Due to the ongoing situation the SAP Annual Conference 2020, University of Edinburgh, 3-5 July, has been cancelled. The organisers have made available here abstracts of papers that would have been included had the event gone ahead along with links to other resources which authors have volunteered (e.g., links to full papers, links to recorded presentations, etc.). The SAP hopes to return to Edinburgh to host its Annual Conference 2022.

This booklet been produced with a view to providing a modest platform for sharing / engaging with recent work in applied philosophy and allow delegates who would have attended along with other interested parties to share thoughts on these engaging topics. Please be encouraged to correspond with authors if they have provided an email address / profile link.

The organisers look forward to bringing the community of applied philosophers back together in 2021, University of Antwerp, 2-4 July.

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ABSTRACTS (Concurrent Sessions)
Ahteensuu, Marko (Tampere University)  
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Risk Analysis and Moral Blameworthiness  

Keywords: Moral Culpability; Risk Analysis; Philosophy of Risk and Uncertainty  

Synopsis:  
The relationship between risk analysis and moral culpability has received scant attention. The connexion is more tangled than what is often presumed and deserves systematic scrutiny. In my paper, I attempt to chart the risk-analysis/moral blameworthiness landscape. First, I will consider the ways in which risk assessment policy, risk assessment and risk management relate to values and moral culpability. Second, I will discuss complexities in ethical assessment of choices related to outcome uncertainty, and connect these to risk analysis.

Abstract:  
The relationship between risk analysis and moral culpability has received scant attention. Previous theorising focuses on acceptable risk (meaning probability) level, on responsible risk communication, on the question of how traditional normative ethics theories might be generalized to (cover) outcome uncertainty, and on moral (un)acceptability of particular risk-takings. Possible reasons for overlooking the relationship include a presumed close connection between risk analysis and utilitarianism. This is somewhat misleading, however, and the connexion is more tangled. It deserves systematic scrutiny. In the first part of my paper, I will consider the ways in which risk assessment policy, risk assessment and risk management, respectively, relate to values and moral blameworthiness. This both underlines the depth of the connections between ethics and risk analysis, and calls for early-on collaboration between risk analysts and ethicists. In the second part, I will discuss complexities in the ethical assessment of choices related to outcome uncertainty, and connect these to risk analysis. It turns out, rather unintuitively, that even if everything that could have reasonably been taken into consideration and done was, in fact, taken into consideration and done in risk analysis, this may not secure favourable moral appraisal after the fact. In the analysis, I will draw on (i) the distinctions between hard and tragic choices, and intrinsic and extrinsic luck, as well as on (ii) the concepts of agent regret, uncontrollability and unforeseeability.

Belic, Jelena (Central European University)  

Institutions, Automation and Legitimate Expectations  

Keywords: expectations, legitimacy, automation, harm, compensation  

Synopsis:  
We tend to make long-term plans and attempt to pursue them in the course of our lives. Moreover, we also often evaluate our life based on whether or not it proceeds according to our long-term plans. Whereas making and pursuing long-term plans is typically affected by many things, it is ultimately conditional upon having specific expectations about the future, including the expectations of a stable state of affairs. Given the centrality of expectations to our ability to plan our lives, their frustration interferes with our rational agency and therefore, amounts to a distinctive type of harm. In this paper, I consider possible ways in which the ongoing technological development, including automation, frustrates our expectations of stability and what is an appropriate institutional response to it.
The argument reads as follows. I start by revisiting the philosophical discussion about legitimate expectations, and I outline what I call the compensation view. While proponents of this view disagree about what constitutes just compensation, they agree that when institutions frustrate expectations they induced, they owe compensation to those affected. I proceed to argue that the compensation view is limited to small to medium-sized changes and has a very limited application to the ongoing technological changes. I argue that what is distinctive of these changes is that they introduce dramatic shifts such that they do not merely frustrate specific expectations, but might lead to abolishing expectations altogether and consequently, rendering us unable to plan our lives. Given such scale of changes, we should not be thinking about entitlements to compensation, but about restrictions such interference with our agency imposes on changes. In the end, I consider the objections that my view is perfectionist, that it rewards irrational behaviour, and that it is limited to members of the present generations.

Abstract:
We tend to make long-term plans and attempt to pursue them in the course of our lives. Moreover, we also often evaluate our life based on whether or not it proceeds according to our long-term plans. Whereas making and pursuing long-term plans is typically affected by many things, it is ultimately conditional upon having specific expectations about the future, including the expectations of a stable state of affairs. There are various global trends (climate change and technological development, to name a few) that increasingly destabilize or even frustrate our expectations. This matters for at least two reasons. From a more practical point of view, the frustration of expectations may make people resist change which, in turn, can make institutional attempts to address them futile and unfeasible (Trebilcock, 2014). The second and the more normative point is that the expectations about a legal continuity are fundamental to forming and pursuing our long-term plans and thwarting these expectations interferes with these plans (Buchanan, 1975; Brown, 2011).

Are people justified in demanding that their expectations of stability are not frustrated? What makes answering the question challenging is that it is raised under the so-called non-ideal conditions characterized by unjust or imperfectly just institutions. Some might think that expectations generated under such conditions cannot be legitimate since individuals cannot expect stability of institutions that ought to be changed. According to Rawls, the rules of the basic structure determine the legitimacy of expectations; expectations formed under an unjust basic structure cannot be legitimate and consequently, their frustration is not normatively significant (Rawls, 1971). Rawls’s view has been objected on the grounds that just institutions are inherently unstable, and their instability significantly undermines the stability of expectations of everyone, including the worst off. Constant revisions of institutions, even for the sake of justice, undermine individuals’ expectations, disrupt their lives, and ultimately, interfere with their rational agency (Buchanan, 1975). The idea is that the stability of expectations is essential to us as rational agents and as such, matters in its own right.

More recently, philosophers started examining the possibility of legitimate expectations in non-ideal conditions. While conditions for legitimate expectations are differently defined, two seem to be shared among different accounts. First, legitimate expectations are those induced by legitimate institutions (Meyer and Sanklecha, 2011). For instance, people may develop their long-term plans expecting a continuous provision of specific public benefits. Second, the legitimacy of expectations also depends on how crucial they are for our long-term plans. Given the centrality of expectations to our ability to plan our lives, their frustration interferes with our rational agency and therefore, amounts to a distinctive type of harm.

How should the problem of frustrating legitimate expectations be addressed? In one view, the frustration of legitimate expectations all else equal entails claims for compensation. I will call this ‘compensation based view’. While proponents of this view disagree about what constitutes just
compensation, they agree that whenever institutions frustrate expectations they induced, they owe compensation to those affected. The compensation is aimed at securing individuals’ expectations while at the same time enabling institutional reforms to take place (Brown, 2011; Trebilcock, 2014).

The compensation view is, in principle, plausible, but it seems to have a limited application. Namely, compensation is justified only if it can ease the effects of changes on affected individuals. But what if changes are so significant that it is not only unclear what kind of compensation is adequate for the harm they induce, but whether we should be thinking in terms of compensating the harm or preventing it to occur in the first place? In this paper, I attempt to answer the question by examining the case of automation as one of the currently most significant technological changes. I argue that what is distinctive of these changes is that they grow exponentially and introduce dramatic shifts such that they do not merely frustrate certain expectations, but might lead to abolishing expectations altogether and consequently, rendering us unable to plan our lives. Given such scale of changes, we should not be thinking about entitlements to compensation, but about restrictions such interference with our agency imposes on the changes.

The argument runs as follows. It starts by making a couple of empirical claims concerning the distinctiveness of the ongoing technological changes characterized as the 4th Industrial revolution and I focus on the case of automation. While technological changes are an inherent feature of societies across the globe, what makes the current ones distinctive is that they arguably, seem to threaten to significantly decrease the number of jobs as well as to fundamentally change the nature of the remaining ones. For instance, people are increasingly expected to move around the globe in order to find jobs, to accept short-term contracts and be ready to change jobs quickly; they are also increasingly expected to constantly acquire new skills. My argument is conditional upon the accuracy of these empirical claims– it holds if and only if the ongoing changes will indeed have such a pace and will affect our abilities in the way I assume is the case.

Such unprecedented and disruptive changes frustrate our expectations in a distinctive way, thus triggering a distinctive kind of harm. What makes it especially problematic is an insufficient institutional response to technological changes. The case in point is the growing expectation from individuals to be flexible in their life choices which seems to be antithetical to individuals expecting stability in their lives. Institutions regulate such flexibility by endorsing it; they legalize these unstable norms either by relaxing labor conditions such as for instance, those concerning working hours, or deregulating it altogether. The general trend seems to be not toward more stable institutions able to regulate changes, but toward more flexible people adjusted to a less stable institutional background.

To be sure, one might say that as rational agents we ought to revise our long-term plans in the light of changed circumstances. While the revision of the plans is not objectionable in itself, the ongoing changes such as automation, make it costly for individuals in at least two senses. The first cost concerns giving up on the complex ability one developed in the course of her life. This can be captured by Rawls’s account of the Aristotelian principle: the more proficient we are in something, the more we want to do it, and the more we enjoy in doing it (Rawls, 1971). Falling back from a doing complex task to doing something more simple reduces our wellbeing. As an illustration, recall the controversial Luddite movement to destroy machines used in the 19th-century textile industry in England not because the machines were overtaking their jobs, but because they were making their complex abilities redundant. The second type of costs is the transitional cost of acquiring new complex abilities. In light of the accelerated and disruptive changes, it looks as people will be caught into an endless circle of trying to acquire new skills in order to catch up with changes. How many skills can we learn and what level can we acquire if we keep learning them? Is it so easy to replace one complex ability with another? There seem to be a
What is the appropriate remedy for these costs? We could see that one proposal is to compensate for them. The logic of compensation, however, is that when we compensate for something, we accept that change is taking place and we try to decrease costs for those affected. But when changes reach the unprecedented scale such that it interferes with our ability to plan, what is a just remedy for it? If we are indeed losing these abilities and to the extent they are central to our life planning, it seems that changes should be constrained. Hence, the appropriate remedy seems to be to open to the public and informed debate the extent to which automation should take place. An additional reason to subject the automation to public authorization is that it is supported by reasons of productivity and efficacy that not all of us share.

Belshaw, Chris (University of York)
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Extinction

Keywords: Extinction; value of life; future generations

Synopsis:
What should we think about our extinction? Knowing it will come soon will be bad for us. But mass death will be bad for us in a similar way. Is there any distinctive badness to extinction?

Suppose you think there is. We can ask, how bad? Some think it would be very bad, and we should sacrifice a great deal to prevent it. But contrast two scenarios. Those alive now can live out their lives, but no new people will come into existence. Hence we go extinct. Alternatively we can kill 95% of those living now. The remaining 5% will retain fertility, and extinction will be prevented. Should we sacrifice present lives for future lives? There are many reasons for denying this.

Suppose we agree, extinction will be bad. What is bad about it? We might think it prevents there from being more of what we have, and what we have is good. But consider intermediate positions. We can have more people, but an end to culture. Or we can preserve culture, and hand it over to the Martians. But then there will be no more people. My hunch is that we value human culture more than human life.

Is what we have good? Someone might think our extinction will be good. It could be good for other animals. It could be good, or better, for us, if the alternative is some living hell. What if the alternative is less dramatic? Two more scenarios – progress, and a bland future, or no progress, and an endless cycle of disasters. In the past, it was possible to believe the next millennium would be better. It is, perhaps, no longer possible to believe that. There is no good story to tell. And a pessimistic view is defensible.

Abstract:
What should we think about extinction? Suppose the rhino goes extinct. We can ask, has a bad thing happened? But we need to distinguish between various suggestions here – bad for us, bad for other creatures, bad for the universe (alternatively bad simpliciter, or intrinsically bad), bad for the rhino. Focus for now just on the last. It is ambiguous. This extinction might be thought bad for some or other individual rhinos, or it might be thought bad for the rhino species. Both readings are problematic. Individual rhinos will, each of them, die anyway. None of them will have any idea whether there are, or are not, further deaths to come. And, other things equal, more will die if extinction is prevented than if it occurs. If we think deaths are bad then there are reasons here
to welcome extinction. Can extinction be bad for the species? I’ll say that it can. But it doesn’t follow that it can be bad in a way that matters, bad in a way that gives us reason to prevent or regret, for the sake of the species, that extinction should occur. Rhino extinction might, and in a way that matters, be bad for us – upset us, depress us, cause us (and with reason) to think badly of ourselves. It might be bad for other creatures whose lives depend on rhinos. Can it be bad simpliciter, or intrinsically bad? It is hard to distinguish between extinction being bad for the species, and being bad just in itself. So doubts about the former will spill over into doubts about the latter.

Consider now, and in contrast, our own extinction. Many will think it bad if we become extinct, and indeed bad in a way that matters. Yet many of those thinking this will agree, our extinction may well be good for other creatures, including, of course, rhinos. But our extinction, the claim goes will be bad either for us, or for our species, or for the universe. And for many this will seem the more important consideration here.

Supposing our extinction is bad. How bad is it? Parfit has argued, in several places, that this extinction would be very bad indeed. A nuclear war that kills everyone would, he says, be very much worse than a war that kills 99%. For the surviving 1% could repopulate the planet. But now imagine that some infertility disease is sweeping through the population. No one will die ahead of time, but it seems it won’t be long before it is certain that no new people will be born. But culling now will curtail this disease’s spread. Should we kill 99% of the population, so allowing 1%, who will be fertile, to survive? Or should we, though with regret for attendant circumstances, allow present people to live out their lives? Parfit can’t think that future people count for more than present people. But he will think that numbers count. So if, absencing extinction, there will, in total, be more future people than are alive now, we have reason, it might seem, to sacrifice the smaller number for the greater. There are two mistakes here. First, we might, in preventing, say, nuclear war, prevent extinction from occurring now. But we can’t thereby prevent it from occurring at some later time. So our sacrifice of billions of present people might only provide us with millions of future people. Second, present people are actual, future people merely possible. So even when numbers are the same we can think that present people count for more. If future people will exist either way, it may be as important to save their lives as it is to save lives of people existing now. But we can accept this and yet at the same time think there is no reason at all to start those new lives. Supporters of the Asymmetry will think this. Supporters of what is sometimes called the Weak Asymmetry might, in contrast, allow there is some reason to start new lives. But still, present lives will count for more.

It is, then, and against Parfit, hard to believe that extinction would be so bad that we should pay a very high price to prevent it. Even so, it may still be bad.

Consider now Scheffler’s claim that extinction in the near future would be bad for present people, and bad even for those of us who will die before extinction occurs. It will erode the meaning of our lives. We will – and with reason – lose heart, confidence, joy in living out our lives. There are several weaknesses in this argument. First, it says nothing distinctive about extinction. Other things – wars, pandemics, rapid and massive climate change – even while not causing extinction will be bad in the same way. Second, Scheffler fails to explore important differences between knowledge of, truth of, and belief in extinction. Third, he may, as Wolf has argued, and as history suggests, underestimate our resilience.

Still, there is something to be said for Scheffler’s views on this. And we can draw, and defend, a generalised claim. Assume that life is overall good, and will otherwise continue to be overall good. Then extinction at any time is bad for those living closely before this time. But the bigger the gap, the less the badness. And extinction in the far distant future, even when we know it will occur, is not bad for people living now. The claims here accord, I believe, with intuition. And
the idea is that people at all times are invested in there being continuities for the short and medium term, but not for the long term.

We can put this – the importance of continuities – under pressure. And then we might discover precisely where their importance lies. So imagine that, because of fallout, even the survivors of a nuclear war will soon die. But scientists can build, and fully protect, an embryo factory, loaded with potential people, and managed by robots. After 200 years these embryos will be hatched. And, thanks to the robots, they will be provided with the wherewithal to begin human life over again. But many continuities are broken. Very few of our present concerns will be known, or of interest, to these distant future people. Should we want there to be such people, pretty much detached from present life? If it comes at little or no cost many will choose to restart human life. But it is less than clear that there is reason to do this, or that many will pay any substantial price to bring this about.

Introduce a complication. At the end of the war we are left with a choice. We can send detailed information about our lives, our achievements, our history – thus a digitised version of our culture – into space. We know that aliens will recover this, and find themselves impressed. They'll value this culture, want its continuation, incorporate it into their own lives. Or we can invest, as above, in human embryos. But then the best we can hope for is that they develop for themselves some new version of human culture. We can’t do both. My suspicion is that we value human culture more than human life. Put this another way; psychology trumps biology.

We might wonder, finally, about circumstances in which our extinction would be good. Of course, and as I’ve said, it could be good for other creatures. It could be good too for human beings if our lives promise only, or mostly, to be bad. But might it be good in another way? Might extinction be good for our species?

Consider individuals. It has been argued that the narrative shape of our lives is among the things that matter. So it might be better to die early, having told a good story, than to continue on, if then the story falls apart. (See for example Bradley). What about the species? It has been denied (see Lenman) that there is scope here for such stories. Yet while this is true for biological species in general there is some important sense in which it isn’t true for our species in particular. Human history is, in large part, the history of cultures or civilizations. And it is perfectly plausible to suppose that these have narrative shape.

Consider two versions of what we might anticipate for the future. And contrast these with what might have been expected in the past. Until relatively recently, I suggest, many people could, with reason, have believed that life would get better. This is no longer the case. Perhaps, if all goes well, we have ahead of us only a bland and meaningless future. If it goes less well then there is an endless cycle of disasters and recoveries. Individual lives might be worth living, and even meaningful but in the long term nothing happens. Perhaps extinction will be preferred, and not without reason, to either of these futures. There are questions here about the importance of aesthetic values.

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Effectiveness and Demandingness  
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Full paper: https://www.cambridge.org/core/journals/utilitas/article/effectiveness-and-demandingness/2E00B649F1DFB9ED8B22E15EB7A6DFCB9
Synopsis:
Recently, it has been argued that we can have conditional obligations to give effectively, and that because of this effective altruists need not endorse demanding unconditional obligations of beneficence of the kind defended by Peter Singer in his ‘Famine, Affluence, and Morality’. If one has a conditional obligation to give effectively, then although it is permissible to not give at all, if one does give, she is obligated to give effectively rather than ineffectively.

Taking the core of effective altruism to consist in conditional obligations of this kind is appealing, because it would allow the movement to appeal to (potential) donors to give effectively without arguing for the widely rejected claim that well off individuals have demanding obligations of beneficence that most are currently failing to satisfy. In other words, the movement could insist on effectiveness without committing to demandingness.

In this paper, I argue that despite its appealing features, the view that effective altruism can be understood fundamentally in terms of conditional obligations to give effectively must be rejected. Effective altruists cannot, therefore, insist on effectiveness without committing to at least some degree of demandingness.

The central reason why effective altruists cannot insist on effectiveness without committing to demandingness is that any plausible justification that can be offered for the lack of an unconditional obligation to give will provide at least equally strong reasons for thinking that giving ineffectively is permissible.

Unlike others who have argued that conditional obligations to give effectively cannot be defended, however, I do not conclude that we should accept that ineffective giving is generally permissible. Instead, I offer some reasons to think that effective altruists should be less uncomfortable than many have been endorsing demanding unconditional obligations of beneficence.

Abstract:
The effective altruism (EA) movement, as its name suggests, encourages people both to be more altruistic, and to direct their altruistic efforts more effectively than many typically do. The EA organization Giving What We Can, for example, asks people to pledge to donate ten percent of their income to efforts considered to be among the most effective at making the world a better place. Since most people donate significantly less than ten percent of their income to charity, Giving What We Can is clearly asking a large number of people to increase their altruistic efforts. And since most people direct much, if not all, of the money that they do donate to organizations that do less good per dollar that they receive than the organizations recommended by EA charity evaluators, EA organizations are clearly committed to the view that there are strong reasons for people to direct whatever money they do give more effectively.

Among the core commitments of EA, then, are, first, a commitment to the view that greater altruism (for example, in the form of increased charitable donations) is to be encouraged, and, second, a commitment to the view that directing altruistic efforts more effectively is to be encouraged. When formulated in this way, such that they entail only that it is better, morally speaking, if people donate more, and donate more effectively, these commitments will strike most people as at least relatively uncontroversial. If, however, the commitments are understood as representing moral obligations to which well off people are subject, so that, for example, those who donate less than ten percent of their income, and/or those who donate to less effective organizations, are acting wrongly, many more people will tend to find them objectionable. The claim that well off people are obligated to donate more, and perhaps significantly more, than most actually do, for example, will be rejected by many on the grounds that it is objectionably demanding. And the claim that giving to less effective rather than more effective organizations is impermissible will be rejected by many as inconsistent with individuals’ prerogative to direct their
altruistic efforts toward causes that they care particularly about, even if donations to those causes do less good than donations directed elsewhere.

Since EA is a social movement that is best understood as structured around a set of core commitments, including, centrally, philosophical commitments, it is important for both theoretical and practical reasons for those sympathetic to its central aims to consider precisely how these core commitments should be understood. In particular, it is important to consider what effective altruists (EAs) must think about the content of our moral obligations in order to be able to make the claims about the ethics of charitable giving that are essential to the movement.

Theron Pummer has recently claimed that the commitment to effectiveness in giving is significantly more important to EA than the commitment to increased giving. On his view, although EAs do aim to encourage people to be more altruistic, and specifically to give more to charitable organizations than they typically do, “by far their most central recommendation is that we give effectively, that is, to whatever charities would do the most good per dollar donated.” In addition, he argues that individuals can be subject to obligations to give effectively that are conditional – specifically, he claims that there are many cases in which, although it is permissible for an individual to refrain from giving to charity at all, if one is in fact going to give, it is wrong to give to a less effective organization rather than a more effective one. On a view with this structure, it might be wrong for a well off person to give $40,000 to a charity that trains seeing-eye dogs for blind people in the United States, given that she could have given instead to a charity that provides surgeries that reverse the blindness-causing effects of trachoma for people in Africa, even if it would have been permissible for her to, for example, spend the same $40,000 on a down payment on a new house for herself and her family.

There are a number of reasons, both theoretical and grounded in the aim of movement-building, that EAs might find the view that conditional effectiveness obligations can apply even in the absence of unconditional obligations to give appealing. Perhaps most importantly, it would allow them to at least largely avoid taking a position on the issue of morality’s demandingness, and therefore allow them to appeal to people to give more effectively without endorsing or defending the widely rejected (and potentially off-putting) claim that well off people have demanding obligations of beneficence that they are, for the most part, currently failing to satisfy. The movement could insist on effectiveness without committing to (any particular degree of) demandingness.

Despite the appealing features of a view with this structure, EAs cannot, it seems to me, avoid endorsing at least some unconditional obligations of beneficence, and more generally cannot avoid taking at least a fairly strong position on morality’s demandingness. I do not deny that there are cases, including potentially some involving charitable giving, in which conditional effectiveness obligations apply in the absence of unconditional obligations of beneficence. I believe, however, that the range of charitable giving cases of which this is true is significantly too narrow for EAs to be satisfied that their core commitments allow them to criticize, in EA terms, ineffective giving in those cases, despite the fact that they cannot criticize ineffective giving in cases that fall outside of that range. If I am correct about the range of cases in which it is plausible that agents are subject to conditional effectiveness obligations, on the assumption that they are not subject to unconditional obligations of beneficence, then refraining from committing to at least fairly substantial unconditional obligations of beneficence applying to well off people would undermine the common EA claim that a great deal of actual charitable giving is morally objectionable (because it is substantially less than maximally effective), and that many actual people are morally obligated to give to different organizations than those to which they in fact give.
My central aim in this paper is to argue that EAs cannot, consistent with their broader aims, avoid endorsing at least a fairly demanding view about the unconditional obligations of beneficence to which well off people are subject; in at least many of the cases of concern to EAs, effectiveness cannot be entirely separated from demandingness. I defend this claim by arguing that if one accepts any of the most plausible and commonly endorsed grounds for thinking that it is permissible for individuals to refrain from giving (more) to charity, then one cannot deny that those same grounds justify at least a great deal of ineffective giving. This has significant implications not only for how we should understand the core commitments of EA, but also for how we should think about the conditions in which individuals might be subject to conditional obligations of all kinds.

After making this argument, I briefly offer a reason for thinking that EAs should be less hesitant than some have been to defend demanding unconditional obligations of beneficence. I suggest that the fact, often pointed to by critics of EA, that the well off people to whom EAs typically aim to appeal are beneficiaries of global economic injustice, provides strong and broadly appealing grounds for thinking that those people are not, morally speaking, entitled to at least a significant portion of the resources in their possession. This, I claim, undermines the most plausible objections to the view that they are obligated to direct those resources where they will do the most good.

I proceed as follows. In section II, I describe Pummer’s argument for the view that individuals can be subject to conditional effectiveness obligations, despite not being subject to unconditional obligations of beneficence, and note the implications that he thinks this has for cases involving charitable giving. In section III I argue that, in a wide range of cases involving charitable giving, the kinds of reasons that most plausibly explain why individuals might not be subject to unconditional obligations of beneficence also provide grounds for rejecting the view that they are subject to conditional effectiveness obligations. This, I claim, suggests that at least in these cases, the effectiveness obligations cannot be defended independently of unconditional obligations of beneficence, and therefore cannot be defended without, in effect, taking a position on morality’s demandingness. I conclude, in section IV, by suggesting that the fact that well off people are beneficiaries of global economic injustice provides strong reason to think that they are subject to potentially demanding unconditional obligations of beneficence. I argue that, contrary to what many might be initially inclined to think, justice and effectiveness are not necessarily in tension with each other, and that EAs both can and should appeal to considerations of justice in order to support their views about the obligations of the well off.

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**Synopsis:**
Neufeld (forthcoming) claims that pornography dehumanizes women by essentializing them as beings with no or reduced capacity for self-determination and that it does so, in many cases at least, through linguistic means, notably by use of gender-specific pejoratives. According to Neufeld, the dehumanization of women in pornography is explained by its effectiveness as a grooming technique, that is, as a way of silencing the ethical concerns of porn consumers. In making use of this explanation of why pornography dehumanizes women, Neufeld presupposes that much of the linguistic material within and surrounding pornographic content serves a
grooming function – in other words, she assumes that much of the linguistic material within and surrounding pornographic content is intended to prepare the viewer for the viewing experience (call this assumption the ‘grooming hypothesis’).

As opposed to Neufeld, I argue that gender-specific pejoratives are not plausibly viewed as essentializing expressions and that any further linguistic evidence provided by Neufeld (forthcoming) does not suffice to establish the claim that pornography essentializes (and thus dehumanizes) women, either. Moreover, I argue that we should reject the grooming hypothesis since it rests on a serious misunderstanding of the function of linguistic material within and surrounding pornographic content.

Abstract:
Neufeld (forthcoming) argues that pornography dehumanizes women. Her claim rests on two premises:

1. For all x (with x ranging over persons), for all y: If y essentializes x as a being with no or significantly reduced capacity for self-determination, then y dehumanizes x.

2. Pornography essentializes women as beings with no or significantly reduced capacity for self-determination.

Four preliminary clarifications are in order. First, Neufeld’s claim that pornography dehumanizes women is intended as a generic generalization, not as a universally quantified sentence. Generic sentences do not provide information as to how many members of the category have the property; some generics, such as ‘Ticks carry the TBE virus’, are compatible with only a very small percentage of all category members having the property in question (cf. Leslie and Lerner 2016).

Second, premise (2) is (at least in part) an empirical claim. According to Neufeld, women’s essentialization as beings with no or reduced capacity for self-determination is frequently, though not necessarily, achieved via linguistic means – notably by ‘name calling’, that is, by use of gender-specific pejoratives like ‘bitch’, ‘slut’, ‘whore’, or ‘cunt’. In order to defend premise (2), Neufeld exclusively presents linguistic evidence taken from, for instance, scripted dialogue and content summaries available on porn sites.

Third, premise (1) states a conceptual relation between (certain forms of) essentialization and dehumanization. To ‘essentialize’ someone, according to Neufeld, is to mentally represent someone as belonging to a kind with a given ‘deep’ essence that causally determines typical ‘surface properties’. The latter concept, ‘dehumanization’, is claimed to be understood by Neufeld in broadly Kantian terms: as a failure to recognize or respect someone’s autonomy, agency, or capacity for self-determination, thereby failing to recognize and respect their personhood.

Fourth, Neufeld claims that the dehumanization of women in pornography is explained by its being an effective grooming technique, that is, an effective way of dispersing the ethical concerns of porn consumers. Pornography, the story goes, represents women as less than human in an effort to make the pornographic material palatable for the (typically male) viewer. In making use of this explanation of why pornography dehumanizes women, Neufeld presupposes that much of the linguistic material within and surrounding pornographic content serves a grooming function – in other words, she assumes that much of the linguistic material within and surrounding pornographic content is intended to prepare the viewer for the viewing experience (call this assumption the ‘grooming hypothesis’).

As opposed to Neufeld, I argue (i) that gender-specific pejoratives are not plausibly understood as expressions with an essentialist semantics and (ii) that any further linguistic evidence provided in Neufeld (forthcoming) does not suffice to establish premise (2) either. I conclude that Neufeld’s attempt to establish the claim that pornography dehumanizes women fails. Moreover, I argue (iii)
that we should reject the grooming hypothesis which is not only uncritically accepted by Neufeld, but has also been put forward by other prominent critics of pornography (e.g., Dines 2010, Whisnant 2010).

For the remainder of this abstract, let me elaborate in more detail my argument for (i):

According to Neufeld, gender-specific pejoratives like ‘bitch’, ‘slut’, ‘whore’, or ‘cunt’ qualify as slurs – as opposed to (mere) individual pejoratives such as ‘jerk’, ‘asshole’, ‘fucker’, or ‘dickhead’. What distinguishes slurs from individual pejoratives, on Neufeld’s (2019) account, are the former’s essentialist semantics. An essentialist theory of slurs regards slurring expressions as akin to natural kind terms such as ‘tiger’, ‘water’, or ‘gold’: they designate, or purport to designate, some ‘deep’ essence that is causally connected to a number of observable surface features which, taken together, make up what Putnam calls a ‘stereotype’ (cf. Neufeld 2019, p. 2). With a natural kind term like ‘tiger’, these observable features are non-evaluative properties such as being striped, having four legs, or having a yellow iris. Slurs, on the other hand, purport to designate some essence that is causally linked to negatively-valenced stereotypical properties of a social group such as being lazy, being untrustworthy, or being filthy. (Note that, since with regard to slurs there is no respective essence, they are strictly speaking failed kind terms, comparable to the term ‘phlogiston’.)

For the sake of my argument, I grant that Neufeld’s essentialist theory of slurs is correct and, hence, that all slurs essentialize – the question is, then, whether the gender-specific pejoratives mentioned above are indeed slurs. I argue that this is not the case. To see why, remember that whereas an individual’s surface properties (including its behaviour) may change, its essence is bound to remain the same – essence is unchangeable. With respect to natural kind terms – whether ‘failed’ or ‘successful’ – this is quite obvious. Sentences expressing a change in essence such as (3a) or (4a), when taken literally, are infelicitous; whereas sentences about surface properties such as (3b) and (4b) are unproblematic:

(3a) Montecore was a tiger when Siegfried and Roy first got him, but as an adult, he turned into a giraffe.

(3b) Montecore was yellow-eyed when Siegfried and Roy first got him, but as an adult, his irises went brown.

(4a) This table is partly made up of phlogiston, but it could just as well have consisted solely of platinum.

(4b) This table is sleek, but it could just as well have been badly scratched.

Now consider the following example sentences:

(5a) Well, she was a slut/whore in high school, but she’s not anymore – she has turned out not so bad, after all.

(5b) Well, he was an asshole/a jerk in high school, but he’s not anymore – he has turned out not so bad, after all.

(5c) Well, he was a chink/spic/kike in high school, but he’s not anymore – he has turned out not so bad, after all.

(6a) Since she got promoted, she has turned into a bitch/cunt. I can’t stand her anymore.

(6b) Since he got promoted, he has turned into a dickhead/jerk. I can’t stand him anymore.

(6c) Since he got promoted, he has turned into a chink/spic/kike. I can’t stand him anymore.

(5a) and (6a) employ pejorative terms that are (typically) targeted at women, (5b) and (6b) employ what Neufeld (2019, p. 18) calls “paradigmatic cases of individual pejoratives”, and (5c) and (6c) employ what Neufeld and many others (e.g., Popa-Wyatt 2016; Jeshion 2013, 2016)
consider paradigmatic examples of (ethnic) slurs. Note that (unfortunately) it is not at all uncommon for speakers to utter sentences such as (5a) and (6a) as well as (5b) and (6b) in order to express that the subject of the sentence has undergone a change in attitudes, behaviour, or values – but not in essence. Take (6a) and (6b): A speaker who utters these sentences can plausibly be taken to express the opinion that the promotion has turned a once decent and well-mannered co-worker or acquaintance into a person that shows ‘uppity’, arrogant or megalomaniac behaviour. By contrast, the sentences (5c) and (6c) seem much less natural and thus much closer to the earlier examples (3a) and (4a) containing natural kind terms. Based on these examples, I contend that while Neufeld’s essentialist hypothesis might be true of paradigmatic slur terms such as ethnic slurs, it is much less credible with regard to gender-specific pejoratives. On Neufeld’s essentialist theory, then, these latter terms do not qualify as slurs, but rather are individual pejoratives. Much like the terms ‘dickhead’ or ‘jerk’ they (typically) target individuals, not whole groups, and they are used to express contempt based on “personal qualities” (Popa-Wyatt 2016, p. 152) or “temporary behavior” (Neufeld 2019, p. 18) of the individual, not based on some kind of ‘group essence’. Gender-specific pejoratives (typically) targeted at women track behavior, not essence; they do not essentialize. Therefore, even if these expressions are indeed “ubiquitous” (Neufeld forthcoming) in pornography, their frequent occurrence does not support premise (2).

In the remainder of my paper, I consider two objections against my argument (that gender-specific pejoratives do not essentialize), and I show that Neufeld’s claim that pornographers have two further essentializing strategies at their disposal – “mak[ing] use of the essentializing power of nouns” and providing content descriptions that convey an essentialist conception of women – is implausible as well.

Furthermore, I argue that the grooming hypothesis is probably false, since it rests on a serious misunderstanding. The content descriptions available on porn sites, cited by Neufeld and other critics of pornography as examples of ‘grooming material’, are not preparations for porn, they are porn. They are primarily meant to arouse porn consumers, not to numb their ethical concerns. The same, I contend, is probably true of various other linguistic material within and surrounding pornographic videos: referring to women with gender-specific pejoratives, for instance, does not, or not primarily, serve the function of dispersing the viewer’s qualms about the unethical treatment of the female protagonists; rather, the very act of (verbal) humiliation/degradation itself is eroticized.

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Gender, Time and the Measurement of Fertility

Keywords: philosophy of measurement, philosophy of science, gender, fertility, feminist theory

Synopsis:
Human fertility is in an apparent state of crisis. In July 2017, scientists reported that sperm counts among men from North America, Europe and Australia have decreased by 50 – 60% since 1973, with no sign of halting (Levine et al. 2017). For women, the story is bleak and familiar: women’s fertility decreases with age, yet women are waiting longer than ever to have children (Kincaid 2015). In this paper, I investigate this crisis by analyzing the seemingly mundane practice of measurement, i.e. the standards, methods and instruments by which the phenomenon of fertility is quantified. By comparing two widely-used measures – semen analysis in men, and ovarian reserve testing (ORT) in women – I argue that socio-cultural ideas about gender play a significant role in constructing fertility as a measurable phenomenon. Different temporal assumptions implicit in semen analysis and ORT reflect and enforce a view of women as more responsible for –
and therefore more to blame for – infertility than men. I conclude by arguing that, with respect to semen analysis and ORT, it’s not just fertility that’s being measured, but degrees of adherence to entrenched norms of masculinity and femininity.

This paper takes an applied interdisciplinary approach to the study of measurement. Drawing on philosophers, STS theorists and historians, this approach – which I call ‘critical metrology’ – provides a framework for thinking critically about how we count, number and categorize, so as to make visible the powerful role of socio-political norms in the seemingly cold, hard, indisputable realm of the quantitative.

References


Abstract:
Human fertility is in an apparent state of crisis. In 2017, scientists reported that sperm counts among men from North America, Europe and Australia have decreased by 50–60% since 1973, with no sign of halting (Levine et al. 2017). For women, the story is bleak and familiar: women’s fertility decreases with age, yet women are waiting longer than ever to have children (Kincaid 2015). In this paper, I investigate this looming fertility crisis by analyzing the seemingly mundane practice of measurement. How, I ask, are numbers, rates, percentages and categories assigned to human bodies in the quest to understand and track fertility? Engaging feminist philosophy, science studies, and contemporary biomedical research, I show how gender ideologies are intimately connected to the measurement of fertility. Fertility metrics measure more than just fertility; they measure adherence to entrenched norms of masculinity and femininity.

The overarching aim of this paper is methodological. Significant philosophical attention has been paid to measurement as an abstract metaphysical and epistemological phenomenon (Tal 2017). Following philosophers like Ian Hacking (1999) and Anna Alexandrova (2017), this paper calls for attending more closely to the applied socio-political dimensions of measurement. What role does measurement play in the creation and maintenance of social norms? How can we best conceptualize and investigate the intersection of measurement and oppression? Answering these questions, I contend, requires an interdisciplinary approach that engages with measurement as a social practice. This approach – which I call ‘critical metrology’ – provides a way of thinking critically about how we count, number and categorize, so as to make visible the powerful role of socio-political norms in the seemingly cold, hard, indisputable realm of the quantitative. It is this approach that I attempt to exemplify in this paper.

I begin the paper by outlining an account of measurement as the rule-governed assignment of numbers or categories to empirical phenomena. I use this account to introduce and compare two current gold standard fertility measures: semen analysis in men, and ovarian reserve testing (ORT) in women. I then demonstrate how each measure makes use of temporal variables, but in importantly different ways. Semen analysis functions by providing a measure of a man’s fertility at a single, isolated point in time, i.e. at the moment at which the sample was collected. In contrast, ORT measures a women’s fertility by locating it at a point along a fixed, downward trajectory. As such, semen analysis measures only current fertility, whereas ORT measures current fertility by way of measuring past and future fertility.
This temporal difference is not ‘given by nature’; by the lights of contemporary science, we could equally well measure male fertility by locating it on a downward curve, or measure female fertility as temporally isolated (McLaughlin et al. 2017; Zhu et al. 2005). Instead, I contend that this difference is best understood in light of deeply-rooted socio-cultural narratives concerning men and women’s reproductive roles. Feminist historians have long demonstrated how women’s bodies are “socially and culturally linked to reproduction” (Martin 2010; Mcquillan et al. 2008; Lorber 1994). While men are traditionally associated with the ‘public sphere,’ women are seen as responsible for ‘private’ matters pertaining to family and reproduction, a fact reflected in the existence of potent cultural scripts connecting womanhood with motherhood. Fertility metrics, I argue, both reflect and reinforce these longstanding socio-cultural narratives. In measuring women’s fertility by locating it on a downward trajectory, ORT embeds an explanation of women’s fertility as primarily connected to her choice to have children at certain times. That is, ORT reflects and encourages a view of women’s choices as a primary cause of – and therefore of women as responsible for – fertility. Although scientific research also suggests that men’s fertility decreases with time (Zhu et al. 2005), no such causal explanation is embedded in semen analysis.

This difference has consequences. If the measurement of a woman’s fertility is bound up with allocations of personal responsibility, the implications for how women conceptualize diagnoses of infertility are profound. Ethnographers have reported that the stigma of infertility is “embodied differently by women, who are more likely to use words such as ‘failure’ and ‘broken’ to describe their bodies, than men” (Martin 2010, 528).

The connection between fertility measures and gender narratives has implications not only for individual lives, but also for broader scientific research and public policy. Consider again the looming fertility crisis. On the men’s side, no single phenomenon has been identified as the cause of the decline in sperm counts; instead a wide range of factors have been hypothesized, including exposure to pesticides (Chiu et al., 2016), changes in diet (Afeiche et al., 2013), and stress (Nordkap et al., 2016). The male fertility crisis is described as a broad “public health” emergency resulting from the general “impact of modern living on male health” (Kelland 2017). The proposed solution is large-scale scientific investment: “we need a critical mass of scientists trying to find out what is happening and why it is happening.” (McKie (2017).

Contrast this with the female fertility crisis. Although women are presumably subject to similar modern environmental and lifestyle conditions as men, the crisis narrative regarding women’s fertility focuses on a single cause: the age at which women are choosing to give birth. To solve this crisis, individual women must “face the facts” of their ticking biological clocks (Campbell 2014). Leading fertility expert Dr. Michael Dooley, for example, argues for the introduction of fertility education to school-aged girls (Malden 2015).

