, the stock slogan that the good of the many must outweigh the needs of the few can be developed into an argument, especially when it comes to life and death.

Appeals to Rights

Many people, especially those in Western style democracies, believe in rights. It is often accepted that people have rights that protect them and even entitle them to certain things. It is generally accepted that such rights must be respected under most conditions.

This method involves assessing the action, policy, etc. in terms of whether it is in accord with such rights. This method is based on rights theory-the view that people and perhaps other beings have moral rights. Thinkers such as Locke, Rousseau and Hobbes have put forth theories of rights.

While rights theories have a great deal of appeal, they are also subject to debate. There are numerous criticisms of particular rights as well as rights theory in general.

While they often overlap, it is important not to confuse moral rights with legal rights. Law and morality are distinct areas, although arguments can be made that link moral rights and legal rights. In order to do this, the method of mixing norms can be employed.

Method

There are two variations on this method. Each has three general steps.

Method 1

Step 1: Argue for right Y.

Step 2: Argue that X violates (or does not violate) right Y.

Step 3: Conclude that X is not morally acceptable (or is acceptable).

Method 2

Step 1: Argue for right Y.

Step 2: Argue that X is required by right Y.

Step 3: Conclude that X is morally obligatory.

This method generally requires providing the audience with a reason (argument) that supports the right. In some cases this might involve using another method or a moral theory. One way to argue for a right is to use an existing moral theory that argues for the right that is needed. For example, an argument involving a right to liberty could be based on John Locke's theory. Another way to do this is to use a right that has been established in another area, such as law, and use mixing norms to argue that it should be a moral right as well. For example, one might argue from the legal right of the free press to a moral right against censorship.

As an example, censorship has often been proposed to protect people from the alleged harms of violent and sexually explicit media. Censorship can be argued against by arguing that people have a right to freedom of expression. If this right can be established, it can be concluded that such censorship is not acceptable.

Responding

There are a variety of ways to respond to this method. The first is by arguing against there being such a right or by arguing that the right is incorrectly applied. If the right is successfully attacked, then the argument is undercut. The type of attack varies depending on the right and the circumstances. It might be argued that the right is not a legitimate right. For example, if someone makes an argument based on an alleged right granting total freedom of expression, then this could be countered by arguing that there is no such total right. It might also be argued that a more important right overrides the right. For example, someone might argue against abortion rights by arguing that the right to make choices is overridden by the right to life.

A second way to reply is to use an appeal to consequences. In this it would be argued that the consequences morally override the right. For example, consider the matter of censorship. While it is generally accepted that people have a right to free expression, it is also accepted

that this right is not absolute—a person has no right to slander another. While censorship would run against the right of free expression, the harms produced by certain works justify censoring them, just as it would be justified to quiet a person yelling “fire” in a crowded, but fire-free theatre.

A third way of replying is to use the appeal to rules method. It can be argued that a moral rule overrides the right in question. For example, people are supposed to have a right to life and property, but they can be justly deprived of them by a rule of due punishment.

A fourth way is to use some other method of moral reasoning to counter the appeal to the right.

Mixing Norms

People commonly make inferences from one normative area to another normative area. Normative areas are, roughly put, areas involving matters of value. Law, religion, aesthetics, morality, and etiquette are normative areas.

People often believe that the status of X in one normative area automatically gives it the same status in another normative area. For example, it is often assumed there is a moral right to free speech because of the 1st amendment of the United States constitution, which guarantees a legal right to the freedom of press. As another example, people sometimes infer that because they believe that same sex marriage goes against their faith it follows that it is also immoral (and perhaps should also be illegal as well). Such inferences can be made, but must be made carefully.

Flawed Method

The following is the method that you should avoid because it is flawed.

Flawed Step 1: X has status S in normative area Y.

Flawed Step 2: Therefore X should have the comparable status to S in normative area Z.

This method is flawed, even fallacious, because the conclusion does not follow unless a proper link is made between Y and Z. Here are some examples of flawed inferences:

Lying to a friend is immoral, so it should be illegal.

Capital punishment is legal, so it is morally acceptable.

If your meter runs out before you can put in more money, then you are parked illegally...so you are also parked immorally.

Deuteronomy 21:18-21 says that children who do not obey their parents are to be stoned to death, so it is morally acceptable.

Depicting graphic violence and sexuality is morally wrong, therefore such works are also aesthetically unacceptable as well.

Correct Method

The following is the correct version of the method. It is correct because it is not logically flawed.

Step 1: X has status S in normative area Y.

Step 2: Premise or Argument connecting area Y and normative area Z.

Step 3: Therefore X should have the comparable status to S in normative area Z.

Provided that the connection between Y and Z is adequately made, the reasoning is acceptable. This is because the chain of reasoning is complete, unlike in the flawed method. The first premise will most likely require support of its own.

As an example, this method could be used to argue for the claim that making backup copies of media should be legal. The first step would be to argue that making backups of DVDs, software and CDs is morally acceptable. The second step would be to argue that things that are morally acceptable should be legal. The conclusion drawn would be that making backups of DVDs, software and CDs should be legal.

Making the Connection

Making the connection between two normative areas can be difficult. Fortunately there are ways to do this. The overall task is to show that the status of X in normative area Z should be inferred from its status in normative area Y.

One way to make the connection is to make use of an existing theory. There are theories that explicitly or implicitly connect two normative areas. For example, divine command theory is the view that morality is determined by religion, so the inference from religious norms to moral norms is justified. As another example, legalism is the view that morality is determined by the laws of the state, so the inference from legal norms (the laws) to moral norms is justified. To use an existing theory, simply use either an argument from authority or an appeal to a moral theory.

Another way to do this is to state that the argument is being made in the context of the theory. The obvious weakness of this approach is that only those who accept the theory will accept the inference. As an example, a person might claim that given divine command theory, since the bible permits torture it follows that torture is morally acceptable. As another example, a person might argue that given legalism, since the use of marijuana is illegal, it must also be evil.

Another approach is to argue for the theory, which will typically require a great deal of work. However, it is possible to present a sufficiently concise argument in favor of the relevant parts of the theory needed to make the connection. However, if there is an easier or more direct way to argue for the conclusion, this method can be overkill.

Another way to make the connection is by arguing explicitly for a connection between the two that justifies the inference. The task is to show that the status of X in normative area Z should be inferred from its status in normative area Y. The effectiveness of the method depends on the quality of the argument for the connection. For example, a person might present the following argument: The state exists to protect people from harm. Thus, the laws

of the state are designed to protect people from harm by making harmful things illegal. Things that are immoral are harmful—at the very least they damage the person’s moral character. Thus, things that are immoral should also be made illegal by the state.

As a final point, given that this method can involve a great deal of work, if there is an easier or more direct way to argue for the conclusion, this method can be overkill.

Responding

One way to reply to this method to challenge the normative status of X, as presented in the first step. Challenging this status involves arguing that X does not have the alleged status. If X does not have the required normative status, then the inference fails. Alternatively, the inference can be made, but the normative status will be based on the “new” status.

For example, suppose someone argued that copying DVDs is immoral and hence should be illegal. The response would be to argue that copying DVDs is moral and thus concluding that hence it should be legal.

A second way to reply is to attack the link. The argument depends on the link between the two normative areas—if the link fails, the argument fails. The objective is to argue that the inference is not justified. In some cases there are established ways to break the link. For example, a way to counter an argument for basing a law on religion is to appeal to the separation of church and state.

The link can also be attacked by arguing that the norms of one area do not apply to the other or that one area overrides another, thus preventing the inference. For example, Oscar Wilde claimed that morality does not apply to art. As another example, morality is often seen as trumping law, so the inference from law to morality would not be justified.

Examples of Moral Reasoning

To provide some examples of moral argumentation, I have included an assortment of ethical essays I have written over the years. While I obviously hold specific moral views, this work (as noted above) is not intended to push my views on ethical issues. Readers who disagree (or agree) with my views should use these essays as a chance to consider the weaknesses in my reasoning, the possible flaws in my premises as well as possible counter-arguments against my views.

Is Piracy Theft?

Normally one would expect that a commercial computer game developer would be opposed to the piracy of software. However, Minecraft creator Markus Persson’s stated that “piracy is not theft” at the Game Developers Conference.

Persson’s line of reasoning is that “piracy is not theft. If you steal a car, the original is lost. If you copy a game, there are simply more of them in the world.”

This does have a certain appeal. After all, the most obvious sort of harm from theft is that the rightful owner is being denied the use of their property and thus experiences an actual loss. If someone merely copies my software, then they have not deprived me of my copy and hence I am unharmed by this.

This same sort of reasoning would, of course, apply to copying books, theories, formulas, recipes, designs and so on. After all, if I copy the formula for a drug or a philosophical theory, the creator or “owner” still has their formula or theory. On this view, only the taking of physical objects would seem to count as theft—laying aside the science fiction scenarios in which someone could remove an idea from someone’s mind or other such things.

If this is pushed, it might be taken as applying to identity piracy and pirating credit card numbers. After all, if someone pirates your identity or your credit card number, you still possess both. The pirate is merely using what they have pirated, just as the pirate merely uses the pirated software. As such, copying your identity or your credit card number would be piracy rather than theft.

On the face of it, this does seem like an absurd result. If it does really follow from Persson’s principle, then it would show that his principle is flawed. Unless, of course, this result does not follow or it does and one “bites the bullet” and accepts the results.

The stock reply to the claim that piracy is not theft is that the pirate is stealing a sale and thus harming the person who “owns” what was pirated.

Persson does give a reasonable counter to this objection: “There is no such thing as a ‘lost sale’... Is a bad review a lost sale? What about a missed ship date?”

As he notes, a bad review of a product can play a role in a person not buying it. Also, a missed ship date can also play a role in diminished sales. There are many other things that could play a causal role in a person not buying product. For example, if my book is worse than another competing book, that author will almost certainly play a role in my not selling as many books. Naturally, if I set the price of my book lower than that of my competitors, then that can play a role in their not selling as many books. However, it would be absurd to claim that I am engaged in theft (or being a victim of theft). In more general terms, it would be absurd to claim that I was being subject to unwarranted harm (or being subject to it) and thus being wronged. If pirating a copy is analogous to these other things, then it would seem to follow that piracy is no worse than they are. That is, piracy would not be wrong.

Of course, it could be taken that Persson is arguing that since there is no such thing as a lost sale, then piracy cannot cause a lost sale. Obviously enough, if there are no lost sales, this certainly follows.

However, there do seem to be some points worth considering. It could be argued that there is such a thing as a lost sale. This would seem to involve showing that but for the factor in question, a purchase would have been made. As noted above, such factors as competing product being better or cheaper could be in that “but for” category and it would be absurd to consider such scenarios theft in a moral or legal sense. As such, what would be needed is a factor that would unjustly result in the lack of a sale.

For example, suppose that you own a company that sells vegetarian food and someone maliciously spreads rumors that your food contains goat testicles. The harm that is done certainly seems to involve the reduction in your sales and this appears to be unjust because it was caused by a lie. As such, it would seem reasonable to regard this action as unethical and you would certainly appear to have reasonable grounds for legal action. Obviously enough, if your competitors lure away your customers with better products or better prices, then you would have no grounds to regard yourself as harmed unjustly. They have a right to compete. However, they have no moral or legal right to lie.

Piracy certainly seems to be a situation in which revenue is lost via means that are unjust. After all, if I buy *Starcraft II* rather than a competitor because *Starcraft II* is a better game, then that is hardly unjust. However, if I do not buy a game because I have pirated it, that seems to be a rather different sort of scenario. Blizzard has the right to compete, but I can hardly claim that I have a right to copy software.

That this is so can be seen in the following analogy involving a test. One way to do well on a test is to “pay” an honest price by going to class and studying. Another way is to simply copy the answers off the person who actually attended class and studies. Obviously, the person copying is not stealing answers in the sense of removing them from the original test, but they have no right to those answers and it would be quite right to prevent them from doing so and punishing them. It would also make sense to regard them as stealing-after all, they are taking what they have not earned. Likewise for pirates and thus pirates are in the wrong morally. This distinction does seem to be a rather important one, if only on moral grounds.

DDoS Protests

One consequence of the infamous WikiLeaks leak was that the organization was cut off from its main sources of acquiring money. Mastercard, Visa, and PayPal stopped doing business with WikiLeaks. WikiLeaks' bank, PostFinance, also stopped doing business with the organization.

In response a group of “hackers” known as “Anonymous” launched Operation Payback. This operation involves launching Distributed Denial of Service (DDoS) attacks on the web sites of the companies in question.

Put a bit roughly, DDoS attacks work by overwhelming a site with traffic so that the site is greatly slowed or even forced to shut down. To use a somewhat inaccurate analogy, it is like crowding the entrance to a business so that customers cannot get in. While relatively simple, these attacks are hard to counter because each attempt at access seems like a legitimate site visit and companies certainly do not want to block such entry.