Research on the fertility crisis, as the preceding discussion indicates, conceptualizes men as victims of their infertility, and women as the cause of their infertility. My paper attempts to show how these conceptualizations are not just superficial, or purely a result of problematic interpretations; rather, they are built deep into the measures, numbers and categories that underlie fertility science. That is, gender ideologies enter into and are enacted at a basic quantitative level, with profound implications for those whose bodies are measured, and for shared public understanding and debates over the future of our species.

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**Robust Rights and Harmless Wronging**

**Keywords:** Rights; Wrongs; Harm; Interest Theory; Robustness

**Synopsis:**
This paper examines a range of cases in which we might want to attribute rights against harm, and yet the right-holder is not harmed by the violation of that right. I call these cases of “harmless wrongdoing”. These cases pose a problem for most theories of rights (those theories that have wellbeing play some grounding role in rights), though the problem is most pronounced on the dominant theory of the nature rights, the Interest Theory. On that theory, rights necessarily protect one’s wellbeing. But, in cases of harmless wrongdoing, one’s wellbeing is not protected, so the Interest Theory’s necessary condition is not satisfied. This paper puts forward a novel solution to this problem, the Safety Condition. The Safety Condition looks beyond what happens in the actual world to close worlds in order that people’s wellbeing is robustly protected across circumstances that could just have easily come about.

It is argued that the Safety Condition correctly generates right-ascriptions in cases of harmless wrongdoing. Further, it is argued the Safety Condition offers us a unified account of why people are attributed rights across different types of case of harmless wrongdoing: even if one is not made sufficiently worse off as things turn out, one could easily have been made sufficiently worse off. Finally, it is argued that, with a focus on how things could otherwise turn out—with a focus on modality—rights and directed duties formally require that duty-bearers are sensitive to others’ wellbeing: it requires not only that we do not harm others, but that we could not easily harm others.

**Abstract:**
Rights are important. Part of why rights have this importance is that they protect us from harm—they protect our interests. This paper examines a range of cases in which it appears one’s rights against harm have been violated by another’s behaviour, even though this behaviour has done no harm. Call these cases of “harmless wrongdoing”. Consider the following two examples.

**Plane Crash (Preempted Harm).** Passenger is about to board a plane. Attendant takes a disliking to Passenger, so denies her admittance onto the plane. On departure, the plane crashes and everybody on board dies.

**Roulette (Pure Risk Imposition).** Target is asleep. Her housemate, Shooter, comes into her room and decides to play Russian roulette with her. Luckily, no bullet is fired. Shooter, content with having had a round of roulette, will never play roulette again.

Intuitively, Passenger and Target have their rights violated. However, Passenger is better off in the world in which her rights are violated than that in which they are not. And, Target’s life is as it would have been had Shooter not made Target the subject of her risky behaviour. Given the standard Counterfactual Account of Harm, on which Y harms X iff Y makes X worse off than X would have been had Y not acted as she did, this means that Passenger and Target are not harmed by the violation of their rights.

Cases of harmless wrongdoing raise a serious problem for most theories of rights (those theories that have wellbeing play some grounding role in rights). For example, most theories say that, other things being equal, the stringency of a right corresponds to the harm that would befall its holder were that right to be violated. Cases of harmless wrongdoing wreak havoc with the intuitively...
plausible stringencies of rights. For example, what is the stringency of Passenger’s and Target’s rights against Attendant’s and Shooter’s behaviour?

The problem caused by cases of harmless wronging is most pronounced on the dominant theory of the nature of rights, the Interest Theory. On that theory, for X to have a right against Y that Y Φ, X’s wellbeing (her interests) must be of sufficient weight to place Y under a duty to Φ. The Interest Theory has a lot going for it. For example, as well as having an intuitively plausible account of the grounds of rights, it also explains some fundamental structural features of rights and their correlative directed duties. First, it gives a good account of why Y owes her duty to X—the duty owes its existence to features of X. Second, relatedly, it offers a plausible account of why, through infringing her duty, Y does not merely act wrongly but wrongs X—Y has failed to respond to morally salient duty-grounding features about X.

The Interest Theory runs into trouble with cases of harmless wronging. Neither Passenger’s nor Target’s wellbeing is protected by their putative rights that are violated. Because of this, it is hard to see how either person’s wellbeing could be said to be of sufficient weight to place anyone under a duty. So, the necessary condition set for a right- attribution by the Interest Theory is not satisfied. Call this the Problem of Harmless Wronging for the Interest Theory. The problem is that of accommodating our intuitions that Passenger and Target have their rights violated, given a commitment to the Interest Theory.

This paper offers a principled solution to the Problem of Harmless Wronging for the Interest Theory by revising the canonical statement of the theory with what I call the Safety Condition. The Safety Condition looks beyond what happens in the actual world to close possible worlds to normatively ensure that people’s wellbeing is robustly protected across circumstances that could easily come about.

We begin, in Section 2, by considering Plane Crash, our example of preemption. There are at least two ways that we might amend the Interest Theory to accommodate the verdict that Passenger has a right that Attendant not deny her admittance onto the plane, a right that Attendant violates. First, we might think rights are grounded in wellbeing considered pro tanto (that is, Passenger is made worse off in a regard by being denied admittance onto the plane). Second, we might hold that rights are grounded in our wellbeing under normality (normally, planes do not crash). These solutions are found wanting.

Against the pro tanto line, while Passenger may be worse off pro tanto in Plane Crash, there are other cases of preemption where there is no pro tanto harm. For example, suppose that we have two hitmen. Hitman2 admires Hitman1. Hitman2 secretly follows Hitman1 on every job she has in the hope that, one day, Hitman1 will fail to complete a hit and she will be able to do so instead, thereby impressing Hitman1. For any victim that Hitman1 is contracted to kill, what aspect of her wellbeing is setback by Hitman1 that would not have been setback by Hitman2? I argue there is none. Against the normality line, it is possible that harm may be preempted under normal circumstances, so looking to normality will not always help us. For example, in our hitman example, normally, the harm cause by Hitman1 will be preempted by Hitman2. Finally, we also see that the normative upshots of harm are affected by its being preempted—this gives us reason to think that a solution to our problem does not lie in amending the Counter-factual Account of Harm.

Instead of these ways of proceeding, I suggest that we make an appeal to modal safety. As Williamson puts it in Knowledge and its Limits, ‘[i]agine a ball at the bottom of a hole, and another balanced on the tip of a cone. Both are in equilibrium, but the equilibrium is stable in the former case [...] Although neither ball did in fact fall, the second could easily have fallen; the first could not’ (123). The idea is, there is a danger an event will occur if that event does occur in some sufficiently similar case. And, much like how the ball is not safely balanced on the top of a cone, Passenger’s wellbeing is not safely protected in Plane Crash—though Passenger is not actually
made worse off by their right’s violation (because the harm was preempted), there is a danger that they could have been. And, it is plausible that rights ought to safely protect people’s wellbeing. Here’s the revised condition:

Safety Condition. For X to have a right against Y that Y Φ, Y’s not Φ-ing must cause X to be worse off than she would have been in at least one close world, and the difference in X’s wellbeing must be of sufficient weight to place Y under a duty to Φ.

Next, in Section 3, we examine how the Safety Condition deals with Roulette, our example of pure risk. Through comparison of (i) the possible world in which Shooter plays roulette with Target and there is a bullet in the chamber with (ii) the possible world in which Shooter does not play roulette with Target, we can see that Target has a sufficiently weighty interest that grounds Shooter’s being under a duty not to play roulette with Target.

In Section 4, we see why we might endorse the Safety Condition in addition to its extensional accuracy. First, the Safety Condition removes an objectionable form of luck from rights-ascriptions and -violations. Relatedly, second, I argue with a focus on how things could otherwise turn out—with a focus on modality—rights and directed duties formally require that duty-bearers are sensitive to others’ wellbeing: it requires not only that we do not harm others, but that we could not easily harm others. That is a plausible account of the grounds of rights (especially, against harm).

Finally, Section 5 defends the Safety Condition against three objections. First, the Safety Condition is too complex with its focus on nearby worlds. Second and third, that it both undergenerates and overgenerates right-ascriptions.

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Gamete Donation and Causal Theories of Procreative Responsibility

Keywords: Parenthood, Assisted Reproduction, Children, Procreation

Synopsis:
In this paper I will defend causal accounts of procreative responsibility as they pertain to gamete donation against two kinds of criticisms. The first is a line of criticism originating in the abortion literature which attempts to show that being responsible for causing another to exist in a state of need does not necessarily result in a duty to ensure those needs are fulfilled. The second is that causal accounts of procreative responsibility suffer from a problem of over-breadth. Following this defence of causal accounts of procreative responsibilities I will propose an account of procreative responsibilities that is compatible with the permissibility of gamete donation arrangements. I will argue that procreative responsibilities need not include the duty to parents. Gamete donors thus do not violate their duties by having other parent their biological offspring. This does not leave gamete donors completely free of obligations. Certain needs might arise that can only be met by biological parents. For instance, a detailed family medical history might be required in order to secure a diagnosis. Furthermore, in the event that a donor-conceived child’s parents become unable to parent gamete donors may have an obligation to provide support to their offspring’s parents. In extreme cases gamete donors might be called upon to take over parenting duties, though such cases would likely be exceedingly rare.

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Social norms governing gamete donation and other similar procedures cleave those biologically involved in the creation of a children from those with ongoing responsibilities to them. While such arrangements provide the good of parenthood to those who might otherwise be childless, they raise tensions with other norms governing the ascription of procreative responsibilities. For instance, outside of assisted reproduction arrangements the long-standing norm is to place substantial moral and legal obligations on those who are taken to be ‘morally responsible’ for bringing children into being. This is manifest in the practice of levying child maintenance obligations on fathers who beget children as a consequence of one-time trysts or other sexual encounters in which there was neither an existing relationship with their sexual partner nor an intention to parent.

The philosophical literature on how to proceed is equally conflicted. While authors such as Onora O’Neill, Tim Byane, and David Archard see nothing wrong with gamete donation arrangements that free donors from ongoing obligations to their offspring, others are not so certain. David Velleman has claimed that sperm donors who are uninvolved in the lives of their offspring are ‘dead-beat dads’. Rivka Winberg, James Nelson, and Lindsey Porter all argue that procreative responsibilities do accrue to gamete donors and that these responsibilities cannot be transferred to others. At the heart of this debate lies the standing of causal theories of procreative responsibility.

The purpose of this paper is two-fold. First I will defend causal accounts of procreative responsibility as they pertain to gamete donation against two kinds of criticisms. The first is a line of criticism originating in the abortion literature which attempts to show that being responsible for causing another to exist in a state of need does not necessarily result in a duty to ensure those needs are fulfilled. The second is that causal accounts of procreative responsibility cannot conscribe the scope of those who acquire responsibilities in a principled way and suffer from a problem of over-breadth. The second aim of the paper is to propose an account of procreative responsibilities that is compatible with the permissibility of gamete donation arrangements.

I. The Case Against Causal Procreative Responsibility

Harry Silverstein and David Boonin argue that we can draw an important distinction between (a) being responsible for the existence of a needy individual and (b) being responsible another’s neediness-given-existence. One their view, in absence of consent to the duty, reproducers acquire an obligation to provide for those they create only when they responsible in the sense of (b). One is responsible in the sense of (b) when one’s actions cause someone to exist in a needy state and an alternate action was available that would have secured that individual’s existence without imposing on them a state of need.

If successful, this argument would undermine the application of causal accounts of procreative responsibility in gamete donation cases. This is because there is no action available to gamete donors that would both result in the existence of their biological progeny and result in that progeny existing without being in a needy state. Gamete donors are at most responsible in sense (a), but not sense (b), and thus would not acquire subsequent obligations.

However, there are reasons to reject the normative force of the distinction between (a) and (b) in reproduction. Silverstein and Boonin defend their distinction by appealing to several hypothetical cases. But each of these cases is importantly disanalogous to reproduction. When we attend to these disanalogies it becomes clear that our intuitions in these cases can be explained by less controversial moral principles. These principles do not challenge causal responsibility in gamete donation cases.

Consider their discussion of the differences between two cases, Imperfect Drug and Malpractice. In Imperfect Drug a doctor administers to a patient the only medication available that will prevent their imminent death. As a side effect, this drug produces a kidney ailment that will manifest
years in the future and will require multiple demanding and painful blood transfusions from a compatible donor. The doctor is a compatible donor. According to Silverstein and Boonin, the doctor has no duty to fulfil the patient’s needs.

Now consider Malpractice. Here a physician is faced a patient who has the same condition as in Imperfect drug, but has access to a drug that will cure the disease without causing kidney disease in the future. Out of laziness or indifference the doctor provides the imperfect drug instead. In this case Silverstein and Boonin think the physician has some duty to ensure the patient receives the necessary transfusions.

They argue that the distinction between (a) and (b) best explains our intuitions in these two cases. But there is an important disanalogy between Imperfect Drug and procreation. In Imperfect Drug the physician is choosing the least of the possible evils for the patient. We might think this provides a special immunity against subsequent obligation. This is not the case in reproduction. Bringing someone into existence is not bringing about the least evil for that individual. The explanation of Imperfect Drug captures our intuition in Malpractice. In Malpractice the doctor is not choosing the least of the possible evils, and so is not granted immunity from subsequent responsibilities. We thus have an alternate explanation of our intuitions in the two cases and this explanation is consistent with ascribing responsibilities in reproductive cases.

McMahan offers an alternate explanation for explaining Silverstein and Boonin’s cases that absolves (most) reproducers of weighty responsibilities. He argues that we acquire a special duty to aid other when a failure to provide aid would make it true that a previous action of ours rendered someone worse off than they otherwise would be. The problem with this view is that when amended to account for Malpractice is becomes question-begging.

Malpractice poses a problem for McMahan’s view because the physician renders the patient better off than they were. However, McMahan argues that in Malpractice the patient is made worse off in the sense that they are rendered worse off than they would have been had the physician done what she ought to. But a defender of demanding causal procreative responsibility would make a similar assessment of a procreator who fails to substantially provide for their offspring. They would claim that minimally involved procreators render their offspring worse off by not advancing their interests in the manner they ought to. What is in question in the debate is what procreators ‘ought to do’ for their offspring. McMahan’s argument results in few obligations only if we assume from on onset that what procreators owe is minimal and so begs the question.

The second threat to causal views is the worry about over-breath. Clearly merely being a necessary link in a causal chain that results in the creation of a child ought not suffice for acquiring procreative responsibilities. Theories of procreative responsibility might be over-broad in numerous ways. They might (a) involuntarily burden individuals with weighty responsibilities in response to circumstances that lie too far outside their control (b) require those who wish to avoid the possibility of weighty responsibilities to forgo activities central to living a good life (we might think that forgoing such activities renders life unbearable) or (c) require that individuals take extreme and costly precautions in order to both engage in activities central to a good life and avoid the prospect of unwanted weighty responsibilities.

While these are serious concerns, none arise when ascribing responsibilities to gamete donors

Individuals do not enter gamete donor arrangements unwittingly, nor is becoming a genetic parent via gamete donation a remote possible consequence of some otherwise innocuous activity that would be costly to avoid. Furthermore, avoiding becoming a genetic parent via gamete donation does not require an individual to forgo activities central to a good life, nor does it add weighty burdens to engaging in such activities.

II Parenthood and The Permissibility of Gamete Donation
An account that ascribes procreative responsibility to gamete donors need not prohibit gamete donation. This is because procreative responsibilities need not necessarily include the duty to parent one’s biological offspring. Indeed if we ground procreative responsibilities in the fact that gamete donors are responsible for the creation of needy individuals, a plausible view is that gamete donors must ensure that needs of their biological offspring are met. This would entail that gamete donors must ensure that their biological offspring are adequately parented by someone, but need not do the parenting themselves. This does not leave gamete donors completely free of obligations. Certain needs might arise that can only be met by biological parents. For instance, a detailed family medical history might be required in order to secure a diagnosis. Furthermore, in the event that a donor-conceived child’s parents become unable to parent gamete donors may have an obligation to provide support to their offspring’s parents. In extreme cases gamete donors might be called upon to take over parenting duties, though such cases would likely be exceedingly rare.

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Accommodated Authority: Flipping Langton’s Picture

Keywords: Authority; Presupposition Accommodation; Speech Acts; Rae Langton

Synopsis:
Langton (2015, 2018a, 2018b) has recently argued that ordinary speakers can acquire informal authority via a mechanism akin to presupposition accommodation: a speaker acts as if they had authority and they can end up acquiring it provided that nobody objects. I here flip this picture and argue that the reverse of Langton’s pattern is a common and interesting phenomenon as well: a speaker acts as if their hearer had a certain authority, and the hearer can end up obtaining it solely by playing along. To illustrate my claim an example may help. Imagine that, due to the influence of a patriarchal family, Reese always asks Mike, her husband, for permission before doing certain things: “May I go to the cinema with Komarine this afternoon?”; “Is it okay with you if I look for a job?”. Mike has no right to either grant or refuse his wife permission to go out or to look for a job. However, since Reese’s requests presuppose that Mike has that right, that he has authority over her, the conversational score will adjust to include that presupposition, unless Mike objects. Interestingly, in this sort of scenarios, the one who is called upon to speak up is the person whose authority would otherwise be increased. Mike is the one who has to uncover the falsity of the presupposition carried by Reese’s requests, but he is also the one who would gain authority if he avoids challenging it.

After pointing out that this double dynamic of authority acquisition and conferral applies both to practical and epistemic authority, I conclude by drawing some of its implications for women (and other relatively disempowered groups) who are socially hooked into deference and self-doubt.

Abstract:
Speakers can have authority in virtue of a social position. The mayor of your city can declare that smoking is no longer permitted in any city building in virtue of occupying a certain political office. The authority to enact new policies for your city is granted to occupants of that office formally, via provisions in the City Council’s Constitution. However, speakers can have authority even when it isn’t positional, and is informally gained. Imagine a group of friends want to go on a sailing trip.
They start discussing the logistics of the trip. The discussion goes around in circles, until Adriana takes over and begins to make decisions (“We’ll sail around the Canary Islands”, “We’ll charter a sailboat for the last week in August”). She also assigns the other group members specific tasks (“Mark, check with the Yellow Catamaran Charter whether they have a sailboat available in Fuerteventura”, “Kate, buy a cruising guide to the Canary Islands”). None of her friends object and everybody complies with their task. (The example is adapted from Maitra 2012: 106.) In this case, Adriana comes to have the authority to tell her friends to do this and that, and to make decisions for the whole group, albeit she doesn’t occupy any special social position. Importantly, Adriana did not have that sort of authority beforehand, but acquires it on the fly.

Langton (2015, 2018a, 2018b) has recently argued that ordinary speakers can obtain authority informally, thanks to their audience’s compliance: a speaker acts as if they had authority and they can end up acquiring it if the hearer doesn’t object. Since Adriana’s friends fail to challenge her bossy behavior, she comes to acquire authority over them. I here flip this picture and argue that the reverse of Langton’s pattern is a common and interesting phenomenon as well: a speaker acts as if their hearer had a certain authority, and the hearer can end up obtaining it solely by playing along. I point out that this dynamic applies both to practical and epistemic authority, and conclude by sketching its implications for women (and other relatively disempowered groups) who are socially hooked into deference and self-doubt.

Let me begin with a precis of Langton’s argument. As already said, she claims that speakers can gain informal authority ‘in the moment’. The mechanism by which they can do that is akin to what Lewis (1979) called ‘presupposition accommodation’. Conversations, said Lewis, have a score – a register keeping track of all those elements (e.g. shared presuppositions, standards of accuracy) that are relevant to ‘correct play’. Unlike other rule-governed activities, conversations follow a ‘rule of accommodation’ – a rule that makes the score automatically adjust so that what in fact transpires counts as correct play. Presuppositions make the rule of accommodation particularly vivid. Suppose Federico and I are talking about going to the movies to watch Dolor y Gloria when I say, “My brother has seen it and says it’s Almodóvar’s best movie”. My utterance presupposes that I have a brother. That piece of information (i.e. that I have a brother) is taken to be something that Federico and I already share. Now suppose that Federico did not know that I have a brother. My conversational move is strictly speaking inappropriate, but insofar as Federico plays along, the score will ‘accommodate’ my presupposition and make what I’ve just said count as acceptable. By drawing on Lewis’ framework, Langton argues that, when a speaker orders a hearer to do something or performs a different authoritative speech act, they pragmatically presuppose that they have the authority to do so. Sometimes, as in the sailing trip organizer’s case, such a presupposition is unfulfilled: the speaker has no (pre-established) authority to do what they’re trying to do. Their conversational contribution is strictly speaking inappropriate; and yet, since conversations abide by an accommodation rule, if no one challenges the authority presupposition carried by the speaker’s act, that presupposition gets added to the score and the speaker’s move ends up counting as appropriate after all. What’s more, the speaker comes to acquire authority. Since authority is (partly) a matter of shared acceptances, the hearer’s acceptance that the speaker has authority will (partly) constitute their having it.

I claim that, just as one may acquire authority on the fly for herself, so too one may grant someone else authority by acting as if they had that authority when in fact they did not. Imagine that, due to the influence of the patriarchal family she has grown up in, Reese always asks Mike, her husband, for permission before doing certain things: “May I go to the cinema with Komarine this afternoon?”; “Is it okay with you if I look for a job?”. Mike has no right to either grant or refuse his wife permission to go out or to look for a job. (I am here assuming that Reese and Mike live in a part of the world where no male guardianship system is in force.) However, since Reese’s requests presuppose that Mike has that right, that he has authority over her, the score will adjust to include that presupposition, unless Mike objects. I see two main alternatives here. Mike can say
something along the lines of, “Why are you asking? You don’t need my permission to do that”, and block the process of authority acquisition. Or, he can answer with a simple yes or no. In doing so, Mike would accommodate the score and obtain the authority that Reese presupposed he had from the beginning.

So, while in the sailing trip organizer’s case and in similar others from Langton, the one who gains accommodated authority is the speaker, here the process of authority acquisition involves the hearer. Adriana, the trip organizer, issues orders carrying a presupposition of authority for herself: she acts like a boss and she can end up becoming one. Those who are called upon to speak up (and block the slippery slope) are the people whose authority would otherwise be curtailed. If Adriana acquires the authority to order her friends to do this and that, her friends, for their part, will be put into a relatively inferior role – they will (partially) give up their power to decide the logistics of the trip. Reese’s requests, by contrast, carry a presupposition of authority for her husband. She acts as if he had authority over her and this gives him a chance to obtain that authority. Interestingly, the one who is here called upon to speak up is the person whose authority would otherwise be increased. Mike is the one who has to uncover the falsity of the presupposition carried by Reese’s requests, but he is also the one who would gain authority if he avoids challenging it. While Adriana’s friends must have the mettle, so to speak, to stand up to a bossy friend, Reese’s husband must have the moral integrity to admit that he has no right to decide for his wife.

It’s worth adding at this point that authority can be either practical or epistemic (Raz 2009). Thus far, I have focused on practical authority – i.e. the authority to tell people how to act. But much of what I said here applies to epistemic authority as well. In its paradigmatic form, this is the authority of the expert. It is an authority about what to believe (as opposed to how to act) and is a matter of competence and credibility (or perceived competence). Consider a revised version of the deferential wife’s case. Reese is an aerospace engineer working in an otherwise all-male team. Although she is way more competent than Mike, one of her co-workers, she usually asks him to confirm the correctness of what in fact she knows before putting it forth in writing. Here again, Mike could either block the process of authority acquisition (by replying, for example, “You know that better than I do”) or gradually gain a role of epistemic superiority to Reese.

This double dynamic of authority acquisition and conferral has implications of societal and political concern. Plenty of damaging gendered norms and expectations suggest that women should be deferential to men. But if authority can be genuinely gained via accommodation, then complying with those norms and expectations might not only contribute to maintaining wider social disadvantages but also crown men with an authority that in certain local contexts they wouldn’t otherwise have, while chipping away yet more at women’s power to decide for themselves as well as at their expert reputation.

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**What should egalitarians do about biological research on the causes of human inequality?**

**Keywords:** egalitarianism; human inequality; IQ differences; academic freedom

**Synopsis:**
It has been argued that as moral equality does not depend on descriptive equality, egalitarians should stop worrying about the risk that biological research on the causes of human inequalities will undermine efforts to defend moral equality. In this paper, we argue that this way of framing the problem is misguided and that egalitarians do have reason to worry about and, potentially, to interfere with this line of scientific inquiry. Depending on the circumstances, egalitarians may want to adopt different strategies towards such research. Some such strategies rely on insisting that empirical research and political values are and should be kept separate: moral commitments to moral equality do not (and should not) depend on empirical findings about descriptive inequalities. Other strategies rely instead on the sociological insight that this is seldom the case and seek to engage with the practical implications of this. Both sets of strategies may have important side-effects, which we discuss in this article.

**Abstract:**
Research on the biological underpinnings of inequalities between sexes, or between human populations, is often viewed with scepticism by political egalitarians. It has been argued that such scepticism is unjustified, since empirical findings regarding human inequalities cannot have any consequences regarding the equal moral status of human beings. For instance, Singer (2001) contends that equality is a matter of morality and not “an assertion of a fact” (Singer 2001, p. 4). Factual differences between people, or groups, should not influence our consideration of their needs and interests, and the respect that is owed to them by virtue of a commitment to moral equality.

In the same vein, egalitarian sceptics have been accused of believing that if the causes of inequalities can be explained by, and are rooted in, biology, the principle of moral equality among individuals ‘cannot be saved’ (Anomaly and Winegard 2019; Pinker 2002). According to these arguments, egalitarians allegedly view with scepticism any biological research on human inequality because they believe that evidence of biological inequalities would disprove commitments towards human equality. This belief is both fallacious—it derives ‘ought’ from ‘is’—and, argue critics, dangerous. Political equality must be rooted in moral considerations rather than empirical data. In other words: for these critics, egalitarians wrongly make their political commitments hostage to the development of science, thereby risking confutation if evidence of inequalities emerges. From such critiques, a corollary conclusion is often drawn: empirical research on inequality should continue undisturbed, including its most controversial versions. These include, for instance, research on IQ differences between groups with different ancestries, between sexes, and so forth. Some critics even add that such research must continue undisturbed: in the name of freedom of research, freedom of speech, curiosity, practical necessity or a mixture thereof.

In my presentation, I will firstly argue that these conclusions do not follow, and egalitarians have good reasons to remain sceptical, and to interfere. One reason why egalitarians worry about empirical research on human inequalities is that anti-egalitarians sometimes do defend their political ideals with reference to natural inequalities, i.e. by deriving an ‘ought’ from an ‘is’, no matter how fallacious this is. Where such rhetoric is common, any evidence of descriptive
inequalities between individuals or groups of people can be abused by anti-egalitarians. This is why claims that different human beings are ultimately equal in a descriptive sense, i.e. with regards to socially significant characteristics such as general intelligence or disposition to violence, did play a crucial role in the historical unfolding of political egalitarianism. Granted, denying the antecedent that ‘individual or group differences are rooted in biology’ won’t formally disprove the anti-egalitarians consequent that ‘the principle of human equality cannot be saved’. But exhibiting against the grain of anti-egalitarian rhetoric that, say, certain groups can be as or more intelligent than others did undermine the alleged evidence that was employed in moral anti-egalitarian—in this case, potentially racist—rhetoric.

Secondly, I will argue that political egalitarians are not committed to any fallacious inference and that they need not be so in order to be sceptical towards biological research on human inequalities. Rather, they are in fact adamant that their politics need not be founded on any claim that could be disproven were new data available. As Phillips (2015) maintains, the recognition of moral equality is a ‘political not cognitive matter’ and hence not an empirical claim that could be disproven were new evidence to become available. The problem for egalitarians is of a practical nature. Even if individuals and groups with a vested interest in maintaining hierarchies pay lip service to the principle of moral equality, they can still employ empirical research to undermine the egalitarian political project by misrepresenting empirical findings or drawing unjustified inferences. In particular, they could do so if we were to discover that some hierarchies would resist our efforts to dismantle them. The basis of such claims are findings that some hierarchies are ingrained, that is: recalcitrant to change. In the presence of such ingrained inequalities, the political objectives of egalitarians are said to be unattainable, and pursuing them is said to be a waste of time and resources, or even counterproductive. The practical implication that is drawn from findings of ingrained inequalities is that differential treatment of descriptively unequal people is justifiable, compatible with moral equality and, in fact, efficient in terms of policy.

My arguments rest on two considerations. The first is that the political, non-cognitive nature of egalitarian politics is just the beginning of the egalitarians’ engagement with empirical research, not the end—as their critics contend. Egalitarians are committed to a view of moral equality that does not depend on any fallacious inference of ‘is’ from ‘ought’. Rather, their commitment to political equality is a rejection of such inference, one that attaches considerations of moral status, hierarchy and equality to empirical data on existing differences of status and achievement. The second consideration is that such commitment motivates the interests of egalitarians in researching human inequalities, as such research could shed light on mechanisms to dismantle hierarchies and inequalities that have resulted from considerations of human differences. In other words, the egalitarian’s interest in research on human inequalities stems from the political character of their commitments. Egalitarians are not primarily academics who theoretically defend the principle of moral equality—although these can also contribute to egalitarian causes—but people advancing a political project aimed at dismantling human hierarchy. Claiming that the attitudes of egalitarians depend on fallacious reasoning is an uncharitable hypothesis, which fails to engage with the fundamentally practical nature of egalitarianism. Despite this, for egalitarians, research on the underpinnings of human inequalities poses challenges that cannot be ignored. Such research can in fact aid the egalitarian political project. This is because knowledge about the causes of human inequalities can be employed to promote egalitarian practices, such as those aimed at reducing, through policy-making, these inequalities. But such knowledge can also cast doubts on the perspective of a world with fewer hierarchies. This could happen, for instance, if one was to find that some hierarchies are recalcitrant to change through human agency or impermeable to political action and policy intervention. How, then, should egalitarians approach empirical research on the causes of human inequality?

This question, given the intellectual prominence of scientific research and its influence on political processes, is now one of the most important strategic issues that egalitarians face. In my
presentation, I will address the question of what egalitarians should do with research on human inequalities as follows. Firstly, I will discuss what kinds of research on human inequality pose a challenge to egalitarians, and why. I will argue that findings of ingrained group differences, from both biological and other kinds of research, are potentially problematic for egalitarians and prone to be misused to serve anti-egalitarian ends. I will then outline competing strategies that egalitarians may want to adopt in the face of such challenges. My appraisal of these strategies will dwell on the costs of these strategies and on their relationship with other worthy endeavours, such as promoting a thriving scientific environment or defending freedom of expression. My argument will support the thesis that scepticism and active interference are coherent strategies for egalitarians, but that they come with peculiar costs which may render them unviable in certain contexts. I will conclude that egalitarians should engage more rather than less with scientific research on human diversity and, in the name of the political nature of their project, seize the language, the aims and the methods that characterise such research.

References


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The Value of Self-Knowledge

Keywords: value; well-being; self-knowledge; autobiography; Quassim Cassam

Synopsis:
Is self-knowledge valuable, and if it is, in what way? I consider (1) arguments from ascetic autobiographies that self-knowledge is bad for us, and (2), an argument from Quassim Cassam that it has only instrumental value in our circumstances. I then (3) describe my own self-realization account of well-being, and (4) develop a general capacitizing strategy for defending it against objections, especially objections asserting an experience requirement on well-being. By doing so, (5) I show how self-knowledge fits into a successful human life more generally, and defend its intrinsic value as part of well-being.

Abstract:
Is self-knowledge valuable, and if it is, in what way? I begin with an argument from some autobiographies that self-knowledge has negative value: we’d be better off without it. I consider Quassim Cassam’s argument that self-knowledge has only instrumental value. I then argue for the positive intrinsic value of self-knowledge: that it’s part of the well-being, which is self-realization. I develop a general capacitizing strategy for defending the self-realization account (SR), show how self-knowledge fits into a successful human life more generally, and defend its intrinsic value.

1. Against self-knowledge

Many autobiographies of solitary ascetics—Peter Matthiessen, Robert Kull, Bernard Moitessier, Sara Maitland—advocate the life of unselfconscious animal competence, in which one avoids
reflexive relations including explicit propositional self-knowledge: the life of successful singleminded activity, but not of doubled self-consciousness or self-reference. Buddhist thought can also be read this way: the best life is the life in which one does not turn anxious attention on one’s (illusory) self. Perhaps this life, in which one is always present in the moment without self-judgement, anxiety, or felt lack is an enviable life, or even the best life. If so, then self-knowledge is of negative value in that it actively makes our lives worse for us: the origin of suffering is self-knowledge.

2. Instrumental value

But perhaps self-knowledge has instrumental value: in practice we need to know ourselves to survive and function in this world: it isn’t so accomodating that we can do without self-direction and planned effort, and we need some knowledge of our own nature and powers to make rational plans for that direction and effort.

Cassam’s view is that this is the only way in which self-knowledge is valuable. It’s an instrumental good: a tool which helps us gain a decent life, or at least helps us to avoid a disastrous life, given our circumstances. He argues against several ways in which self-knowledge might be intrinsically valuable: as a necessary part of rationality, or authenticity, or the unity of one’s life; and concludes that there’s only instrumental value left.

I can agree that self-knowledge does not have a necessary relation to rationality or authenticity or unity: my eventual argument is that the argument by elimination fails because Cassam has missed another possibility.

Cassam’s argument depends on a particular account of well-being (AKA the good life, welfare, prudential value, etc.), and it therefore invites an objection from the nature of well-being. He is apparently a hedonist or desire-satisfaction theorist who thinks that, on balance, some self-knowledge is useful for achieving well-being so defined. But I think those accounts of good life are mistaken.

My next moves will be: I set out my alternative account of well-being. I introduce my general capacitating strategy for defending it account against an important objection. I use that strategy to show that self-knowledge is part of well-being understood as self-realization, not just a sometimes useful tool for gaining a good life defined independently of it. This works towards the conclusion that, if well-being is intrinsically valuable, and well-being is self-realization, then self-knowledge is intrinsically valuable, because self-knowledge is a necessary element of self-realization.

3. Self-realization as well-being

Well-being is the life which goes well for the person whose life it is, as distinct from such other values as righteousness, beauty, and usefulness to others.

SR is that your life goes well for you when, and in the ways that, your particular self flourishes rather than being undeveloped or crushed or distorted. Equivalently, when, and in the ways that, your latent capacities—both those you have in common with other humans and those which are individual to you—are fully developed and expressed. Equivalently, when your life is a process of successful growth out of your individual potential into actuality. Your life goes badly for you when, and in the ways that, your common and individual capacities are crushed, distorted, or left fallow.

Compare other, more familiar accounts:

Hedonism: you have a good life when your life is happy overall.

Desire-satisfaction: you have a good life when your desires are satisfied; when what you want to be the case is the case, although you may not know, or be made happy by, its being the case.
The obvious question then is: why believe SR? One support is the dialectical reason that self-realization survives its opponents’ strongest objections. I now consider one such and develop my capacitizing strategy in response.

4. The capacitizing strategy

An obvious, pressing objection to self-realization proposes an ‘experience requirement’ on well-being: whatever contributes to well-being must enter into the experience of the person whose good life it is.

Call this the good for objection:

The right account of well-being must be a mental state account, that is one on which it depends at least partly on the quality of subjective experience, what it’s like from inside to live that life, because the good for someone must be a good which is understood or perceived as good by her, or it isn’t good for her.

Versions of this can be found in L.W. Sumner and in Valerie Tiberius, among others. I reply that this argument equivocates between two different ways of relativizing ‘good’: good for, and understood or perceived as good by. These are not the same. Some things—the apple tree in my back garden, for example—are such that nothing is understood or perceived as good by them, because they lack the relevant capacities of understanding and perception. But there are still goods and bads for such things: sunlight is good for the apple tree and fire bad for it. Its life can go well or badly for it, even though it can’t understand or perceive that it is going well or badly. The ‘for it’ in ‘good for it’ indicates that the subject of these goods and bads is that tree and not anything else. It doesn’t imply any self-knowledge or self-perception or any other reflexive grasp on the tree’s part.

Humans aren’t apple trees: we do have reflexive capacities of understanding and perception, and it is important that we do. But SR can explain why it is important that we do: for humans, some kinds of self-knowledge are common latent capacities, and realizing them includes knowing how well my life is going or has gone. It’s the development and expression of that capacity for self-knowledge which is good for me, not the experience of consciously knowing myself. My life would go badly for me if I could never know myself, but it doesn’t go better the more time I spend consciously reflecting on myself.

The good for objection is getting at a further important point: to be an account of well-being, not some other value, SR will have to be in some way subject-dependent, and in that sense, not a mental state sense, ‘subjective’. But being subject-dependent doesn’t entail depending on mental states unless the subject of a life is purely a mental entity. And that claim is in need of defence.

In general, my strategy against this and other experiential objections to SR is capacitizing: I show that the important point caught by appeals to intrinsically good and bad experience can be explained as the development and expression of some common human capacity. For the good for objection, capacities for self-knowledge.

5. Capacitizing self-knowledge

To come back to my main argument: I’ve argued that there are common human capacities for self-knowledge, and their development and expression is therefore part of self-realization for all of us who share those common capacities. Unless the person with only unsconscious animal competence is an unusual human, she is not self-realized in this way, and her life is therefore going badly for her in this way. It may be going very well in other ways precisely because of her unsconsciousness, and it may even be that it wouldn’t be worth the swap of gaining conscious self-knowledge instead, but self-knowledge is still valuable even if it’s outweighed by other, incompatible values.
In conclusion: the self is initially opaque. Making it less opaque—bringing it to light, coming to know it—is part of the work of self-realization, and typical humans cannot fully self-realize without at least some self-knowledge. Self-knowledge is therefore partly constitutive of self-realization. If I’m right that self-realization is well-being, and if that good life is intrinsically valuable, then: the unselfconscious animal competence view is mistaken; Cassam’s instrumental value view is incomplete; and self-knowledge is intrinsically valuable.

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*Liberté, égalité, fraternité? The French ban on the burqa and the niqab*

**Keywords:** Burqa, France, Islam, multiculturalism, Niqab, liberté, égalité, fraternité, laïcité

**Synopsis:**
France has attempted to keep public space secular. Critiques of multiculturalism in France argue that multiculturalism is bad for democracy, is bad for the Republic, is bad for women, and is undermining public order. On October 11, 2010, France became the first European country to ban the full-face Islamic veil, the burqa and the niqab, in public places.

Is this law socially just? Does it reasonably balance the preservation of societal values and freedom of conscience? This paper analyses French cultural policies in the face of what its government perceives as a challenge to its national raison d’être.

The discussion is opened with background information about the crystallization of French values. The French Revolution offered a new set of values to replace the Father, the Son, and the Holy Spirit: Liberté, égalité, fraternité and a fourth, no less important value, very relevant to this discussion: laïcité. The paper examines the historical roots of laïcité and the extent to which laïcité can be reconciled with the principles of liberté, égalité, fraternité. It explains how colonialism, immigration, multiculturalism and terrorism have shaped the present discourse. The tension between republicanism, neutrality, and the spirit of laïcité, on the one hand, and the values of liberty, equality and solidarity, on the other, encapsulates today’s hostility to multiculturalism.

It is argued that the burqa and niqab ban is neither just nor reasonable in the eyes of women and girls who wish to wear these garments as well as in the eyes of their families and community, and that paternalism that holds that the ban is for the women’s own good is a poor, coercive excuse. Claims for paternalistic coercion to protect adult women from their culture when they do not ask for protection are not sufficiently reasonable to receive vindication.

**Abstract:**
*Liberté, égalité, fraternité? The French ban on the burqa and the niqab*

The culmination and convergence of the concepts of the Republic, liberté, égalité, fraternité, laïcité, the meaning of being French, internalized coercion, imposed autonomy and fear of terrorism yielded a continued heated debate about the Islamic dress. President Nicolas Sarkozy characterized the burqa as “a sign of subservience” and “a sign of debasement,” declaring that France “cannot accept that women be prisoners behind a screen, cut off from all social life, deprived of all identity.” The burqa “will not be welcome on the territory of the French Republic.” His words received cross party support. A parliamentary commission was established to study the issue. Its report characterized the full veil as “contrary to the values of the Republic.” The commission recommended that parliament adopt a resolution for enacting a law “prohibiting the full veil as well as any other clothing entirely covering the face in public spaces, based upon the notion of public order.”
Following the Parliamentary Commission’s Report, Prime Minister François Charles Armand Fillon requested that the Conseil d’État examine the legal grounds for a ban on the burqa and niqab. In 2010, the Conseil d’État issued a report which “found that no incontestable legal basis can be relied upon in support of a ban on wearing the full veil.” However, it is possible to ban the full veil on the basis of public security. The public debate brought together anti-religious and anti-immigration sentiments as well as fears of terrorism. Following a series of attacks carried by Muslim terrorists that shocked the French nation, negative sentiments of fear, resentment and suspicion regarding Islam and Muslims had grown and widened. The debate accentuated the need for national unity, preservation of the republic, secularism and paternalism. The questions were whether the general will should be asserted and multiculturalism should be rejected.