One factor that makes this DDoS attack stand out is that it is supposed to be a political protest. According to Anonymous, they are “actively campaigning for the free flow of information” and to be “against anyone who supports censorship, such as those who are responsible for the silencing of WikiLeaks.” For its part, a WikiLeaks spokesperson says that “We neither condemn nor applaud these attacks. We believe they’re a reflection of public opinion on the actions of the targets.”

For the sake of the discussion, I will assume that the campaign was actually an act of protest and not merely an act of mischief using WikiLeaks as an excuse. Naturally, I could be wrong about that and it would certainly change the facts of the matter in relevant ways. I will now turn to the ethics of the matter.

When considering any protest, regardless of the means employed, a primary question is whether the protest is morally justified or not. If a protest is not morally justified and it does some harm to those who are targeted by the protest, then the protest would seem to be morally wrong. For example, suppose some students failed their classes because they partied all semester rather than doing work in their classes. In response, suppose they decided to “protest” by breaking the handles on the doors of the professors’ offices and their classrooms.

While the students might be angry over their grades, the professors did not wrong them. As such, they have no grounds for protest and their “protest” merely causes unjustified harm to the professor, the university and also to other students.

Now, suppose that a professor maliciously failed students in a philosophy class because he disagreed with their criticism of his philosophical views. In that case, the students would seem to have legitimate grounds for a protest against the professor. Their methods could, however, still be morally questionable.

Turning back to the actual situation, that of the alleged abandonment of WikiLeaks, the question is whether the companies in question have acted wrongly and thus morally deserve to be subject to acts of protest.

As noted above, Anonymous seems to be claiming that the protest is justified because these companies support censorship and are taken to have a role in silencing WikiLeaks. It is, perhaps, somewhat ironic that those campaigning for the free flow of information remain anonymous (they obviously see the value in not allowing some information to flow freely) and that they protest by cutting people off from information. However, the key concern here is whether these companies have acted wrongly in a way that justifies this protest.

On the face of it, refusing to do business with WikiLeaks does not seem to be an act of censorship. After all, they are not actually censoring WikiLeaks—they are merely refusing to do business with them. It might be argued that cutting off these sources of funding silences WikiLeaks. In reply, while funding does help, web hosting is actually fairly cheap (or even free). WikiLeaks could, for example, start a free WordPress blog or pay around \$10 a month for a site. As such, the lack of PayPal and such would be inconvenient but not silencing.

It could be argued that while the financial companies are not literally silencing WikiLeaks, they are acting unfairly by refusing to do business with them. Whether this is true or not depends partially on whether WikiLeaks has actually broken the rules set by these companies in their terms of service. Of course, the terms of service for some of these companies would seem to be fairly “open”: MasterCard and Visa do not seem to have a “moral clause” in their contracts that forbids them from doing business with “bad” people. However, if WikiLeaks violated the terms, then the companies would seem to have a legitimate right to terminate their relationship. If, however, the companies are merely cutting off WikiLeaks because of political pressure, then that would be another matter.

Thus, whether there is an injustice to protest here or not seems to be, amazingly enough, a matter of controversy.

A second major factor in regards to the ethics of a protest is the means of protest. As a general principle, the means of the protest should be morally proportional to the offense. After all, if a protest is worse than what it is protesting against, then the ethics of the situations would shift.

In the case of Operation Payback, the protest is to use DDoS attacks to choke web sites, thus denying people access to that information. These attacks do not actually expose financial data. To use an analogy, this “hacking” is not like someone breaking into your bank. Rather, it is somewhat like someone blocking your access to the teller.

One thing that morally distinguishes Operation Payback from other DDoS attacks is that these attacks have typically involved recruiting peoples’ PCs involuntarily via malware (thus creating what is known as a zombie army). The current DDoS attack is supposed to be

voluntary-people are apparently downloading and installing software to launch the attacks. This is morally important since hijacking peoples' PCs and their bandwidth to protest would hardly be an ethical thing to do. It would be rather like tricking people into protesting or stealing from them to make protest signs. Since the protest is voluntary, this aspect seems to be morally acceptable. As such, the main point of moral concern is whether the attacks themselves are morally acceptable.

On the face of it, the DDoS protest does seem morally comparable to "real world" protests that involve blocking entrances to businesses and other organizations (like the sit ins at schools). While these protests do inconvenience and annoy people trying to gain access, they do not seem to do significant harm. In fact, Anonymous announced that it would not attempt to attack Amazon because doing so would be harmful to consumers and inconsistent with their desire to protest rather than inflict harm. As such, this sort of DDoS protest does seem to have the potential to be morally acceptable.

Of course, arguments against sit-in/blocking style protests would apply to the DDoS protests. As I see it, the assessment would involve weighing the weight of the misdeed(s) that sparked the protest against the harms being done to those protested against and those impacted by the protest. Do, if the DDoS attacks are proportional to the alleged misdeeds of the companies, then the protests would be acceptable. If not, then they would be unacceptable.

Firesheep & Evil

In America there is a saying "guns don't kill people." Some clever folks add "people with guns kill people." While this saying is just that, a saying, it does put a handy slogan on a view about moral responsibility. On the face of it, the sayings are dead on: while a gun can be used to kill a person, guns are not themselves moral agents. As such, a gun bears no moral responsibility for any deaths that it might be used to bring about.

The gun debate has been done to death in America, so I thought it would be interesting to switch the focus a bit while still sticking with the general issue of responsibility for harm. To be specific, I will be looking at a hacking program called Firesheep (not to be confused with the browser Firefox or the emulator Sheepshaver).

Firesheep was written by Eric Butler and adds easy to use hacking functions to the Firefox web browser. The add on lets users view information in internet cookies at sites such as Twitter, Facebook, Flickr, Tumblr and Yelp. Fortunately (or unfortunately, depending on your view of the matter) Firesheep is limited in what it can do. It can allow a user to get usernames and session number IDs but it cannot be used to get passwords. In effect, it allows users to view information (such as person's Facebook or Amazon account) but does not let users do anything that would require a password. It is also limited to hacking on the same network. However, this means that if you are reading this book while connected to a public wi-fi, then someone with Firesheep could be reading through your darkest Facebook secrets. Like that time you...well, you know what you did. And so does that creepy fellow sitting two tables down.

Butler makes it clear that he sees himself as a white hat: he is hacking to expose vulnerabilities so that they will be fixed. Interestingly, he does directly address the moral issue at hand: "The attack that Firesheep demonstrates is easy to do using tools that have been

available for years. Criminals already knew this, and I reject the notion that something like Firesheep turns otherwise innocent people evil.”

On the face of it, Butler is quite right. Firesheep, like other tools, is not some sort of cursed weapon that can possess the mind of potential victims and compel them to do evil (unlike television which does just that). The same is, obviously enough, true of other potential harmful pieces of technology, such as guns and junk food. As such, Butler and the other folks who make such tools available are not directly accountable for what people do with the tools. As the arms dealers probably say, “I just provide the weapons, the customer does the actual killing.” I do not, however, mean to suggest that Butler had any malign intent in creating and releasing Firesheep. Rather, he seems to be like Dr. Gatling: he hopes that his creation will do good rather than further evil.

There is, however, a somewhat deeper concern. Namely that providing the tools that make misdeeds easier makes a person accountable to a degree. While the person who invents or distributes such tools or weapons does not make people evil or make them do misdeeds, the person does make such misdeeds easier. As such, the person providing the tool does play a causal role in the misdeeds-especially if the tool or weapon serves as a “but for” cause. For example, if someone would have been unable to track down and start stalking an ex without using Firesheep, the ex would have not been stalked but for Firesheep. As such, making misdeeds easier does seem to bring with it a degree of moral accountability.

Butler does, of course, anticipate this sort of criticism. As he notes, the tools already exist to do just what Firesheep does. Firesheep is just better known and easier to use. To use an analogy, Butler is not inventing the gun. He is merely making the gun easier to use.

Other folks, myself included, are helping make Firesheep famous. Following the above logic, this would also make me and the other folks contributors in some cases. For example, if somebody (not you, of course) reads this, learns of Firesheep and then hacks an ex’s Facebook account to find and stalk the ex, then I have contributed to that misdeed. Of course, my contribution is extremely limited and hence so is my moral accountability. After all, “Firesheep doesn’t hack. People hack with Firesheep.”

Funerals, Freedom, and God Hates Fags

Fred Phelps, best known for “protesting” at military funerals by alleging that God is killing soldiers because He “hates fags”, was involved in a legal case. A few years ago, Albert Snyder sued Phelps’s church for its “protest” at his son’s funeral and won a \$5 million settlement. This verdict was reversed on the grounds of the First Amendment. While the legal issue is something for the courts to resolve, the ethics of the situation are philosophically interesting.

On the face of it, it seems reasonable to accept that people have the right to freedom of expression. While I am not a committed utilitarian, I think that Mill makes an excellent case for this freedom in his work on liberty. Allowing free expression certainly does seem to consistently create more good than harm, and this seems to justify accepting it as a general moral guide (with some notable exceptions).

Of course, it also seems reasonable to accept that people have a right to privacy. This includes not just a right to not be infringed upon by the state, but also the right to not be intruded on by other private individuals. As with the right of expression, this right can be

argued for on utilitarian grounds. It can also be argued on other grounds, but I will not go into such arguments.

The case involving Phelps is a case in which these two freedoms or rights clash. The general moral problem here involves sorting out which right or freedom trumps the other and the specific problem is whether or not the right of free expression of the “protesters” outweighs the right to privacy of the people involved with the funerals.

My initial thought, prior to deep reflection, is that the “protesters” do have the right to engage in their activity, provided that they remain on public ground and do not actually interfere with the funeral by disrupting the event itself. However, I also think that they should not be doing such a thing, because it is both cruel and insulting. As such, I think people should have a right to say mean and hateful things but that they should not exercise that right.

Upon reflection, I found that I came to the same results. As part of the process I considered the various grounds on which a person’s freedom of expression can be justly limited. While this is rather oversimplified, the general principle is based on the principle of harm: unless the expression can be shown to create a significant and unwarranted harm, then the expression should be allowed because of the intuitive presumption in favor of liberty. This is what justifies denying people the right to shout “fire” in crowded theaters and forbidding them the right to engage in slander.

Of course, it could be argued that Phelps and his cohorts are actually causing emotional harm and this justifies silencing them. I can only imagine what it would be like trying to bury a son, daughter or parent while hate filled people are screeching such horrible things. I would certainly be outraged at their insensitivity and appalled at what would seem to be the wickedness in their souls. I would be deeply hurt that my loved one was laid to rest to the sounds of foul mouthed vultures cursing and carrying on in their mad rage. I would want them to fall silent and leave, preferably after being repeatedly tased.

However, considering the matter in the light of calm reason, I must argue that we have no right to silence these “protesters.” The fact their words and actions offend, even deeply and profoundly, is not adequate grounds for silencing them. After all, adopting the principle that people have no right to expression that others find offensive would restrict the freedom of expression in a very harmful way. To use but one example, some people find the idea that women are entitled to equal rights to be deeply offensive to their religious values. However, it would not be right to restrict people from saying such things. Roughly put, we have no right to not be offended.

That said, I still hold that although they have the right to express such ideas, they should not do so. Doing such things at a funeral is disrespectful and insulting to the dead and those who care about them. It is, to say the least, a wicked action. But, it is also one that should be tolerated.

Of course, this does not mean that there should not be restrictions placed on such “protests.” After all, those at the funeral have a right to not have their somber moment sullied by such “protests.” As a practical matter, they should be required to be out of sight and sound of the funeral ceremony. This does not interfere with their right to express their ideas-after all, they do not actually need to disrupt the funeral in order to express their views. After all, we have no right to needlessly annoy people.

Weight Discrimination

A while ago CNN aired a segment about a woman who was charged an extra \$5 by a salon for being obese. Or, to be more precise, she was charged a fee for the extra wear and tear her weight placed upon the salon chairs. This situation, not surprisingly, once again raises the matter of discrimination and the obese.

On the one hand, charging obese people more could be seen a discrimination. After all, they are being charged more simply because of who they are. If a business charged people with dark skin more, that would be condemned as vile discrimination. So, one might argue, to discriminate against people based on how much they have packed under their skin would also be wrong.

On the other hand, charging obese people more in certain conditions would not be discrimination. As a general rule, different treatment that is not justified by a relevant difference would count as discrimination. For example, refusing to allow someone to shop in a store because she is black would be discrimination. After all, ethnicity is not a relevant difference. Also as a general rule, different treatment that is properly justified by a relevant difference would not be discrimination. For example, if someone repeatedly shoplifted from a store and attacked customers and employees alike, then banning her from the store would not be discrimination.