On October 11, 2010, France became the first European country to ban the full-face Islamic veil, the burqa and the niqab, in public places. Wearing full-face veil that conceals one’s face in a public space is punishable by a maximum fine of a €150 or by being required to take a class on the meaning of citizenship, or by both. The law also states that forcing a woman to wear a face-covering veil is punishable by one year of imprisonment or a €30,000 fine. If a person forces a minor to wear a face-covering veil, the possible fine is increased to €60,000. The law defines “public space” broadly to include public roads and spaces that are open to the public.

This paper analyses French cultural policies in the face of what its government perceives as a challenge to its national raison d’être. Is this law socially just? Does it reasonably balance the preservation of societal values and freedom of conscience?

Debates over citizenship, immigration, colonial memory, the reform of the state, the historiography of modern France, terrorism and security have been exploited by politicians and galvanized the society. Many of these debates have coalesced around the political concepts of republicanism, neutrality, and the spirit of laïcité which structure the vocabulary of French political actors. The tension between these concepts, on the one hand, and multiculturalism, on the other, has become the central battleground of contemporary French politics. This tension highlights the differences between the French concept of liberalism as distinguished from the Anglo-Saxon understanding of liberalism.

Central to this debate is the concept of laïcité. Laïcité was besought to prevent the encroachment of religious affiliations and instill civic values. It also required stripping individuals of any affiliation that would distinguish one citizen from another. It was only as abstract individuals, divested of all particularity that citizens could be treated equally. The term laïcité means “a separation between church and state that protects the freedom of religion and of non-religion, whose intention is to avoid any discrimination against people on the basis of their religious affiliation or lack thereof.” Laïcité is not about the protection of religions from state interference. Conversely, the state has a very active and important role to play in the administration of laïcité.

In the name of laïcité, France has attempted to keep public space secular. Critiques of multiculturalism in France argue that multiculturalism is bad for democracy, is bad for the Republic, is bad for women, and is undermining public order. I explain the reasoning of those who speak of compatibility between liberalism and French public secularism, or laïcité, and the criticism of laïcité as a non-liberal concept. The discussion is opened with background information about the crystallization of French values. I elucidate the alternative trinity that the French Revolution offered to replace the Father, the Son, and the Holy Spirit: Liberté, égalité, fraternité and then probe a fourth, no less important principle and value, very relevant to our discussion: laïcité. The seeds of laïcité were sown in the French Revolution in the form of anti-clericalism. In the 20th Century, they germinated into a form of secular religion. I examine the historical roots of laïcité and the extent to which laïcité can be reconciled with the principles of liberté, égalité, fraternité. I also explain how colonialism, immigration, multiculturalism and terrorism have shaped the present discourse. The tension between republicanism, neutrality, and the spirit of
laïcité, on the one hand, and the values of liberty, equality and solidarity, on the other, encapsulates today’s hostility to multiculturalism.

It is argued that the burqa and niqab ban is neither just nor reasonable in the eyes of women and girls who wish to wear these garments as well as in the eyes of their families and community, and that paternalism that holds that the ban is for the women’s own good is a poor, coercive excuse. Claims for paternalistic coercion to protect adult women from their culture when they do not ask for protection are not sufficiently reasonable to receive vindication.

Edenberg, Elizabeth (Georgetown University)

*Political Disagreement on Social Media*

**Keywords:** Rawls; disagreement; political liberalism; political epistemology

**Synopsis:**
Contemporary society is rife with conflict over moral and religious ideals. These conflicts often play out in the political realm, with different groups of individuals attempting to use the political power of the government to secure what they take to be good for people. Complicating this broader disagreement on questions of morality are new challenges to agreement on basic facts about our world. Much of this division is fueled by the new ways in which we access information—through digital means that are increasingly tailored to show us information we want to see. Algorithms filter our newsfeeds to show us stories we (or those similarly profiled) are likely to either agree with or engage with. Citizens across the political spectrum are exposed to different information, undermining the common ground of agreement about the facts relevant to responsible citiizenry.

In this paper, I suggest reasons to be skeptical about the epistemic diagnosis of political divisions and the proposed epistemic solutions. To mend these divides and reestablish a common sense of political community, we must find some basis for cooperating with others with whom we disagree. However, I suggest that focusing too heavily on the epistemology of disagreement leads us to miss a more promising common moral basis for political cooperation grounded in building mutual understanding and respect. I will argue that the breakdown of discourse online provides renewed reasons to draw out a moral basis for political cooperation among diverse citizens—one that is inspired by aspects of Rawlsian political liberalism. Rather than viewing politics as a battleground between factions, we must find ways to cultivate mutual understanding for our fellow citizens and seek ways to reestablish common moral ground for political debate.

**Abstract:**
Contemporary political discourse often feels like a battleground between different and diametrically opposed worldviews. We disagree with our fellow citizens on a wide range of matters, and political dialogue can feel like war—especially if we’re discussing issues that strike at the heart of our most cherished values. These deep disagreements have been bubbling to the surface in contemporary politics and seem to be fracturing the common ground upon which we can build a political community based on mutual respect. If disagreement is a persistent fact of contemporary life, must we resign ourselves to politics as a war? If so, the appropriate response to political disagreements would be to rally our troops, get out the vote, and work hard to ensure our view wins the day.

This approach to disagreement tries to bridge the divides characteristic of contemporary political society by convincing others that our view is better and worth adopting. We should evangelize about important issues and seek to convince our political opponents of the error of their ways.
Surely, the thought seems to go, those who disagree are just missing some important piece of evidence because if one just looks at the facts on the ground, there is only one reasonable response. In short, this approach falls into the trap of viewing disagreements as unreasonable—those who differ are misguided and uninformed. We try to correct unreasonable disagreement in the same way we try to teach children, through the exchange of reasons and exposure to the error of their ways. However, this stance threatens to fracture the common ground underpinning a community of mutual respect.

Complicating this broader disagreement on questions of morality are new challenges to agreement on basic facts about our world. Much of this division is fueled by the new ways in which we access information—through digital means that are increasingly tailored to show us information we want to see. Algorithms filter our newsfeeds to show us stories we (or those similarly profiled) are likely to either agree with or engage with. Citizens across the political spectrum are exposed to different information, undermining the common ground of agreement about the facts relevant to responsible citizenry. Furthermore, foreign actors have successfully exploited the way information spreads through social media platforms—causing a general destabilization in political dialogue and throwing into question our epistemic assessments of new information.

In response, many have called for new social media literacy campaigns, flagging questionable news sources, increased fact-checking, and ways to remove or correct inaccuracies that spread online. These approaches attempt to improve our epistemic capacity to responsibly assess information online as a way to begin to bridge political divides. If only we could shore up individuals’ epistemic capacities for responsible assessment of new information, we can return to agreeing on the facts, if not the values relevant to politics.

In this paper, I suggest reasons to be skeptical about the epistemic diagnosis of political divisions and the proposed epistemic solutions. Recently we have seen anti-democratic agents exploit the norms of free speech to sow divisions in ways that undermine democracy itself. In fact, the norms of critical reasoning, challenging received information, and the free exchange of reasons are precisely what detractors use to drive conspiracy theories and lead people to distrust received expert consensus. Likewise, epistemic bubbles can be used by authoritarians and populist leaders to increase polarization in ways that destabilize liberal democratic order. In contemporary political debates, we often see people claiming the ‘other side’ is a dupe of media—a characterization made equally by both sides of a political debate. They follow the wrong sources of evidence and fail to be responsive to reasons. In short their epistemic standards are broken.

Fragmentations in our information landscape threaten our ability to recognize one another as epistemic peers. If we think the ‘other side’ is systematically misguided and reasoning incorrectly, we are unlikely to view them as our epistemic peers or even as minimally competent epistemic agents. Those who argue against democracy often begin from skepticism about the epistemic competence of citizens. For example, Jason Brennan argues that because political decisions have high stakes, we have a right for those decisions be made in a competent way. But many citizens fail to be sufficiently competent about political matters, thereby exposing their fellow citizens to undue risk of harm. This, Brennan argues, turn our fellow citizens into civic enemies.

Viewing political disagreement in epistemic terms further entrenches this problem. Fair cooperation should not start from an assessment of the epistemic quality of our fellow citizens’ positions. Trying to assess the epistemic quality of our fellow citizens is the wrong kind of stance in political life and it has the effect of further dividing our already fragmented political society. Thus, solutions that hinge on shoring up citizens’ epistemic capacities will also do little to solve the problem. Epistemic assessments will track the same kinds of sectarian divisions that characterize our political divisions.
To mend these divides and reestablish a common sense of political community, we must find some basis for cooperating with others with whom we disagree. However, I suggest that focusing too heavily on the epistemology of disagreement leads us to miss a more promising common moral basis for political cooperation grounded in building mutual understanding and respect. I will argue that the breakdown of discourse online provides renewed reasons to draw out a moral basis for political cooperation among diverse citizens—one that is inspired by aspects of Rawlsian political liberalism.

When we seek fair terms of cooperation among those who disagree with each other, we need to figure out which views should qualify for inclusion and why. The moral threshold of recognition respect is significant because it helps show how political principles could be fair to all. If all are committed to showing recognition respect for the moral status of persons, this ensures that however political debate is sorted out, there is some guarantee that we're not founding the political system on the domination or subordination of certain groups to others.

As Rawls notes, there are many ways of arranging the political system that all still meet a basic moral qualification. Despite their many disagreements, most philosophical, moral, and religious doctrines share a common commitment to the basic status of people as free and equal moral persons. While the way in which we show respect for people varies in different cultures and the precise specification of equality or freedom is subject to plenty of disagreement, most are committed to some form of equal and free status. Reasonable citizens see one another as moral equals, deserving of respect in virtue of their basic humanity and moral status as a person. This is independent of any appraisal of our fellow citizens’ epistemic merits or flaws. We can understand debate across different moral, philosophical, and religious views as engaged in the same project if all are committed to respecting each person within the political system, but this debate is only productive if we’ve already agreed to some basic evaluative terms we all share. Nevertheless, not every proposal concerning terms of cooperation in society demonstrates respect for those who are subject to these arrangements. To be reasonable, one must seek fair terms of cooperation that respect the free and equal status of all within the system.

There are strong moral reasons for restricting the assessment of our fellow citizens to a moral threshold of recognition respect. I take Rawls’s initial motivation in restricting the scope of the political liberal project to reasonable pluralism to be a recognition that conscientious citizens who are reasoning responsibly can nevertheless come to differing views about morality, religion, philosophy, and how to lead a good life. Fair cooperation requires treating one another with equal respect. This is an issue of how we treat one another in political life, not a matter of assessing the relative epistemic capacities of our fellow citizens. Rather than assess the epistemic capacities of our fellow citizens, we should assess the reasonableness of the disagreement according to a moral qualification of recognition respect for people’s free and equal moral status. Differences are reasonable only if they all meet a minimum moral threshold of respect for their fellow citizens freedom and equality. This sets a broad, yet defensible scope for reasonable pluralism in politics. This is most defensible as a moral (and not epistemic) assessment of our fellow citizens.

Rather than viewing politics as a battleground between factions, we must find ways to cultivate mutual understanding for our fellow citizens and seek ways to reestablish common moral ground for political debate. I will argue that cultivating recognition respect for our fellow citizens, even across deep political divides is essential for bridging the divides that are so pervasive in contemporary society.
On Taking Forward-Looking Responsibility

Keywords: Forward-Looking Responsibility; Taking Forward-Looking Responsibility; Attitude; Moral Psychology; Ethics

Synopsis:
I am going to give a preliminary account of taking forward-looking responsibility for something. It is natural to speak of someone being responsible for how something develops or that a state of affairs obtains. This forward-looking or forward-responsibility contrasts with backward-looking or moral responsibility. The latter is concerned with holding an agent accountable for some action, whereas the former concerns something the agent is morally charged with. I suggest that having forward-responsibility for some object X implies that one ought to adopt an attitude of taking forward-responsibility for X, which has so far been neglected by philosophers.

To fill this gap, I first develop a working definition of forward-responsibility for X as being in charge of X. Taking forward-responsibility can then be understood as an attitude of seeing oneself in charge. Relying on the example of parents’ forward-responsibility for the upbringing of their children, I characterise this attitude by five components: an epistemic, deliberative, evaluative, affective, and self-evaluative component. Taken together, these components guide the agent’s attention, put her under normative requirements, and structure her agency broadly and diachronically around what she takes forward-responsibility for. She will be disposed to notice as well as actively monitor how X develops, how it should develop, and how she can further this development, and she will acknowledge considerations about furthering this development and keeping it on track as practical reasons and hold herself accountable if the development gets off track. This is an attitude that we can and do adopt to varying degrees towards very different things, and discussing it, therefore, is important for ethical theory and moral psychology.

As a last point I contrast taking forward-responsibility with three seemingly similar attitudes (intentions, valuing, personal projects) to point out its character as an attitude sui generis.

Abstract:
Abstract: On Taking Forward-Looking Responsibility

I am going to give a preliminary account of what it is to take forward-looking responsibility for something. It is natural to speak of someone being responsible for how something develops or that a certain state of affairs obtains, e.g. parents being responsible for the upbringing of their children or the dean being responsible for the department. This forward-looking responsibility contrasts with backward-looking or moral responsibility. The latter is concerned with whether an agent can be held accountable for some action, and has been extensively discussed by philosophers. Forward-looking responsibility, in turn, concerns something the agent is morally charged with. It has relatively recently come up in ethical scholarship, mainly in collective ethics. However, having forward-looking responsibility for some object X implies that one ought to take forward-looking responsibility for X and the attitude of taking forward-looking responsibility has largely been neglected by philosophers. My paper wants to fill this gap. For this, I will first develop a working definition of forward-looking responsibility. I will then characterise the attitude of taking forward-looking responsibility by five components and analyse the role it can play in our moral psychology. As a last point I will contrast taking forward-looking responsibility with three seemingly similar attitudes – intentions, valuing, and personal projects – in order to point out its character as an attitude sui generis.
I rely on a notion of forward-looking responsibility for X as being in charge of how X goes and that it goes well according to the standards and ends that apply in a given situation. Being forward-responsible for X is a state of being charged with the development of X with a view to the values and ends applying to it. This is a wider understanding of forward-looking responsibility than often employed and is meant to include cases where standards of success can change in the course of the development: e.g., what it means to educate my children well is not fixed from the outset, but changes depending on how they develop. Therefore, what is implied by having forward-looking responsibility for their education is not pre-determined but changes along the way. This is captured well by understanding having forward-looking responsibility for X as being in charge of X with regard to relevant values and ends since this implies openness to changing requirements.

Since I want to explicate taking forward-looking responsibility as the attitude doing justice to the normative demands of forward-looking responsibility, it must be explicated as an attitude of seeing oneself in charge of what one is responsible for. If agent A has forward-looking responsibility for X, A ought to take forward-looking responsibility for X, and that is she ought to adopt an attitude of seeing herself in charge of X. Since this involves receptivity to which values and ends apply in a given situation, the openness for changing standards carries over from forward-looking responsibility to taking forward-looking responsibility.

For analysing the attitude of taking forward-looking responsibility, I will use the example of parents who have forward-looking responsibility for the upbringing of their children and therefore ought to take forward-looking responsibility for it. From common assumptions of what makes one a responsible parent, I will argue that taking forward-looking responsibility involves five components: if agent A takes forward-looking responsibility for her children, (1 - epistemic) she is disposed to monitor their education as well as possible influences on it and to generally notice how things go and what might be done, (2 - deliberative) she is disposed to acknowledge considerations about furthering this development and keeping it on track as practical reasons and is motivated by them, (3 - evaluative) she develops a sense (reflective or intuitive) for how things ought to go and how aims and standards might shift, (4 - affective) she is disposed to experience emotions in accordance with how things go, and (5 - self-evaluative) she is disposed to blame herself if things go badly and she could have prevented it. This attitude is partly passive in her (emotional) responsivity to her children’s development and the appropriate standards by which it is to be evaluated, but largely active in that she will actively monitor this development, deliberate about it and interfere with it, and that she will hold herself responsible if it gets off track.

Thus, taking forward-looking responsibility is a motivational, diachronic and object-directed attitude. It is an attitude that we often take towards things as different as our garden, our community, and our own life. It is also obviously an attitude of great relevance to ethical theorising since it is a response to values and ends, and indeed we arguably should take forward-looking responsibility for all the above things to different degrees. Importantly, taking forward-looking responsibility guides the agent’s attention and gives rise to dependent agent-relative reasons that place the agent under normative requirements. It is thereby action-guiding and structures the agent’s agency diachronically around what she takes forward-looking responsibility for.

Importantly, although taking forward-looking responsibility is the adequate response to certain moral charges, namely forward-looking responsibility, it is a mental attitude and in itself independent of normative requirements. One can take forward-looking responsibility for something one does not have it for (e.g. an elderly neighbour one is remotely acquainted with), and it is even possible to take forward-looking responsibility for something while believing that one is not required to do so, i.e. that one does not have forward-looking responsibility for it.

To conclude this explication of taking forward-looking responsibility, I will contrast it with three similar attitudes that, too, are motivational, diachronic, object-directed and reasons-generating:
intentions – which I will understand in a Bratmanian way – direct our attention, deliberation and action like taking forward-looking responsibility, and they can also lead to emotional responsivity, but they differ from it in that do not in themselves involve the active element of monitoring the development of what one cares about and attentiveness to possibly changing standards. Also, the rational requirements involved in having an intention are more restricted in scope than those in taking forward-looking responsibility. Valuing resembles taking forward-looking responsibility in that it is an attitude of caring about how its object goes. But valuing constitutively involves a value judgement about its object. Taking forward-looking responsibility does not, as can be seen from cases where people take forward-looking responsibility for something simply because it is part of their job or out of pragmatic necessity but without valuing it. Furthermore, valuing does not constitutively involve an active element of monitoring the valued object and guiding its development. Valuing is compatible with seeing other people in charge, considering oneself a mere bystander. Personal projects might share with taking forward-looking responsibility a responsiveness to changing standards, but like valuing they involve a value judgement and lack an element of active monitoring as a necessary constituent. Therefore, taking forward-looking responsibility seems to be different from these attitudes and constitute an attitude sui generis that is worth being discussed in its own right. My paper aims at offering a basis for such a discussion of this important ethical and psychological phenomenon.

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Why is bodily integrity worth having?

Keywords: bodily integrity; physical integrity; mental integrity; rights; autonomy.

Synopsis:
The body enjoys a prominent place in rights discourse. It is often claimed or assumed that human beings possess a right to bodily integrity, such that others cannot permissibly interfere with it unless certain conditions are met. The idea seems to be that a right to bodily integrity specifically, and not some broader right to, say, autonomy or bodily and mental integrity, is worth having or respecting, and that such a right is largely uncontroversial. Given its prominence, we might expect it to be clear why bodily integrity is distinctly and uncontroversially worth having or respecting, but this is not so. While the right to bodily integrity is often appealed to or asserted, its precise content and justification are rarely specified. Descriptively, the nature and scope of bodily integrity is imprecise. Normatively, it is unclear why bodily integrity is worth protecting as a right. This paper focuses on the latter, normative, question. It aims to clarify what makes bodily integrity or a right to it worth having or respecting. It argues that each of several accounts of the right to or importance of bodily integrity fail to explain why bodily integrity possesses salience of the kind often claimed for it. That is, they fail to justify the special status that bodily integrity apparently enjoys and fails to establish that a right to bodily integrity is uncontroversial.

Abstract:
The body enjoys a prominent place in moral and political thinking. It is often claimed or assumed that human beings possess a right to bodily integrity, such that others cannot permissibly interfere with one’s body unless certain conditions are met. Such a right is, for example, often thought to justify consent requirements relating to medical treatment and sex. The idea seems to be that a right to bodily integrity specifically, and not some broader right to autonomy or bodily
and mental integrity, is worth having or respecting for its own sake, and that the possession of such a right is largely uncontroversial.

Bodily integrity features prominently in applied philosophy. For example, T.M. Wilkinson (2011, p. 16) notes in respect of organ transplantation that ‘[t]he right to bodily integrity… is almost entirely uncontroversial and often considered of great weight’. Stephen Wilkinson and Eve Garrard (1996, p. 338) argue that ‘[o]ne way of explaining the moral significance of organ removal is by appealing to the notion of bodily integrity’, describing it as ‘[t]he idea â€“ that bodily integrity has (or is at least regarded as having) intrinsic value’. Bodily integrity also features prominently in English law. In (R. (on the application of Justin West) v The Parole Board [2002] EWCA Civ 1641), Baroness Hale described the right to bodily integrity as ‘the most important of civil rights’. In Re A (Conjoined Twins) [2001] Fam 147, Walker LJ held that ‘[e]very human being’s right to life carries with it, as an intrinsic part of it, rights of bodily integrity and autonomyâ€“the right to have one’s own body whole and intact and (on reaching an age of understanding) to take decisions about one’s own body’. And in Collins v. Wilcock [1984] 1 W.L.R. 1172, it was held that ‘[t]he fundamental principle, plain and incontestable, is that every person’s body is inviolate’.

Given its prominence, we might expect it to be clear what the right to bodily integrity consists in and why bodily integrity is distinctly and uncontroversially worth having or respecting. However, accounts of the precise nature and the value of bodily integrity remain surprising elusive. While the right to bodily integrity is often appealed to or asserted, its precise content and justification are rarely specified. Descriptively, it is unclear what is involved in bodily integrity and how broad it is in scope (e.g. Aas 2020). Normatively, it is unclear why it is important and worth protecting by a right.

The descriptive and normative lack of clarity has been noted by others. David Archard (2008, p. 33) refers to the ‘as yet neglected â€“ line of moral enquiry, namely why exactly bodily trespass is wrong’. Adrian Viens (forthcoming) notes that ‘[b]odily integrity is almost taken as some uncontroversial factâ€“we all have it, it’s valuable and we should avoid instances where our physical integrity is transgressed’. However, he argues, ‘[t]he idea of bodily integrity is often underdeveloped and used without sustained reflection’, and ‘upon closer and careful explication, ‘[i]t is often predicated on differing conceptions; often making presuppositions that lead to conflicting and incompatible ideas; or ideas that would rule out cases that we should think ought to be captured by the idea of bodily integrity’. Mervi Patosalmi (2009, p. 125) notes that ‘[b]odily integrity is a concept that has been and continues to be used in feminist theorizing about bodily issues’, including rape, reproductive autonomy, and abortion, but that ‘[o]ften the notion of bodily integrity is utilized without reflection, [and] when â€“ examined closely, it is clear that the concept can be employed in divergent ways’ (p. 125). And in respect of English law and European human rights law, Jonathan Herring and Jesse Wall (2017, p. 566) argue that bodily integrity, ‘[d]espite its eminence and regular appearance in case lawâ€“ is seriously under analysed’, and used in contradictory ways. The descriptive matter is important for the normative matter, but this paper focuses on the latter, normative, question.

The aim of this paper is to clarify what makes bodily integrity or a right to it worth having or respecting. It considers several accounts of the right to, or importance of, bodily integrity, including capabilities accounts (e.g. Nussbaum 2000), autonomy or sovereignty accounts (e.g. Mill [1859] 1974; Feinberg 1986; Rosati 1994; Ripstein 2006), trespass accounts (e.g. Archard 2008), self-ownership or property accounts (e.g. Thomson 1990; cf. Lippert-Rasmussen, 2003), and respect accounts (e.g. Eyal 2009).

Capabilities accounts see bodily integrity (not defined) as a capability whose value is accounted for indirectly, by its functions, which include ‘being able to move freely from place to place; having one’s bodily boundaries treated as sovereign, i.e., being able to be secure against assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for
sexual satisfaction and for choice in matters of reproduction’ (Nussbaum, 2000, p. 78). Autonomy accounts see the right against non-consensual interference with bodily integrity as a specification of the principle of respect for personal autonomy. This is typically taken to be something like ‘the fundamental interest all individuals have in making decisions in whatever concerns their own lives, free from external coercion and from manipulation of their beliefs and preferences’ as long as the choices are, in a specified minimal sense, autonomous, that is to say, informed, voluntary and rational’ (Archard 2008, p. 21). Such accounts ‘think of the body as marking an important moral boundary’ such that ‘[t]o cross that boundary is to assault the person, to invade the inner realm that is the source of her autonomy and identity’ (Rosati 1994, p. 127). Trespass accounts see interferences with bodily integrity as wrong because they constitute a trespass upon the body of that person, and ‘[t]respass is a claim-infringing intrusion or invasion’, which is ‘independent of any harm that is done in and by the trespass, of the manner in which the trespass is achieved’, and of the interferers intention (whether maleficient or benevolent) (Archard 2008, pp. 27-28). Self-ownership or property accounts hold that we own ourselves and therefore our bodies, and that interfering with our bodies is wrong for similar (but often stronger) reasons that interfering with our property is wrong (which, they suppose, it is). Respect accounts see bodily invasions as by their nature disrespectful to the person whose body it is (Eyal 2009, pp. 236-7), and hold that even when a specific instance of interference with bodily integrity is not ‘truly disrespectful . . . its widespread and intractable perception as a humiliating violation counts heavily against it, because it can thwart opportunities for self-respect’ (p. 238).

This paper argues that each of these accounts fails to justify the prominence of bodily integrity in our practices and discourse. It is questionable whether they succeed in explaining why we ought to have a right to bodily integrity, rather than, for example, some broader right to, say, autonomy or bodily and mental integrity. More importantly they do not explain the obviousness of the right to or value of bodily integrity.

The lack of clarity regarding what makes bodily integrity worth having or respecting has serious implications for normative and practical ethics, for knowing what makes (a right to) bodily integrity worth having or respecting is important for determining how a right to bodily integrity should be specified and protected. This includes which subjects or entities should have a right to bodily integrity, how bodily integrity should be protected in various contexts, when and how one’s right to bodily integrity can be waived, when (if ever) it can be lost or diminished as a result of one’s actions, and whether and, if so, to what extent, it extends to artificial or inorganic items that function as parts of our bodies, such as prostheses (Aas, 2020; Ramachandran 2009). The question of what makes bodily integrity worth having or respecting also bears on questions such as whether subjects or entities who we might expect to have a right to bodily integrity (younger children; adults lacking capacity) have a right to it that is equal in stringency to that possessed by competent adults, when these subjects are also such that they cannot validly consent to interference with their bodies (for example, in relation to medical treatment). In addition, the clarification of bodily integrity’s importance bears on questions such as whether (and if so, why) we (largely) retain the right to freedom from bodily interference even when we act so as to render us liable to having some other rights, such as those to freedom of movement and association, restricted (Douglas 2014; McMahan 2018).

Comments, questions, and suggestions are very welcome. Please contact me at lisa.forsberg@law.ox.ac.uk if you would like a draft of the paper.
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The Minor’s Strike: Reflections on children’s political action

Keywords: Children, Competence, Civil Disobedience, Strike

Synopsis:
This paper primarily considers whether and when children have a moral right to withdraw themselves from school in order to further a political campaign or agenda. I then discuss subsidiary questions regarding how to regard such actions effects on their wellbeing and the duty of adults in their society to politically engaged children. I argue that some children are competent to vote, and thereby competent to meaningfully commit to other kinds of political action, and that some children who are not competent to vote might still make morally authoritative choices on some politically salient issues such that they can consent to take actions to further a cause. However, children should not generally be thought of as having a right to ‘strike’, at least from school. Since the relationship between school and pupil does not properly mirror that between employer and employee. Instead, recent political actions by students should be understood as incidences of civil disobedience. I then suggest that such action should generally seen as being deleterious to some important intrinsic goods of childhood. Understanding children’s actions in these terms suggests a model in which they can take action only as a last resort, specifically when adult generations are failing to prevent a serious injustice. I suggest that this account justifies the recent climate strikes, and children’s actions on gun violence, but in the more general case grants only a qualified and contingent right to strike.

Abstract:
Children’s participation in politics is an issue of growing interest and concern, driven in part by a realisation that younger people sometimes have sharply different ideologies and interests from elder generations. Most often, this question is raised via discussions of the voting age and whether those aged 16 or even younger might be competent to participate in democratic elections. While this issue is important, voting does not exhaust the ways that people can participate in democratic politics or contribute to social change. Thinking only about voting misses the many other ways that children have affected political discourse, perhaps most significantly the recent climate strikes led by Greta Thunberg. These strikes have formed a global movement of children and have seemingly been as or more effective than similar campaigns planned and led by adults. In this paper, I consider various philosophical questions relevant to the moral appraisal of this action and other possible actions children might take in the future.

One central question to political activities is the competence of children to make meaningful political choices. Those who oppose raising the voting age point to the fact that children lack experience, training and on average have various cognitive deficits relative to older persons. Even those who support lowering the voting age would concede that this bundle of factors means that some class of children (say the under 12s) are not competent, or they simply deny that competence is a prerequisite for voting. Drawing on this debate, I distinguish between the kinds of competence required for different political activities. While casting a vote is easy, meaningfully voting is much more difficult and might plausibly require the kinds of impulse control and reasoning skills that children lack. Nevertheless, it does not follow that children can never be competent to make a moral or political choice. Some important moral conclusions follow merely from appropriately empathising with particular actors, or being able to cognize the effects of a political policy on one’s own life. On this framework children can be locally competent on some issues, even when not competent to vote, and can authoritatively decide to support some political causes.

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The second section of paper considers the appropriate framework to assess the actions. It is natural to ask whether children have a right to strike, since the marches are presented in such way. We might think that there is a general human right to strike, and that such a right is held by children. However, I argue that the best account for why people have a right to strike - an interest not to be dominated by their employer - does not apply in the case of most children. They should not be thought of as having a right to strike from their schooling. However, I suggest that the position of children means that they will be permitted to commit civilly disobedient acts - including missing school - when faced by a case of serious injustice or a significant deficit in the democratic debate that means their interests are not being accounted for.

I then turn to the question of whether children’s political action is a generally good thing for their own wellbeing. Many people believe it is, and encourage their own children to get involved. While there is some truth to this positive reading, I argue that becoming overly political as a young child threatens the access of what Samantha Brennan and Colin McLeod term ‘the intrinsic goods of childhood’. These are goods which can only be enjoyed during childhood and are a significant part of a flourishing life. The implication is that if a person’s upbringing is too preparatory (too focussed on providing skills and temperament that will boost their standard of living when they’re adults) their lives will be impoverished. Many of these intrinsic goods of childhood rely on a kind of innocence that I argue is inconsistent with becoming politically aware and engaged. The result is that while children can make positive and important contributions to politics, having cohorts of children become politically active is something we should generally view with regret in so far as it undermines many people’s ability to access important goods.

Following this, I consider how adults should evaluate and act with regard to children undertaking political action. It is commonly thought that children have important protections that preclude conduct that would be permissible when directed at an adult. We should not mock or aggressively argue with a child in public for instance. These protections explain why many people viewed Donald Trump’s mockery of Thunberg to be especially distasteful, over and above their normal reactions to his mode of dialogue. However, mockery and robust debate are part and parcel of democratic politics, so one might think that children make themselves ‘fair game’ by acting politically. Against this suggestion, I argue that children who are striking as a last resort because of the failures of older people - often against their own interests - have done nothing to make forfeit any moral protections they might have. Those participating in debate with them must just accept a more constrained range of options in their interactions with children’s campaigns relative to those of adults.

Finally, I turn to the issue of manipulation. There are often deep worries with children being manipulated into serving a particular cause or ends, worries which have surfaced with respect to the climate strikes. A mirror worry is that the use of child campaigners manipulates adult members of society. One particularly stark example is the use of child campaigners in anti-abortion movements, but similar concerns have been applied to children protesting against gun violence. I suggest that both of these concerns often have merit, but that democratic debate is considerably more manipulative than is often supposed. The worries specifically about children are less severe than might be thought.
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Realist description of political conflicts

Keywords: conflicts; political description; political realism

Recording: https://youtu.be/k-zQbI3UQxs

Synopsis:
My question in this paper is: how are we to describe political conflicts? I advance what I call a “realist” theory of description, and contrast it with a “theoretical” alternative. The gist of the argument is that descriptions must be constrained by the practical question agents face in political circumstances, as they themselves actually understand it. Importantly, this has the consequence that, especially in contemporary democratic societies, it is often not possible to arrive at a unified description. That is, we should eschew the idea that we can describe the conflict as having one nature. All we can aspire is to describe the phenomenon as being in a certain way for some people and in a different way for others. Realist descriptions, I contend, show the limits of philosophy to impose order in politics.

The structure of the paper is as follows. First, I present both alternative theories of description and defend the realist one. Second, I flesh out the concept of practical possibility that realist descriptions use. I argue that practical possibility is grounded on political agents’ practical questions: what it is possible for them given that they are trying to figure out what to do in a particular political context. Third, I show that from that understanding of practical possibility it follows that realist descriptions sometimes are disunified. Finally, I consider the political and philosophical implications of the argument.

Two types of descriptions

We attribute natures to political conflicts. Of course, it doesn’t need to be a binary affair: there are conflicts with, say, both religious and economic dimensions. However, as the literature on conflicts shows, one dimension is usually regarded as central. That’s why we talk of religious,
ethnics, or separatists conflicts. Labeling a conflict as ethic helps us navigate it, for it renders some considerations more prominent. It is also possible that the people we take to be involved in the conflict changes according to how we characterize it (see Lowe y Muldoon 2012).

I distinguish two broad approaches, “from within” and “from without.” The latter - which i call “theoretical” - describes political conflicts according to some external standard, trying to uncover how they really are. It features in many works of political philosophy and social sciences. According to it, a philosopher can look at a conflict and judge it to be cultural if it meets a set of theoretical criteria.

A realist description, on the other hand, proceeds “from within” the actual perspectives of the participants in the political phenomenon itself. It tries to find a common ground that can be accepted by all participants, and that can orient their behavior appropriately. It has, then, an eminently practical end. Unlike their counterparts, realist descriptions do not attempt to uncover the true reality of conflicts– assuming there is one –. The goal is to find a description the parts of the conflict can act on.

Realist descriptions can be accepted by all parties to the conflict even if they won’t be accepted. They are normative. Although philosophy begins with political life as it is, it does not merely replicate it. Thus, I qualify William Galston’s claim that “[d]escription precedes prescription” (Galston 2018, 110). This theory of descriptions, which I place under the family of realist theories (see Rossi & Sleat 2014), shows that what the political facts are is itself a prescriptive matter.

This is a dynamic political realism, since it starts with a pre-theoretical understanding of what the facts are but it does not regard them as necessarily the final word. Otherwise it could not be action-guiding, in the sense that it would simply restate the participants’s positions. It would offer them no further tools to understand their conflict.

Its intention to be directly action-guiding is the first reason to prefer the realist approach. Its counterpart may give us philosophers great insights yet being useless to the actual political actors. The “true” nature of the conflict may be perceived as alien by some of the actors. Realist descriptions try to deliver a complex result: a shared understanding of the conflict that can be accepted by all as true to how each of them experience it. I say “try” because in the final section I will show that that is not always achievable.

The second reason is that realist descriptions help us to highlight the threat of hermeneutical injustice (see Fricker 2007). One party can force certain interpretation of the conflict that preclude or difficult some actions by other parties.

Now, lest both approaches collapse I must clarify the normative in play here. What does it mean that a description can be accepted by political actors as they are?

Practical possibility

In order to remain in the realist camp, I hold that an action is practically possible for me if I can regard it as a live option in deliberation (see Williams 1981, 128). Luther famously said “Here I stand. I can do no other;” some options are just not real alternatives for me in some contexts. The lack of freedom to deliberate in play here must be distinguished – in the words of Ian Carter – from “what is simply undesirable” (see Carter 2001, 87). Otherwise our descriptions would retain realism at the cost of rationality. Action-guidance, if it is to be philosophical, has to be rational.

I argue that we can “do no other” when the practical question is changed. When S has herself what to do she already within a context that includes certain psychological, economical, and other facts. Her question becomes salient for her only after the conflict (or something like it) has begun: she is already there. S can experience a cost as something that makes her decision merely burdensome or she can experience it as something that changes her practical question. The thought behind this is that deliberation – at least political deliberation – begins in medias res.
Significantly, S can judge the possibility to perform some action to be part of the context. For instance, employing certain forms of protest.

The unity of conflicts

In diverse societies nothing guarantees that a realist description can be found. Plausibly, some conflicts are so deep that participants cannot agree on any substantive description without changing their practical questions. The debate over abortion is a case in point. Pro-lifers claim that it is about the sanctity of life; pro-choicers claim that it is about women’s rights. In Chile this disagreement led to a dispute whether abortion laws belonged to the Ministry of Health or the Ministry of Women.

For many pro-life groups it is not practically possible to share the pro-choicers’ description. Maybe they should morally accept it, but I am not here making moral evaluations. The same goes for pro-choicers.

Yet I argue that for conflicts in democratic societies, democracy is part of the context. Pro-choicers and pro-lifers cannot but frame their actions within the limits of democracy. That is, democracy in presupposed in their practical questions. They cannot reject it because that would amount to foreclosing some actions they deem important (like arguing that abortion laws promote/violate democratic equality). Realist descriptions do not recommend people to be democratic: they acknowledge the fact that they cannot but perceive themselves as acting within a democracy. It follows, then, that their practical questions include the right of their rivals to express their views and characterize the conflict. Reciprocity enters the picture through politics instead of a prior moral commitment, and in this sense politics is prior to morality, as realists claim.

Therefore, I conclude that what can be accepted by all parties is that there is a legitimate dispute over the nature of the conflict. They cannot accept that the conflict has both natures, e.g. that has both dimensions; nor can they accept that it has neither. The last alternative is tempting but mistaken, because it can be practically tantamount to attributing a particular nature. A consequence of the in medias res nature of practical deliberation is that we are always already within a context, which could render the conflict one way or another by default.

Politically, this means that we cannot simply label the conflict one way or another. We, and all political agents, must work with this duality. Philosophically, it means that we must abandon our hope to fit politics to the neat standards of our theories.

References


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Civic trust, surveillance, and transparency

Keywords: trust; surveillance; transparency; social credit system

Synopsis:
Civic trust --that is the trust that citizens have in each other to uphold moral and legal norms, respect agreements, and generally play fair-- is widely recognised as fundamental to a stable, secure, and prosperous society (Luhmann, 1979; Putnam, 2000; Fukuyama 1995; Frey, 1997; Duff, 2013; Helliwell et al 2018). Yet the mechanisms by which civic trust springs up, spreads or is eroded remain elusive and mysterious. While the role of the state is acknowledged widely to be pivotal to civic trust, existing studies focus on its activities as coordinator and regulator of social and economic institutions. Its role as the ultimate arbiter and enforcer of civic norms, through public security policy and the criminal justice system, has been largely overlooked. This paper examines the implications of this field of state activity, and in particular security surveillance practices, for civic trust. It argues that, contrary to the claims of rational choice theories of trust, surveillance practices are not conducive to civic trust. On the contrary, as moralistic theories of trust suggest, many surveillance practices provide security at the cost of civic trust. What is more, such practices tend to centralise the sources of reliable testimony about trustworthiness in the hands of the state. This has negative implications for power relations between the state and citizens, and weakens the resilience of civil society.

Abstract:
Civic trust --that is the trust that citizens have in each other to uphold moral and legal norms, respect agreements, and generally play fair -- is widely recognised as fundamental to a stable, secure, and prosperous society (Luhmann, 1979; Putnam, 2000; Fukuyama 1995; Frey, 1997; Duff, 2013; Helliwell et al 2018). Yet the mechanisms by which civic trust springs up, spreads or is eroded remain elusive and mysterious. While the role of the state is acknowledged widely to be pivotal to civic trust, existing studies focus on its activities as coordinator and regulator of social and economic institutions. Its role as the ultimate arbiter and enforcer of civic norms, through public security policy and the criminal justice system, has been largely overlooked. This paper examines the implications of this field of state activity, and in particular security surveillance practices, for civic trust. It argues that, contrary to the claims of rational choice theories of trust, surveillance practices are not conducive to civic trust. On the contrary, as moralistic theories of trust suggest, many surveillance practices provide security at the cost of civic trust. What is more, such practices tend to centralise the sources of reliable testimony about who we can safely and securely interact with –i.e. who is trustworthy– in the hands of the state. This has negative implications for power relations between the state and citizens, and weakens the resilience of civil society.