In the case of the obese, it would not be discrimination to charge them more if they, in fact, subject equipment and furniture to more stress and wear due to their greater weight. Of course, this would also apply to the non-obese who are very heavy. For example, if a salon station is designed and specified to be able to support a 200 pound customer, someone who exceeds that weight would be putting more wear and tear on the station than other customers. As such, it makes sense that they would have to pay more. It even makes sense that they could be refused service on the basis that they could injure themselves and the employee by breaking the chair. This, after all, would be a matter of safety and analogous to the height requirement on certain amusement rides. As such, this seems to be a rather relevant difference.

In support of this, consider the following analogy. Imagine that Jane and I are renting trucks for some major weekend projects. Jane hauls a lot of light material and does not put much wear on the truck. However, I spend the weekend hauling heavy stones, massive wooden poles, and lots of scrap metal. As such, I put a lot of wear and tear on the truck. As such, it would seem fair to charge me more on the basis of this extra wear. Naturally, this assumes that such extra wear and tear is not part of the normal rental conditions. To continue the analogy, it would seem fair for the rental company to refuse to rent me a truck if I made it clear that I intended to load it beyond its capacity and potentially damage it. After all, they have no obligation to allow me to destroy their property.

It might be countered that this is still discrimination because it is treating people differently because they are obese (or just very heavy). They are, one might assert, being singled out for different treatment and this is unfair.

However, this reply has no traction in the sort of situations under consideration. An obese person whose weight can actually damage equipment and furniture is not the victim of unfair

prejudice. Rather, she is a “victim” of physics because her weight increases the cost of providing such services.

Of course, it might be argued that the obese would be victims of discrimination when businesses do not upgrade their equipment and furniture to handle people of greater weight. The analogy to accommodating people with disabilities is obvious. In such cases, the burden of accommodation rests on the businesses.

In reply, accommodating people who are disabled seems to be different from being forced to upgrade to handle the obese. After all, being obese seems to be generally a matter of choice and the fix is simple and obvious enough (eat less and exercise more). As such, the burden of accommodation does not rest on the businesses but on the obese people. It would thus be unreasonable to expect businesses to make a special effort to accommodate them.

From a practical standpoint, however, it might be good business to upgrade for the obese. After all, obesity is on the rise and hence the obese provide an ever expanding pool of potential customers. But, as Kant argued, what is prudent is distinct from what is a moral duty.

Beauty & Discrimination

It is reasonable well established that attractive people generally have an advantage over people who are less attractive. It is also reasonable well established that some businesses discriminate against people who fail to meet up with their standards of attractiveness. For example, Hooters famously fired a waitress for being too heavy.

Currently, there is little legal protection against discrimination based on appearance. Of course, there is the obvious question of whether there should be such protection.

On one hand, it could be argued that there is no need for such laws. First, such laws could be seen as intuitively absurd. A law against not liking ugly people? How absurd! Of course, this might simply be an appeal to ridicule: the mere fact that something can be laughed at or seems silly is hardly proof that it is.

Second, there is the reasonable concern that such laws would set a legal precedent for even more laws that would lead to either real legal harms or at least to a degree of absurdity that would be undesirable. For example, what if laws were passed to prevent “discrimination” against people for having poor decision making skills? The results would seem to be rather absurd. Of course, this could be seen as a slippery slope argument. Unless, of course, reasons can be given showing that these negative results would follow.

Third, there is also the reasonable concern that people are naturally biased in favor of attractive people and also biased against people they regard as unattractive. This can be seen as being analogous to the fact that people tend to be biased in favor of people who are pleasant, friendly or entertaining while they tend to be biased against people who are unpleasant, unfriendly or boring. It would seem absurd to pass laws that attempt to compensate for the bias people have in favor of such people. If the analogy holds between looks and personality, then it would seem absurd to pass laws against discriminating based on appearance.

Despite these points, there is a rather significant reason to favor such a law. This reason has nothing to do with unattractiveness but rather to do with the notion of relevance. From a moral standpoint, to fire or otherwise mistreat a person in a professional context (for the law to cover personal relationships would be rather absurd) based on appearance would seem to

be unacceptable. To use a specific example, if a Hooters Girl is doing her job as a waitress to fire her because she weighs “too much” would be unjust. After all, as long as she is physically able to perform her job, then her weight would not be relevant.

One possible reply to this is that there are certain jobs in which attractiveness would be a relevant factor. To use an obvious example, super models are supposed to be beautiful and it would be rather odd for someone of average or less appearance to argue that they are a victim of discrimination if they were not chosen to be a supermodel. To use an analogy, if a job required a great deal of physical strength or a high degree of intelligence or creativity it would hardly be discrimination if people who lacked those attributes were not hired for such jobs.

That, it might be said, can be seen as a crucial part of the matter. If appearance is a legitimate asset and actually part of certain jobs, then to hire (or not hire) people based on appearance would not be discriminatory in these cases.

Of course, there is the concern that there should not be jobs that are based on physical appearance. Such jobs, it might be argued, are inherently discriminatory and also serve to create various problems. Feminists, for example, often present such arguments. However, it could also be argued that there should not be jobs based on other natural assets such as wit, humor, intelligence or creativity. After all, if valuing beauty is somehow wrong, then it would seem that valuing these other qualities would also be wrong.

Does Hate Make a Crime Worse?

The United States senate recently passed a piece of legislation that would make assaulting a person because of his/her sexual orientation or gender identity a federal crime. There are already other hate crime laws, such as those relating to race. As such, this law is not without precedent.

Some conservatives are concerned that the law will infringe on their freedom of speech. After all, some conservative groups are strongly opposed to homosexuality, same-sex marriage and other such issues. Their concern is that their criticism of such things could be taken as hate speech and perhaps even as an assault under this new legislation. It has been claimed, however, that the legislation only covers violent actions rather than speech. However, it must be noted that the application of any law is subject to interpretation and hence it is possible that the legislation (or similar laws) could be taken to cover what is regarded as hateful speech. Obviously, the concern this raises is that such laws can serve to add to the erosion of the freedom of expression and eventually lead to harmful restrictions in such matters. However, let it be assumed that the legislation will apply only to violent actions.

I suspect that the law is intended, in part, to send a message to those who will be protected by the legislation and those who it is intended to protect against. However, I do have concerns about using such a means to send a message.

However, my main concern is a moral one, namely that the legislation seems based on the assumption that an assault on someone because of his/her sexual orientation or gender identity is somehow worse or of greater concern than an assault on someone for any other (non-hate) reason.

For example, let us suppose that I am running with a friend who is openly gay and cross-dresses. As we run along someone jumps out yells “take that, skinny!” and cuts me on the arm with a knife. Realizing that the person in the skirt (a running skirt) is a guy, the mugger yells

“fag!” as he takes a slash at him, also cutting him on the arm. After we subdue the mugger and tie him up with my friend’s tasteful pink running scarf, the police haul him off. Because I’m a straight skinny guy wearing shorts, my cut is a matter of assault and not a federal crime. But, since my gay friend was wearing a skort and the mugger yelled “fag”, the attack on him is now potentially a federal crime—even though his injury is the same as mine. As such, it would seem to be unjust for the mugger to be regarded as having done something worse to my friend than to me.

Of course, it could be replied that my friend suffered more harm because the mugger hurt his feelings as well. But, calling me “skinny” might have hurt my feelings as much as being called “fag” hurt my friend. Also, I am sure that the slashing would hurt much more than the name calling.

It could be added that a while the individual injury was the same for the both of us, the attack on me was just an attack on me as an individual. In contrast, the attack on my friend was somehow an attack on a whole class of people. Thus, I would just be a person being stabbed while my friend would be a veritable Platonic form of gayness and cross-dressingness being stabbed. As such, the crime would be much worse—it would be an attack against many and not just against one.

It might be pointed out that every person is part of many classes and, as such, the same sort of logic would apply. If someone attacks me, they would be thus attacking all men, all people of French, English and Mohawk descent, all runners, all philosophers, all gamers, all people who own huskies, all human beings and so on. On this logic, the severity of the crime would be based on the number (and perhaps the importance) of groups the person belongs to, which seems rather odd.

In reply, someone might note that it is not so much group membership that makes the attack worse, it is the intent of the person making the attack. After all, the legislation is based on the intent—it is assaulting a person because of his/her orientation/gender identity that makes it a federal crime.

Going back to the example, if the person had attacked us for any non-hate reason (as defined by the relevant hate laws) then the crime would not be a federal crime. For example, if we were attacked because he wanted money, was angry at the world, hated runners or hated fit people, then it would not have been a federal crime. But, as soon as the attacker said “fag”, then that would seem to make it a potential federal crime because it would be possible to ascribe to him a motivation of the right sort of hate.

Intent is, of course, a relevant factor. If, for example, we were attacked because the person mistook us for two people that had just killed his wife, then that would be a mitigating factor. However, if the person has a wrongful intent to inflict harm, then the differences between being motivated by greed, general rage, hatred of runners or hatred of homosexuals seem to be largely irrelevant. What matters the most is the actual harm done and not the distinctions between such wrongful motivations. As such, treating such assaults as federal crimes would add an unjustified level of possible punishment.

Violating Your Own Right to Privacy?

Once, as I was getting ready to teach my Critical Inquiry class, I heard a woman outside the classroom carrying on a wicked fight over her mobile phone. I won’t go into the details, but

she was loudly “discussing” the various misdeeds of her (presumably now ex) boyfriend. On another occasion, I was walking to my truck and I had to walk by a screaming couple. Again, I’ll leave out the details but suffice it to say that he seemed rather concerned about the other men sleeping with her. Shortly after that, I heard about Penelope Trunk tweeting about her miscarriage. These incidents all caused me to think “hey, you have a right to privacy...think about using it.” This got me thinking about whether a person can violate her own right to privacy (assuming, perhaps incorrectly, that there is such a right).

On the face of it, it would seem that a person cannot violate her own right to privacy. A privacy violation would seem to require that someone acquire information that they do not legitimately have a right to know and they do so without the consent of the person. For example, someone stealing another person’s diary and reading about their secret hopes and fears would be a privacy violation. When a person knowingly reveals information about herself (such as by being very loud in public, posting it on a public blog or twittering it), then that person has obviously given consent.

However, I think that a case can be made for the claim that a person can violate her own right to privacy. The first step in doing this is arguing that a person can (in general) violate her own rights. To do this, I will draw an analogy to suicide. One reason to think suicide is wrong is that it violates a person’s right to life. Obviously, suicide harms (kills) a person and it seems reasonable to regard this as generally being wrong. To be fair, people do argue that consent to death somehow makes the action morally acceptable but this seems to clearly be a point that can be argued. Returning to the main point, if suicide is a violation of a person’s right to life, then a person can violate her own rights.

Now, if the suicide analogy is found to be lacking, consider a second analogy involving the right to liberty. It seems quite reasonable to believe that a person who consents to slavery would be violating his own right to liberty. After all, if Locke is right, no one can rightly consent to being owned by another (although he does allow for slavery as an alternative to death). If this line of reasoning is plausible, the same would seem to hold for the right to privacy.

The second step in making my case is establishing that there are some things that should remain private, even if a person wants to make them public. This is rather challenging-after all, most people probably believe that people should be generally free to reveal their secrets even if doing so would be rather harmful to them. In fact, many reality TV shows and tell-all books rely on this view. However, it seems reasonable to believe that there is a category of things that should remain private and should not be revealed to others, even by the person whose privacy is at stake. To argue for this, I’ll appeal to the arguments for privacy and claim that these same arguments should also apply to the person in question. After all, if certain things should not be revealed by others, it seems reasonable to think that there are at least some things that should not be revealed by anyone. That is, that there are things that should be regarded as inherently private and not to be shared with the public.

If both of these steps work, then a person could violate her own right to privacy by making public what should be kept private.

I freely admit that my case for this is rather weak and that there are strong intuitions that folks have the right to reveal whatever they wish about themselves (naturally things change when the privacy of other people is involved as well). However, it is not unreasonable to think that people can thus violate their own right to privacy by revealing what should not be public.

If my previous line of reasoning is faulty, I have a second approach that I believe can support my view. The idea is that while people have a right to privacy, people also have a right to a sort of a reverse privacy. To be clearer, I mean that people have a right not to hear about certain things from other people. So, while someone might not violate her own right to privacy by twittering or yelling about private matters in public, such actions could be seen as violating the right of others not to be exposed to such things. My reason for this is that I think it is wrong for people to inflict their private matters onto the public without the consent of the public. When I am getting ready for class or walking to my truck, I think I have the right not to hear about the sexual activities of strangers. That is, I think I have a right to not have other folks private matters forcible entering my life.