The last decade has witnessed a global trend towards the adoption by states of new technologies of surveillance in order to increase citizen security and to correct perceived deficits of trust. Perhaps the most striking example of this trend is the Chinese Social Credit System (China State Council, 2014). Similar to credit rating, it involves the collection and analysis of data about a wide range of behaviours by individuals, companies, and organisations to provide each with a publicly-visible ‘rating’ indicating their ‘trustworthiness’. But similar developments are occurring in the West too, from the use of facial recognition for a range of purposes, to the proliferation of publicly accessible registers of criminal offenders, to trusted traveller schemes, private vetting services and the spread of CCTV in public spaces. By making individuals transparent both to the
state and to each other, surveillance practices promise to both deter the violation of civic norms and foster interpersonal trust.

Yet the implications of surveillance for civic trust remain the subject of disagreement, in both academic and political discourse. On the one hand, it is claimed that, by monitoring compliance and detecting breaches, surveillance provides citizens with some assurance that the people with whom they interact in their daily lives will uphold the civic norms that make such interactions both mutually beneficial and safe (Hardin, 2002; Buskens, 2002). China’s Social Credit System promises to do just that, and indeed appears to be largely welcomed by a population that is fed up of being exploited and cheated by unscrupulous individuals and companies (Kostka, 2019; Stevenson and Mozur, 2019; Hawkins, 2017; China State Council, 2014).

On the other hand, it is argued that surveillance undermines social trust, by implying that citizens cannot be relied upon to uphold basic civic norms without being monitored by a disciplinary authority (Duff, 2013; Nance, 1994). For example, surveillance scholar David Lyon has claimed that mass surveillance ‘spread[s]… a widespread sense of suspicion’ (Lyon 1994:10), while CCTV expert Clive Norris has argued that ‘if we are gathering data on people all the time on the basis that they may do something wrong, this is promoting the view that as citizens we cannot be trusted’ (Norris in House of Lords 2009: 27[107]).

The idea that surveillance encourages people to be more distrustful of each other has also been expressed by the children’s author Phillip Pullman, who argued that a scheme requiring him—and indeed all those who work with children— to demonstrate a clean criminal record “assumes that the default position of one human being to another is predatory rather than kindness and that the basic mode is not of trust but suspicion…” (Pullman, quoted in Adams, 2009). His view is echoed by Shoshana Zuboff, who argues that the new era of perfect transparency and freedom promised by the surveillance industry in fact ‘construe[s] society as an acrid wasteland in which mistrust is taken for granted’ (Zuboff, 2019).

Which of these apparently conflicting positions describes more accurately the implications of contemporary surveillance practices for civic trust? Addressing this question is important, for at least two reasons. First, examining the implications of security surveillance practices for civic trust can help us to reach a better understanding of the mechanisms of the latter- that is, how civic trust can be generated and maintained, or undermined and eroded in a society. Second, examining the relationship between surveillance and trust can yield new insights into the likely social and political implications of the former, and it can do so in ways that help to move normative debates about surveillance beyond the well-rehearsed claims about trade-offs between security and liberty.

Both the arguments of those who claim that surveillance promotes trust and the arguments of those who claim that it undermines trust presuppose a theory of what trust is; how it works (that is, a theory of how trust between individuals can be cultivated or eroded and how distrust can spread); and how security and surveillance practices set such mechanisms in train. Yet, while these theoretical underpinnings are fundamental to the coherence of both positions, in neither case are they spelt out or defended explicitly. This paper fills that theoretical gap, drawing on political, social-psychological, and economic theories of trust and its mechanisms to articulate and assess critically each of these in turn.

Section 1 defends moralistic theories of trust, in particular that of sociological theorist Toshio Yamagishi, over rational choice alternatives, in particular Russell Hardin’s encapsulated self-interest theory. It argues that the former is superior because it recognises a distinction between trust as the confidence we have in another to uphold civic norms for moral reasons and ‘assurance’ which is the confidence we have in them to uphold civic norms for reasons of self-interest. Recognition of this distinction enables us to see how, while surveillance might well
increase assurance, it is unlikely to increase trust, because it tends to give people self-interested rather than moral reasons to uphold civic norms.

Section 2 turns to an analysis of the trust-based criticisms of surveillance cited above. It develops Phillip Pettit’s and Bruno Frey’s theories of the mechanism of trust to argue that there are three distinct ways in which surveillance practices can undermine civic trust. These are: stunting civic trust by implying that people only uphold civic norms for reasons of self-interest, such as fear of punishment or other sanction; making people less trustworthy, both by removing opportunities for people to test and develop their moral character and establish trusting relationships, and by ‘crowding out’ their good intentions with self-interested ones; and spreading civic distrust, by communicating the view that people cannot be trusted to do the right thing unless they are threatened with sanctions or punishment.

Section 3 briefly considers some exceptions to these tendencies, arguing tentatively that social and political contexts in which surveillance policies are implemented, can and do affect the mechanisms of surveillance, assurance, and trust. More specifically, it claims that in contexts characterised either by a lack of trust or by active distrust, surveillance could provide the kind of assurance that reconciles and habituates people to compliance with civic norms in ways that facilitate the generation of trust in the future. Examples from China and the UK are drawn upon to support these claims.

This paper seeks not to provide arguments for or against surveillance as such, but to shed new light on what is at stake for political communities considering its introduction. While its main contribution to the debate on surveillance is to show that in most cases it undermines civic trust, this does not imply that the security promised by surveillance will not be judged, even by liberal democratic political communities, to be worth the cost.

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Welfare and Mild Cognitive Impairment

Keywords: welfare; well-being; cognitive impairment; disability; Downs Syndrome

Synopsis:
How much does mild cognitive impairment of the sort characteristic of Downs Syndrome affect well-being? More precisely, can someone with this kind of mild impairment have a robustly good life—i.e. a life as good in its way as the kinds of lives most of us label “good”? I argue that when properly understood the answer is yes, though my view is not (to borrow terminology from Elizabeth Barnes) a mere-difference view of cognitive impairment, but rather a mild difference view.

In the first part of the paper I argue that if we are to make progress on questions about welfare and disability we must narrow the range of assumptions about well-being we allow ourselves to work with in practical ethics. I argue, first, that we have good reasons for setting aside in the practical sphere simple objective theories. I argue second that we have similarly good reasons to set aside theories that give a role (as many desire theories do) to prospective attitudes. We should instead treat welfare at a time as determined by the welfare goods present in a person’s life at that time. Finally, I argue that there is enough agreement among philosophers, laypeople, and psychologists to justify a focus on two broad categories of welfare good: (1) happiness and (2) successful engagement with persons or projects that one cares deeply about. Intelligence is a merely instrumental welfare value in so far as it enables us to live happier lives and/or lives with greater evaluative engagement. Collectively, we choose what sort of society we wish to live in, and so we choose how important instrumentally intelligence is for welfare. I argue that in a
properly supportive society, individuals with Downs would be just as likely as others to live a robustly good life.

Abstract:
How much does cognitive impairment affect a person’s well-being? More precisely, can someone with mild impairment have a robustly good life—i.e. a life as good in its way as the kinds of lives most of us label “good”? This is a difficult question, and also deeply controversial. So why tackle this fraught question?

I believe it is important to consider it precisely because prejudice against the cognitively disabled is one of the deepest, most intractable forms of disability prejudice. One piece of evidence (among others) for this claim is the fact that so many people fear dementia and (importantly) believe that their lives, were they to become demented, would be barely worth living, if they would be worth living at all. That people believe this reveals a great deal about how they think about welfare and cognitive impairment and what they assume the lives of those with cognitive impairment must be like.

It is important, however, to limit claims in this area to particular types of impairment, since cognitive impairment can assume so many forms, and there is no reason to assume that well-being potential is the same across groups. For this essay, I want to focus on those individuals born with Downs Syndrome. Downs is a relatively mild form of cognitive impairment. Yet not too long ago (1970s) infants with Downs who were in need of surgery were often allowed to die. Those who did not need surgery rarely went home with their families, but were placed in institutions instead. And although nowadays a child with Downs would be treated, and children with Downs live with their families, it is not clear that this is any indication that public assumptions about the welfare of individuals with Downs have changed for the better. These days, with the wide availability of diagnostic tests for Downs in pregnancy, a majority of those fetuses known to have Downs are aborted. In some parts of the world the figure is approaching 100% causing some to wonder what it will mean for the few remaining individuals with Downs to live in a world with no others like them.

Even if those prospective parents who abort fetuses with Downs have reasons other than views about the welfare potential of such children, it is still plausible that assumptions about welfare are a large part of the picture. Moreover, it is not enough—as it might be in making an argument for the treatment of a newborn with Downs—to convince prospective parents that a person with Downs will almost certainly have “a life worth living.” Although that phrase has been used in many ways, I generally take it that lives worth living are lives in which the good elements outweigh the bad overall, so that the value of the life for the individual living it is overall net positive. Such a life has crossed a sort of minimal threshold, such that all lives above the threshold have more good than bad. But presumably we want to know not just that a life is over the threshold, but whether it is significantly over it. That this is rarely addressed leads me to infer that often the implicit meaning is that the life is above the threshold but just barely. If that is too strong an inference, it still seems safe to say that theorists who rely on this language are leaving it open, and thereby remaining agnostic about, how much net positive value such a life can have. Most people, however, want for themselves and those they love a good life in a different, more aspirational sense. We want a life where the good outweighs the bad by a fair amount. And parents want to know that a child of theirs has just as good a chance as most other children of living a life like that. If I am right about this, and if I am also right that such individuals can and often do have good lives in this robust sense, then it is important to argue for this.

I have two goals for this essay. First, I believe that if we are to make progress on questions about welfare and disability we must narrow the range of assumptions about well-being that we allow ourselves to work with in practical ethics. Thus, in the first part of the essay, I identify some
philosophical claims about well-being that should be set aside when we are doing practical ethics, and likewise identify the primary assumptions that should guide us. Second, having described a narrower, more specific set of welfare assumptions for practical ethicists, I consider what this narrower framework implies about the welfare of individuals with Down’s. The view I defend is probably best characterized as a mild difference view (thereby differentiating my claim from the “mere difference” view, defended by Elizabeth Barnes in the limited case of physical disability).

As indicated above, the first part of the paper considers what assumptions about welfare we should allow ourselves. There is a canonical three-part division of theories of welfare that originated in the 1980s with James Griffin and Derek Parfit, and which has subsequently become the most common starting point. Sometimes ethicists explicitly begin by sketching these theories and then proceed by asking what each theory would say about a particular practical claim. Though the explicit aim of this exercise varies by author, often the idea seems to be that if a practical claim is acceptable on all theories, then it is acceptable simpliciter. In other contexts, the introduction of the theories serves almost the opposite purpose—namely to reveal how much disagreement about welfare exists and therefore how hopeless is the task of appealing to welfare claims in the practical sphere. Even when the theories are not canvassed in any detail, one often finds theorists trying to make sure that their conclusions hold independently of what theory of welfare one adopts. For example, Elizabeth Barnes goes to great length to formulate what she calls “bad difference views” in ways that can accommodate all of the different theories. However, I think the way to make progress is to move past this assortment of theories, at least for the purposes of practical ethics.

I argue first that we have good justifications for setting aside in the practical sphere simple objective theories—those on which “certain things are good or bad for us, whether or not we want to have the good things or to avoid the bad things.” I argue second that we have good reasons to set aside theories that give a role (as many desire theories do) to prospective attitudes. We must instead treat welfare at a time as determined by the welfare goods present in a person’s life at that time. Finally, I argue that there is enough agreement among philosophers, laypeople, and psychologists to justify a focus on two broad categories of welfare good: (1) happiness, properly understood as a relatively stable, positive outlook on one’s life, and (2) successful evaluative engagement, i.e. successful engagement with persons or projects that one cares deeply about.

Turning to cognitive impairment I argue that intelligence has welfare value only instrumentally to the extent that it enables us to live happy lives full of evaluative engagement. I then draw an important distinction between welfare potential and welfare likelihood. To ask about welfare potential we must momentarily abstract from many details of context and ask how good life could be for an individual with particular features and capacities. The aim is to focus (as best we can) on the way in which intrinsic features of an individual place limits on the upper end of welfare, whether they create a “welfare ceiling.” To ask about welfare likelihood, on the other hand, is to ask how likely it is that a particular individual with certain features and capacities born into a certain setting will live a good life in the aspirational sense described earlier.

Having established that happiness and evaluative engagement are the key things to consider, I argue that individuals with mild cognitive impairment like Downs have no welfare ceiling with respect to happiness, and only a slightly lowered ceiling with respect to evaluative engagement. In terms of welfare likelihood, such individuals would be just as likely to live a good life in the aspirational sense were they to live in a society supportive of them. In other words, the only thing that would explain lowered chances for a good life for individuals with Downs would be the kinds of social problems highlighted by social model theorists of disability. It is up to us, of course, what kind of society we create. But given the high welfare potential and welfare likelihood of individuals with Downs we should think carefully before continuing down the path we are on.
And we certainly do not have, as some philosophers have claimed, defeasible moral reasons to try to prevent the birth of children with Downs.

[The text of my abstract is 1490. The original also had a few footnotes with citations, as I assumed citations did not count towards overall word count. However, these did not copy over into the window for some reason. If they are needed I can provide them.]

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Permissible Rights Infringements, Benefits, and Compensation

Keywords: compensation, permissible rights infringements, benefitting, lesser evil justifications

Recording:
https://www.dropbox.com/s/m1deax3mb02yloe/Justified%20Rights%20Infringements_Lisa%20Hecht.mkv?dl=0
Full paper:

Synopsis:
A principle justifying the compensatory duties of beneficiaries of justified rights infringements - that is, those who were saved from a greater harm through the infliction of a lesser harm - should cohere with the core commitments underlying the infringement model of rights. The compensatory principle should acknowledge that the beneficiaries rightly received the benefit. Furthermore, the principle should not make prescriptions such that the overall benefit - the benefit minus the cost of compensation - ends up being too small to justify the infringement. I propose a novel principle for beneficiaries’ compensatory duties which can meet those demands. The Special Duty Principle suggests that the compensatory duty of beneficiaries of justified rights infringements is best understood as a special duty to alleviate harm. The duty is particularly stringent because victims and beneficiaries stand in a morally tragic relationship. I argue that two alternative compensatory principles, the Beneficiary Pays Principle and the Fairness Principle, fail to cohere with the core commitments.

Abstract:
Sometimes it is impossible to save innocent people from severe harm without harming others who are equally innocent and have a claim not to be harmed. Trolley is a familiar example of this kind.

--Trolley

An out-of-control trolley is running down a track where it will kill one track-worker (call her Beneficiary). Engineer can turn the switch and redirect the trolley onto a side track. Unfortunately, there is another person (call her Victim) on the track who will be injured. The accident cuts off Victim’s toe.

Many people believe that Engineer is justified in turning the trolley and harming Victim as a side effect of saving Beneficiary’s life. Furthermore, those who endorse the infringement model of
rights hold that having neither waived nor lost her rights Victim is wronged by the harm. Her rights are justifiably infringed. This gives rise to a claim to compensation.

In this paper, I discuss three principles justifying Beneficiary’s compensatory duty. I argue that only my own, the Special Duty Principle, satisfies the desiderata any good principle of the Beneficiary’s compensatory duty should meet. The alternatives, the Beneficiary Pays Principle and the Fairness Principle, both fail to satisfy the desiderata. The first desideratum (APPROPRIATE ALLOCATION) requires that the principle should acknowledge that the benefits lie where they ought to lie. This is because the rights infringement is justified by the benefit it confers on the person(s) saved from harm. The second desideratum (OVERALL BENEFIT) requires that the overall benefit to Beneficiary - benefit minus cost of compensation - is large enough to justify the overall cost - harm minus compensatory benefit.

*The Beneficiary Pays Principle*

The Beneficiary Pays Principle (BPP) has been defended as a non-contributory compensation principle that applies to beneficiaries of wrongdoing.

--- Beneficiary Pays Principle

Agents can come to possess obligations to lessen or rectify the effects of wrongdoing perpetuated by other agents through benefiting, involuntarily, from the wrongdoing in question. [Butt 2014: 336]

In Trolley just like in cases of benefiting from wrongdoing, Beneficiary is not responsible for the wrong suffered by Victim. The benefit is causally downstream from the turning of the trolley.

Despite these similarities, a straightforward application of the BPP to infringement cases is problematic. Proponents of the BPP argue that a benefit derived from wrongdoing is wrongfully in the possession of the beneficiaries. The BPP calls for a correction of misallocated benefits. On the one hand, there are the victims of wrongdoing who have a claim to compensation. On the other hand, there are those who received a benefit to which they were not entitled. Beneficiaries should disgorge the benefits and use them for compensation for the victims.

The BPP conflicts with the first desiderata: benefits from wrongdoing do not lie where they ought to lie. In contrast, the benefits of infringements lie where they ought. If we want to hold on to the idea that infringements are justified and the benefits lie where they ought to lie, we cannot justify Beneficiaries’ compensatory duties by appeal to their lack of entitlement to the good they received.

*The Fairness Principle*

Jeff McMahan argues that the beneficiaries of infringements are better off paying compensation than they would have been absent the infringement [McMahan 2014: 118-123]. Therefore, they cannot reasonably object to a principle that requires them to pay compensation. As a matter of fairness, it should be they who compensate the victim. [ibid.: 119].

--- Fairness Principle

An agent can come to owe compensation for a rights infringement if she would have been even worse off absent the infringement.
The Fairness Principle is problematic in light of the second desideratum: Even if the cost of compensation is quite substantial, Beneficiary has no complaint as long as she is still better off compared to the actual baseline. The cost could end up being so substantial that it diminishes the overall benefit to the extent that the overall benefit does not justify the infringement. Victim and Beneficiary are at a welfare level of 100 prior to the infringement. The death of Beneficiary can be prevented by inflicting a minor harm on Victim (say, by reducing her welfare to 80). We can assume, as in the classic trolley case, that the ratio of harm inflicted to harm prevented must be 1:5 in order for the infringement to be justified. In our case, the infringement is then justified. Now imagine that it is difficult for Beneficiary to bring Victim up to higher levels again and the cost of doing so constitutes a significant reduction in Beneficiary’s welfare. His welfare level drops to 50 units. Despite all his efforts Victim can be restored to only to a welfare level of 85. OVERALL BENEFIT is no longer satisfied because the overall cost (Victim’s welfare loss of 15 units) is disproportionate to the overall benefit (50 units for Beneficiary). The Fairness Principle seems to imply that Beneficiary still has a duty to pay compensation. Even at a welfare level of 50 he is still vastly better off than being dead. The Fairness Principle considers whether the beneficiary is overall better off but not if this benefit is proportionate to the overall cost. Therefore, the Fairness Principle will not necessarily satisfy OVERALL BENEFIT.

*The Special Duty Principle*

I suggest that Beneficiary’s compensatory duties are best understood as special duties to alleviate harm.

--Special Duty Principle

An agent can come to owe strong compensatory obligations if she has a duty to alleviate the victim’s harm and stands in a special relationship with the victim.

The Special Duty Principle can be taken to justify Beneficiary’s compensatory duty. Compensation is a response to a victim’s loss or injury and aims to redress or counterbalance the victim’s harm. Alleviating harm is nothing else than making good a harm and thus, a form of compensation.

Few would disagree that agents have duties to alleviate harm if they are in a position to do so. In Trolley, the duty not to harm was defeated because of the greater harm this would have allowed. But the reasons that underpin the duty not to harm - the badness of Victim’s suffering and her right against such harm - also underpin the duty to alleviate Victim’s harm after the fact. This is why everyone in a position to alleviate her harm has at least a weak compensatory duty to Victim if it does cost them too much. Beneficiary is not excluded from such a duty. Just like everyone else they have at least a weak compensatory duty to the victim.

Beneficiary, however, has strong compensatory duties due to her special relationship with Victim. The special relationship gives rise to a special duty which has the same content as the general duty - namely to alleviate harm - but it is more stringent. Their relationship is of moral significance because of its morally tragic nature. Although the benefits lie where they ought to lie and Beneficiaries bear no moral or causal responsibility for Victim’s unfortunate situation, one can consider their relationship to be affected by Victim’s wrongful loss. Beneficiary features in the explanation of how the harm came about. Her presence on the track is what justifies harm to Victim. In this respect their relationship is morally tragic. It would be odd if Beneficiary does not feel some regret in light of the high cost that her rescue imposed on Victim. We would be troubled if her sole reaction upon learning that Victim suffered a wrongful harm was an insistence on the fact that this was an appropriate price for her rescue. Equally, it would be odd if she regarded Victim’s loss as just an unfortunate fact unrelated to her being saved. A more
appropriate reaction is the recognition of the unfortunate loss and the way this loss is connected to her receipt of a benefit.

It matters that compensation comes from Beneficiary since she stands in this special relationship with Victim. From her perspective, compensation coming from an insurance scheme or from bystanders would not do just as well. Therefore, Beneficiary should prioritize her duty to Victim in case it conflicts with other duties. The special relationship works at least as a tiebreaker when equal goods are at stake and Beneficiary has to choose which duty to fulfill. Further, Beneficiary’s compensation aims to achieve more than just a relief of Victim’s suffering; it aims at repairing the relationship and resolving Beneficiary’s regret. This gives Beneficiary a reason to bear a greater cost for Victim than she would make for someone they are not standing in a special relationship with. All this shows that her duty to alleviate Victim’s harm is more stringent than that of bystanders. She has a strong compensatory duty.

The Special Duty Principle meets both suggested desiderata. As required by the first desideratum, it does not question that the benefits lie where they ought to lie. This is part of what makes the relationship between Victim and Beneficiary tragic. As required by the second desideratum, it will not negate the overall benefit. As duties to alleviate harm in general, the special duty to alleviate harm is limited by both a proportionality and demandingness constraint. This ensures that Beneficiary will gain a relevant overall benefit enough to justify the infringement.

*References*


subordinates those others to her will. Indeed, the ability to unilaterally impose costs on others is characteristic of paradigmatically inegalitarian social relationships, like relations of dependence or domination. In that vein, I argue that Dworkin’s equality of resources can be understood as the result of applying fundamental relational egalitarian insights to the domain of distributive justice.

This new interpretation of Dworkin is significant, not merely as a correction to the historical record. It also points to a way of incorporating within relational egalitarianism a robust concern for distributive equality (as opposed to mere priority or sufficiency) – an important goal that has so far proved elusive.

Abstract:
Perhaps the deepest divide in contemporary egalitarian theory is the divide between luck egalitarians and relational egalitarians. For luck egalitarians, equality requires that no one should end up worse off than another through no fault or choice of their own, or in other words, that no one should be worse off than another due to mere luck. For the luck egalitarian, only those choices for which a person is properly held responsible can justify departures from a baseline of equal well-being or advantage; undeserved misfortune should be redressed.

Relational egalitarians hold that this focus on redressing undeserved misfortune misses the point of equality. They urge that the concern for equality is in the first instance a concern to eliminate social hierarchies based on things like class, gender, or race, so that citizens may relate to one another as equals. Redressing certain kinds of undeserved misfortune may be instrumental to bringing about more equal social relationships, and valuable for that reason. But for relational egalitarians, an equal distribution of the slings and arrows of fortune is not something we should aim at for its own sake.

When Elizabeth Anderson first articulated many of the concerns that now animate relational egalitarians, she took Ronald Dworkin’s equality of resources as a foil. She dubbed his view “equality of fortune,” and she alleged that it not just ignored but positively undermined the goal of bringing about relations of equality among citizens. For Anderson, Dworkin’s alleged focus on redressing undeserved disadvantages encourages citizens to see one another as objects of pity and humiliation rather than as equals. Perhaps because of Anderson’s critique, many now see Dworkin’s view as a kind of proto luck-egalitarianism.

My aim in this paper is to sketch an interpretation of Dworkin’s equality of resources as being grounded in an appealing conception of relational equality. I believe Anderson’s critique unfairly assimilates Dworkin’s view to the later luck egalitarian tradition, a tradition that Dworkin’s work no doubt helped inspire. But Dworkin’s own view, understood in its best light, is relational at its core.

Dworkin’s view is that equality requires that each person should bear the costs of her choices to others. To see how this view reflects fundamental relational egalitarian commitments, consider what happens when a person fails to bear the costs of her own choice. In shifting the costs of her choices to others, a person effectively subordinates those others to her will. It is inconsistent with relations of equality that one person could unilaterally dictate the terms of her interactions with others in that way. Indeed, unilaterally imposing the costs of one’s activities on others is characteristic of paradigmatically inegalitarian relationships, such as relationships of dependence or domination.

By contrast, forcing people to bear the costs of their own choices, as Dworkin’s view requires, secures relational equality. This is because relations of equality are relations of mutual independence, where citizens interact on terms that all can accept. As Anderson herself has said, if relations of inequality are relations where one person is subject to another’s will, then relations of equality are those where each persons is subject to her own will – in other words, relations of
equality are relations of mutual independence. Dworkin’s idea that people should bear the costs of their choices to others is just what this ideal of mutual independence requires when applied to the realm of distributive justice. Or so I argue in this paper.

This new interpretation of Dworkin is significant, not merely as a correction to the historical record, but because it points to a way of incorporating a robust concern for distributive equality within relational egalitarianism – a goal that has so far proven elusive.

Section I of my paper spells out in more detail Dworkin’s idea that individuals should bear the costs of their choices to others, with special attention to its relational structure. Dworkin’s familiar thought experiment of the castaways on the desert island, with their decision to distribute the islands’ resources by means of a Walrasian auction, is meant to show that the introduction of a system of prices forces individuals to take account of the interests of others as they decide the kinds of plans and projects they want to pursue. If something is dear to others, it is only fair that I should have to give up something equally dear in order to have it. Ultimately, Dworkin’s auction facilitates a form of reciprocity, where individuals decide what kind of projects they want to pursue in light of price signals which reflect how their choices impact the ability of others to pursue their own plans. It reflects an ideal of how citizens should relate to one another as equals.

Sections II and III of my paper consider the question of how a relational egalitarianism based on an ideal of mutual independence ought to draw the line between the costs of a person’s choices and the costs of her unchosen circumstances. However appealing we may find the idea that people should bear the costs of their choices to others, it is incomplete without a complementary account of which costs should be borne not by individuals but by society at large.

Section II considers the possibility that the line between those costs that belong to individuals and those that belong to society might be drawn, as the luck egalitarian would have it, in terms of what a person can control. Section II makes two main points. First, the idea that people should bear the costs of only what they can control is not a refinement of the idea that people should bear the costs of their choices to others; it is ultimately an abandonment of it. The costs of a person’s choices to others are never fully within her control, given that such costs always depend, at least in part, on other people. And second, while Dworkin clearly feels the force of the luck egalitarian intuition that people should not be worse off due to factors beyond their control, he consistently refuses to apply this intuition in an unrestricted way, and for reasons that are fundamentally relational egalitarian in spirit. Dworkin’s aim is the relational egalitarian one of securing people’s independence from one another, not the luck egalitarian one of securing their independence from luck. Where those two aims come apart, he consistently gives priority to the former.

In section III, I argue that Dworkin’s relational egalitarianism draws the line between the cost of people’s choices and the costs belonging to society in a fundamentally different way: in light of an ideal of reciprocity. Dworkin introduces insurance contracts into his hypothetical desert island auction in recognition of the fact that protecting citizens against bad luck is an important part of protecting their mutual independence and hence their equality standing. This is because, after all, bad luck is one way that a person can become dependent on others. But Dworkin’s use of insurance contracts also reflect the fact that, if citizens’ mutual independence is to be secured, then some principled limits must be drawn around more fortunate citizens’ responsibility for the undeserved misfortune of their fellows. Two citizens are not properly independent if each is responsible for the other’s well-being even up to the point of her own ruin. This trade-off between liberty and security is one that the relational egalitarian conception of equality as mutual independence must necessarily confront. Dworkin’s insurance argument has many flaws, but it has the virtue of allowing Dworkin to model this trade-off from within his auction – or in other words from a point of view that takes seriously the idea that citizens should bear the costs of their choices to others.
I close with a few remarks about the significance of these points for contemporary relational egalitarians. Relational egalitarians have struggled to articulate a rationale for equality in distribution. Typically, their view pushes them toward a distributive ideal of sufficiency: citizens are owed enough resources or enough capabilities to participate as equals in political life. One virtue of Dworkin’s relational egalitarianism is that is shows a viable path from a recognizably relational conception of equality to robust distributive egalitarian commitments.

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The Inevitability Argument for Nudging and the Evidence-Based View

Keywords: nudge; inevitability; intentionality; evidence; foreseeability

Synopsis:
The inevitability argument (IA), the claim that behaviorally and non-reflectively influencing individuals is permissible because influence to decision-making cannot be avoided, is arguably the “most important argument for nudging” (Grill 2014, 142). However, this argument is often rejected because while context dependency certainly is unavoidable, intentional tampering with choice arrangements is not. Since only intended influences can be manipulative, it makes a great moral difference whether influences on choice are designed or a product of untampered environments.

We claim that an alternate version of the IA cannot be so easily dismissed. If the choice architect is able to predict both the outcomes of intended influences and the untampered choice environment, then there will be little, if any, moral difference between changing the environment and keeping it as it is; the two categories will become ‘close moral cousins’. Such circumstances produce a new version of inevitability – the architect will have to pick one of two ‘morally close’ options. Furthermore, choice architects can become responsible for foreseeable secondary effects of behavioral choice arrangements. These are two core aspects of what we call the evidence-based view.

We also tackle several ways in which the argument for moral closeness between designed and untampered choice environments could be challenged. First, opponents might suggest that to conceive behavioral expertise in this way is too ‘science-fictional’. Second, even if sci-fi expertise is attainable, opponents might suggest that different normative conclusions should be reached, such as suspending behavioral research or keeping behavioral experts away from positions of power. Finally, the strongest objection posed to our view is that while acts and omissions are close in any single choice-making context, it might make a difference whether all choice environments are unified in their influential direction; this is something we would expect of designed, and not of untampered choice environments.

Abstract:
We analyze Richard Thaler and Cass Sunstein’s inevitability argument (IA) for nudging, i.e. changing our choice environment in a way that predictably and non-reflectively steers the behavior of targeted individuals. The IA points to the importance of context dependency of preferences and choices. In Thaler and Sunstein’s example, Carolyn, a manager of a school cafeteria, notices that arranging food items influences students in predictable ways. This is because students seem to choose items that are more visually salient to them. A number of strategies become open to Carolyn – she can influence students to maximize profits, she can try randomizing the layout, or make them reach for an apple instead of a chocolate bar to promote their health (Thaler and Sunstein 2008, 1-2). But she has to pick one of the available choice
The suggested normative lesson by nudge advocates is that if choice contexts need to be arranged in some way, then it is best to arrange them so they make individuals better off than they would be with alternative choice arrangements. Thaler and Sunstein contend that because some form of nudging is inevitable, to oppose nudging is a literal non-starter (2008, 11). The IA is, arguably, “Thaler and Sunstein’s most important argument for nudging” (Grill 2014, 142).

The argument is not without opposition. Even if we grant to Thaler and Sunstein that context dependency is inevitable, we might contend, as some do (Grill 2014, 143), that it makes a significant moral difference whether choice contexts were intended to steer unassuming agents or not. Specifically, intentionality seems to be necessary for non-reflective influences to be manipulative, since ‘manipulativeness’ is attributed only to influences where bypassing reflective deliberation is consciously undertaken by other agents. Namely, intentional influences might be subverting our actions to the wills of others. And since intentional choice arrangements are certainly not inevitable, Thaler and Sunstein’s inevitability argument should be dismissed.

However, our claim is that the objection moves too quickly. There will be many cases in which a choice architect will be unable to avoid either intentional intervention or allowing untampered environments with fully predictable effects. The latter, we argue, is a "close moral cousin" to the former. Assume that Carolyn becomes knowledgeable about all things behavioral. She effectively predicts not only the outcomes of her interventions, but also the outcome when she does not intervene. If she can accurately predict the effects of both her action and inaction, and chooses inaction for an effect to be produced, is there a moral difference between tampered and untampered choice environments? With strong evidence about behavioral influences, are Carolyn’s acts and omissions morally distant enough to imply different moral conclusions? We claim that they are not. This gives rise to the evidence-based view, which posits moral closeness between intended action and evidence-based predictability of untampered choice environments.

It is sometimes held that ‘acting’ harmfully is more difficult to justify than ‘omitting’ to prevent harm. In the case of non-reflective influences, a salient distinction between these two categories might allow us to say that effects resulting from calculated design retain a layer of wrongness that is absent in untampered choice environments. But to establish the distinction and its moral relevance, we should be able to say why entirely predictable effects that are purposefully left unchanged are not manipulative or will-subverting in the same way as designed choice environments.

Take the famous trolley problem (Foot 1967; Thomson 1985). The trolley problem explores whether there is a moral difference between doing and allowing harm. Over the years, the examples meant to test our intuitions regarding the difference between doing and allowing have taken on a variety of forms. For instance, is it permissible to push a fat person off a bridge to stop the train and thus save five people? Or is it permissible to harvest a healthy patient’s organs and thus save five who are in need of a transplant? A Kantian proposition for distinguishing these two cases from the lever-pulling trolley case is that unlike with lever-pulling, these cases describe the fat person/healthy patient being used as a means so that other persons can be helped.

Can the ‘using-as-a-means’ condition help distinguish between actively changing choice environments and allowing them to have predictable effects? Surely, Carolyn could be said to use the heuristics of her customers as a means when she aims to change their behavior. But if this is correct, it is not obvious why allowing predictable effects of untampered arrangements does not entail using the heuristics of persons as a means. If non-reflective influences are inevitable in such cases, and can be predicted by Carolyn in all available scenarios, then it would be inevitable for Carolyn to treat her customers as a means. Hence, if the closeness between acts and omissions cannot be overcome, we are faced with a new version of the inevitability argument, which lies at the core of the evidence-based view.
Another feature of the view is that influences could be foreseen as a secondary consequence of primarily intended effects. Imagine that, instead of steering her customers towards healthy food, Carolyn’s primary intention is to arrange food so that the weight of food each cafeteria worker has to carry on a daily basis is minimized. Yet, being also the knowledgeable choice architect, it is predictable to Carolyn that this arrangement will increase the likelihood that customers will act on strong cravings for unhealthy food, contrary to their goals. Carolyn bears responsibility for foreseeable secondary effects with predictable outcomes.

The revised IA thus has two features: 1.) Designing the choice environment and leaving it untampered is morally "close" when the choice architect can predict the non-reflective effects of both; in such cases, choice architects cannot avoid "factoring into" the influences on agents. 2.) When foreseeable non-reflective influences are a side effect of the choice architect’s action, the choice architect can be held responsible for how they influence behavior.

We might think that the moral closeness obtains only if the expertise about influences and their applications is so great that effects are reliably predictable to the choice architect. If, contrary to this, Carolyn could only predict the effect of her intervention, but not of the choice environment she replaces, then there could be a morally relevant difference between acts and omissions. Some would probably object that such expertise is too "science-fictional". We might respond to this sci-fi objection in two ways. The first is to deny the unattainability of sci-fi expertise by pointing to rapid advancements in the behavioral sciences and to helpful insights from predictive and user-behavior analytics (so-called 'big data'). The dispute in this case would be strictly empirical. The other way is to claim that expert predictions only need to be sufficiently reliable for the revised IA to hold. This would mean to deny that the epistemic conditions of expertise need to be so high.

If either strategy is successful, then we believe that the advancements in behavioral science will favor permissibility of nudging. This is because, if behavioral advancements make it more likely for experts to accurately foresee the effects of non-reflective influences, then interventions on the choice environment (acts) will be morally close to allowing predictable effects (omissions). Since experts will have to do one or the other, a new kind of inevitability will thereby be introduced.

Our opponents might suggest that different normative lessons should be drawn from the advancement of behavioral science. Two proposals come to mind. If we believe that establishing closeness between acts and omissions is morally undesirable, then we might propose either to 1.) suspend our work in behavioral science and ignore behavioral evidence, or 2.) keep behavioral experts away from roles in which they could not avoid utilizing their expertise. Both proposals are problematic for reasons such as freedom of scientific research, scientific progress, censorship, and the dangers of keeping scientifically-versed individuals away from positions of power. Most of all, both proposals seem unfeasible in the modern world. This is not to say that we should not exercise caution when applying behavioral evidence.

One stronger objection is available against designed, as opposed to untampered choice environments. Suppose that Carolyn tinkers with a wide range of choice environments. When fewer choice environments are designed, influences will be more "scattered" in terms of their behavioral directions, instead of being more unified in direction.

This might be relevant in two ways. First, designed choice contexts with unified directions (towards, say, health promotion) seem to at least somewhat capture the sense of individuals being governed by others, unlike untampered choice contexts. In this sense, designed choice contexts are more autonomy-threatening. Second, designed choice contexts with unified directions might make it more difficult for us to resist them if we disagree. This observation could in fact slightly loosen the moral closeness between intended interferences and untampered environments with predictable effects. We could agree as citizens that intended interferences are more undesirable if this produces choice contexts with more unified directions.
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Blaming for effect – Some worries about consequentialist accounts of moral responsibility

Keywords: moral responsibility, scapegoating, consequentialism

Synopsis:
According to consequentialist accounts of moral responsibility, moral blame, punishment, praise and reward are justified by their effects. Direct consequentialism holds that the effects of specific blaming instances on the agent being blamed are what matters, indirect accounts appeal to effects on the whole community, including the agent being blamed, over time. A common criticism of consequentialist accounts is that they allow blame without desert, if the consequences are positive. In this paper, I assess whether consequentialist justifications of our responsibility practices can meet this objection. I show that because moral responsibility is by definition reactive, even accounts that focus on the effects of our practices have to take the evaluation of past behaviour as a starting point. If they do not, they are not responsibility practices, but some other kind of practice. However, direct consequentialism still has the counterintuitive consequence that blame is unjustified if a wrong-doer is so hardened that they will not benefit from being blamed. Indirect consequentialism avoids this consequence, because it takes into account effects on all of society. However, if overall effects on society justify our practices, the worry arises that we might be justified in blaming the innocent or non-responsible if that benefits the majority. I argue that for conceptual reasons, scapegoating the innocent for the sake of others is not a genuine instance of blame, but instead a form of pretend blame. Whether this kind of activity is morally justified depends on the relationship between a consequentialist theory of moral responsibility and a consequentialist theory in normative ethics. If being a consequentialist about moral responsibility commits one to being a consequentialist generally, and scapegoating has positive consequences, it will be morally justified.

Abstract:
Consequentialist accounts of moral responsibility claim that moral blame and punishment, as well as praise and reward, are justified by their consequences. This has not been a terribly popular position, as most philosophers feel that consequentialist theories do not, and as a matter of theoretical consistency, cannot make sufficient allowance for desert. This criticism is perhaps most prominently expressed in the worry that consequentialist accounts of blame and punishment allow us to punish the innocent, if this has a positive effects for others. In other words, the objection is that consequentialists allow blaming people for purely instrumental reasons. Nevertheless, a number of theories have recently endorsed some form of consequentialist justifications of our responsibility practices (McGeer, 2015; Vargas, 2013), attempting to show that they provide workable justifications of our moral responsibility practices.

In this paper, I propose a way of resolving the instrumentalisation worry. I argue that even a consequentialist account would not count blaming the innocent as an instance of holding responsible, though it is possible that some instances of purporting to blame or punish the innocent might be justified on consequentialist grounds.

I will briefly present direct and indirect consequentialist justifications of blame and punishment. I will then show why these accounts still allow for and require a minimal notion of desert. Finally, I will address the instrumentalisation worry, showing that it does not arise for a direct consequentialist, Smart style account. I will then argue that while indirect consequentialist accounts are more vulnerable to the instrumentalisation worry, they have the resources to say that blaming the innocent is not an instance of holding responsible. However, this does not in itself show that this kind of behaviour is morally wrong.
Consequentialist justifications of blame

Consequentialists insist that our practices of holding each other responsible are justified by their effects. In traditional direct consequentialist accounts (e.g. (Smart, 1961), the relevant effects were those on the behaviour of the individual being held responsible. More recent accounts hold that our practices are justified if they foster moral agency over time and for the whole community participating in the practice. So these accounts are more indirect than Smart’s account in two ways: not every instance of blaming or praising need be effective, and it isn’t just the effect on the person being blamed, but also the effect on the one who blames and on the moral community that matter to the justification of blame. (I will disregard praise in what follows, as the justificatory pressure is higher for blame). A further element of some consequentialist accounts of moral responsibility is that they also see susceptibility to being influenced by blame as what makes a person a responsible agent (Arnesson, 2003; Jefferson, 2019). Here, I will be exclusively concerned with consequentialist justifications of blame.