Twitter, blogs and such are a quite a different matter. In these cases, people knowingly expose themselves to mediums that are often used to reveal private matters to the public and, of course, people can easily avoid those known to deal in such content.

In the specific case of Twitter, people need to intentionally expose themselves to tweets. Since Twitter is well known for folks spilling private matters, people have no expectation that they will not be exposed to such things (this can be seen as a twist on the idea that there are situations in which people have no expectation of privacy). This is why I am not participating in Twitter. As I see it, Twitter is an unholy blend of narcissism and voyeurism that I would rather not invite into my life. But I do appreciate the fact that it does sometimes provide me with things to write about.

Abortion & Torture

For the past few years I have been caught between pro-choice arguments from the left and pro-torture arguments from the right. I had been able to keep them neatly compartmentalized until recently. Somehow, like flu viruses swapping genetic material, they became blended together. This monstrous hybrid enabled me to see the arguments in a new (and probably incorrect) way. Just as the flu “likes” to get around and meet new people, I thought that this idea might like to get out and perhaps make a few people ill.

On the face of it, torture and abortion would not seem to have much in common beyond the obvious: both involve people doing not so nice things to other people (or pre-people), both are very morally controversial, both have devoted supporters and detractors and so on. However, the two do have something very important in common: they both seem to be defended by the same basic moral principle. Since this might seem a bit absurd, I need to make my case for this.

One stock argument in defense of torture is utilitarian: torturing the “bad guys” will yield information that can prevent terrorist attacks. Naturally, torture is “not nice”, but the badness of the torture is outweighed by the harms it can prevent.

One stock argument for abortion is also utilitarian: aborting unwanted fetuses (or products of conception, if you prefer) will result in a better life for the woman than going through with the pregnancy. Naturally, abortion is “not nice”, but the badness of the killing is outweighed by the harms it prevents to the life of the woman.

Abstracting a bit, the common principle is this: Doing something not nice to another person (or pre-person) is morally acceptable, provided that the badness of the action is outweighed by the harms it prevents.

Given this principle, many of those who support abortion and those who support torture share a common ground: they both accept that we can do not nice things to others, provided that it gets the results one desires. Interestingly enough, folks who defend torture tend to be anti-abortion and those who defend abortion tend to be anti-torture. Of course, there are folks who are against both and some who are for both.

I suspect that at this point many readers are thinking: “hey, there are important moral differences between the two!” That would be a correct thought, so I turn now to considering the breaking of the analogy between the two. This is done by examining those important moral differences.

One obvious difference is the moral status of the objects of torture and abortion. In the sort of torture being defended, the targets are supposed to be bad and dangerous people. That is, people who are involved with blowing up civilians with car bombs, with crashing passenger jets into buildings, and with bombing subways and trains. While this can be debated, these sorts of people do seem to be rather bad. In abortion, the target is clearly an innocent being whose only actions have been limited to growing and perhaps some movement.

Intuitively, harming the innocent seems to be worse than harming the bad. To support this, consider the arguments given for punishment: most tend to hinge on the fact that misdeeds warrant harm. As such, torture would seem to be morally superior to abortion.

Another obvious difference is another sort of moral status, that of being a person. Terrorists, whatever they might have done or planned to do, are clearly people. In contrast, there are many arguments that the targets of abortion are not people. Even if it is granted that the targets of abortion are people, they are clearly lacking in many ways relative to adult terrorists. For example, a terrorist can understand his situation, suffer pain and humiliation, and anticipate that more suffering will be inflicted upon him. In contrast, the target of abortion lacks these capacities or has them at a vastly reduced level. If the suffering of the target is relevant to the morality of an action, then torture would seem to be worse.

A third obvious difference is that torture is not intended to kill the target while abortion is. Intuitively, killing seems to be worse than hurting someone—even if the pain is severe. In any case, people seem to regard death as worse—if you give someone a choice between pain and death, people will tend to choose pain. Of course, there are exceptions—especially when the pain is terrible and ongoing. Since torture only hurts and abortion kills, abortion would seem to be worse.

A fourth obvious difference is the matter of relationship. In the case of abortion, the person making the decision (in most cases) has a special relation with the target—the target is within her body and (potentially) her child. No such relation typically exists in the case of torture (although someone could torture a relative). This distinction could be used to argue that abortion is acceptable and torture is not. Interestingly, women who support abortion often use some variant of the phrase “keep your hands off my body.” As one might imagine, a torture target could also say that with great feeling. Presumably the targets of abortion would say the same thing—if they could talk.

Of course, one might wonder why this special relationship can be used to justify abortion. One stock argument is that it is the woman who is primarily affected by the pregnancy and this (in part) gives her the right. Of course, the same sort of reasoning could be used in the case of torture. If a woman has the right to an abortion so as to prevent harm to her life (or way of

life), then the potential victims of terrorists would also seem to have a comparable right to have terrorists tortured to prevent harm to their lives (or ways of life). If this is correct, then abortion and torture would both be acceptable (or both bad).

This can be countered by insisting that woman has a special right that is somehow grounded in the fact that it is her body and that there is nothing analogous to this in the case of torture. If so, abortion would be justified by that special relationship between the woman and the target of abortion. Obviously, this justification could not be used in the case of torture.

Should Flying Fat Cost More?

In a somewhat controversial move, some US airlines have implemented a policy of charging large passengers extra. The gist of the policy is that if someone cannot fit comfortably in a normal seat, they will be required to purchase a second seat or upgrade to business class.

While some have accused the airlines of simply trying a new scheme to make money, the airlines have defended this policy by asserting that large passengers “infringe” on the comfort of other passengers and point to various complaints made by passengers about this problem.

As of now, this practice is legal in the United States. Her neighbor to the north has a different policy: Canada considers being morbidly obese to be a disability and hence large passengers are entitled to an extra seat at no extra charge.

One relevant point to consider here is what the airline is selling when it sells a ticket. If the airline is selling a single seat, then it is selling (or rather renting out) a specifically sized area. If someone exceeds that area, then they would need to buy more space. To use an analogy with time, if I rent a car for a day, but use it for two days, then I would obviously owe more for that extra day. If the analogy with time holds, then the airlines are in the right to charge more.

This point is also supported by the fact that the airlines sell their business or first class seats at a higher price than the economy class seats. Obviously, the first class passengers are getting transported to the same destination as everyone else on the flight. What they are paying extra for is more space. So, if more space costs more, then large people should have to pay more if they need the extra space.