Blaming for the agent’s own good

One objection to consequentialist accounts of blame is that they cannot even make sense of the very notion of responsibility. According to this objection, blame is a fundamentally backward-looking activity, and justifications of blame need to contain a backward-looking element on pain of not being accounts of moral responsibility anymore. John Doris (2015) puts it as follows: “punishing someone because they ‘had it coming’ looks a different kind of fun than punishing someone ‘for their own good,’” and while the first looks to integrally involve desert, the second need not; it certainly seems as though you can penalize me for my own good whether or not I’ve done something to deserve it.” (Doris, 2015, p. 2626). It is true that if we take backward-looking considerations about what an agent has done out of the picture, whatever we are doing, we are not holding them responsible. The meaning of ‘punishment’ or ‘reward’ are stretched to the breaking point when used pre-emptively. We may be doing something related, but praise, blame, reward and punishment are essentially reactive; they require somebody having done something good or bad. This is a central element of consequentialist accounts, even when they are explicitly, maybe even crudely, consequentialist. Like other accounts of moral responsibility, they take morally evaluable actions by individuals as a starting point. Smart (1961), for example, analyses blame as both an assessment of the agent and an action that is geared towards motivating better behaviour in the future.

The main worry about consequentialist justifications of blame is not that it justifies pre-emptive reward or punishment for the agent’s own good. That kind of action is too different from our pre-theoretic notion of holding somebody morally responsible and it is also not an obvious contender for having beneficial effects on agents’ future behaviour. For this reason, concern about consequentialist justifications of holding responsible does not really manifest as a worry about ‘punishing or rewarding people for their own good pre-emptively’ in the way Doris caricatures. Nevertheless, we do get counter-intuitive consequences on direct consequentialist accounts, because they justify blame and punishment through the effect on the person being blamed. Direct consequentialist accounts may end up justifying practices which seem intuitively wrong or unjust. For example, one counter-intuitive implication of direct consequentialism is that if a wrong-doer is so hardened and set in their evil ways that they cannot be morally improved by being held responsible, we should not blame or punish them. If no positive effect on moral agency can be achieved, a direct consequentialist account entails that we should not blame, as it is pointless.

Blaming the non-responsible for the good of others?

On indirect consequentialist justifications of our moral responsibility practices, this consequence does not follow. What justifies our practices of holding each other responsible isn’t merely whether person x benefits from being held responsible at time t. Rather, it is the overall effect of our practice on all the people participating in the practice over time that justifies it. This avoids...
the undesirable consequence that local failures to achieve an effect would make praise and blame unjustified. We can still blame the hardened wrongdoer, even if they aren't going to change. However, it seems to reintroduce the worry that we can blame people for reasons that have nothing to do with the quality of their past actions. The mere fact that an agent is not responsible does not licence the conclusion that we should not hold them responsible, one might think.

Vargas phrases the worry as follows:

“Suppose we learned that the most effective, stable set of responsibility norms involved blaming some group of people who had done no wrong. So, for example, suppose that given a particular history and set of historical circumstances, the responsibility norms that most effectively yielded the right sorts of agents were norms that among other things, recommended blaming innocent members of some socially stigmatized group.” (Vargas, 2013, p. 191)

Given what I said above about consequentialist needing a minimal notion of desert in order to be talking about responsibility at all, one might think this worry is misplaced. Doesn’t the fact that we have described moral responsibility practices as essentially reactive block this consequentialist worry? If the person has not done anything wrong, then there is nothing to react to. So, by definition, they cannot be punished or blamed, as these are reactive practices. A possible objection to this move is that what counts as blaming or punishing is what looks like blaming and punishing, and if we knowingly blame the innocent, this is still an, albeit extended, form of blame. While I think there may be some borderline cases, I see no reason to believe that blaming utterances or behaviour that are exclusively undertaken for the effect on others, in the full knowledge that the person being ‘blamed’ has done nothing wrong, are genuine instances of blame. They look like clear instances of pretence. So blaming the innocent for the sake of other is not a genuine instance of holding responsible.

However, this does not mean that a consequentialist normative ethics would not allow scapegoating innocent members of society if, as Vargas stipulates in his example, the overall consequences on people’s moral agency were positive. If we think that endorsing consequentialist justifications of blame commits us to consequentialism as a theory of normative ethics generally, it may well be the case that ‘blaming’ the innocent is morally justified. Whether it does will depend on a) the kind of consequentialism endorsed and b) the empirical likelihood that blaming the innocent is going to have beneficial consequences for others.

References:


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The Collectivist Critique of the Enhancement Debate: Two Problems and a Surprising Solution
Keywords: collectivist critique; human enhancement; individualism; relational approach; public health ethics;

Synopsis:
The collectivist critique of the genetic enhancement debate has raised important issues relating to an individualist-oriented approach, but fails to deliver on its own aims. It has, firstly, highlighted issues with the unreflective prioritisation of parental rights and interests and respect for the autonomy of the future child over collective considerations such as social justice and collective action problems, and secondly, with undefended assumptions regarding the appropriateness of ethical analysis at the level of individual decision-making rather than the level of government regulation. However, I argue, the critique lacks commitment to its own aims, in two key ways: most analyses only take a collective approach in a limited range of cases or in a limited manner; and, most outline collective-focussed principles or arguments without considering reweighting individual-focussed principles in light of the new collective considerations. For example, Michael Sandel’s work considers only threats to the collective, rather than collective benefits, limiting the scope of application (and exemplifying the first problem). Robert Sparrow’s, instead, engages with a wider scope, but fails to reweight ethical considerations according to the significance of the collective-focussed arguments he applies (exemplifying the second). Here, I present a novel exploration of these problems, and propose their solution via contributions from the relational approach to autonomy and justice, which suggests re-interpretation of the nature of autonomy as an individual- or collective-oriented concept, and calls for further recognition of collective perspectives and justice that considers more than simply distribution of resources. This approach has aided in addressing similar problems in the area of public health ethics, as I show. I suggest that such aids are similarly applicable to strengthen the collectivist critique of the enhancement debate.

Abstract:
The use of gene editing to enhance human functioning, capacities or wellbeing has spurred an intense ethical debate. Initial discussions of human genetic enhancement mainly questioned the individual’s choice to use the technologies available or not, and the consequences for individual parents and children. This individualist perspective has proven insufficient to account for the complex array of issues involved in the pursuit of human genetic enhancement, or so argue advocates of the collectivist critique.

To its credit, the individualist approach has recognised some important questions regarding ethically appropriate individual uses of genetic enhancements, including whether the right to a particular child might be included in the concept of a reproductive right, which enhancements would respect the autonomy of future children, and what the risks or benefits of particular enhancements might be for the individual. However, these questions themselves cannot be sufficiently answered from an individual perspective alone. The collectivist critique denounces a focus solely on the individual and their use of enhancement, calling for further consideration of the possible effects of enhancement on vulnerable groups, and society more generally. The critique has moved the enhancement debate forward, both raising new collective-level questions, and working towards answering the questions already raised by the earlier individualist literature. However, the critique is clearly hampered by its lack of commitment to its own ideals. It is this issue (taking form in two specific problems with the critique) and possible new solutions to it that I present here. Without solving these problems, the critique can only go so far in positively contributing to the enhancement debate.

For the most part, the collectivist critique has been used by bio-conservatives to propose limitations or prohibitions on genetic enhancements. Michael Sandel, Robert Sparrow, and Leon
Kass in particular use the collectivist critique to back a conservative approach to enhancement technologies that emphasises threats to the integrity of the species, our fragile social institutions, and perceptions of humanity. Bioliberal uses of a collective perspective are under-represented in the literature, and mostly concern the possible contributions of enhancements toward social justice goals. The lack of discussion further demonstrates the paucity of positive uses of the critique.

The under-commitment of the collectivist critique, presents itself in the form of two main problems.

The first of these problems is that the critique is often only applied by its advocates to a highly limited range of enhancement-related questions, and mostly from a conservative angle alone. The conservative authors I have mentioned demonstrate this amply, failing to raise ethically relevant questions outside the conservative line, such as consideration of the potential collective benefits conferred by some enhancement interventions. These accounts also mostly conform to the individualist conception of the level of ethical analysis, concerning themselves with outcomes of individually-chosen uses of enhancement accessed via a free market, rather than pitching at the analytic level of a highly regulated market for enhancements. For example, Sandel, in The Case Against Perfection immediately sets aside the a possible collective perspective enhancing social justice, solving collective action problems, or moving the debate to the level of government regulation. Rather, he continues to consider the level of individual parental choice of genetic enhancements, claiming that “[t]he real question is whether we want to live in a society where parents feel compelled” to enhance. This is a collective-regarding question of sorts, but Sandel seems to ignore the solution to compulsion other than prohibition: regulated, government-provided access to some enhancements. Rather, he pushes for prohibition of enhancement based on its threat to humanity collectively.

The second problem is that those developing the critique have, on the whole, failed to carry through on reweighting the ethical principles involved in answering questions relating to enhancement. Instead, they present collective-focussed principles without guidance as to how they should be weighed against individual-focussed principles (where conflict ensues), or indicate that despite the purported significance of effects on society, the collective-focussed principles should be ignored, due to fears of their consistently outweighing individual interests. Sparrow particularly demonstrates this in his chapter of The Ethics of Human Enhancement: Understanding the Debate. He considers society an essential third stakeholder in the enhancement debate, but essentially concludes it should remain neglected, for fear that reweighting the ethical principles involved would pose too great a threat to individual liberty (resulting in “genetic scapegoats”), and that collectivist concerns would “threaten to outweigh any of the other interests at stake”, a claim that relies on the mistaken idea of absolute overriding nature of collective considerations.

To some extent, these two problems have been recognised in the more recent literature, which itself has called for work that effectively recognises the scope and significance of collective considerations. The stagnation of the enhancement debate must be broken by a more “impactful ethics”, as Francoise Baylis terms it, offering, through a collective-considering perspective, a “more nuanced understanding”. However, there has been little development of such work so far. Here, I suggest that one solution may come from the subfield of public health ethics.

The area of public health ethics developed out of a bioethics that was centred squarely around medical ethics, and individualist questions regarding doctors’ duties, and patients rights, interests, and consent. Naturally, bioethics at the time was, therefore, ill-equipped to answer public health ethics questions, which relate to population-level health, anonymous bodies of statistical people and their interests, sub-groups with specific vulnerabilities, promotion of health equality, etc. Through the development of the subfield, public health ethics has turned to related areas to develop concepts and frameworks better-suited to incorporating collective perspectives in ethical
analysis of its questions. This has helped to stimulate appropriately-balanced ethical discussion of public health questions and ethical policy avenues. Many contributions in this area have come from a relational approach to some basic ethical concepts, including autonomy and justice.

Relational autonomy emphasises the connected, social nature of people, and their inseparability from those with whom they interact. Individuals, it is argued, cannot be considered atomistic entities whose decisions affect only themselves. Relational justice recognises that members of a society may be bound by principles of justice that apply to each individual by virtue of their relationship to other members of the society. In public health ethics, the relational approach has been applied to questions regarding health equity and the causes of ill-health. Bruce Jennings has emphasised the importance of relational justice in achieving goals of health equity in public health, through recognition of the importance of solidarity, reciprocity and community which leads to effective measures based on community consultation. He claims that each individual’s health affects the health and interests of a host of others. Such an approach better recognises the social determinants of health, which in many areas (e.g., obesity) play a greater role than behaviour as a cause of health status. The recognition and ensuing addressing of social contributors in public health has furthered the goals set out by public health ethics, (among them, promotion of the public good of health,) and is to a large extent attributable to recent recognition of the significance of the relational approach in this area.

Public health ethics and the ethics of human genetic enhancement may seem at first, unrelated. But I justify my claims as to the applicability of relational concepts to questions involved in enhancement by arguing for analogy between the two areas and their (prospective, in the case of enhancement) uses of the relational approach. I base this argument on the similar goals and roles of public health and enhancement in society. Public health promotes and maintains the (impure) public good of health, as argued by Jonny Anomaly. A regulatory role for government with regard to population health is justified by this status, and the society-affecting nature of health on a population-wide scale. Similarly to public health initiatives, enhancement interventions may maintain or promote public goods such as knowledge, safety, and health. The society-affecting nature of enhancement and this potential for public use justifies a role for government, which must, similarly, consider the collective through a relational approach, if it is to take seriously justice considerations and structural effects of enhancements on not only individuals, but other groups, as government is obligated to do. If those undertaking enhancement are considered as possessing relational autonomy, the effects of their choices on others can be better recognised, and justify the expansion of the perceived scope of applicability of the collectivist critique, as well as a larger role for government. And according to relational justice, I argue, enhancements need to be considered according to how they may change relationships between members of society, and their capacity to maintain the non-excludability of public goods.

These contributions of the relational approach deserve thorough exploitation in the enhancement literature, and will strengthen the collectivist critique of enhancement, leading to a balanced approach.
The Emotional Account of Microaggressions

Keywords: Applied Epistemology; Emotions; Contemporary Applied Ethics; Microaggressions; Oppression theory

Full paper: https://www.academia.edu/42957085/The_Emotional_Account_of_Microaggressions

Synopsis:
How does one determine if a microaggression has occurred? This question, central to the topic of microaggressions, is difficult to answer, as it requires us to explain both the nature of microaggressions and the epistemic access that agents have to them. Two main theories can be distinguished: a subjective one, according to which a microaggression has occurred when the target of the exchange identifies it as such (Sue & al. 2007; Sue 2010) and an objective one, according to which a microaggression has occurred when a link between the act and an objectively existing form of structural oppression can be established (Friedlaender 2018). I argue that the subjective account of microaggressions, given by Sue (2010) fails due to leading to relativism and a weak ontology of microaggressions. Given Sue’s shortcomings, an objective framework by Friedlaender (2018) is presented. While Friedlaender’s theory is a satisfactory theory of microaggressions, it is not the best available, due to an explanatory gap about the essential role that lived experience plays in the assessment of microaggressions. To fill in this explanatory gap, I offer my Emotional Account according to which microaggressions occur if the target of the exchange could have had a warranted emotion towards the structural oppression present in that exchange. This enables the Emotional Account to incorporate lived experience to make it relevant for the assessment of microaggressions, while still framing microaggressions as instances of structural oppression, and not as any form of harm made to someone because of their group membership. Ultimately, the goal of the discussion is to show that the emotional account still reflects the experience of microaggressed people, while addressing the concerns of people who think that microaggression is just a concept used by easily offended people and should therefore be abandoned.

Abstract:
Imagine being a philosopher who always gets complimented on your appearance when your male colleagues are praised for their work. Imagine being a black man who enters a bus and sees every woman clutching her purse when you get closer to them. Imagine being a homosexual couple who get stared at for holding hands in public. All these situations have something in common: they are instances of microaggressions. According to Sue, one of the main contributors to the topic, “microaggressions are brief, everyday exchanges that send denigrating messages to certain individuals because of their group membership” (Sue 2010, xvi). Those exchanges are often done without the intention from the aggressor to send a denigrating message nor to harm the other person. Even worse, some microaggressions are done with good intentions, just like when students of color are complimented for being “so articulate” by their teachers (Sue & al. 2007, 276). However, despite increased interest in this topic (Campbell & Manning 2016; Dover 2016; Fatima 2017; Friedlaender 2018; Lilienfeld 2017; McClure 2019; Rini 2018), one important question remains unsatisfactorily answered: how do we determine that a microaggression has occurred? This question can be read in two ways: first, as an ontological inquiry, about what microaggressions are; second, as an epistemological query, about how agents know that microaggressions happen. To answer this question, I will first examine a subjective
account of microaggressions, given by Sue (2010). Given its shortcomings, an objective framework by Friedlaender (2018) is presented. While Friedlaender’s theory is a satisfactory theory of microaggressions, it is not the best available, due to an explanatory gap about the essential role that lived experience plays in the assessment of microaggressions. To fill in this gap, I propose my own theory, the Emotional Account of microaggressions, in order to give a satisfying picture about how agents determine that microaggressions have occurred.

A successful theory of microaggressions should first distinguish what microaggressions are and how they are distinct from other harmful everyday exchanges, like bullying or harassment. This is where the subjective theory of microaggressions, given by Sue (2010; Sue & al. 2007), fails. According to Sue (2010), it is the agent towards which the action is targeted who determines whether this action was a microaggression or not. However, such a theory is prone to worries about overreaction on the part of microaggressed people and the possible emergence of a victimhood culture (Campbell & Manning 2016; Lilienfeld 2017). Namely, if anything interpreted as sending a negative message due to one’s group membership can count as a microaggression, then the concept does not characterize a useful category of phenomenon. To explain this problem, I present two cases: the one of saying ‘Happy Holidays’ instead of ‘Merry Christmas’ and the case of a Black Woman who likes having her hair touched. In those two cases, the same action would be labeled as a microaggression and not a microaggression, depending on which member of the group experiences it. Therefore, the only way to get out of this contradiction is to advocate for a form of relativism regarding microaggressions. However, by doing so, the concept becomes of little use to pursue social justice, as it only serves to create an environment where everyone is strongly policed to prevent microaggressions. As this discussion shows, the subjective characterization of microaggressions invites relativism and overreaction, due to a wrong ontology of microaggressions.

One theory that gives a proper ontology to microaggressions is Friedlaender’s account of microaggressions. According to Friedlaender, “an act is a microaggression if and only if we can establish a link between the act and an objectively existing form of structural oppression” (Friedlaender 2018, 8). To explain the notion of structural oppression, Friedlaender uses Cudd’s account of oppression (Cudd, 2006). This objective account solves all of the problems that Sue’s subjective account encounters, because it provides a clear ontological definition of microaggressions, in which the nature of microaggressions is clearly linked to structural oppression, and not just any form of denigrating everyday exchange, thus highlighting the difference between this phenomenon and other similar harmful everyday exchanges like bullying or harassment. However, Friedlaender’s account does not give the full story about how agents come to know about oppression when it comes to microaggressions, thus not answering the epistemological query in the best way possible. In order to make this criticism clear, I present two examples. The first one is taken from the personal experience of Fatima, a professor of philosophy and an immigrant woman of color, who is microaggressed by a student, but not believed by her colleagues (Fatima 2017). The second example is an instance of the ‘Gal Pal’ phenomenon, which describes the tendency to think that two women who are dating are actually just close friends. In this case, the lesbians were not showing obvious romantic affection towards each other when the mistake was made, and it seems therefore that no one is clearly denying that they are a couple, making it difficult to link this singular case to homophobia. In those two examples, the victims of the microaggressions have their experience and expertise being doubted, because it is hard to prove that the exchange that has just happened is not just a one off disgruntled student or another benign mischaracterization of one’s relationship. Unfortunately, Friedlaender’s account invites such minimizing and denying responses, as it is in general hard to prove that a particular instance of a denigrating exchange is linked to a larger pattern of oppression without the epistemic access given by the lived experience of the victim. In order to solve this problem, I argue that the experience of the victim is needed, as this experience sheds light on oppressive
structures which might remain invisible to members of dominant groups, as Frye’s analogy of oppression as a cage shows (Frye 1989).

This leads me to my own account, which goes back to a central idea in Sue’s theory: whether an action is a microaggression is dependent on the experience of the victim:

Emotional Account: a microaggression has occurred when the agent who is the target of the brief everyday exchange could have had a warranted emotion towards the structural oppression present in that exchange.

When a microaggression occurs, structural oppression is present, as Friedlaender describes. According to a lot of emotion theorists, the emotional response to injustice, of which structural oppression is a subtype, is anger or indignation (De Sousa 1990; Neblett 1979; Nussbaum 2016).

Emotions can give us information about the evaluative characteristics of a situation, as their formal object are values instantiated by particular objects. Moreover, one aspect used to assess whether the agent has an accurate representation of the world through their emotions is the notion of warrant: an emotion is warranted if there is evidence for the presence of the value in the particular object (de Sousa 1987; Scarantino & de Sousa, 2018). This notion of warrant is externalist, as it relies on evidence that comes from things in the world, rather than from the mental states themselves. To be relevant for assessing whether a microaggression has occurred, an emotion needs to be externally warranted by the victim: the victim needs to have some form of evidence that the situation is structurally and oppressively unjust. Friedlaender’s framework provides a good background for what constitutes the structurally and oppressive unjust features of a situation, with appeal to Cudd’s structural oppression. Thus, the Emotional Account of microaggressions builds the notion of warrant from Friedlaender’s account, as the evidence required from the victim to warrant their emotion is for them to be able to establish a link between the structure of oppression and the particular situation. However, contrary to Friedlaender’s account, the Emotional Account explains clearly how the link is made between the particular situation and the structural oppression: through emotions. This enables the Emotional Account to incorporate lived experience to make it relevant for the assessment of microaggressions, while still framing microaggressions as instances of structural oppression, and not as any form of harm made to someone because of their group membership. Moreover, to account for cases where the agent is in a bad epistemic state due to being oppressed, I explain why a counterfactual is needed in the Emotional Account of microaggressions, and what form it takes. A microaggression, because it derives from structural oppression, has the power to elicit an emotional response, thus making it the object of indignation or anger, and the emotion helps the agent gain knowledge about the existence of the microaggression.

To conclude, I argue that the way to determine whether a microaggression has occurred should be through the warranted emotions of the people who are the targets of those everyday exchanges in which structural oppression is present. The Emotional Account is an improvement of Friedlaender’s account, because it includes Friedlaender’s definition based on structural oppression but adds the importance of affective experience. Therefore, the concept of microaggression should not be abandoned, as it has now been clearly framed epistemically and ontologically.
The Trouble with ‘Gaslighting’

Keywords: Gaslighting; epistemic harm; epistemic injustice

Synopsis:
In this paper, I explore the recent transformation of the term ‘gaslighting’ and the philosophical and practical consequences of that redefinition. In the decades immediately following the theatrical production of Patrick Hamilton’s Gas Light (1939) and the release of the American film version (1944), to ‘gaslight’ or ‘give the gaslight treatment’ was to intentionally manipulate and deceive someone with the intention of making him or her falsely believe that he or she was suffering from delusions. However, in recent years, the term has come to be used much more broadly. As many philosophers (and others) now use the word, one can ‘gaslight’ someone without any intention to make the target question his or her sanity, and without even any conscious manipulation or deception.

While the intentions of those introducing this new usage of ‘gaslighting’ seem innocent, and even caring, I argue that the broad scope of the new ‘gaslighting’ is problematic. To begin with, it leads people to lump into the same category some manifestly wicked practices (like those perpetrated by the villain in the play and film) and other practices that we ought to find admirable. But worse than that, the broader definition of ‘gaslighting’ has socially harmful effects. Though these effects include injustice toward those wrongly accused of harmful ‘gaslighting’ practices, I do not dwell on these cases. Instead, I devote my attention to a rather surprising consequence of the new understanding of ‘gaslighting’: it has the effect of harming, through epistemic injustice, the very sorts of people those who use the broader definition seem most interested in helping. Most astonishing of all, it has these bad effects even in the absence of any actual ‘gaslighting’ (on the new definition) or gaslighting-accusations! I conclude that we should stick with the old definition of ‘gaslighting’.

Abstract:
In this paper, I explore the recent transformation of the term ‘gaslighting’ and the philosophical and practical consequences of that redefinition. In the decades immediately following the theatrical production of Patrick Hamilton’s Gas Light (1939) and the release of the American film version (1944), to ‘gaslight’ or ‘give the gaslight treatment’ to someone was to intentionally manipulate and deceive someone with the intention of making him or her falsely believe that he or she was suffering from delusions. However, in recent years, the term has come to be used much more broadly. As many philosophers (and others) now use the word, one can ‘gaslight’ someone without any intention to make the target question his or her sanity, and without even any conscious manipulation or deception.

I begin with a brief historical examination of the use of the term, starting with the play and film. Curiously, many contemporary accounts of gaslighting misrepresent the plotline in important ways. I show this and also argue that, if the more recent definition of ‘gaslight’ were correct, both the hero and the villain of the film are guilty may (and both may not!) be seen as guilty of gaslighting. Already, this is a troubling result of the shift in the definition of the term: it leads to a broad category in which both malicious and well-intentioned (and sometimes necessary) courses of action are lumped together. I show this and give examples. I point out that this arises not only because the new definition(s) of ‘gaslight’ (of which I give examples from quotes within and without the philosophical literature) not only unmoors gaslighting from the intention of the putative gaslighter, but also because it leads to gaslight-accusers paying too little attention to the crucial question of whether the beliefs the putative gaslight-target initially has are accurate.
I further explore this latter problem by pointing to four sorts of cases: cases in which someone begins with true beliefs but is led into false beliefs through manipulation; cases in which someone begins with false beliefs but is led into true beliefs through persistent persuasion; cases in which someone begins with true beliefs but is persuaded to suspend judgment; and cases in which someone begins with false beliefs but is persuaded to suspend judgment about them. I make the point that in one of these sorts cases, the persuader clearly acts wrongly; in two of them, the persuader acts rightly; and in the fourth, it may be unclear whether the persuader acts rightly or wrongly. It seems to follow that, on the new definition, there is permissible gaslighting, impermissible gaslighting, and even praiseworthy gaslighting. This makes the condemnation of certain acts of gaslighting much more difficult than on the previous, clearer definition (which is still the dictionary definition).

To avoid this problem, defenders of the new sense of ‘gaslighting’ may try to appeal to general considerations of political oppression, cultural dominance, and so on to build up some clearer criteria for what counts as gaslighting (or at least, bad gaslighting). I argue that this approach cannot solve the problem because, among other things, there already exist well-known cases where this solution must rely on circular reasoning. Briefly: some questions of social oppression or power rely on issues that are contested even by those of quite similar political convictions, but the project of establishing which side of those issues is more plausible depends in turn on empirical and other investigations that seem to be impossible to pursue without risking a charge of gaslighting (on the new definition). I end this section by concluding that the new sense of ‘gaslighting’ brings with it deep and unavoidable questions of who is gaslighting whom, and that those questions seem to have no acceptable resolution.

I turn now to the matter of socially harmful effects that, I argue, follow the new sense of ‘gaslighting’. Straightforwardly, the lack of clarity of whether or not someone is guilty of gaslighting, or at least bad gaslighting (as explored already in the paper) will lead to innocent people being accused unjustly of gaslighting, and such people will tend to have no clear way to clear their names. While this is seems to me to be a serious consideration, though, I do not spend much time on it for the simple reason that many supporters of the new ‘gaslighting’ have told me they are prepared to accept the consequences of some unjust accusations for the sake of exposing and preventing even more cases of gaslighting. Instead, I spend the bulk of the second half of the paper showing that the new ‘gaslighting’ definition, though it is intended to help members of certain disempowered groups (and may indeed have short-term effects that help those people), has the long-term effect of significantly harming these people’s interests significantly. Among the harms I have in mind is that of epistemic injustice against those very people. I argue for the perhaps surprising conclusion that the general acceptance of the new definition of ‘gaslighting’ brings about these harms even in the absence of any accusations of gaslighting against anyone.

In establishing this, I spend some time discussing different senses of ‘epistemic harm’. On the most straightforward sense of that term, to epistemically harm someone is to compromise his or her ability to attain accurate knowledge or justified beliefs. Though this is not, alas, the sense of ‘epistemic harm’ that the literature has settled on, it is no doubt an important way of harming someone. I will explain how the new sense of gaslighting makes members of traditionally marginalized or disempowered groups especially vulnerable to epistemic harm in this sense.

‘Epistemic harm’ is often given a different sense, though: to epistemically harm someone, on this other sense, is (roughly) to reduce the degree to which that person’s claims, particularly about being harmed or marginalized, tend to be accepted. I will argue that epistemic harm in this sense is also the predictable result of the new understanding of ‘gaslighting’, and that the very same oppressed, disempowered or marginalized people bear by far the worst brunt of that epistemic harm and injustice. In fact, the long-term effects of the new definition of ‘gaslighting’ include increased epistemic harm and injustice toward all members of these traditionally marginalized or
disempowered groups, on both senses of ‘epistemic harm’. Moreover, the most straightforward way to avoid causing epistemic harm or injustice on the more natural sense of ‘epistemic injustice’ increases the amount of epistemic harm and injustice on what has become the more common sense of the term.

I also consider other, more radical ways of maintaining the new understanding of ‘gaslighting’ while avoiding the epistemic harms and injustices just discussed. I conclude that those ways are not only very unlikely to succeed but bring even worse harms than those they are trying to avoid.

All this may sound depressing, but I close by suggesting that things are much better than they seem. The harms of gaslighting in the more narrow and traditional sense (exemplified by the villain’s actions in the play and film from which the phenomenon gets its name) are clear and serious ones that merit widespread social disapproval. If we take care to retain the older, clearer, and narrower sense of ‘gaslighting’, we can hope to keep fighting that evil effectively. Moreover, the new sense of ‘gaslight’ has perhaps still not gained enough currency to cause the confusion and harm I discuss in the latter part of the paper: the dictionaries still tend to give the older definition. We therefore seem to find ourselves in one of those all-too-rare instances in which philosophers can ameliorate a social problem simply by clarifying and insisting on a less problematic definition of a word and, we might hope, safely containing the ill effects of the new ‘gaslighting’ definition.

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**Nudging People into Consent**

**Keywords:** Consent; nudging; rationality; transparency, resistibility

**Abstract:**

This presentation focuses on when nudging or, more generally, non-persuasive influences vitiate consent to medical procedures. Non-persuasive influences are influences triggering certain psychological mechanisms, heuristics, or biases rather than giving people explicit reasons for action. After outlining that the literature currently relies on the conditions of easy resistibility, transparency, and rationality to evaluate the use of non-persuasive influences, I claim that satisfying these conditions is neither necessary nor sufficient to guarantee the validity of consent.

To show that they are not necessary I present a case from clinical practice in which a woman did not believe her cancer diagnosis due to a strong racist bias: since her physician was black, she would not believe what he told her. I show that the physician can make the woman appreciate by exploiting a so-called ‘confirmation bias’ and I argue that even though such a non-persuasive influence fails to satisfy the aforementioned conditions, it does not vitiate consent.

To show that the three conditions are not sufficient, I present the fictitious example of a person who is publicly known for advocating the obligation to participate in clinical research. Yet, he is also highly averse to undergoing medical procedures and has therefore never participated in a trial himself. To make him consent to participation, a clinical investigator asks him during a TV interview, where he will incur public embarrassment if he declines. I argue that the manipulative technique used to make the person consent can satisfy the three aforementioned conditions in certain circumstances but still vitiate consent.

After rejecting the three conditions of easy resistibility, transparency, and rationality, I finally conclude that we must look more closely at whether non-persuasive influences enhance or
undermine a person’s decision-making and I explain which aspects are relevant for such an evaluation.

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**Can We Implicate (Dissent) with Silence?**

**Keywords:** eloquent silence, communicative silence, dissent, conversational implicature, speaker meaning

**Synopsis:**
This paper will address the communicative potential of silence – more specifically, how we are able to communicate dissent with silence. My argument will be centered on a critical assessment of Alessandra Tanesini’s (2018) paper Eloquent Silence. Silence and Dissent, where she argues that eloquent (and as such, communicative) silences can be used to communicate dissent, in focusing on the Gricean conception of speaker meaning. Though I think that Tanesini is successful in showing that eloquent silences have meaning, her account does not successfully show how exactly we communicate with silence and doesn’t give an answer to the question of how audiences are actually able to understand the full scope of how communicating with silence works beyond merely bringing across dissent. As such, I will reject and give a positive counter proposal to the following statement: It is “hard to fathom how silent agents can make publicly manifest one among many different possible commitments. It is equally mysterious how audiences are able to recognize agents’ intentions in keeping silent. Yet, silent communication regularly succeeds” (Tanesini, 2018, p. 115). I will argue that the idea of implicating with silence can show how one among different possible commitments is made manifest. Showing how somebody might implicate with silence and how audiences might be able to calculate their meaning, can make it clear how we might communicate with silences in general, and dissent more specifically. This opens up new perspectives in feminist philosophy (of language), where silence in and of itself has been largely overlooked.

**Abstract:**
This paper will address the communicative potential of conversational silence – more specifically, how we can talk about how I think we are able to communicate dissent with silence. My argument is centered around a critical assessment of Alessandra Tanesini’s (2018) paper Eloquent Silence. Silence and Dissent, where she argues that eloquent (and as such, communicative) silences can be used to communicate dissent, in focusing on the Gricean conception of speaker meaning (see Tanesini, 2018, p. 110). Though I think that Tanesini is successful in showing that eloquent silences have meaning, she does not successfully show how exactly we communicate with silence. Her argument doesn’t give an answer to how audiences are actually able to understand the full scope of what is communicated with silence, beyond merely bringing across dissent. As such, I will reject and give a positive counter proposal to the following statement: It is “hard to fathom how silent agents can make publicly manifest one among many different possible commitments. It is equally mysterious how audiences are able to recognize agents’ intentions in keeping silent. Yet, silent communication regularly succeeds” (ibid., p. 115).

My general argument is, that the idea of implicating with silence can show how one among different possible commitments is made manifest. This opens up new perspectives in feminist philosophy (of language), where communicative silences in and of itself have been largely overlooked: While feminist philosophy has produced a great amount of ground-breaking work on silencing, the focus mostly lies on illocutionary or perlocutionary silencing, with the background of
J.L. Austin’s (1962, 1979) speech act theory. Locutionary silence or locutionary silencing is mentioned now and again, it hardly ever gets discussed in depth – and neither does silence in and of itself.

I aim to fill this lacuna in presenting my argument in two central steps: (1), I reconstruct Tanesini’s account in asking the following questions: (a) What are eloquent conversational silences? (b) How can eloquent silences communicate? (c) How can eloquent silences communicate dissent? In the course of this discussion, I work out why I think something is missing in Tanesini’s argumentation. (2), I attempt to fill this gap with my account of conversationally implicating (dissent) with silence. (a) I argue that silence can flout or infringe the conversational maxim of Quantity, and (b) show how it can violate the maxim of Relation.

In more detail, this will look like follows: In (1) (a) I outline Tanesini’s definition of eloquent silences as “silences that (i) are illocutions and (ii) are intended to communicate” (Tanesini, 2018, p. 110). Most importantly, when we intend to communicate with silence, our silences, just like illocutions, are intended to have an effect on an audience (see ibid., p. 111). An example of this would be a group of protesters holding a silent sit-in as a sign of dissent.

This will lead me to (b) and the question of how Tanesini attempts to show that people communicate with such silences. This involves a reconstruction of her understanding of the Gricean (1957) account of speaker-meaning, and how eloquent silences can be instances of speaker meaning. Her partial conclusion is that eloquent silence can be “an action which is overt because it results from the self-referential intention to make the agent’s commitment to a content manifest and to make this very intention also publicly observable” (Tanesini, 2018, p. 113). This is to say, that when a speaker is silent in this way, they mean something with this silence – they keep silent with the intention to publicly manifest their commitment to some content y. However, according to Tanesini, it is unclear “how silent agents can make publicly manifest one among many different possible commitments” (ibid.) and how these commitments are recognized by their audiences.

Coming from this, (c) outlines Tanesini’s explanation of eloquent silences as refusing attempts to elicit speech and I further build the bridge to my argument for silent conversational implicature: If eloquent silences refuse the elicitation of speech, they are, according to Tanesini, successful in communicating that somebody doesn’t want to engage in the conversation. In order to explain this in more detail, as well as to transgress to my central argument, I then introduce the background of the Gricean Cooperative Principle and outline how this relates to his account of Conversational Implicature. I further introduce the Conversational Maxims (Quantity, Quality, Relation and Manner) and how an exploitation of these maxims can give rise to implicatures. In other words, I talk about how audiences are able to calculate conversational implicatures: A speaker fails to fulfill the Conversational Maxims and/or the Cooperative Principle, adheres to the underlying assumption that the hearer is cooperative, while the hearer knows that the speaker is also being cooperative. This is to say: if our utterance would be taken literally (only on the level of what is said explicitly), we would fail the Gricean principles. However, the speaker merely exploits them, knowing that the audience can make sense of what we are trying to communicate if they assume that we are fulfilling these conditions on the level of what is implicated. The argument here is that if we understand eloquent silences as exploiting these conditions, this can help us to show that it isn’t hard to fathom how people can make manifest one among many different commitments – and how others realize that this is the commitment they are trying to bring across.

After having identified these questions with Tanesini’s account, I give my positive counter-proposal in (2) and explain how we might say that we can conversationally implicate dissent with silence in providing an exemplary discussion of how silence can exploit the maxims of Quantity and Relation.
In (a) I will ask how silence exploits the maxim of Quantity (which requires us to make our contribution as informative as required) and discuss the following example:

(1) Andy is mad with Burcu and seems very distant when they are having lunch together. At some point, Burcu asks:
B: Can you see if there is any ketchup over there?
A: Ø. (...).
B: Are you still mad at me?
A: Ø. (...).
I argue, that silence violates Quantity because the answer A gives doesn’t contain enough of the required information and ask how Burcu could calculate what Andy wants to communicate with her silence.

In (b), I will discuss the maxim of Relation (=be relevant), in addressing the following example:

(2) A group of co-workers have a meeting, with Paco is facilitating the discussion. During the meeting, Danny says something like “Women just aren’t good at maths”. Paco only responds with silence and moves on to the next point in discussion.
D: “Women just aren’t good at maths”
P: Ø
Here, I note that Grice himself gives an answer to this: “B has blatantly refused to make what he says relevant to A’s preceding remark. He thereby implicates that A’s remark should not be discussed and, perhaps more specifically, that A has committed a social gaffe” (ibid., p. 35). Grice, however, stresses that B has violated the maxim of relevance because what B said in the following is completely irrelevant in relation to A’s remark. He considers the implicature and violation to be associated with the following comment, not the silence. However, I argue that already at the point where people react with silence the maxim is violated and an implicature is communicated.

Further, while I would say the silence is successful in implicating some kind of dissent here because it violates the maxim of Relation, Tanesini holds, that the Cooperative Principle isn’t violated at all. She holds that the speaker making the inadequate remark is the one violating the CP in not adhering to general maxims of conversation. The group responding in silence is rather trying to be cooperative, in making it clear that this is unacceptable and that they all ought to go back to the original topic (see Tanesini, 2018, p. 118). According to Tanesini, it’s the resisting of elicitation to take up the remark that communicates dissent. I think, however, that we can say more of what is going on here, if we look at it with conversational implicature. Hence, I will further think about possibilities in which Danny could calculate the implicature carried by Paco’s silence?

In (3) I conclude my thoughts and point out that more work needs to be done to look at less idealized cases. E.g., we further need to ask how an account of silent implicature or silent speaker meaning can explain how and why people might be unsuccessful in communicating with silence and think about the influence of power structures, ignorance and identity prejudice. What I do show, however, is that we can meet the open questions in Tanesini’s account of eloquent silences if we analyse them with my account of silent conversational implicature.

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Lang, Gerald (University of Leeds)

*Can Love be Unrequited?*

**Keywords:** Love; unrequited love; relationships

**Synopsis:**
Though there seems to be a solid case for the existence of unrequited love, I argue here that we should take a more sceptical attitude to it. I distinguish between the ‘Admiration Model’ and the ‘Planning Model’ of love, and argue in favour of the Planning Model. The Admiration Model of love sees love as the product of attitudes between two people, each of which can exist independently of the other person’s attitudes: when one of these attitudes sets is in place, love is already semi-successful. The Planning Model sees the loving relation, by contrast, as the carrying out of a plan: unless both people are on board, the plan won’t be carried out at all. The Planning Model carries the implication that when love is not reciprocated, the attitudes that would otherwise qualify as expressions of love fail; they fall short of love. Meanwhile, the agonies of those who take themselves to love unrequitedly can be explained in other, more revealing, ways.

**Abstract:**
Perhaps not inaptly, unrequited love is something of a wallflower in philosophical debates about love. Moreover, insofar as it is explicitly discussed, its existence is usually used to discredit certain theories of love which appear to fail to find a secure place for it.

My approach will be different. I want to cast a more sceptical eye over unrequited love. I think we have reasons for doubting its existence. That may seem like cold comfort for those who take themselves to be in the grip of it. But their suffering, I’ll suggest, can be diagnosed in other, more revealing, ways.

1. **THE BUILDING BLOCK OF LOVE**

When what I will call the loving relation between Jay and Daisy is realized, Jay and Daisy love each other. This loving relation looks like the product of attitudinal symmetry between them: he loves her, and she loves him. If one, but only one, of these sets of attitudes obtains, e.g. Jay loves Daisy but Daisy doesn’t love Jay, there will be unrequited love.

At first blush, the case for the existence of unrequited love seems solid enough. There are three considerations.

First, there’s the ‘Linguistic Argument’. The semantics of ordinary English suggests the possibility of unrequited love. Unrequited love still seems to be a species of love; the love is already intact on one side.

Second, we have the ‘Phenomenological Argument’. Unrequited love feels like love: it has the same directedness or ‘aboutness’; it can involve the same appreciation of, or attentiveness to, the beloved; it enjoys overlap with the emotional intensity and colouration of reciprocated loving relationships.

Third, there’s the ‘Composition Argument’. The realization of the loving relation would appear to be the product of lower-level items which must be individually realizable. If Jay could love Daisy only in case Daisy loved Jay, and Daisy could love Jay only in case Jay loved Daisy, these conditions can’t be satisfied, and the loving relation can’t get off the ground even in cases with symmetrically enthusiastic attitudes from both parties. That seems ridiculous. At least, our doubts about the genuine instantiation of the loving relation shouldn’t rest upon faulty book-keeping about its composition.
These are substantial challenges. But they can be overcome. Before we turn to those arguments, I’ll briefly explain how unrequited love fits into the recent literature.

2. PUTTING UNREQUITED LOVE TO WORK

In the literature on love, we find Property Views that identify the ground of love in a property, or set of properties, possessed by the beloved. And there are Relationships Views that identify the ground of love in a loving relation between the parties.

Sara Protasi (2014) argues that the existence of unrequited love is an ally to Property Views, but a liability to Relationship Views. If love is unrequited, there is no loving relationship, just the one-sided desire for one. For defenders of Relationships Views, pressure is thereby created to dismiss unrequited love as just a form of ‘futile pining’ (Kolodny 2003, p. 171). Protasi thinks this is too dismissive: unrequited love can be a genuine form of love, and thus the adequacy of the Relationships View is brought sharply into question, since it doesn’t provide for it. On Protasi’s view, unrequited love may even claim a special value, since it enforces a more disinterested contemplation of the beloved’s qualities, free of risk from the impurities or selfishness of reciprocated love.

3. ADMIRING AND PLANNING: HOW DOES RECIPROCITY FIT IN?

Despite the force of these arguments, I think Kolodny’s instincts are correct, and that we should be sceptical about unrequited love. To substantiate these suspicions, I distinguish between two models of love.

According to the ‘Admiration Model’ of love, Jay bears attitudes to Daisy which may suffice for love, and he also has an independent desire that she reciprocate those attitudes. If she doesn’t reciprocate them, there will be no loving relation, but he can still count as loving her. As a broad template, the Admiration Model fits Protasi’s argument pretty well. If things go awry for Jay, he will have nothing left except admiration for Daisy.

But what, according to the Admiration Model, explains Jay’s desire for reciprocity? We need a tighter explanation of why these attitudes are naturally partnered by that desire. The desire for reciprocity shouldn’t be extraneous to the content of the attitudes he has for her. It should be explained by the content of these attitudes.

It might be replied that Jay’s admiration for Daisy’s qualities is enough to make his desire for their reciprocation intelligible. Since he thinks she’s wonderful, the argument might go, what’s the puzzle about his having the desire to be her romantic partner? But this is too easy: others can admire her without feeling any pressing need to be with her. Their admiration need not fall short of Jay’s. What Jay wants is supplementary to the admiration of her which is shared by others who can similarly admire her and yet do not desire to be with her. And yet Jay’s desire must also be intelligibly related to his attitudes to her.

According to the rival ‘Planning Model’ of love, the role played by Jay’s desire for reciprocity is more easily explained, since it is woven more deeply into his attitudes (cf. Gibbard 2003). Here are two non-amorous examples: if Jay has a plan where he and Daisy go for a drink, or where they perform the ‘Spring’ violin sonata together, then he will have attitudes to her, shaped by exposure to some of her qualities, which are such as to explain why he desires to have a drink with her, or to perform the Spring violin sonata with her. These plans won’t be realized if she doesn’t go along with them. His attitudes won’t suffice for the plan to be half-satisfied. The plan won’t be satisfied at all. He was willing, but she wasn’t, and thus the plan has come to nothing. It is a failed plan.

Let’s now apply the Planning Model to love. Jay has attitudes to Daisy, shaped by exposure to some of her qualities, which are such that he has a plan for them to enter into some form of loving relationship. So, if Daisy doesn’t reciprocate, then Jay’s attitudes are such that the plan isn’t
realized. If so, then Jay’s attitudes will not count as the vehicle of love. Love is expressed by attitudes which are then put to work in loving relationships.

4. THE PHENOMENOLOGICAL FALLOUT

Let’s revisit the three arguments in section 1.

The Linguistic Argument was never going to be decisive: ordinary English can’t supervise the fine distinctions we’re after.

The Composition Argument is also indecisive: the psychological/emotional machinery demanded by love will be able to get off the ground if proto-loving attitudes are in place at an earlier point (cf. Kolodny 2003, pp. 169-73). Proto-loving attitudes may feel like loving attitudes. Proto-loving attitudes are transformed, or upgraded, when there is reciprocity. Thus the Planning Model isn’t guilty of slipshod book-keeping. It doesn’t demand conditions from each party in the loving relation which are jointly impossible to satisfy.

There are several things to say about the Phenomenological Argument. First, we needn’t dismiss unrequited love as insignificant. It may be deep, meaningful, and perhaps life-changing. It doesn’t follow that unrequited love must thereby count as a genuine form of love. Second, unrequited love involves the bearing of attitudes which seek to be an expression of love, and which would, under certain conditions, successfully qualify as love. But the invitation can be refused, because those conditions may fail to obtain. The undecided nature of those attitudes may in fact help to explain the trepidation with which those attitudes are held. Perhaps they will count for nothing, and risk failing as an expression of what their bearer wishes them to be: namely, love. Third, even without the dismissive overtones, unrequited love is still likely to fall in that perilous territory between futile pining and more serious cases of (earned?) disappointment. Again, this uncertainty can make sense of the trepidation with which these attitudes are held. Without reciprocity, they may indeed manifest merely confusion or futile pining. Fourth, and relatedly, experiencing unrequited love may induce feelings, not just of disappointment, but of folly or buffoonery. Unrequited love may feel like a sort of category mistake. It is more difficult for the Admiration Model to make sense of this emotional territory, since it holds that unilateral loving attitudes are already semi-successful. The Planning Model, by contrast, allows prospective lovers to fall flat on their faces, and thereby shows a deeper awareness of the risks of failure and humiliation.

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Why the moral equality account of the hypocrite’s lack of standing to blame fails

Keywords: Blame, hypocrisy, moral equality, standing to blame.

Synopsis: It is commonly believed that blamees can dismiss hypocritical blame on the ground that the hypocrite has no standing to blame their target. Many believe that the feature of hypocritical blame that undermines standing to blame is that it involves an implicit denial of the moral equality of persons. After all, the hypocrite treats herself better than her blamee for no good reason. In the light of hypercrites – the complement to hypocrites, i.e., people who blame
themselves more severely than others for their comparatively less serious moral flaws — and a comparison of hypocritical and non-hypocritical blamers subscribing to hierarchical moral norms, I show why we must reject the moral equality account of the hypocrite’s lack of standing to blame. At the end of the presentation I will use these reflections to motivate and elaborate an alternative account of what undermines the standing to blame, to wit, lack of seriousness on behalf of the hypocritical blamer as regards the norms to which s/he appeals in her acts of blaming.

Abstract:
Why the moral equality account of the hypocrite’s lack of standing to blame fails

1. Introduction

It is widely believed that a blamee can dismiss hypocritical blame coming from someone whose faults are relevantly comparable or even worse (Cohen 2013: 115-142; Rossi 2018; Scanlon 2008: 175; Todd 2019). In dismissing an instance of hypocritical blame, the blamee need not imply that the blamer is not in a position to blame her for a different kind of fault in relation to which the blamer’s own sheet is clean. Nor need the blamee deny that others, whose moral records in relation to the matter at hand are better than the blamer’s, are in a position to blame her for the fault in question. And, most importantly, the blamee need not deny that what she did was blameworthy. Hence, the dismissal of blame on the ground that it is hypocritical is indirect in that it does not involve taking a stand on the content of the blame (Lippert-Rasmussen 2018: 96).

Assuming the practice of indirect dismissal of hypocritical blame to be sound, we need to ask: ‘Why does hypocrisy undermine standing to blame?’ According to the moral equality account:

What deprives the hypocrite of her standing to blame others is the fact that in virtue of her hypocritical blame, she (implicitly) denies moral equality of persons.

This account is attractive. By its very nature hypocritical blame involves the blamer making an exception in her own favour for no good reason. Treating oneself better than others for no good reason amounts to treating people unequally for no good reason and, plausibly, treating people unequally for no good reason is incompatible with the moral equality of persons. Thus, the hypocrite denies the moral equality of persons.

Not only is the moral equality account appealing, it is also an account that plays a central role in much contemporary theorizing on hypocrisy and the standing to blame. I want to show, first, that the moral equality account, and a closely related account, cannot be correct and, second, to reflect on what lessons the flaws of the moral equality and the closely related anti-moral superiority accounts can teach us about the power of hypocrisy to undermine standing to blame.

2. The hypercrite

Hypocrisy is common. What I shall call hypercrisy is rare, but it exists. Hypercrisy is when a blamer blames herself in a disproportionately severe way for her relatively minor faults in the presence of relevant others whose much graver faults she either completely ignores or blames the others for, but to a degree which is disproportionately mild in view of the severe self-blame she subjects herself to and the relative mildness of her own faults. In short, the hypercrite is the complement to a hypocrite – someone who makes an unfavourable exception of herself.

If the hypocrite implicitly denies moral equality of persons by implicitly affirming her own elevated moral standing, then so does the hypercrite, by implicitly affirming her own lowly standing relative to other persons. However, the hypercrite’s standing to blame others is not undermined. Suppose Adrian severely blames himself for, say, stealing $10 from a rich person, while at the same time expressing mild disapproval of Beth’s theft of all of the possessions of a poor person. Surely Beth cannot dismiss Adrian’s mild disapproval on the ground that, due to his
hypercrisy, he has no standing to blame her. But if the hypercritical blamer does not lose her standing to blame and if either hypocrisy and hypercrisy both involve denying moral equality of persons or neither does, then it is not the case that denying moral equality of persons is why hypocrisy undermines the standing to blame.

This, I submit, amounts to a compelling argument against the moral equality account. Still, its primary significance, even if sound, lies in the fact that it makes us see that what we might really be committed to is not the moral equality of standing to blame account but something closely related to it – what I shall call the anti-moral superiority account:

What deprives the hypocrite of her standing to blame others is the fact that in virtue of her hypocritical blame, she (implicitly) affirms her superiority in terms of moral status over other persons.

Unfortunately, there is a compelling reason to reject the anti-superiority account.

3. The hypocrite who implicitly affirms moral inequality
Consider the following moral norm (henceforth: the inegalitarian norm):
Superiors ought to prevent severe harm to other superiors when they can do so even only at a moderate cost to themselves, and to prevent severe harm to inferiors only when they can do so at a small cost to themselves. Inferiors ought to prevent moderate harm to other inferiors when they can do so at a small cost to themselves, and to prevent even small harm to superiors when they can do so only at a severe cost to themselves.

Surely, to affirm the inegalitarian norm is to affirm some kind of hierarchy of moral status among persons and, thus, to deny – implicitly, if not explicitly – moral equality of persons.

Consider now two allegedly superior blamers, both of whom subscribe to the inegalitarian norm. Both of them blame you for having acted contrary to the inegalitarian norm. Both of them think of you as a superior like themselves and believe that you have often helped moral inferiors when doing so involved accepting moderate costs for yourself. Suppose also that the first blamer is non-hypocritical – this person knows that she herself has never violated the inegalitarian norm – while the second blamer is hypocritical – this person knows that she has often violated the inegalitarian norm, helping inferiors even when doing so required her to bear moderate costs.

In this case you can dismiss the blame you are being subjected to in two ways. First, and most obviously, you can do so directly by denying that what you did was morally wrong, or morally blameworthy. The inegalitarian moral norm is false and, accordingly, acting in a way which violates it is neither ipso facto morally wrong, nor ipso facto blameworthy. This direct dismissal – warranted as it is – however, does not amount to denying that your critics are not in a position to blame you.

Second, you can dismiss your hypocritical superior blamer by pointing out that, since she herself has often violated the inegalitarian norm, she is not in a position to point fingers at you for doing so. You cannot say the same to your non-hypocritical superior blamer. But then it follows that the anti-superiority account is false. Both of your blamers affirm their (and that of other superiors') superior moral standing. Yet one of them has the standing to express her (for other reasons directly dismissable) blame, while the other has not. The fact that accounts for this difference in standing must result from some other difference between them.

4. Why does hypocrisy undermine standing to blame?
Can we say something in light of the criticisms of the egalitarian and the anti-moral superiority accounts about why hypocrisy undermines the standing to blame? All of the hypocrites that we have encountered here have one common feature: they are not really serious about the norm
which they blame others for not complying with. Their lack of seriousness manifests itself in their being relatively unconcerned about their own violations of the norm. Thus, one hypothesis which the present critique suggests is that lack of seriousness about a norm undermines one’s standing as a critic of others’ non-compliance with that norm (whether that norm is consistent or inconsistent with moral the equality of persons).

This suggestion, though no doubt in need of refinement and further defence in light of cases other than those discussed here (cp. Crisp and Cowton 1994), explains why one can regain one’s standing to blame through one’s moral improvement and self-blame even when one has violated the relevant blame-inducing norm severely in the past — now one is serious about the norm and so one’s role as enforcer of the norm is not in question (cp. Fritz and Miller 2018: 121-122; Shoemaker and Vargas 2019). It also explains why a critic can be in a position to blame violators of a certain norm that she herself, out of weakness of the will, has often violated despite being serious about it (Fritz and Miller 2019: 382). Finally, it explains why it would appear that one’s standing to blame can be undermined by facts other than the fact that one is not serious about a moral norm by virtue of violating it oneself. Suppose that I blame you for failing to live up to a principle which I reject myself, even if I have never violated it, nor am disposed in a way that would lead me to do so in the future. Plausibly, I have no standing to blame others for failing to live up to this standard about which, obviously, I am not serious myself.
ultra-processed foods over a less processed diet leads to rapid weight gain and higher mortality rates. Beyond the direct health consequences of this diet, industrial agricultures’ reliance on artificial fertilizers, herbicides, and pesticides results in devastating effects on the environment and human health. Out of this attention to the health and environmental problems of the food system grew a robust food movement, focused on healthy, organic foods that are good for people and the planet. This food movement is largely populated with white upper middle class who have resources and the ability to access healthy environmentally friendly alternatives. With it, we have witnessed an explosion of farmers’ markets, CSAs, community gardens, and farm to table restaurants. The organic food industry is the largest growth area in the food system. While this movement is bringing needed attention to the food system, its attention has not been on the social inequities in and around the food system, and the barriers faced by low income and minority communities that preclude them from participating in the food movement’s proposed solutions. Much of the food movement has been focused on changing people’s behavior, namely make better choices, and not acknowledging the structural and interrelated problems that make individual choices and market solutions very difficult or not viable at all in these communities. For members of low-income and minority communities the proposed solutions, such as Michael Pollen’s “Eat mostly plants, especially leaves” are not necessarily possible. Furthermore, the income of the poor has been steadily declining since the 1970s and sadly, if the inner-city poor have access to fresh vegetables in their neighborhoods they tend to be cost prohibitive, even more expensive than in predominately white suburban neighborhoods.

The impact of the food system on the on the poor and minorities is widely known, for example, that the poor and minorities have a much higher chance of being obese, having diabetes and the diseases related to it. Many of these same communities have high rates of food insecurity, namely, lack of regular access to sufficient nutritious food, including farm workers who have the highest of levels in the nation. Ironically, although these populations are food insecure they have high incidents of obesity and live in areas known as “food deserts,” areas without reasonably close access to grocery stores with fresh foods. Food deserts are most prevalent either in inner cities with high concentrations of low-income and minority populations, or in rural areas, such as agricultural areas and tribal nations. The current industrial food system results in not only detrimental health effects from consuming unhealthy foods but environmental damage --soil toxicity and depletion, chemical runoffs in streams and other waterways leading to loss of biodiversity. Those damaging effects on the environment in turn have effects on the communities around them. The industrial agriculture system, moreover, has a substantial impact on the amount of global greenhouse gases, somewhere between 30 and 40% of the total amount. Excessive carbon in the atmosphere will harm future generations and is already having effects on current populations, often the most vulnerable ones, unfortunately, those subject to the problems with the food system and the environment degradation caused by it. Though these facts are known about who is suffering from our current food system are known, responsibility for those harms is disputed.

Another food movement, the food justice movement has emerged addressing the inequities of the food system. “Food justice” is defined as “communities exercising their right to grow, sell, and eat [food that is] fresh, nutritious, affordable, culturally appropriate, and grown locally with care for the well-being of the land, workers, and animals.” The food justice movement’s attention is to issues of affordability, access, participation, and the effects of the food system on class, race, and gender. Though the food justice movement made important contributions to the understanding of the food system’s problems through the lens of people without access, money or power, it has been unable to give an account of why low income and minority populations continue to face the problems they do and who is responsible for them.

How do we account for the harmful outcomes of the food system, in particular the differential distributional effects of it? Are the disadvantaged of the food system merely suffering the
consequences of their bad choices, or are the disadvantaged merely misfortunate? These are two opposite approaches to accounting for the harms of the current food system and the responsibility for the harm. Rejecting both these accounts, I will argue that there are structural impediments that limit individuals’ capacities to simply “make better choices” and consequently the disadvantages are not just a matter of misfortune and certainly not merely attributable to bad choices of the individuals in those communities. Building on Iris Marion Young and Elizabeth Anderson’s work on the nature of justice and responsibility, I will argue that the inequalities in the food system are perpetuated by unjust structural background conditions. Those background conditions severely diminish the opportunities of some individuals and communities in our society. Because they are structural they are difficult to see, no obvious person or policy causes the limitations and often the limitations are without wrongdoers—or specific individuals or groups perpetrating them. These structural injustices limit the opportunities to access quality food, and thereby perpetuating unfair outcomes for the poor and minorities. That is not to deny that some of the harms or the nexus of opportunities that any individual faces may result from government policies and practices and corporate agents—they do. Further, I will argue that individuals who find themselves with these restricted opportunities not as a result of their choices, that affect their health and well-being suffer a dignitary harm as a result. It is an affront to one’s dignity to be unable to stand up as an equal and live one’s life as others in society do without those limitations on opportunities. Because of the network of background circumstances limiting their “opportunity set” they are not able to stand up as equals with other citizens who live without these limitations on the social conditions of freedom. Moreover, given that their restrictions often result from invisible background circumstances, their loss of agency is even more pernicious, without obvious wrongdoers violating them.
what she meant by them. How should we—judge, jury, family, friends, police, the public—go about adjudicating between these claims?

To answer this question, it will be helpful to first draw some terminology from linguistics. ‘Conversational repair’ is the standard umbrella term for the act of correcting, clarifying, restating, rewording, or reemphasizing what was meant by something already said. When the flow of conversation is interrupted because one of the participants—the speaker or an interlocutor—has perceived or recognized a miscommunication or misunderstanding, this begins what is called a repair sequence. When we repair something said by someone else, this is other-repair. When we repair something we said ourselves, often in response to an other-repair, this is self-repair (Hayashi et al., 2013; Sidnell, 2010). In our example, the accuser is self-repairing her utterances by saying that she did not mean that she consented; the accused is other-repairing by saying she did. Conversational repair has received scant attention from philosophers so far, but it raises important philosophical questions, of which the question above is one.

Helping ourselves to a distinction between the force and the content of a speech act, we can understand the content of a repair as a proposition (or set of propositions) of the form ‘A meant a by utterance u,’ but the force with which this content is expressed varies substantially. It may, for instance, take the form of a question: ‘Did you (A) mean a (by u)?’ Or an assertion: ‘I (A) meant a (by u).’ And how it is expressed may also differ substantially, from one-word interjections to wordy requests for, or attempts at, clarification.

In this paper, I will provide an account of conversational repair and show that it raises difficulties for Gricean accounts of speaker meaning. I will then suggest an alternative account of speaker meaning. I will conclude by exploring the practical implications of this discussion for legal testimony about what a speaker meant by their utterance.

I begin by arguing that there are restrictions governing the illocutions that the different parties in a repair sequence can employ to express the content of the repair, which together suggest that self-repair has some kind of priority over other-repair. Empirical data from conversational analysis will be shown to support this notion (Schegloff et al., 1977). A plausible way to gloss the theoretical results in my paper in light of the empirical evidence is that a speaker can always, in normal conversation, assert what they mean, whereas their interlocutor can assert what the speaker means only when they have some kind of warrant to do so from the speaker. The notion of warrant in this context will be fleshed out in the paper. I make the following claim:

i) X asserts what A meant by a only if either 1) X is A or 2) X receives warrant to do so from A.

Whence does this priority for self-repair arise? If repairs express content of the form ‘A meant a by u’, then perhaps an answer will be found in our account of what ‘A meant a by u’ means—i.e. in our account of speaker meaning. The most widely accepted account of speaker meaning is given by Grice (1989). He argued that what a speaker means by their utterance (their ‘speaker meaning’) can be cached out in terms of the speaker’s communicative intentions. It is important to note that the conception of intention Grice is using here permits for intentions to be recognized by third parties. This is so that the speaker meaning of an utterance can be ‘made available’ to the speaker’s audience (to use the phrasing of Saul, 2002). Why this is important will be discussed in detail in the paper, but for now it should just be noted that the Gricean account of speaker meaning relies on a quasi-public notion of intention according to which communicative intentions are at least in principle epistemically accessible by the speaker’s audience.

Suppose Grice was right. In which case, how can we explain the different restrictions for asserting speaker meaning on the speaker and their interlocutor captured by i? Differences arise in what content different people can assert, on this view, when there are differences in either their knowledge or in what it is reasonable for them to believe they know. So in cases where it is appropriate for the speaker to assert that they meant a by u, but not for their interlocutor to
assert that the speaker meant $x$ by $u$, where $x \neq a$, it must be because the speaker has a privileged epistemic relationship to what they meant by their utterance. Since this is true in general with only exceptions in special cases, according to i, it must in general be true that the speaker has a better epistemic relationship to what they meant. On the Gricean account, which identifies the speaker’s meaning with their communicative intentions at the time of their utterance, it must therefore be the case that the speaker in general has a privileged epistemic access to their own past communicative intentions.

The problem for the Gricean account is that speakers do not have such privileged access in general, even though they do sometimes. At present, the literature gives no basis for assuming that we can come to know by introspection what our past intentions were. Recent attempts to account for self-knowledge of intentions focus on ways we can become conscious of our present intentions, such as by deciding to do something (Paul, 2012) or by reflecting on which actions seem most choiceworthy to us (Moran, 2001). But these attempts focus on discovering current intentions and offer us no help when it comes to recovering past intentions.

It is, further, far from clear that such a basis could be found. Introspective access to past intentions that we experienced ourselves possessing is subject to the same risk of misremembering that applies to the memory of any experience. Among the results of psychological research on the reliability of this kind of memory—episodic memory—is that even vividly remembered ‘flashbulb’ memories, about which the subject is highly confident, are no more reliable than everyday memories, and the reliability of both declines substantially over time (Neisser et al., 1992; Talarico et al., 2003). These considerations apply equally to our interlocutors’ memory of our expressed communicative intentions, but the worry is that different people’s memories fade at different rates, and it is not unreasonable to expect that in some cases, the interlocutor will have better memories of the speaker’s intentions than the speaker does. Any general privileged epistemic relationship the speaker has to their communicative intentions at the time of the utterance therefore cannot be generalized beyond that time; but, of course, repairs are always made beyond the time of the utterance. A fortiori, in cases where we were not conscious of possessing the Gricean set of communicative intentions at the time of our utterance—which strikes me as the usual case—there is even less likelihood of a privileged epistemic relationship between the speaker and their communicative intentions at the time of the utterance. Indeed, it may be that the opposite is true on the Gricean account: as noted earlier, Gricean communicative intentions must in general be available to our interlocutors for communication to be possible. Our conversational partners must be able to access our communicative intentions by our speech and behavior if they are to understand what we mean. Our interlocutors can then rely on their memory of our communicative behavior when they attempt to recall what we meant by an utterance, whereas it is unclear by what mechanism we can access our own past communicative intentions if we were not even conscious of them at the time—and it seems to me implausible that there can be such non-memory-based mental time travel. Either way, we cannot support the notion that speakers stand in general in a privileged epistemic relationship to their past communicative intentions, and consequently we cannot account for i on a Gricean account of speaker meaning.

This suggests that to account for conversational repair, we need a different account of speaker meaning. The problems identified with the Gricean account derive from the requirement that a speaker’s communicative intentions be in principle epistemically accessible to their interlocutors. If that is the case, then we are unable to derive the result required to account for conversational repair, that a speaker is in general in an epistemically privileged position with respect to their speaker meaning. I argue that we should remove this requirement. While doing so will give rise to new problems, these problems are not insurmountable; answering them will, I argue, provide an important insight into how communication works.
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Intergenerational Exploitation

Keywords: Intergenerational Injustice/ Exploitation/ Restricted Choices/ Domination/

Synopsis:
Intergenerational justice issues are gaining much critical attention. Matters of health, social care, and the costs of a rapidly aging population dominate the headlines. Recent studies report that this generation of young people is the first in decades to be worse off than its parents. In particular, we are increasingly sensitive to the gigantic debts which members of today’s older generation are passing on to their children and the vulnerability that comes with climate change, high housing costs, youth unemployment and government spending cuts. While much theoretical (and empirical) literature now exists on the many ways in which earlier generations can unjustly jeopardise the resources, opportunities and wellbeing of their successors, very little has appeared on how the former’s decisions can generate specifically exploitative relationships. This is all the more surprising, in light of the fact that very large theoretical literatures exist on both intergenerational justice and exploitation. The aim of the paper is to bring these two literatures into long overdue contact with one another and analyse an under-researched and yet fundamental problem – intergenerational exploitation. The paper will focus primarily on two questions. (1) What exactly is intergenerational exploitation? (2) What makes this type of exploitation wrong?

Abstract:
Despite being the most educated generation, more than 70 million young people across the world are unemployed. A particular worry, is the share and number of young people who live in extreme or moderate poverty despite having a job. It is reported that 156 million or 38 per cent of working youth are in extreme or moderate poverty compared to 26 per cent of other working adults. This is largely due to a sharp rise in the number of younger generations entering precarious employment, such as internships, temporary or zero-hours contracts. It is also well documented in empirical research that many members of the younger generations are in vulnerable circumstances when compared to older generations. We are increasingly sensitive to the gigantic debts which members of today’s older generation are passing on to their children and the vulnerability that comes with youth unemployment, high housing costs, climate change and government spending cuts.

While much literature now exists on the many ways in which earlier generations can unjustly jeopardize the opportunities, resources and wellbeing of their successors, very little has appeared on how the former’s decisions can generate specifically exploitative relationships. This is all the more surprising, in light of the fact that very large theoretical literatures exist on both intergenerational justice and exploitation. In the paper, I bring these two literatures into contact with one another and analyze an under-researched and yet fundamental problem – intergenerational exploitation. The insight that a younger generation without home and job security, that is facing climatic horrors and staggering economic debt is being exploited by its predecessors is a matter of utmost concern and needs to be taken seriously.

Some people might wish to contest this exploitation judgement. People often express irritation in the notion that older generations are taking unfair advantage of the young. The young, it is said, always have it tough. They point to the overall benefits that flow over the course of people’s lives. Even if people have less when they are young, they will accrue more benefits as they age. This is because jobs, homes and assets eventually transfer from older generations to younger
generations. This argument seems to provide us with the answer. We excuse the harsh circumstances experienced by younger generations because over their complete lives they too will receive benefits. But we should not allow the argument to settle here. Even if it is true that the hardships experienced by the young can be defended on these grounds, people should not endorse this kind of reasoning; it allows us to inflict serious harm on younger generations for the greater good that it makes available to others. This sort of reasoning allows older generations to glean benefits from the vulnerable circumstances of the young, then justify this behaviour on the grounds that the overall benefits will eventually transfer to the younger generation anyway. And what is more, the younger generation will then be in a position of power so they might extract benefits from the succeeding generation. There is something deeply unpalatable about this argument, particularly given the harsh psychological and physical damage that comes with poverty and employment insecurity.

Some might argue that this is all much ado about nothing. Many of the transactions that younger generations enter are consensual and provide them with advantages. Even unpaid work placements involve a Pareto improvement. For most people, work placements are an important way of establishing contacts and enhancing one’s portfolio. They help people on their chosen career path. On this basis, it is said that unpaid work placements are an essential part of people pursuing their career. This argument similarly applies to zero-hour and temporary contracts. People enter these contracts, at least for a time, to earn money whilst they receive schooling and training in their chosen career path. No doubt some people view unpaid work placements and temporary/zero-hour contracts in this light. But for others this is a vast distortion of their position. There has been a dwindling of secure jobs across all employment sectors and many do feel forced into these contracts. They feel they have no option but to enter insecure employment and many of these contracts continue well beyond university education.

Before we try to say anything about the forced nature of these contracts, it is important to recognise that appeals to benefits and consent do not repeal exploitation claims. As many exploitation theorists are aware, exploitation can involve transactions that are mutually beneficial and consensual. Consider the archetypal case of exploitation: sweatshop labour contracts. These contracts involve a mutually beneficial transaction: sweatshop contracts improve peoples’ relative situation insofar as they provide workers with an income and employers’ benefit from labour inputs. Sweatshop contracts also derive from voluntary consent: workers prefer to move from the pre-proposal situation in which they are subjected to dire poverty to the proposal situation in which they are spared such hardship. Indeed, many workers feel that sweatshop employment is better than other forms of paid work or no employment at all. Not only do these workers earn more than their compatriots, they compete to work in sweatshop conditions. But intuitively, sweatshop contracts strike most of us as deeply unfair. It seems obvious that these types of arrangements are morally defective in some respect and it is this type of normative consideration that is the driving force behind the competing accounts of exploitation. The aim for the exploitation theorist is to identify the defective property that makes these mutually beneficial and consensual exchange exploitative. In this paper, I will show that the grounds for claiming that younger generations suffer from exploitation lies in the fact that many of the employment transactions they are entering exhibit some of the same wrong making features present in sweatshop labour contracts.

Some might wish to contest the very idea of intergenerational exploitation. It is a mistake, such critics might contend, to focus so narrowly on the nature of the exchange between particular generations. For it is the conditions that lie in the background of the exchange that the real injustice is to be found. People choose to enter exploitative transactions – such as sweatshop contracts – because their situation is so desperate, and their desperate situation is a result of serious injustice that lies in the background political and economic institutions. The exploitation is structural or systemic. It affects many people, not simply younger generations. For example,
people can be impacted according to parameters such as race, gender and social class. Thus, to focus so narrowly on exploitation between generations is masking large scale or 'macro' structural injustice.

Within the paper, I will assess the adequacy of this complaint. What role, if any, should considerations of background injustice play in understanding intergenerational exploitation and importantly, does a conception of intergenerational exploitation mask the larger structural injustice that is at work? My answer, in short, is that structural injustice obviously matters, but there are different forms of structural injustice, or at least different ways of understanding structural injustice. The desperate circumstances facing younger generations has been caused by earlier generations. More specifically, it is the outcome of the actions and decisions of members of previous generations concerning the operations of markets, institutions, employment practices, land use regulation, housing, finance and exchange. The background injustice that many younger people are suffering is intergenerational. And this is only compounded when one takes into account parameters such as race, gender and social class. Thus, before we try to say something general about structural injustice, we should become aware of its forms. It is imperative that we understand that older generations are creating uncertain and desperate conditions that enable the exploitation of its successors, and younger people already suffering social disadvantage are even more exposed to this form of exploitation than their peers.

My argument proceeds as follows. First, I begin with exploitation and present Hillel Steiner's prior rights violation conception of exploitation. I then show how an accumulation of people exercising their rights can create exploitative conditions in exactly the same way as rights violations. Second, I draw on the work of John Rawls, Iris Marion Young and Ruth Sample to argue that in the same way that people enter sweatshop contracts as a result of global background injustice, today's younger generation are choosing to enter exploitative contracts as a result of serious injustice in the background political and economic institutions against which their decision is being made. Third, I revise Steiner's account of exploitation to incorporate intergenerational background injustice and elaborate more precisely on how earlier generations are exploiting their successors. Finally, I conclude with a discussion of the implications of intergenerational exploitation and how this grounds a special responsibility on the part of members of earlier generations and parties with which younger generations contract.
be complicit in the outcomes of collective action despite not having made an individual difference to it. I then argue that both attempts ultimately fail and instead I suggest, drawing on suggestions by Parfit (1984) and Wright (1985), that we should allow for the idea that individuals can be causally responsible not only in virtue of making a difference to an outcome as an individual, but also in virtue of making a difference as part of a set of agents. I will apply this to the case of voting in order to show that individual citizens can indeed be causally responsible for the outcomes of political decisions. I therefore conclude that we can overcome the problem of over-determination for the individualistic approach and that it merits further investigation.

Abstract:
Are citizens morally responsible for the outcomes of political decisions taken by their leaders? To answer this question, we have to establish how citizens could be causally implicated in the outcomes of actions taken by the state. There are roughly two approaches that could be taken to establish the causal connection required for complicity: we could either show that citizens as a collective are somehow causally linked to the actions of their political leaders such that we could hold them, at least to some extent, responsible; or we could attempt to link an individual citizen’s contribution to politics in some causal way to the actions of their state such that they could be open to ascriptions of responsibility to at least some minimal degree. Recent attempts (Parrish, 2009; Pasternak, 2011; Stilz, 2011; Lawford-Smith, 2018) to account for the responsibility of citizens for the outcomes of political decisions have primarily taken the collective route because they have identified a major obstacle to using a more individualistic approach.

This is the problem of over-determination. Intuitively, we might think that we only want to hold individuals causally responsible for a particular political decision and outcome if they can be said to have made a difference to it. This is what Christopher Kutz has described as the ‘Individual Difference Principle’ (2007, p. 3). When we can trace a causal chain of events from the agent to the outcome, such that the agent’s action made a difference to that outcome, we can ascribe causal responsibility for that outcome to the agent. In large nation states the single vote that each citizen has cannot be said to make an individual difference to a political outcome at all. The same would go for any other forms of political participations (e.g. attending a demonstration, posting on social media) in which an individual’s contribution is too small to make a difference. As such an individualistic approach would struggle to make sense of the relevant causal connection between citizens and the outcomes of political decisions. I will argue in this paper that we can successfully overcome this problem for assigning individual causal responsibility to citizens for the outcomes of political decisions by rejecting the Individual Difference Principle for cases of more complex causation. I will show that there is an additional way in which citizens can be causally responsible for the outcomes of political decisions: they can make a difference to a political decision as part of a set of citizens.

To begin with I introduce two prominent accounts of complicity (Kutz, 2007; Lepora & Goodin, 2013) and show how they have attempted to circumvent the problem of over-determination in assigning moral responsibility to individuals for group actions. I say ‘circumvent’ here because both accounts appear to accept the assumption that causation implies the agent having made an individual difference, but try to show how we can nonetheless ascribe responsibility to individual agents. Kutz does so by attempting to argue that a causal connection is simply not necessary for being a complicit agent, while Lepora and Goodin attempt to show that it is sufficient for an individual to have made an individual difference counterfactually in order to be complicit in a group’s action. I will point out some of the problems with Kutz’s account and, while I agree with much of Lepora and Goodin’s account of complicity, I will show why their solution to the problem of over-determination is unsatisfactory as well. I will spend the remainder of the paper arguing that there is a more promising way of dealing with the problem of over-determination by rejecting.
rather than attempting to circumvent, the Individual Difference Principle for cases of complex causation.

Using the individual difference principle in complex cases such as voting commits what Derek Parfit has called a “mistake in moral mathematics” (1984). Parfit argues that when it comes to cases of over-determination we cannot just take into account the individual act, but need to consider the set of acts of which it is a part. In as much as various agents have contributed to a set of acts they are causally responsible for their contribution to this set. Following from this I suggest using the NESS (Necessary Element of a Sufficient Set) Test by Richard Wright (1985, pp. 1788-1803) instead of the individual difference principle to determine the responsibility of an agent. According to the NESS Test, “a particular condition was a cause of (condition contributing to) a specific consequence if and only if it was a necessary element of a set of antecedent actual conditions that was sufficient for the occurrence of the consequences” (1985, p. 1790). Wright imagines a case in which five units of air pollution would be both necessary and sufficient to harm an individual. There are seven individuals who all simultaneously emitted one unit of pollution. None of these seven could be said to have made an individual difference because their emission was “neither necessary nor independently sufficient for the injury” (1985, p. 1793). Their single unit was not sufficient to cause harm by itself, and had they not emitted the single unit the harm would have still occurred, so it was not necessary for the injury either. On the NESS Test we can explain this because each unit of pollution was a necessary element of a sufficient set as part of which it could have caused the harm. What this means for the causal responsibility of citizens in the case of voting will depend on our understanding of voting. There are two ways in which we can perceive of voting; one treats voting as a simultaneous activity while the other one insists that it is a case of pre-emption in which only those who voted up to the point at which a majority was reached were part of a set that made a difference. I will argue in favour of the former conception. If we accept this understanding of voting, then everyone who voted for the politician or policy would be a necessary element of a set of antecedent actual conditions that was sufficient for the politician or policy winning the election. In a similar vein, everyone who did not vote could also satisfy the NESS test if that set was large enough to have impacted the voting outcome. The only citizens that could not be held causally responsible for the voting outcome would be those who did not vote when that set was not of a sufficient size to have made a difference together, or those who voted against that politician or policy.

There are then two ways in which individual citizens can fulfil the causal condition for moral responsibility in the case of policy decisions: they can make an individual difference to a policy decision (e.g. a wealthy donor that has sway over a political decision-maker) or they can make a difference to a policy decision as part of a set of citizens (e.g. a citizen voting for or against a given candidate or policy). Obviously the more central a citizen’s contribution is to a particular outcome, the more responsible they can be.

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Refugee Discrimination – The Good, the Bad and the Pragmatic

Keywords: Refugee policy; migration; resettlement; refugee selection; discrimination

Synopsis:
All refugees are in need of refuge but not all are treated alike. Some find homes in the safest and richest countries in the world. Many others are trapped in neighboring states where conditions are often inadequate.

With this context in mind, the article pursues three questions. To what extent does the current refugee regime discriminate among refugees? When is such discrimination wrong? Could
discrimination ever be justified pragmatically, for the sake of admitting more refugees given political constraints?

In answer to the first question, it finds discrimination is rampant. There is the kind of discrimination that gets noticed: discrimination that states choose to enact within the refugee regime. But there is also a kind of discrimination that is missed: discrimination that is a product of the regime itself. The second question proves tricky. Matters are clear at the extremes. Discrimination based on need is permissible. Discrimination based on race or religion is not. In between, we have a set of hard cases that are more difficult to judge. The article searches for relevant criteria. Finally, on the last question, the article concludes that a political leader could be justified in enacting discrimination as a pragmatic response to political constraints but that, even on such occasions, the discrimination remains wrongful.

Abstract:
Refugee Discrimination – The Good, the Bad and the Pragmatic

The article pursues three questions. To what extent does the current refugee regime discriminate among refugees? When is such discrimination wrong? Could discrimination ever be justified pragmatically, for the sake of admitting more refugees given political constraints?

1. How Much Discrimination?

To judge the extent of discrimination among refugees, we need to define “discrimination” and “refugee”. In both cases, the article adopts definitions that are sufficiently wide as to encompass various other definitions and yet sufficiently narrow that they capture some core features. It defines discrimination as treating people worse than others because of their membership of a socially salient group. It defines refugees as people who are in need of refuge because their lives or basic wellbeing are at threat.

Having presented and defended these definitions, the article asks its first question: are refugees subject to discrimination? It finds that refugees are subject to two kinds of discrimination: that which occurs within the refugee regime and that which is produced by the regime itself. The former kind of discrimination attracts attention; the latter is overlooked. And yet, of the two, the second kind of discrimination has more profound effects.

What is crucial here is a surprising fact about the refugee regime: unless states exceed their Convention obligations, they exercise surprisingly little choice over whom they protect. The core obligation is non-refoulement. States cannot send refugees back to where they could be persecuted. States that abide by the principle of non-refoulement thus have limited choice over whom to protect. With limited choice, comes limited opportunity to discriminate.