However, if the airlines are selling passage to a destination, then charging extra for a large person would be unfair. After all, they are receiving no more than anyone else on the plane, namely a trip to the specified destination. The fact that they take up more space would not be relevant. To use an analogy, consider an all you can eat buffet. If I go to the buffet with a friend and I eat twice as much as she does, I would not be charged extra. After all, I am purchasing the right to eat all I can and not purchasing a set amount of food. Obviously, if I was paying by the item, then the more I ate, the more I should pay.

Another point to consider is the fact that being obese is considered by some to be a disability. From a moral standpoint, it is generally expected that people with disabilities should receive the same services and access without being compelled to pay more. For example, if a business imposed a fee to use the handicap ramps that allowed access to the store, then that would be regarded as outrageous. Likewise, to charge obese people more because they have the need for more space could also be seen as outrageous.

Of course, one important distinction is that being obese is generally seen as the result of decisions on part of the obese person rather than a true disability. While some people are genetically predisposed to being obese, how much a person eats and how much they exercise

is a matter of choice. Since they could reduce their weight, the rest of us are under no obligation to provide special accommodations for them. This is because they could take reasonable steps to remove the need for such accommodations.

Naturally, there are those who contend that being obese is no more a matter of choice than is being unable to walk due to a congenital defect. If this is the case, then if we make accommodations for other disabilities, then we would also need to make accommodations for those who are obese. Obviously, settling this question would require extensive research in biology, physiology, psychology and philosophy. After all, it includes both scientific questions about the physiology of obesity and philosophical questions about agency and free will.

LZR Racer Swimsuits & Sports' Ethics

As a competitive runner and a philosopher, I'm rather interested in matters relating to ethics and sports. One sports controversy in 2008 involved Speedo's LZR Racer swimsuit.

The LZR Racer suit was designed to improve the performance of competitive swimmers by addressing two primary obstacles: drag and fatigue.

As anyone who swims knows, moving through water is difficult. While the relative density of water (relative to air) is a factor, the major concern for suit designers (and swimmers) is drag. The LZR suit reduces drag via the use of water repellent fabric and polyurethane panels. By allowing a swimmer to cut through the water more efficiently, the swimmer can get more speed out of her effort, thus increasing performance.

As with running (my sport), fatigue is a serious problem. While there is the obvious problem with being fatigued, there is also the less obvious problem: when an athlete is tired, her form suffers and she becomes less efficient. Thus, the fatigue can feed itself: you get tired, your form gets worse and this uses more energy than using good form, so you grow more tired, and so on. The suit counters this by providing support panels which help prevent the swimmer's form from degrading as she gets tired.

The suit seems to work quite well. When this was written, thirty eight world records had been set by swimmers using the suit. Of course, there is the obvious question of whether the suit was a factor or not. The answer is that it seems to be that it was. Swimmers who use the suit swim faster than when they do not, which indicates that the suit works. Also, the tests regarding drag make it evident that the suit significantly reduces drag. In light of the evidence, the suit seems to be quite effective.

Not surprisingly, the effectiveness of the suit is stirring up considerable controversy. Some of this is legal in nature. For example, a rival swimsuit manufacturer, TYR, filed a lawsuit against Speedo alleging anti-competitive practices. Some of the controversy is more moral in character. For example, the coach of the Italian swim team has been quoted as regarding the suit as "technological doping." This, obviously enough, raises questions about whether the suit should be regarded as cheating or not.

In a legal sense, the suit is (as of this writing) not cheating. This is because the suit is permitted by the rules of the sport. Of course, there is still the question of whether their use is morally acceptable.

One way to argue that the suit is acceptable is to draw an analogy to running shoes.

When I (and most runners) train, I wear training shoes. When I race, I switch to lighter shoes that are designed for racing. While these shoes will not make a slow runner into a fast runner, they do make a noticeable difference. Obviously, moving my feet when I am wearing lighter shoes requires less energy than moving my feet while am wearing my heavier trainers. Hence, I can run faster with the lighter shoes. Some people even go a step further and run without shoes. Since I am not fond of puncture and laceration wounds, I yield that particular advantage in favor of the protection provided by shoes.

While the use of racing shoes provides an advantage, their use is considered acceptable for the following reasons. First, since anyone can wear them, their use does not confer a special advantage. Second, racing shoes do not provide enough of an improvement to make their use an unfair advantage.

If the use of racing shoes is acceptable, then it would seem to follow that the LZR suit is acceptable. After all, the suit does for a swimmer what racing shoes do for runners.

While this argument is appealing, it can be countered.

While swim suits are analogous to running shoes, the following two considerations show that, perhaps, the suit should be considered unacceptable.

First, the technology of the suit is owned by Speedo and cannot be (legally) duplicated by other companies. This means that athletes who are sponsored by other swimwear companies either cannot use the suit or will have to give up their sponsorship (or work out some sort of deal). As such, the suit can confer a special advantage to some that is denied to others. It can be replied that the other people can dump their sponsors, but that seems a bit much to ask. It also could be replied that the other companies should develop different suits with comparable performances so as to level the pool once again. Since the swimsuit companies are competing with each other, it seems unfair to force Speedo to yield its advantage because its competitors have lagged behind. Of course, this situation is somewhat special because it is where athletic and corporate competition meet and fairness in one area could involve unfairness in the other.

Second, the suit seems to yield a very significant advantage that exceeds that provided by racing shoes. Within sports, there is a point where an advantage crosses a line and actually changes the nature of the competition. In some cases, the change can be so dramatic as to effectively create a new event. To use a silly example, consider the difference between bike racing (like the Tour De France) and motorcycle races.

As a better example, consider the discus throw. Obviously, the range a person can throw a discus could be improved by redesigning the discus. A more aerodynamic discus with better lift would fly farther than a standard discus. However, that change would seem to create a new event in which something like a discus (a flycus, perhaps) was being thrown. If everyone is throwing the flycus, then there is no problem because everyone is doing the same event: the flycus throw. Of course, the flycus records cannot be fairly compared to the old discus records because of the advantage provided by the flycus. Naturally, a mixed flycus and discus competition would be unfair-those throwing the flycus would actually be doing a different event and enjoying an unfair advantage over the discus throwers

The advantage provided by the LZR suit might be enough to warrant considering it an event changing technology. If so, using it in the general competition would provide the user with an unfair advantage, just like the flycus. Further, records set by those using the suits cannot be

compared to those set by people not using the suit. To do otherwise would be somewhat like allowing people to use bicycles to set running records.

Ironically, the great success of the LZR Racer suit is what makes it a problem: it might work so well that using it would be cheating.