Now, states could exercise much greater choice were they to accept additional refugees, by admitting more or resettling more, in truth, but the numbers remain small. In the case of resettlement, for instance, states have resettled just 189,300 of the world’s 22.5 Convention definition refugees. Still, it is worth asking, when states do accept additional refugees, do they do so on a discriminatory basis? The answer is “yes”. When the UNHCR selects people for resettlement, for instance, identifying categories it deems most in need. Since this approach disadvantages certain socially salient groups it counts as discrimination under the chosen definition but, as the article goes on to argue, it is, for the most part, legitimate. More troubling is the criteria for resettlement that some states have chosen to add to the list. Canada, for instance, insists that all applicants, except the most desperate cases, must demonstrate “ability to establish” in Canada. Factors such as education, work experience and qualifications, ability to learn to speak English or French are assessed. Finally, there are cases of direct discrimination. According to the Australian refugee council, for instance, the Australian government is “cherry
picking” Christian and other non-Muslim Middle Eastern refugees in its refugee resettlement program.

These are cases of discrimination within the refugee regime. What about discrimination that the regime itself produces? There are two features of the regime that have a discriminatory effect. The first is the restriction of protection to Convention definition refugees. People fleeing generalised violence, natural disasters, climate change and poverty have no claim. Let us call this first feature, the “persecution requirement”. Second, since the Convention includes the duty of non-refoulement but no duty to admit refugees, it effectively selects refugees based on mobility. Those able to travel can seek asylum; those less mobile cannot. The mobile tend to be more privileged: educated men with the money to pay smugglers. The most vulnerable are disproportionately excluded. Call this second feature, “mobility bias”.

### 2. When is Refugee Discrimination Wrong?

The article addresses the second question by reference to three accounts of what makes discrimination wrong. These three accounts are labelled “distribution”, “motivation” and “expression”. The distribution account condemns discrimination that violates the correct principle of distribution. The motivation account condemns discrimination that is motivated by prejudice. The expression account condemns discrimination that expresses disdain. The article does not attempt to choose between these three accounts. Indeed, the accounts need not be deemed mutually exclusive. Discrimination can be wrong for several reasons.

The article then considers five examples of discrimination we have encountered:

**Within the refugee regime:**

1. The UNCHR’s need-based selection.
2. Canada’s ability to establish principle.
3. Australian cherry picking of Christian and other non-Muslim Middle Eastern refugees.

**Products of the refugee regime itself:**

4. The persecution requirement.
5. Mobility bias.

The article then addresses each of these examples to determine their ethical status. Of the five, it has the most to say about 2, not because it is the most important but because, as it turns out, it is the most philosophically complex.

The most benign case is the UNCHR’s need-based selection. Need seems to be the correct form of distribution and it would be hard to claim that need based selection is motivated by prejudice or expresses disdain. Perhaps unsurprisingly, the article rejects Australian cherry picking of Christians as wholly unacceptable. There might be cases where religion could be used as a proxy for need, but this is not one of them. There is no evidence that Christians are in greater need. It is also unacceptable according to the motivation account, since it is hard to believe that anti-Muslim prejudice was not playing a role here, and the expression account, since it would be reasonable for Muslim refugees, and perhaps Muslims more generally, to feel that cherry picking expresses disdain towards them.

If the UNHCR case lies at one end of the spectrum and the Australian at the other, the Canadian case lies somewhere in between. There are good reasons why Canada would want to include an ability to establish requirement, rather than selecting purely on need. While states should be neutral in religious matters, they need not be neutral in socio-economic matters. Canada has a legitimate interest in maintaining a dynamic economy and cohesive society. There is an obvious problem, however. Some refugees are in greater need than others and there is no reason to
expect that those most in need will score best in terms of ability to establish. On the contrary, many refugees will score poorly precisely because they have significant needs.

If selecting for ability to establish over need is wrong, there are at least two reasons why it would be wrong. The most obvious is that it wrongs refugees. The other is that it might wrong other states. The article considers both possibilities in turn.

Finally, there are the two features of the refugee regime itself: the persecution requirement and mobility bias. Both cause discrimination. Is this discrimination wrong? Yes. Both the persecution requirement and mobility bias violate the relevant distributive principle: need. The persecution requirement violates need by denying refuge to those in need for reasons other than persecution. Some of these people are in the greatest need of all. Mobility bias is even more pernicious. It does not merely fail to track need; it runs counter to it. Typically, people with greater needs are less mobile.

3. Is there a Pragmatic Case for Discrimination?

In the final section, the article turns to the final question: could wrongful discrimination nevertheless be justified as a response to political constraint? We can imagine situations where citizen opposition makes it impossible for a political leader to admit refugees based solely on need. If these leaders want to admit more refugees, they much pick those who inspire the greater public sympathy. A justification of this sort could potentially be offered for the Canadian ability to establish principle or even Australian cherry-picking of Christian refugees. Given political constraints, permitting discrimination might seem like the pragmatic thing to do.

The argument for, what we might term, “pragmatic discrimination”, is not implausible, but it needs to be properly understood. We must be clear as to whose actions the argument could justify and whose it could not. The article finds that the argument might justify the actions of political leaders but it could never justify the actions of citizens or states. The argument cannot justify the actions of citizens since it is citizens themselves who are imposing the relevant constraints. The argument cannot justify the actions of states since states, properly understood, are more than their leadership. They are constituted by and response to their citizens. The general principle here is that an agent can only cite constraints set by others to justify its own behaviour if there is a certain distance between the agent and the others setting the constraints. In the case of political leaders, such distance might be said to exist; not so in the case of citizens or states.

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*Gender Justice and Self-Interest: Friends or Foes?*

**Keywords:** Gender justice; liberal equality; luck egalitarianism; fairness

**Synopsis:**
Feminists have often attacked liberal egalitarian theories of justice for formulating their theories on the assumption that individuals are self-interested; this idea, they charge, is a dangerous idealisation that underlies liberal egalitarianism’s failure to capture some eminent forms of injustice towards women, such as the injustice they suffer as a result of discharging caring roles. Liberal egalitarians, and some feminists among them, can and do counter that the assumption of self-interest serves an important role in theorising about justice, as it helps protect individuals’ interests as separate persons. This paper does three main things. First, it identifies different ways in which an assumption of self-interest plays a role - sometimes explicitly, but often tacitly - in liberal egalitarian theories of justice. Second, it assesses several reasons for and against constructing theories of justice around the assumption that individuals are self-interested. Finally,
it argues that while contemporary liberal egalitarians do display a problematic bias in favour of self-interest, they can be revised so as to correct for it and thereby be able to accommodate the obligations of justice that societies have towards those who discharge socially valuable caring roles.

Abstract:
When they formulate and defend principles of justice, liberal political philosophers often appeal, at some point in their arguments, to the assumption that individuals are self-interested. In particular, theorists of justice have claimed that it is to individuals thus conceived that principles of justice have to be justified, and/or that it is the self-regarding interests of persons that just socio-economic institutions should have it as their aim to protect. (Individuals are “self-interested”, or “self-regarding”, in the sense that their non-instrumental desires, ambitions or goals, are about themselves.) For example, John Rawls, as is well known, argues that principles of justice are those which would be chosen under the specific circumstances of the Original Position by representatives of rational and mutually disinterested individuals, that is, individuals who “are conceived as not taking an interest in one another’s interests” (Rawls 1973: 13). David Gauthier, working within a broadly Hobbesian tradition which grounds morality in rationality, asks which principles it would be rational for persons to accept as terms of cooperation relative to a non-cooperation baseline where these persons are conceived as having “non-tuistic” desires, or as being “mutually unconcerned” (Gauthier 1986: 87).

It is not only in the contractarian method for justifying principles of justice, however, that theories of justice accord an important role to self-interest – or so I would like to bring to view in this paper. The assumption of self-interest also plays a role in specifying the content of the demands of justice by informing what the distribuendum of justice should be, and/or a certain interpretation of the demands of responsibility. By assuming that only self-interested ambitions can give rise to claims of justice, and/or that self-interest-protecting choices are the norm, departure from which grounds liability, liberal egalitarian theories of justice accord protection to individuals’ self-regarding interests.

Liberal theorists’ reliance on the self-interest assumption has troubled a number of philosophers – feminists featuring prominently among them. Virginia Held, for example, finds fault with what she calls the “assumptions characteristic of a contractual view of human relations”, i.e. that “human beings are independent, self-interested or mutually disinterested, individuals”, and calls for the need to replace the paradigm of “economic man” with that of “mother and child” (Held 1990; see also Jaggar 1988: 30-34). In her vocal critique of luck egalitarianism, Elizabeth Anderson labels this family of views as “egalitarianism for egoists alone” (Anderson 1999: 300). This charge is warranted, according to Anderson, because of luck egalitarianism’s assimilation of “the performance of moral obligations to care for dependents to the class of voluntarily expensive tastes” (300). On the luck egalitarian view, she believes, carers are viewed as responsible for their dependence on male wage earners (298), and “[p]eople who want to avoid the vulnerabilities that attend dependent caretaking must therefore decide to care only for themselves” (300).

Although these critiques of the self-interest assumption vary in some important respects both in their exact target and in the fault they find in that assumption, they can all be described as viewing it as a dangerous idealization. An idealization is a positing of facts that are false (as opposed to an abstraction, which omits some details). Idealizations can be dangerous, as Onora O’Neill has argued, insofar as they can “smuggle in reference to unvindicated moral ideals” (O’Neill 1986: 212). They can also be dangerous because they can hide from view important injustices. Indeed, O’Neill herself has expressed the concern that Rawls’ view, in choosing principles of justice by asking what “glitteringly self-sufficient” individuals would hypothetically consent to, “tends to ignore actual vulnerabilities and conceal the fact that justice to the weak demands more than justice to the strong” (O’Neill 1986: 217). In the case at hand, the relevant
charge levelled against the self-interest assumption as a dangerous idealization is this: as a result of thinking that principles of justice are those which mutually disinterested individuals would consent to, or that the interests which theories of justice should protect are self-regarding ones, we run the two-fold danger of hiding from view the vulnerabilities of those who are dependent and need someone to sacrifice their self-interest in order to attend to their needs, and the vulnerabilities of those (typically, women) who so sacrifice their interests in order to attend to dependents’ needs (see Kittay 1999).

Not all feminists, however, have criticized the self-interest assumption. Indeed, some of them have countered that abandoning the assumption of self-interest would be detrimental to women’s interests (Nussbaum 1999; Fineman 2004). Defenders of so-called “feminist contractarianism” – Jean Hampton being the pioneer here – have argued forcefully that the assumption of self-interest serves a specific normative role in theorizing about distributive justice that feminists in particular have reason to be interested in: it ensures that our theories of justice recognise a legitimate concern that each person has for herself (Hampton 1997; 2006). This should be of special significance for socially salient groups like women, given that their interests as separate and independent persons - interests which are not reducible to those whom they have largely cared for (children, the infirm, the elderly) - have not been duly recognized, and that this fact precisely accounts for some of the injustice towards women. Isn’t the protection that this way of thinking about justice affords to individuals exactly the protection which feminists have reason to seek for women?

My main aim in this paper is to argue that, insofar as we are concerned with gender justice –more specifically, with the need to ensure that, by virtue of being parents, women should not be penalised -, there is something true in both these types of reactions towards the self-interest assumption. More precisely, I argue that liberal egalitarian theories of justice do display a problematic bias in favour of self-interested ambitions – a bias that renders these theories ill-suited to detect and indict a certain form of gender injustice. But I also believe that in order to correct for that bias, a certain use of the self-interest assumption is helpful. I hope to show that by identifying the nature and role of the self-interest bias with precision, and by diagnosing the exact reasons why it is problematic, we are better placed to see why and how a different use of the self-interest assumption is advantageous, rather than detrimental, for gender justice.

The paper proceeds in four main steps.

Since the arguments I develop make a certain assumption about what (some) of our concerns of gender justice are, section 1 begins by stating and offering some support for that assumption. That assumption is that socialising the costs of children is a central concern of gender justice, and that socialising the costs of children is a demand of gender justice partly because it is unjust to women that they do unjustly paid work – or, as I shall put it, partly because socialising the costs of children is a demand of parental justice.

Section 2 explains why liberal egalitarian theories of justice are generally thought to be inhospitable to the case for socialising the costs of children – namely, the fact that they are committed to principles of responsibility and of neutrality. It then shows, that, contrary to what many people have thought, those commitments themselves do not necessarily tell against the socialisation of the costs of children. Instead, only a particular interpretation of them does, which adopts a version of the self-interest assumption. More specifically, responsibility-sensitive egalitarians currently assume, typically without making this assumption explicit and without defending it, that equality of whatever the relevant currency is (welfare, resources, and potentially, capabilities) is only protected by justice if individuals choose to behave in self-interest-protecting ways. All other-regarding choices, by contrast, are deemed to be justifiably responsibility-grounding.
Section 3 argues that this assumption introduces an unjustified bias in favour of self-interest into responsibility-sensitive egalitarianism. This is because, as it is currently formulated, responsibility-sensitive egalitarianism allows the self-interested to obtain benefits, because they are self-interested, from and at the expense of those whose ambitions are other-regarding. However, the former is not a morally relevant ground for obtaining benefits and shunning burdens, just as having other-regarding ambitions is not itself a morally relevant reason for having to bear more burdens than others.

Section 4 turns to ask what the morally relevant reasons might be for treating unequally different ambitions, such that individuals should, in the name of fairness to other persons, be held liable for some ambitions but not others. Drawing on the arguments offered by David Gauthier and Jean Hampton in their defences of (different types of) contractarianism, this section proposes that, in order to redress the problematic bias in favour of the self-interested and against those with other-regarding ambitions, a certain use of the assumption of self-interest can in fact come to our aid.

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Nudges, Nudging, and Ecological Agency

Keywords: autonomy; nudges; paternalism; values; freedom

Full paper: https://drive.google.com/file/d/1-oBBW7vz7blUQLj5Vsuz6Ms1VGzORBW9/view?usp=sharing

Abstract:
The aims of this talk are three. First, I offer a novel analysis of nudging that allows us to cleanly distinguish nudges as features of choice situations, being nudged as a state of agents who encounter nudges, and nudged action as a variety of intentional action by agents who are nudged. In particular, a feature of a choice situation is a nudge for an agent just in case it enables a disposition she has to act in accord with a particular fact-and-frugal rule (or a frugal-rule disposition, hereafter FRD); an agent is nudged just in case that FRD is triggered in that situation by a feature of that situation (though not necessarily the nudge itself); and she performs a nudged action just in case she does what she is nudged to do, in a way partly explained by her being nudged to do it.

Second, I show that agents’self-guidance need not be bypassed or undermined by encountering nudges, nor by being nudged, nor by performing a nudged action. This is because, in all such cases, her normative point of view (which I assume plays the role of her self-guidance) can continue to guide her actions. Guidance in my sense is a matter of her normative point of view playing its standard causal role in the production and sustaining of behavior; and this, I show, can occur even when an FRD is enabled, triggered, and manifested. I show this in two sorts of cases. In the first, her normative point of view itself is implicated in the enabling, triggering, or manifesting of the FRD; and, in the second, her normative point of view interrupts the enabling, triggering, or manifesting of the FRD. This addresses part of the worry that nudges infringe on agents’autonomy (but only part; see below).

Finally, I delve deeper into cases where an agent’s normative point of view is itself implicated in this process to crystallize a harder ethical problem about nudges. I focus, in particular, on instances where she is nudged and her normative point of view is implicated in the triggering or manifesting of an FRD she has. The nudged action that ensues is an exercise of agency that is in an interesting sense ecological: it is intentional action afforded by the environment. Here, an environment’s affording some particular intentional action is stronger than its merely making that
intentional action possible for the agent: the environment also makes that action intentional. This is because, by nudging her, the environment makes the agent’s guidance produce the action that it does. Here, the worry that nudges infringe on autonomy resurfaces. The worry is now that nudging manipulates agents via their own normative point of view. Time permitting, I sketch a way to defuse this worry by showing the ineliminable role of ecological agency in learning by doing and, relatedly, self-fashioning.

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Moral Equality and Vulnerability: Towards a Relational Approach?

Recording: https://drive.google.com/file/d/1HBTH7cwdQSljI7vn8NF4cFFYwVPqfwnv/view?usp=sharing

Keywords: Egalitarianism; Basis of Equality; Vulnerability

Synopsis:
The majority of theorists believe that moral equality is grounded in the possession of a status-conferring property, typically identified in the capacity for moral agency (Rawls 1971). Two main objections have been moved to this view: the variations objection, which questions its ability to ground equal moral status, and the scope problem, which argues that these accounts do not include all human beings in the scope of moral equality (Arneson 1999). In this paper, I criticise this view on two further grounds: firstly, I argue that it disregards the fact that the possession of moral autonomy, far from being a natural datum, depends on the existence of certain relations and social arrangements. Secondly, I claim that it paints an austere and inaccurate picture of human nature as primarily characterised by rationality understood in self-sufficient terms.

I argue that a better approach to the basis of moral equality is to look at human vulnerability. A vulnerability-inspired account is more inclusive in scope and takes seriously the relational nature of human experience and capacities, including moral autonomy. In developing such an account rather than grounding moral equality in an intrinsic property of individuals, I look at the domain of relationships. Unlike other recent proposals, I do not opt for a negative conception of equality, which starts from the wrongness of inequality and conceive of vulnerability exclusively in connection with potential attacks to one’s sense of self (Sangiovanni 2017). While acknowledging this dimension of vulnerability, I suggest that the fact of vulnerability is also constitutive of a number of valuable relationships, such as relationships of love, care and mutual respect, which are made possible by our holding each other as equals. The value of these relationships, together with the wrongness and harms of inequality, is what justifies our commitment to moral equality.

Abstract:
The assumption that human beings are moral equals and should be treated as such informs much contemporary theorising in moral and political philosophy. The large-scale agreement on this idea is one of the causes of the relative lack of philosophical inquiry on its nature and foundation, which have become the object of systematic scrutiny only in recent years. Providing a compelling justification of equality is of primary importance, as it is needed to firmly ground some of our most important moral and political principles and the way in which we justify moral equality will have significant implications for many important debates, such as those on distributive equality and rights. The majority of theorists believe that moral equality is to be grounded in the possession of some capacities, which are typically identified in rational capacities related to the ability to be an autonomous agent (Rawls 1971; Carter 2011). These capacities confer value on
their holders who, as a consequence, have a higher worth and status. This kind of proposal has been criticized on two main grounds: firstly, because it does not include all human beings in the scope of moral equality, as some, such as young children and people with severe cognitive impairments, do not possess these sophisticated cognitive capacities. Secondly, given that these capacities are possessed by people to different degrees, it is unclear how they can ground equal moral status (Arneson 1999).

In this paper, I move a third criticism to this type of account, arguing that it disregards that the possession of these rational capacities, far from being a natural datum, depends on the existence of certain relations and social arrangements one finds oneself in, as theorists of relational autonomy has taught us in recent years (Mackenzie and Stoljar 2000). Moreover, regarding cognitive capacities as the distinctively human and uniquely normative relevant feature seems to emerge from an austere and inaccurate picture of human nature as primarily characterised by self-sufficiency and rationality understood as independence which has historically dominated much mainstream ethical and political thought. Theories of vulnerability originate from a dissatisfaction with this approach and aim at putting at the core of human nature relationality, dependence and physical, emotional and psychological vulnerability. As embodied agents, we have bodily needs, we are constantly exposed to risk of bodily harm and illness and experience periods of dependency on the care of others because of age, ill-health, injury and disability. Moreover, as social beings we are emotionally and psychologically vulnerable to others, and a lack of care and of social recognition, as well as, humiliation, rejection and abuse can compromise not just our well-being but also our sense of self and our conception of ourselves.

Applying the lessons of vulnerability to our theorising of moral equality would allow us to paint a richer picture of human nature and the features which ground moral equality that is more faithful to human experience. Such a picture would be immune to one of the criticism to which traditional accounts are exposed, as it would be more inclusive in scope. Moreover, it would emphasise the inherently relational nature of human life and human capacities, including autonomy, capturing vulnerability as a fact of human life, but also the ways in which certain ways of treating others as well as certain social relationships and arrangements are objectionable because they expose human beings to vulnerability-related harms.

While the advantages of an account of moral equality which puts vulnerability at its centre might not be difficult to grasp, it is less clear what exactly such an account would look like. Two main alternatives are available. The first option is to maintain a property-based account and argue that the bases of moral equality are still to be regarded in a property that all persons possess but this property is not to be identified solely in rational capacities, but rather in features which refer to human beings’ relational and vulnerable nature. Secondly, one can pursue a relational approach, which starts from the normative significance of the web of relationships existing among people and grounds moral equality in a relational feature, instead of an intrinsic one. This choice is mirrored in the debate on vulnerability, where some understand this notion in relational terms (Goodin 1985), while others emphasise the ontological aspect of vulnerability (Fineman 2008).

Andrea Sangiovanni has recently defended the most fully fletched version of the relational approach (Sangiovanni 2017). Rather than looking for a property that is possessed equally by all and confer value on its holders, Sangiovanni argues that our commitment to moral equality is based upon the wrongness of inequality. He claims that moral equality is to be grounded in the rejection of certain modes of inferiorising treatment which are problematic because of the vulnerability of our sense of self to certain kinds of attack. Relationships can also feature in other ways in an account of moral equality. One could argue, following Hannah Arendt, that that the commitment to moral equality is justified by the value of the relationships that we can entertain in the political community if we treat each other as moral equals (Waldron 2017, chap. 1). Alternatively, one could hold, like Eva Kittay does, that membership in the human community can
be a non arbitrary basis for the ascription of moral equality in virtue of the role of social relations and practices in the constitution of our identity (Kittay 2005).

All these accounts face a dilemma which revolves around the role of value in a theory of moral equality. Traditional property-first accounts ground the higher status of moral persons in the worth conferred by the possession of the capacity for autonomy. The appeal to higher worth allows them to justify the priority of persons’ interests over other beings’ comparable interests and explain why persons matter for their own sake (Floris 2019). A vulnerability inspired account of moral equality faces the following dilemma: either to claim that the feature it identifies as the basis of equality have a worth of the kind identified by traditional property-first accounts or to point at another reason to ground the priority of moral persons, which is not based on this higher worth. Regarding the fact of vulnerability as valuable might seem counterintuitive as vulnerability has traditionally been regarded as bad. However, in recent years theorists have correctly argued that while certain kinds of vulnerability are harmful and unjust, vulnerability is not only a pervasive and inescapable aspect of the human condition but also conducive to and constitutive of many goods, including autonomy and personal relationships (Mackenzie 2014, chap. 1).

In this paper, I argue that a vulnerability-inspired account of moral equality should understand the grounds of moral equality in relational terms: the basis of equality is not to be regarded as inherent in persons, but as abroad in the web of relationships among individuals (Bird 2013). In thinking about moral equality in relational terms, unlike Sangiovanni I do not pursue a negative conception of moral equality, which starts from the wrongness of inequality and conceive of vulnerability only in connection with potential attacks to one’s sense of self. While acknowledging this dimension of vulnerability, I emphasise that the fact of vulnerability is constitutive of a number of valuable relationships which are made possible if and when we treat each other as equals. Such relationships are not limited, as Arendt suggests, to the political sphere, but extend to the moral realm and encompass relationships of love and care and mutual respect. The value of these relationships, together with the harms of inequality, is what justifies our commitment to moral equality.

References


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*Against genetic preformationism and its ethical entailments: A philosophical approach to biological commitments*

Keywords: Bioethics; Genetic preformationism; Biological determinism; Extended Synthesis.

Full paper: [https://drive.google.com/file/d/1KseCyc9gCx8qXqybzeunRVV53L7wd4EyH/view?usp=sharing](https://drive.google.com/file/d/1KseCyc9gCx8qXqybzeunRVV53L7wd4EyH/view?usp=sharing)

**Synopsis:**
This essay aims to attack a usual account of biological explanation involved in ethical, political and social discussions. Framed on current philosophical and theoretical controversies in biology, we will claim that the adoption of a mistaken biological stance has been used to defend ideas beyond biology and with social, ethical and political commitments. We reject both the biological stance and its application to social domains as a consequence of its current scientific Implausibility. We will pursue a critical analysis of misuses and abuses of a particular biological discourse, namely, genetic preformationism.

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*Manipulation and Practical Reason*

Keywords: Manipulation; Practical Reason; Lying; Persuasion; Coercion.

**Synopsis:**
Manipulation has been dominating the news in recent years. Hotly debated issues, such as how we should regulate social media propaganda or whether governments are allowed to adopt nudging policies, have made the questions of what counts as a manipulative behaviour, and of what is wrong with such behaviour (when something is wrong with it), increasingly pressing.

Surprisingly, however, the notion of manipulation has received little attention in the philosophical debate. Philosophers have written extensively about coercion, lies and deception, but remarkably little about manipulation. This might be because manipulation is hard to pin down as an independent moral phenomenon. Some instances of manipulation do, after all, involve using deception or coercive techniques. Still, manipulation is importantly different both from deception and from coercion. Thus, the challenge for an account of manipulation is to identify the central features of a complex phenomenon that incorporates elements of deception and coercion, but that cannot be reduced to either of these notions.

To meet this challenge, a plausible starting point is the idea that manipulating someone involves intentionally causing them to fail to exercise their practical agency as they should if they were to deliberate as well-functioning autonomous agents. If so, an account of manipulation will have to rely on an account of what it takes to exercise our practical agency well qua autonomous agents. My view is that autonomous agents exercise their practical agency well when they appropriately...
respond to the reasons for action that apply to them. I argue that manipulation involves intentionally disrupting this process by interfering with someone’s practical deliberation in one of three ways. In defending this account, I start by defending the view of practical agency that it rests upon. I then show the advantages of my account over its competitors.

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Risky Consensus: Decision-Making Procedures & the Challenger Disaster

Keywords: Apparent consensus procedure; no-objection proceedings; Space Shuttle Challenger; epistemic opacity; engineering ethics

Full paper: please email the author for a copy.

Synopsis:
The decision-making process that led up to the explosion of NASA’s Challenger Space Shuttle has long puzzled members of both the scientific and non-scientific communities. Recent work in epistemology can help to resolve this puzzle. Examining the literature on disagreement and consensus provides insight into how changes to the decision-making procedures utilized by NASA and contractor Morton Thiokol altered the situational norms and thereby the expectations of those involved in the pre-launch discussions. In particular, the adoption of no-objection or apparent consensus proceedings served to obscure considerable disagreement and inductive risk. Analyzing the events leading up to the explosion of the Challenger highlights the undeniable impact that a change in decision-making procedures had and shows how easily such factors can be overlooked. This yields a more complete understanding of what led to the disastrous decision to launch the Challenger and demonstrates that apparent consensus proceedings can conceal even substantial dissent. This, in turn, illustrates why identifying the ethical implications and potential abuses of apparent consensus proceedings is crucial for good scientific and corporate practice.

Abstract:
The decision-making process that led up to the explosion of NASA’s Challenger Space Shuttle has long puzzled members of both the scientific and non-scientific communities, despite a large body of literature exploring the various aspects. Yet recent work in the epistemology of consensus and disagreement can be utilized to develop a new insight regarding the events and resulting disaster and develop better guidelines for engineers and managers. In a recent paper, John Beatty highlights the ways in which no-objection or apparent consensus proceedings can result in decisions that mask disagreement. Beatty’s work provides us with an understanding of what might be lost in the process as groups or collectives use this approach as they work to reach agreement.

This paper illustrates the important and overlooked role that apparent consensus proceedings had on the decision to launch the Challenger. Using the literature on apparent consensus proceedings, I will show how an understanding of apparent consensus proceedings and the corresponding changes in social norms sheds light on the events that led up to the launch of the Challenger. Here we will see how procedural changes encouraged silence and obscured both the nature and extent of the dissent, thus allowing its ongoing existence and significance to be undervalued, and ultimately dismissed.

While some instances of obscured disagreement are relatively minor, the case of the Space Shuttle Challenger shows us that this approach can obscure substantial dissent as well. In the case of the Challenger disaster, the engineers who worked on the O-ring project for NASA
contractor Morton Thoikol voiced significant concerns in advance of the launch and ultimately advocated against launching. Yet the Challenger was cleared for launch by NASA. In hindsight, many of these engineers wondered whether they had really done all that they could have done to stop the launch. Some, like Bob Eberling, lived with a profound sense of guilt for the rest of their lives, despite having felt at the time, that they had done everything they needed to do. Although their dissent was brought to light by the ensuing investigation, neither that investigation nor the subsequent case study analyses have been able to provide a full account of the decision to launch or the lack of further action on the part of the engineers.

To gain an initial understanding of how this occurred, it is necessary to recognize the significance of the differences between typical voting procedures and procedures based on apparent consensus or lack of objection. Each is predicated on fundamentally different assumptions. In the case of apparent consensus proceedings, there is an underlying assumption that a consensus exists, thus the default position is agreement. Here any lobbying that takes place is one-sided: the burden of proof is on those who object to the particular proposal at hand. While those who agree are not required to explain their reasoning, any objections to the proposal are expected to be accompanied by an explanation for the disagreement. Despite this rather loaded expectation, silence is taken to indicate agreement or at least acquiescence. In contrast, typical voting procedures are not set up to prioritize a particular outcome. Both sides need to present argumentation and evidence. It is appropriate for individuals to express their positions (within the debate stage and during the decision phase) without providing additional evidence or new rationale. Neither position is treated as a default position. Instead, positions are presented, lobbying for either position may take place during the debate phase, and a vote takes place requiring each individual's active assent, denial, or abstention. While a yes/no voting procedure may not be a completely neutral procedure (e.g. it may or may not count abstentions), it maintains a more even playing field than no-objection proceedings. In contrast, apparent consensus proceedings are less neutral because they (1) set agreement or consensus as a norm and (2) give preference to the proposed conclusion.

Applying further insights from the literature on apparent consensus decision-making, we can identify how the use of this approach altered the social norms in play during the decision process. In the case of the Challenger Space Shuttle, the social norms accompanying apparent consensus proceedings served to obscure the ongoing nature and degree of disagreement (even between fellow engineers). In addition, these norms undermined the epistemic expertise of the engineers and changed the burden of proof, thereby allowing NASA and Morton Thiokol executives to downgrade and downplay the nature and degree of risk. But perhaps most detrimental to the outcome, the use of an apparent consensus approach turned any further expression of disagreement by the engineers in attendance into a violation of social and epistemic norms.

Thus, the events preceding the Challenger disaster resulted in a complete reversal of Morton Thoikol's original no-launch recommendation. During the course of a single day, what started off as an unanimous recommendation not to launch was exchanged for what appeared to be an equally unanimous recommendation in favor of launching. The use of no-objection proceedings meant that even dire warnings voiced by multiple individuals were ignored. The mechanisms in place resulted in a disastrous conclusion, not only because they prioritized consensus, but because they prioritized a consensus that did not exist. Although no-objection proceedings are able to accommodate minor revisions or minor content changes without prejudice, they are not able to accommodate major changes or revisions.

Using the decision to launch the Space Shuttle Challenger as an example, I show how apparent consensus proceedings can hide significant dissent and decrease awareness of inductive risk. An awareness of the social norms in play during apparent consensus proceedings allows us to finally gain a more complete understanding of what led up to the decision to launch the
Challenger. While subtle and easy to miss, this illustration shows the undeniable impact that apparent consensus proceedings can have. Analyzing this case provides us with the tools we need to begin to develop guidelines that can be used to determine whether (or when) apparent consensus is an appropriate tool and what safeguards need to be in place. Here I outline an initial set of five guidelines designed to identify factors that help to determine the appropriateness (or inappropriateness!) of apparent consensus proceedings as well as making recommendations regarding reasonable safety mechanisms. I advocate for the identification of the pitfalls and potential abuses of apparent consensus proceedings and conclude that this is crucial, not only for the sake of historical accuracy, but also in order to prevent future disasters.

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*Higher Education and the Ethos of Egalitarian Justice*

**Keywords:** higher education, ethos, justice, egalitarianism

**Synopsis:**
Lots of people think that institutions of higher education can promote justice. But, in circumstances of injustice, the conventional routes by way of which we think of colleges and universities promoting justice are inadequate to that end. Because students have enjoyed such unequal opportunities to acquire “merit” prior to the moment of competing for a spot in a college or university, and because access to higher education outfits them with still more life opportunities, no system of enrollment management that undertakes to track any form of merit can meaningfully promote justice. This is true even if we incorporate background or identity considerations as elements of merit, and even if our procedures are executed perfectly. Meritocratic admissions practices will preserve a system that still disproportionally advantages the already advantaged.

My paper suggests that institutions of higher education might do more to promote justice by propagating an ethos of egalitarian justice through instructional and extra-curricular practices. It then raises and answers an important question: Is the proposal to propagate an ethos of egalitarian justice in higher ed objectionable on grounds of indoctrination? I use the resources of Rawlsian political liberalism to argue that we can propagate an ethos of egalitarian justice without being objectionably indoctrinatory, provided that the ethos in question is one supportable by a certain sort of reason that political liberalism favors. These are reasons derived from the very valuable commitments that constrain the space of reasonable political conceptions of justice. Those values most famously call for protection of the basic liberties, but from that protection we can derive a distributive commitment, which can inform a robust ethos of egalitarian justice that we legitimately may aim to instill through educational institutions.

**Abstract:**
Lots of people think—or talk as though they think—that institutions of higher education can help a society to realize distributive justice. Unfortunately, in circumstances of injustice, the conventional routes by way of which we think colleges and universities can promote justice turn out to be inadequate to that end. Given injustice in other spheres of society, in order for institutions of higher education to play a meaningful role in nudging us toward a more just society, those institutions must do more than they would need to do merely to play their role in
maintaining justice once achieved. That is, they must do more than award access on the basis of merit and prepare students to perform well in the positions they’ll subsequently occupy.

I’ve argued for that conclusion elsewhere, but the case for it is simple enough to rehearse it here briefly: Given that students have vastly unequal opportunities to become meritorious, even perfectly meritocratic selection procedures for scarce positions subsequent to primary education do not meaningfully promote the extent to which equal opportunity prevails in society broadly. Indeed, when those scarce positions are themselves a gateway to still further advantage, perfectly meritocratic procedures will serve only to exacerbate inequalities that are impugned by egalitarian principles of justice. And this is true even if we think that “perfectly meritocratic procedures” means meritocratic procedures that incorporate some consideration of students’ background or identity and the contributions to the learning community that these position certain students to make. To meaningfully promote justice, we must do something more.

The argument relies on two premises: first, that injustice in other spheres of society means that developed merit is unfairly distributed; second, that higher education serves as a gateway to still further advantages. Few would deny the second premise. As for the first, we need only notice that social class background heavily influences one’s achievement in primary and secondary education, which in turn largely influences one’s prospects for successfully securing admission to, and persisting in, higher education. As a result, selective colleges and universities disproportionally educate already advantaged students. “Merit” at the point of higher education admission is developed merit, and students enjoy vastly unequal opportunities to develop merit.

If unequal opportunity to develop merit means that each cohort is comprised disproportionally of students who have enjoyed unfairly large shares of opportunities to become meritorious, then the standard arsenal of policy tools like meritocratic or affirmative admissions and retention practices can do little more than lessen the extent to which institutions of higher education exacerbate injustice in the social structure broadly. Those of us who still want to believe that higher education policy and practice can play a meaningful role in promoting a just institutional arrangement need to look beyond enrollment management altogether. I’ve proposed that we use the curricular and extracurricular experience of higher education to promote a culture of justice among our students. Attending college—and in particular, attending an elite, selective college—confers advantages that we cannot in good faith regard as wholly earned by those who enjoy them. If that’s right, then minimally, we should use the educational experience to challenge the notion that higher education is legitimately treated as principally a means of self-enhancement.

But a worry arises immediately for this proposal: As I’ll show, promoting a culture of justice means inculcating in individual students certain substantive commitments of justice. Doesn’t an attempt to influence students’ beliefs and values in this way constitute objectionable indoctrination? The paper I’m hoping to give at SAP is given to arguing that it does not.

Or, to be more precise, I argue that there is a type of egalitarian ethos that we can propagate in higher education, through our teaching and through reforms to institutional culture, that does not constitute objectionable discrimination. I use the framework of Rawlsian political liberalism in developing the argument. In a liberal democratic society, we will disagree about many things, including about the demands of justice. Political liberalism has it that we can preserve mutual civic respect among citizens, despite this persistent disagreement, by preserving justificatory community: By intruding politically into one another’s lives only in ways that can be justified to all on the basis of reasons that can be recognized as reasons by all reasonable citizens.

On my gloss on political liberalism, such shareable reasons fall into two importantly different buckets. First, there are the reasons that we share—or regard as shareable—because they are part of citizens’ overlapping consensus on a particular political conception of justice. An overlapping consensus occurs when diverse citizens can support a single political conception of justice, each from within her own more comprehensive conception of value. So, for example, both
the atheist and the religious fundamentalist may agree on a conception of justice in which social
institutions should be arranged to optimize the life prospects of those citizens whose prospects
are worst. The atheist and the religious fundamentalist will each have her own reasons for
supporting such a conception of justice, but each cares that the other can support it on her own
terms. In this case (and assuming the consensus generalizes to all reasonable citizens), we can
regard the reasons sourced by that political conception of justice as shareable and invoke them to
justify political action, consistent with preserving justificatory community and thus mutual
respect.

Now, in circumstances of injustice, we will often lack an overlapping consensus on a political
conception of justice, or we’ll have an overlapping consensus over such a thin set of values that it
provides little action guidance. It’s for this reason that I think the second bucket of shared reasons
is so important, especially in circumstances of injustice.

The second bucket of shared reasons includes those that I will call mandatory shared reasons. In
Rawlsian terms, mandatory shared reasons derive from the value commitments that inform the
concept of reasonableness. To be reasonable, any political conception of justice must: 1.) specify
and protect certain rights, liberties, and opportunities; 2.) afford a special priority to those rights,
liberties, and opportunities, especially with respect to claims of the general good; and 3.) ensure
for all citizens adequate all-purpose means to make effective use of those rights, liberties and
opportunities. These reasons are derivable from the fundamental value commitment that rests at
the foundation of the entire enterprise of political liberalism: the commitment to arranging social
cooperation on terms of mutual respect among free and equal citizens. Often people associate
political liberalism with a kind of value-neutrality, and that is right in one sense: A certain sort of
value neutrality is called for on the basis of the fundamental commitment to social cooperation on
terms of mutual respect among free and equal citizens. But political liberalism does not undertake
to do without value at the theoretical level; rather, it builds a framework for political judgment
and justification atop the minimal value commitment just rehearsed, which all reasonable citizens
in the justificatory community are taken to embrace. After briefly rehearsing the argument from
previous work to motivate it, the current project introduces this distinction between overlapping
consensus shared reasons and mandatory shared reasons and explains why the distinction
matters so much to the viability of political liberalism and in particular to its ability to provide
meaningful action guidance in circumstances of injustice.

Because the mandatory shared reasons constrain the space within which any set of overlapping
consensus shared reasons operate as reasons, we know they will operate as legitimate bases of
public justification under any reasonable political conception of justice. The third and final section
of the paper applies this theoretical work to the guiding question of the paper: Is it objectionably
indoctrinatory to propagate an egalitarian ethos of justice through institutions of higher
education? I’ll argue that because mandatory shared reasons are always operant within the
framework of political liberalism, whatever political conception of justice is meant to order
institutions and even if none does, we have license to invoke those reasons now, in circumstances
in injustice. We can act on them; and crucially, we can encourage them to be shared. Insofar as an
egalitarian ethos of justice can be derived from such mandatory shared reasons, then, it is not
objectionably indoctrinatory for us to propagate that ethos through instructional and
extracurricular practice in higher education. I’ll argue that a robust and demanding egalitarian
ethos of justice can be derived from the third Rawlsian condition for reasonableness: that we
ensure for all citizens adequate all purpose means to make effective use of their basic liberties
and opportunities. At least as long as this condition is insecure, it is not objectionably
indoctrinatory to discourage students from thinking of their higher educational experience as a
means primarily to their own personal enrichment.
Though I use the argument to defend the permissibility of encouraging certain value commitments among students in higher education, I conclude by briefly considering how the argument extends to questions of curriculum and culture among younger students.

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Against the Secret Ballot

Keywords: democracy; secret ballot; open voting; coercion

Recording:
Full paper: https://royalholloway.academia.edu/JonathanSeglow/Drafts

Synopsis:
The secret ballot is often seen as a centrepiece of democratic elections, helping guarantee they are free, fair and that votes reflect citizens’ genuine preferences. However, J. S. Mill and a few contemporary writers have argued that open voting could augment public deliberation. Against it, are considerations of corruption, civic shame (at inability to defend one’s voting choice) and democratic distortion (voting in socially acceptable ways). Bypassing the aspirations of public deliberation, I argue that voters’ knowledge of each other’s electoral preferences is an integral part of the democratic ideal. Building on the assumption that coercive power of democratic states is authorised by the people and exercised in their name, I claim is that a necessary condition of the justifiability of coercive power is that it’s addressed to those subject to it: the coerced can then in principle address their coercers back. With open voting, voters know in principle how each of them proposed to shape the law to which all are subject: they enjoy mutual minimal answerability. While avoiding corruption, civic shame and democratic distortions favour retaining the secret ballot for the time being, I conclude that the objectionable features of actually existing democracies do not detract from the cogency of open voting as a constituent of the democratic ideal.

Abstract:
The secret ballot is often seen as a centrepiece of democratic elections, a measure which helps guarantee that they are free, fair and that votes reflect citizens’ autonomous preferences. Introduced in Britain in 1872, the secret ballot was a controversial reform, however; private voting was seen as insincere, furtive, and deceitful. In his Considerations on Representative Government, J. S. Mill maintained that voting is a trust, not a private right, and voters have a duty to consider the public interest, not their own advantage. Like other public duties, voting should be public in order to encourage public-spiritedness and a sense of civic obligation.

Some contemporary theorists have similarly argued that open voting could augment public deliberation on political questions. Thus Brennan and Pettit (1990) argue that, were voting conducted in the open, citizens would be more likely to give publicly defensible reasons for their voting preferences. Three sets of considerations suggest scepticism towards such optimism. First, there is democratic corruption: votes could be bought or offered for sale, and voters could more easily be threatened, intimidated or manipulated. Second, there is the civic shame some voters would experience if they lacked the political knowledge and deliberative capacity to defend their voting choices; open voting could compound status inequalities. Relatedly, third, there is democratic distortion: open voting could depress electoral turnout, and encourage group
conformity and voter heteronomy if individuals’ votes reflected positions they consider socially acceptable, not their authentic views. Open voting could also breed polarised confrontation, not deliberation, between opposed groups.

In this paper I argue against the secret ballot as part of the democratic ideal. A few preliminary distinctions help motivate the argument. First, I distinguish between public voting and the more moderate principle of registered voting where voting is private as now, but a public register is maintained of citizens’ votes. Second, unlike Mill, I distinguish between the normative status of voting as a public act and voters’ motives which may be self- or public-interested. Third, I distinguish between the possible consequences for public deliberation of registered or open voting, and the normative constituents of democracy as such (assuming we have non-instrumental reasons to value it). My argument for registered voting hinges only on the normative status of voting as a constituent of democracy; and the desirability, not probability, of publicly defensible reasons for voting choice.

I assume that the state subjects those living under it to legitimate coercive power which pervasively affects their basic interests with very high exit costs. The key claim of the argument is that a necessary (but not of course sufficient) condition of the justifiability of coercive power is that it is addressed to those subject to it. Besides its addressee, the individual facing coercive sanction, justified coercion ought morally to have an addressor: the agent wielding that sanction. An addressor means that coerced persons can in principle raise a claim about the justifiability of coercion, its nature, moral bases, affect on their interests and so on. Without one, coerced individuals are subject to anonymous forces; their freedom constrained in ways they lack the means to interrogate. Absent addressors, coerced individuals will inhabit a political world inaccessible to them; they will suffer from political alienation. I call this the coercion address demand.

The democratic version of the coercion address demand involves the claim that, while it’s states which exercise coercion, democratic states do so guided by the people and hence in their name. The argument turns on three analytically distinct moments of voting in a representative democracy. First, voting involves the notion of authorisation: through voting an individual accepts that the coercive authority of the state is reasonably acceptable to her and that she will comply with its directives regardless of who wins the election. Authorisation needn’t imply that voting itself confers authority on the political system; only that citizens endorse the basis for that authority whatever it is. Second, voting involves authoring, the actual causal influence that a voter exerts on which candidate assumes power at election time. People vote to have a say over parties and candidates, not simply to express their views. Third, voting involves anchoring: a voter’s declaration of the values and ideals she believes should set the principled basis for government law and policy. Anchoring relies upon a conception of democracy where elected representatives are neither trustees for citizens’ interests they have liberty to interpret, nor delegates mandated by citizens, but something in between. Voters set broad normative terms to guide representatives in their deliberations on law and policy; they seek to anchor them to certain norms and values, ones they may discuss informally with associates and in light of which they seek to hold governments to account.

The conjunction of authoring and anchoring means that, through voting, citizens are proposing to each other for public adoption the basic normative terms for state action on public matters which affect all their interests. Given that, through their vote, citizens also authorise the state’s coercive power, the coercion address demand implies that, in the case of democratic political rule, each citizen who ex hypothesi accepts the authority of the state is entitled to know how her fellow citizens propose to anchor their elected representatives. It’s not sufficient that citizens know, in general, that their fellow citizens are those who vote in governments because the particular laws and policies a particular introduces, backed by coercive sanctions, depends upon their voting choices. Only when the specific way each citizen addresses her fellow citizens through voting is
known, can each citizen reasonably regard herself as an addressee, one to whom a specific normative view of the basis of state action is directed. Only then can each citizen be at home with her fellow citizens in their democratic political world, not alienated from it. (I defend the implication that citizens are alienated in this way in contemporary liberal democracies). Because we don’t know who forms the government prior to an election, and having one’s vote revealed renders one vulnerable to fellow citizens, I maintain that a principle of fairness supports revealing the choices of all voters, not just those who supported the government in power.

Registered voting makes each citizens’ vote open to inspection by every other citizen. With this accessibility, citizens enjoy mutual minimal answerability to and from each other: each could in principle approach any other citizen and ask them to account for how she voted. The value of the democratic ideal suggests it is normatively desirable for citizens to be ready to explain her voting to others but, I maintain, considerations of personal autonomy mean no citizen has a duty to do so. Nonetheless, citizens have second-order civic duties to construct political arrangements in which they are more ready to explain their views: to improve citizens’ deliberative capacities and other measures to combat civic shame.

The democratic coercion address demand is compatible with different conceptions of democracy’s value and hence part of the democratic ideal as such. Democracy may be grounded in an ideal of autonomy or self-determination; values best respected when each has a say on public matters. The claim is consistent with this, but the only assumption about autonomy it makes is that voters choose ideals and values which are their own. Democracy is also sometime justified on epistemic grounds: it maximises the chances of state action being normatively defensible if each person has a say in determining it, but the democratic address demand need not assume that popularly made decisions are more defensible than those made by an expert minority. Democracy is sometimes thought to rest on the principle that, given pervasive normative disagreement, the state’s authority to coerce is only legitimate if all citizens have a say over the state, but the democratic address demand needn’t imply that it’s uniquely coercion-plus-disagreement which justifies democracy. It implies only that coercion involves a right to know one’s coercer. Finally, democracy is sometimes defended through the value of citizens relating to one another as equals, none civilly subordinate to any other. The democratic address demand does assume that to be at home in the political world no citizen should enjoy superior political authority to others; but it needn’t assume that those ongoing relations of social equality, which help prevent alienation, must also justify democracy.

In today’s liberal democracies, considerations of democratic corruption, civic shame; and democratic distortion favour retaining the secret ballot for the time being. Besides the moral objections to democratic corruption, there are reasons of justice to address the sources of civic shame. The democratic distortion objection essentially claims that voters are not sufficiently autonomous to choose between candidates if their votes were known. It is integral to democracy, however, that each voter is genuinely autonomous; helping engineer the basis of citizen’s autonomy is closely connected to alleviating civic shame. Hence, I conclude, the objectionable features of actually existing democracies do not detract from the cogency of registered voting as a plausible constituent of the democratic ideal.

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The Standing to Forgive

Keywords: Forgiveness, Standing, Blame, Moral responsibility

Synopsis:
In this paper I argue that third parties do not have standing to forgive. I present recent arguments in favor of third-party forgiveness and divide them into two camps: One focuses on the nature of forgiveness and attempts to show that the nature of forgiveness is compatible with third party standing to forgive, while the other argues for third party standing to forgive based on the moral reasons we have in favor of it. I discard the arguments for the moral propriety of third party forgiveness because they are secondary to arguments based on the nature of forgiveness.

I continue by arguing that what has become known as the standard account of forgiveness does not exclude the possibility of third party forgiveness. The standard account of forgiveness tells us that forgiveness is overcoming resentment for the right reasons. Importantly however, I argue that this is not enough to explain what forgiveness is. The standard account is not able to explain how forgiveness can be voluntary. I examine another option: forgiveness as a speech act, but conclude that this account too is missing something. It is missing the psychological aspect of an act of forgiving.

To meet the challenges facing the standard account I develop a new account of forgiveness. I argue that forgiveness is the decision to absorb the cost of the wrongdoing and that this decision usually is expressed through a speech act through which the forgiver commits not to express blame towards the wrongdoer in the future. On this account overcoming resentment is not a necessary condition, and forgiveness is voluntary. I conclude that third parties lack the standing to forgive because only the victim can absorb the cost of the wrongdoing and only the victim has the authority to perform the speech act.

Abstract:
It is uncontroversial that third parties blame wrongdoers for actions that are not directed at them, and that (absent special circumstances) third party blame can be both fitting and appropriate. If forgiveness is the best indicator that someone has ceased to blame, it seems intuitively right that third parties should be able to forgive wrongdoers as well. This intuition is also manifested in everyday speech: â€œI will never forgive B for what they did to A,â€ or â€œI have finally forgiven B for what they did to A.â€ Further, we think that it can be important for the third party to get over their blaming emotions, and for the repentant wrongdoer to be forgiven so they can go on with their life.

However, we seem to have just as strong intuitions against the possibility of third-party forgiveness (3PF), and the majority view in the philosophical literature says that forgiveness is the prerogative of the victim (Murphy 1988, Owens 2012, Zaragoza 2012, Walker 2013). 3PF can be seen as disrespecting the victim’s right to decide whether or not to forgive their perpetrator. Further, the emotional response the victim has towards the wrongdoer is her emotional response, and she is the only one that can overcome it (Govier and Verwoerd 2002). Recent contributions to the debate have challenged the majority view and presented arguments in favor of 3PF (Pettigrove 2009, MacLachlan 2008, Norlock 2009, Chaplin 2019). This paper addresses these recent contributions and argues to the contrary that 3PF is impossible because the very nature of
forgiveness makes it the prerogative of the victim. In other words, only the victim has standing to forgive.

I start with some clarifications about how to understand ‘third party’ and ‘standing’. Govier and Verwoerd (2017) suggest that we can solve the standing problem by expanding on the victim pool so as to include third parties as secondary victims. I accept their expansion but argue that this does not solve the problem of 3PF. When a third party forgives, they are either forgiving the wrongdoer for the damaged they have themselves suffered as a result of the suffering of the primary victim, in which case they have standing in virtue of being secondary victims, or they are forgiving in addition to, or despite of the victim’s forgiveness or lack thereof. It is the latter form of 3PF that causes problems, and expanding on the victim pool does not dissolve them.

In relation to forgiveness, ‘standing’ can be understood in two different ways. Either as right to forgive, or as requisite authority to forgive. If we understand standing as a right to forgive, lack of standing only makes forgiveness morally objectionable. But if we understand standing as requisite authority, lack of standing makes forgiveness impossible. Just as you cannot sue someone if you don’t have standing to file suit (Sabini and Silver 1982), or perform a declarative speech act without requisite authority (Warmke 2016), you cannot forgive if you lack standing. I argue that the recent arguments in favor of third party forgiveness can be divide into two camps that correspond to the two ways of understanding ‘standing’. They argue, either that third party standing is morally permissible, i.e. third parties have standing to forgive in the sense that they have a right to forgive. Or, they attempt to show that there is nothing about the nature of forgiveness that deprives third parties of their authority to forgive and that 3PF therefore is possible. I agree that the question of permissibility is important, but argue that the question of whether 3PF is possible is of primary interest. In other words, we want to know what we are determining the permissibility of. Is it in fact 3PF, or is it something else?

Having determined the scope of the problem at hand, I go on to examine the nature of forgiveness to see if it excludes the possibility of 3PF. What has become known as the standard account of forgiveness (Murphy 2003, Darwall 2006, Griswold 2007, Milam 2019) tells us that forgiveness is overcoming resentment (or blame) for the right reasons. This account does not exclude the possibility of 3PF because third parties can overcome blame for the same reasons victims can overcome blame. Importantly however, I argue that the standard account is not able to explain how forgiveness can be voluntary (Warmke 2015). I examine another option: forgiveness as a speech act (Pettigrove 2012, Warmke 2016), but conclude that this account too is missing something. It is missing the psychological aspect of an act of forgiving.

To solve the problem of how forgiveness can be voluntary, I argue, we must give up the necessary condition of overcoming resentment proposed by the standard account. Further, I argue that what we do when we forgive is absorb the cost of the wrongdoing (Hieronymi 2001:550), and deciding not to hold it against the wrongdoer anymore (Nelkin 2013). Absorbing the cost is a necessary psychological element of forgiving because serious moral wrongdoing affects the victim in a way that repentance alone cannot repair (Hieronymi 2001). The decision to absorb the cost is a voluntary action, and it does not depend on the overcoming of resentment. We can forgive and still feel resentment, but in forgiving we perform a declarative speech act through which we commit ourselves not to act on, or express this resentment (Warmke 2016). We do however make this decision for a reason, and the right reason to do so is the wrongdoer’s repentance, or change of heart (Allais 2008, Milam 2019). Third parties also have this reason to forgive. However, they lack the standing to do so: In virtue of not being victims, they cannot decide to absorb the cost of the wrongdoing because the wrongdoing had no cost for them. Furthermore, third parties do not have standing to perform the declarative speech act through which one commits not to express blame in the future.
On the account I propose forgiveness has two elements that cannot be performed by a third party: the decision to absorb the cost, and the speech act that commits one not to express resentment. Importantly, however, this does not bar third parties from overcoming blame. Third parties can cease to blame for a number of reasons, but, I argue, ceasing to blame is not the same as forgiveness.

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Are there rule of rescue obligations in healthcare allocation?

Keywords: Rule of rescue; Identifiability; Prioritarianism; Fair innings; Death; NICE; End of life premium; Healthcare allocation

Full paper: https://www.academia.edu/36897526/Are_there_rule_of_rescue_obligations_in_healthcare_allocation

Synopsis:
I offer various principles to explain our intuitive obligation to rescue people from imminent death at great cost. I reject the most popular account of our rule of rescue obligations in terms of the identifiability of the prospective victims. However, I explain the seeming importance of identifiability in terms of its connection with risk. I argue that intuitively, we are obliged to prioritise life-extending interventions for people who face a high risk of an early death. I explain this with an egalitarianism or prioritarianism of overall life expectancy (or lifetime opportunity for welfare). Intuitively, all else being equal, we must prioritise life-extending interventions for people expected to die young.

However, this doesn't explain why we would rescue miners stuck down a mine even if they are elderly. We are averse to letting people die suddenly. I offer some explanations. For one there is value in having time to sort out our affairs before death, since we have an interest in some things that will happen after our death. There is also value in reconciling ourselves to our death and saying our goodbyes to friends and family. These actions can give a certain kind of narrative structure to our lives; they are a way of putting a proper full stop on our lives, and rescue intuitions are a recognition of this.

I draw out various consequences of this account. For example, I examine NICE's end of life premium. NICE defines who benefits in terms of how long a patient can expect to live at the time of the treatment decision. I argue that the timings should be specified in terms of time from diagnosis. My principle also implies that priority should go to heart attack prevention rather than preventing slow growth cancers which get detected early, other things being equal.

Abstract:

I consider whether a "rule of rescue" obligation is ever applicable in healthcare allocation. By this I mean (roughly) an obligation to help an individual whose life is imminently at risk, where the intervention is relatively costly and therefore does not maximise the expected benefit we can produce with the resources at our disposal. Outside healthcare, such an obligation sometimes seems applicable. For example, consider the Chilean government's 2010 rescue of the miners stuck down the Copiapó mine, or the Australian government's 1997 rescue of the lone yachtsman Tony Bullimore, lost in the southern ocean after his boat had capsized. In such cases, there is evidence that the public strongly supports the interventions even though they are relatively...
expensive given the benefits (eg as measured in terms of life years gained compared with money spent). Healthcare policy debates also sometimes seem to be driven by rule of rescue intuitions. There is a public outcry when expensive life-extending drugs are refused funding on grounds of poor cost-effectiveness (ie the cash could produce more benefit elsewhere). The well-known case of the Oregon healthcare plan of the early 1990s illustrates similar intuitions at work: a systematic basis for budget allocations was rejected on the grounds that it did not give sufficient priority to patients facing imminent death. Finally, most healthcare systems spend a lot on saving lives in accident and emergency departments, even though the cost/benefit ratio tends to be unfavourable compared with other areas of healthcare.

I here investigate whether our rule of rescue intuitions can be vindicated. I argue they can be explained in terms of a plurality of considerations, which together have intuitively satisfying implications for the cases which trigger such intuitions. This has various implications for healthcare policy, particularly in relation to life-extending treatments.

After clarifying some ambiguities in the rule of rescue debate, I start the investigation proper by considering the most popular account of our rule of rescue obligations in terms of the identifiability of the prospective victims (for example, the prospective rescuer knows that a particular person is going to die). However, I argue that none of the extant attempts to defend principles based on identifiability have succeeded. In addition, there are clear counterexamples to the principles that have been proposed. For example, in the UK, I consider the case of Individual Funding Request panels, which examine special requests for funding from patients who do not fit a standard care pathway. It would seem very unfair if such a panel applied more relaxed criteria just because patients were more identifiable to them than other patients.

However, identifiability is closely associated with another feature, involving the distribution of risk, and this is more defensible as a morally relevant feature. Specifically, our behaviour in many rule of rescue cases can be explained in terms of an intuitive obligation to prioritise life-extending interventions for people who face a high risk of an early death. I will argue that this intuitive obligation in turn can be explained in terms of a kind of fair innings principle which prioritises life-extending interventions for people expected to die young; for example, to many, it will seem that we have reason to give 5 years to a 40 year-old rather than 6 years to a 70 year-old, even though the older patient gets more benefit in terms of life years. Similarly, perhaps the Chilean miners were rescued because they faced death at an earlier age than their fellow citizens. So perhaps what drives us in some rule of rescue cases is an egalitarianism or prioritarianism of overall life expectancy, or of lifetime opportunity for welfare.

However, although such considerations may often be relevant, they cannot explain all of our rule of rescue intuitions. In particular, they do not explain why we prioritise life-extending treatment for those who are given very little notice of their death rather than those who are given more notice. The Chilean miners would probably have been rescued even if they were elderly. This case and others like it suggest that we are averse to letting people die suddenly. I argue that traditional utility-based accounts cannot explain this (eg accounts in terms of quality-adjusted life years). I therefore offer alternative explanations. For one, I argue that people need a chance to sort out their affairs, because people have an interest in some things that will happen after their death. In addition, sudden death prevents us reconciling ourselves to our death, and saying our goodbyes to friends and family. The explanation I offer is that we want our lives to have a certain kind of narrative structure and so to reach a certain kind of conclusion. For example, many of us would prefer a life in which we suffer and then find happiness to a life in which we have happiness and then suffer. Comparably, perhaps it is rational to strongly prefer to approach death in a certain way, eg reconciling ourselves to it and saying our goodbyes, because such actions are a way of putting a proper full stop on our lives. Rule of rescue intuitions are a recognition of such considerations.
In support of this account, I argue that our rule of rescue intuitions are stronger in cases involving sudden death than in cases involving sudden quality of life impairments. There is relatively little benefit in being warned about an imminent quality of life impairment sooner rather than later, even if the impairment will be serious; whereas in the case of one’s imminent death, it makes a huge difference to be given some warning.

In summary, our rule of rescue intuitions cannot be explained by a single unitary rule of rescue principle. Rather they are explained by a plurality of considerations. In healthcare, these sometimes give us a reason to relax our normal assessment criteria in terms of cost and benefit maximisation. In consequence, the value of an extra month or year depends on the context. An extra month is worth a lot for someone who has just been diagnosed and who is only expected to live a month to live without treatment. But it is worth less for someone is expected to live two years without treatment.

Finally I apply my account of rule of rescue obligations to the end of life premium applied by the UK’s NICE. NICE gives priority to patients who, among other things, have a short life expectancy at the time of need - generally less than 24 months. I propose various ways this condition fall short when seen as an attempt to capture rule of rescue considerations. For example, NICE defines its timings in terms of how long the patient can expect to live as at the time of the treatment decision, whereas my principle implies that the timings should be specified in terms of time from diagnosis.

My account has a number of other consequences. For one, perhaps imminent death is not the only thing that should trigger special measures. Consider illnesses that lead to degeneration of mental capacities, or a coma that lasts the rest of one’s life, such that one could not communicate with one’s family.

In addition, my principle should also be understood as implying priority, not only for those clearly at risk, but also for those who are at non-obviously at risk, where such individuals can be picked up with screening.

Finally, in terms of preventive interventions for healthy patients, my principle implies that the priority should go to heart attack prevention rather than preventing slow growth cancers which get detected early, other things being equal. Heart attacks tend to kill suddenly, whereas a patient who learns early about a slow growth cancer has notice of their death.

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Victim-Blaming

Keywords: victim-blaming; blame; victimhood; norms; ethics

Synopsis:
Victim-blaming is an underexplored topic in philosophy. That the area has been neglected is startling considering the attention it receives in other disciplines and in the popular media. In this paper, I survey what has been said by philosophers so far, particularly highlighting the inability to account for certain advisory statements or warnings as victim-blaming. For instance, in many cases we regard comments such as “you shouldn’t wear such provocative clothing” or “women should not get so drunk on nights out” as victim-blaming, even though they are not directed at individuals and are forward-looking.

Bearing this in mind, I offer an account of victim-blaming behaviour which can accommodate these phenomena. I then consider arguments that take place in public discourse concerning the responsibility of victims, specifically making use of the comments by a UK judge as an example.

Taking the comments of the ‘victim-blamers’, I offer a charitable reconstruction of their position.
demonstrate that even when charitably understood, and even if we accept that they blamers had good intentions when making their utterances, they rely on arguments which either overgeneralise or contain discriminatory (usually sexist) views.

I then present a puzzle, which seems to suggest that the progressive position must either defend a total withholding of blame in certain cases where it appears appropriate, or accept that blaming victims in the paradigmatic victim-blaming cases. I offer a solution to the puzzle, claiming that we can hold people to different standards of conduct in order to protect themselves from different harms.

Finally, I examine prospective instances of victim-blaming attitudes. Some of the victim-blaming considerations may seem to threaten the ability of well-intentioned agents to give advice to those who are vulnerable. Acknowledging this, I offer tentative thoughts regarding factors that may affect whether an utterance has blaming force.

Abstract:
Very little philosophical attention has been devoted to the topic of victim-blaming. This strikes me as independently strange for several reasons. First, given the conceptual confusion that seems to plague the topic in public discussion, it looks like a prime target for philosophical analysis. It seems even more peculiar when we consider the considerable attention the topic receives in other disciplines, like psychology and law. In addition, victim-blaming receiving negligible attention is unusual given the considerable focus on the notion on blame amongst philosophers currently, in moral philosophy and epistemology.

Before starting in full, I offer several instances of people making accusations of victim-blaming which made headlines in the news recently. These include police advising that women jog in groups or without headphones, Donald Trump saying journalists were to blame when they were targeted with pipe bombs and black footballers who have been told they are at fault when receiving racist abuse. I supplement these with paradigmatic victim-blaming utterances.

In this talk, I have three main aims. To:
1. Show that this is an area of research that philosophers can (and should) contribute to.
2. Bring to light some (what I see as) neglected works.
3. Offer an analysis of what victim-blaming is and what makes it wrong to engage in the practice.

I first provide some clarificatory remarks to clarify the background conceptual terrain. One such clarification involves the type of blame. Specifically, I demonstrate that the type of blaming involved in victim-blaming is not (or need not be) a type of moral blame. Rather, it can be seen as a sort of prudential blame. This is noted by Jean Harvey, who notes that “some practices commonly called ‘blaming the victim’ don't blame in the literal sense of ascribing moral fault” (1995, 46). A second clarification concerns the nature of the victim. I opt for a wide notion of victimhood, which can cover anyone who suffers a harm, i.e. even if there is no identifiable victimiser, it can still make sense to view someone as a victim of some harm that befalls them. This diverges slightly with the understanding offered by Kate Manne (2018), though I claim that little relies upon this disagreement. A third clarification is that we should understand victim-blaming as a term of art. For this, I use common accusations of victim-blaming which seem appropriate, but don’t seem to neatly fit the description of literally blaming a victim. Often, accusations of victim-blaming will be made against people who make prospective statements. Rather than performing some linguistic gymnastics to provide a sense that there is a victim who is blamed in such statements, I argue that we should see this as a term of art, but one which captures a morally relevant phenomenon worthy of our attention.
In the second section, I discuss existing research into victim-blaming within philosophy. The main serious examinations of the term come from Patricia Illingworth (1990), Jean Harvey (1995) and Steve Matthews (2014). While each of these captures something important about the concept, they each have significant problems. Jean Harvey offers the most rigorous exploration of the concept. She discusses seven bad-making features of victim-blaming, and six broad categories of victim-blaming scenarios. While Harvey’s analysis is sophisticated, it includes some cases that we typically wouldn’t see as victim-blaming (as in instances where it is denied that any harm actually occurred) and fails to count some cases (such as inappropriate prospective warnings) that we usually accept as victim-blaming. Despite these issues, Harvey’s account is the most successful of the three, and has been unfairly neglected. This is particularly salient in the fact that Matthews does not even cite Harvey when he tackles the subject.

In the third section, I introduce the notion of “victim-blaming apologism”. This is the practice of defending utterances typically classed as victim-blaming, either by claiming that the instances weren’t actually victim-blaming or that victim-blaming was appropriate in that case. As an example of this, I cite a case involving a high-profile judge in the UK, who was accused of victim-blaming after sentencing in a rape trial. The judge, Lindsey Kushner, took time in her closing speech to warn girls not to go out getting very drunk, comparing their conduct to homeowners who leave their doors unlocked and are subsequently burgled. I explore this analogy and the shared features between the cases, before attempting to offer a charitable reconstruction of the victim-blaming apologist’s reasoning.

In one reconstruction (one which many victim-blamers seem to have in mind), it is believed that agents are responsible for a harm that befalls them – and appropriate targets of some form of criticism (blame) – whenever they fail to minimise risks that the specific harm would obtain. While this construction of their position is consistent, it would overgeneralise, because really minimising risks is actually absurdly demanding. For instance, requiring this of people would commit us to holding anyone without a personal army responsible for being assaulted.

A second reconstruction refers specifically to social norms. Under this view, when people violate certain norms that are in place to ensure individuals’ safety, and subsequently suffer the associated harm, they are blameworthy for their imprudence. This method would allow the victim-blamer to get to their conclusions, and would not (obviously) overgeneralise, like the first reconstruction. However, when understood this way, the apologist needs to supplement the argument with a some of the prudential norms they claim are active. This is where this reconstruction appears problematic. I bring out the problems with this position via the burglary analogy. Either the content of the norms is general, but the norms fail to be convincing, or is specific, and appears discriminatory. If a norm requires that *women* do not walk home alone at night, it is a sexist norm (and I argue that we are required not to perpetuate sexist norms). Alternatively, the norm could state that nobody should walk home alone at night, it would not be discriminatory, but it also seems clear that no such norm is in effect. Because those who bear the costs of failing to comply with the norms are overwhelmingly of one group (women), the norm is de facto discriminatory.

Taking into account the problems of the previous accounts of victim-blaming, and the discoveries of the wrongs involved in victim-blaming from the analysis of the victim-blamer’s reasoning, I offer my own account. I claim that this happens when

1) an agent *calls attention to* the behaviour of some person or group, A, in such a way that implies that A has a responsibility to act in a certain way in order to avoid a harm.

2) In fact, A has no such obligation.
This account is able to deal with prospective cases, as well as the paradigmatic instances of victim-blaming discussed at the beginning.

In my final section, I discuss a few potential problems with the account that I have offered. First, it might offer conflicting verdicts about whether a criticism-type is appropriate. For instance, a comment like “she shouldn’t have gotten so drunk” can be victim-blaming in one instance, but not in another. I postulate that the standards of conduct we expect of people differ with regards to certain harms. With regard to the harm to your dignity of embarrassing yourself by singing karaoke badly, I can require you to not get exceptionally drunk. And if you do, I can criticise your behaviour. However, with regard to the harm of being sexually assaulted, I claim that it is inappropriate to require this standard of behaviour. (Furthermore, though I do not argue for it here, I claim that there is no standard of conduct we should require of anyone in order to avoid being the victim of sexual abuse.)

A second criticism I discuss is of advice-giving. If we are in a position where we know that someone we are acquainted with is vulnerable, it does seem appropriate sometimes to advise them to act (or not act) a certain way. Under the account I have provided, it appears that there could be a risk that any such instances of advising would be classed as victim-blaming. However, I claim that the account is able to avoid counting cases of ‘good’ advising, because these will not imply that the agent has an obligation to take the advice. I end by considering various features of an utterance that make it more or less likely to count as victim-blaming. One such feature is the personal relationship between the advisor and advisee. If both are of a marginalised background that is relevant to the harm (because of say, racial prejudice), this will typically seem less like victim-blaming. I claim that his is because it will carry less of an implication that they have a real obligation to act in this way, and more of an acceptance that injustice in the world makes certain precautions prudent.

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*The Epistemic Challenge to Longtermism*

Keywords: longtermism; effective altruism; utilitarianism; uncertainty

Full paper: [https://sites.google.com/view/christiantarsney/research](https://sites.google.com/view/christiantarsney/research)

**Synopsis:**
"Longtermism" holds that what we ought to do is mainly determined by effects of our present choices on the very far future. A natural objection to longtermism is that these effects may be nearly impossible to predict -- perhaps so close to impossible that, despite the astronomical importance of the far future, differences in expected value between our present options are mainly determined by relatively short-term considerations. This paper aims to precisify and evaluate (a version of) this epistemological objection. To that end, I develop a simple model for comparing longtermist and short-termist interventions, incorporating the idea that, as we look further into the future, the effects of any present intervention become progressively harder to predict. The model yields mixed conclusions: If we simply aim to maximize expected value, and don’t mind premising our choices on minuscule probabilities of astronomical payoffs, the case for longtermism looks robust. But some prima facie plausible empirical worldviews support probability distributions over model parameters on which the expectational superiority of longtermist interventions depends heavily on these “Pascalian” probabilities. So the case for longtermism remains strong, but depends to some extent either on plausible but non-obvious empirical claims or on a tolerance for Pascalian fanaticism.
Abstract:

1. Introduction

"Longtermism" is the view that, in most of the choice situations facing present-day agents, what one subjectively ought to do is mainly determined by potential effects on the far future. The case for longtermism is motivated by the potential scale of the future: Because human-originating civilization might persist for millions or billions or years, and fill a substantial portion of the accessible universe, changes to the long-run future potentially dwarf changes to the present in terms of their impact on welfare and other moral goods.

But longtermism faces a countervailing challenge: The far future, though very big, is also unpredictable. And just as the scale of the future increases the further ahead we look, so our ability to predict (and predictably influence) the future decreases. The case for longtermism depends not just on the intrinsic importance of the far future but also on our ability to influence it for the better. So we might ask: "Does the importance of humanity's future grow faster than our capacity for predictable influence shrinks?" If our ability to predict the long-term effects of our present choices is poor enough, then even if the far future is overwhelmingly important, the main determinants of what we presently ought to do might lie mainly in the near future.

(Versions of this epistemic worry are frequently raised in academic and non-academic discussions of longtermism, but have not yet been seriously studied.)

2. The model

This paper aims to precisify and evaluate a version of the epistemic challenge to longtermism. To that end, I develop a model for comparing interventions aimed at impacting the long-term future with interventions whose payoff is more immediate. This model incorporates the idea that, as we look further into the future, the effects of any present intervention become progressively harder to predict, by including a rate of "exogenous nullifying events" (ENEs), which negate any further effects of a given intervention.

I don't have space here to give a full formal statement of the model, but I will summarize its most important features.

I assume that an agent is faced with a choice between two options, S and L. S is a short-termist "benchmark" intervention whose expected value lies mainly in the near future. L is a longtermist intervention that aims to positively influence the far future. It’s useful to have a working example on which to focus. So let's suppose that the agent works for a philanthropic organization with a broad remit, and is choosing between two ways of granting $1 million. S would spend the $1 million on direct cash transfers to people in extreme poverty, through an organization like GiveDirectly. L would spend the $1 million on mitigating existential risks to human civilization, say by supporting research on pandemic risks from novel pathogens.

The short-termist benchmark S, I assume, has an expected value that is specified exogenously to the model. In the working example, where S is $1 million in direct cash transfers, EV(S) might be estimated by a standard cost-effectiveness evaluation of the sort produced by charity evaluators like GiveWell. For purposes of the example, I assume that EV(S) is 3000 QALYs, a number closely in line with recent research.

The longtermist option L aims to increase the probability that the world is in some target state T in the far future. In the working example, where L aims to mitigate existential risk, T can be interpreted as something like: "The accessible region of the Universe contains an intelligent civilization."

The model aims to estimate the expected value of L that accrues in the far future. So we designate the boundary between the near future and the far future as t = 0. What distinguishes the "far" future, for our purposes, is our lack of any fine-grained information that might enable detailed
causal models of the effects of our interventions. When thinking about the far future, the model assumes, we may be able to predict some general trend lines (e.g., that the spatial extent of human-originating civilization will increase with time), but cannot predict local fluctuations around those trend lines or other particular events. In the working example, I assume that the boundary between the near and far future is 1000 years from the present (i.e., in the year 3020).

Let $T_t$ designate the event of the world being in the target state $T$ at time $t$, and $\sim T_t$ designate its complement.

We represent the epistemic challenge to longtermism by the presence of "exogenous nullifying events" (ENEs). These come in two flavors:

1. "Negative ENEs" are events, occurring at some time in the far future (i.e., after $t = 0$), that put the world into state $\sim T$. In the context of the working example, where $T$ represents the existence of an intelligent civilization in the accessible universe, a negative ENE is any existential catastrophe that might befall such a civilization: e.g., a self-destructive war, a lethal pathogen or meme, or some cosmic catastrophe like vacuum decay.

2. "Positive ENEs" are events, likewise occurring at some time after $t = 0$, that put the world into state $T$. In the working example, this is any event that might bring a civilization into existence in the accessible universe where none existed previously. The obvious ways this could happen include the evolution of another intelligent species on Earth or somewhere else in the accessible universe (i.e., somewhere in our future light cone), or the arrival of another expanding civilization from outside the accessible universe.

What negative and positive ENEs have in common is that they "nullify" the intended effect of the longtermist intervention. After the first ENE occurs, it no longer matters (at least in expectation) whether the world was in state $T$ at $t = 0$, since the current state of the world no longer depends on its state at $t = 0$. If a negative ENE has occurred, the world will be in state $\sim T$, regardless of what state it was in at $t = 0$. If a positive ENE has occurred, the world will be in state $T$, regardless of what state it was in at $t = 0$. Thus, if the longtermist intervention $L$ succeeds in making a difference by putting the world in state $T$ at $t = 0$, this difference will persist until the first ENE occurs.

Along with the presence of ENEs, the second key assumption of the cubic growth model is that (conditional on survival) human-originating civilization will eventually begin to settle other star systems, and that this process will (on average over the long run) proceed at a constant rate. Further, the model assumes that the expected value of a civilization in state $T$ at time $t$ is proportionate to its resource endowment at $t$, which grows (not necessarily linearly) with the spatial volume it occupies.

The central qualitative features of the model are as follows: (1) The ongoing possibility of ENEs creates a discount factor on the long-term effects of present interventions, which in the simplest case (where the probability of ENEs is constant with time) is exponential. (2) The model assumes that growth in the moral value of human civilization becomes polynomial in the limit, because the conversion of resources to value reaches an upper bound, so that further growth in value can only be driven by further resource acquisition via space settlement.

Though an exponential discount rate must eventually overwhelm a polynomial growth rate, plausible values of the discount rate (i.e., the rate of ENEs) are small enough that the longtermist interventions can nevertheless generate substantial expected value.

3. Results and conclusion

To derive results from the model, I find conservative lower bounds for most of the model parameters (i.e., parameter values unfavorable to longtermism), while considering a range of values of the crucial parameter $r$ that gives the rate of ENEs (i.e., the expected number of ENEs...
per unit time). I find that the longtermist intervention \( L \) has greater expected value than the shorttermist intervention \( S \) iff the rate of ENEs is less than approximately \( 0.000182 \) per year. This is a moderately positive result for longtermism, since it seems plausible that the long-term rate of, e.g., exogenous extinction events for a far future civilization will be well below this threshold. But in contrast to previous analyses (e.g. Bostrom (2013), "Existential risk reduction as a global priority"), the presence of an effective discount rate in my model means that longtermist interventions are no longer guaranteed to produce astronomical expected value. This suggests that the case for longtermism, within a utilitarian or other aggregative consequentialist framework, is moderately robust but not immune from empirical challenge.

I close by exploring the effects of parameter and model uncertainty (including uncertainty about the feasibility of space settlement). I conclude that these uncertainties favor longtermism, since assigning even tiny probabilities to more favorable combinations of parameter values can quickly generate enormous expected value. But insofar as the case for longtermism does rely on tiny probabilities of extreme values, we are left with a decision-theoretic worry about "Pascalian fanaticism", which remains as a challenge for future work.

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A Uniqueness Challenge for Multiple Accounts of Love

Keywords: Love; Relationships;

Synopsis:
Intuitively we take romantic love to be a distinct form of love. We distinguish it from the love that we have for our friends when we say things like “I love you, but not in that way”. It seems reasonable to expect our accounts of love to at least accommodate this intuition, if not explain it.

I focus on four (broadly categorised) accounts of inter-personal (non-familial) love: accounts that take love to be union with the beloved (Union Accounts); accounts that view love as robust concern for the beloved (Robust Concern Accounts); accounts that view love as a form of valuation, either as an appraisal or bestowal of value (Valuation Accounts); and accounts that take love to be either a single emotion, or a complex emotional interdependence with the beloved (Emotion Accounts).

The uniqueness challenge for these accounts is as follows: can they demonstrate that there is a unique form of romantic love? I argue that these accounts, taken in isolation, cannot demonstrate that there is a unique form of romantic love. They either fail to identify a distinctive type of romantic love; or they can only identify a distinctive type of romantic love by appealing to some further aspect of the relationship that the love is found within.

There are two general ways in which an account can show that there is a distinct form of romantic love. The first is to show that the constitutive feature of love (union, robust concern, valuation or emotion) is exclusively a part of romantic love (and not a feature of other types of love). The second is to show that the nature of the constitutive feature is distinct in some way in romantic love. I will show that neither of these ways is open to any of the four accounts considered.

Abstract:
The starting point of this paper is the following question: what is the difference between a romantic relationship and a close friendship? We intuitively make a distinction between these two
relationships – and we can point to paradigm examples of both. Yet, in many ways these two relationships look very similar. They involve similar types of behaviour and emotions. So what is it that marks them apart?

One option is that these two relationships involve distinct forms of love. Intuitively we think romantic love differs from the kind of love we have for our friends. We demarcate romantic love and other types of love in everyday language: “I love him like a brother”; “I love her as a friend”; “I love you, but not in that way”. It therefore seems natural to think that one relationship involves romantic love, and the other does not.

If we are going to appeal to the difference between types of love to explain the difference between types of relationship then we need to be able to show a) that there is a difference between different types of love; and b) what that difference is. For this we need an account of love that can show romantic love to be distinct.

There are four (broadly categorised) accounts of inter-personal (non-familial) love: accounts that take love to be union with the beloved (Union Accounts); accounts that view love as robust concern for the beloved (Robust Concern Accounts); accounts that view love as a form of valuation, either as an appraisal or bestowal of value (Valuation Accounts); and accounts that take love to be either a single emotion, or a complex emotional interdependence with the beloved (Emotion Accounts).

There are two ways that accounts of love could show that romantic love is distinct. First, they could show that romantic love has a unique constitutive feature. They could claim that romantic love exclusively is constituted by union, robust concern, a particular type of valuation, or emotion (and claim that no other types of love are constituted by this particular feature). Or, second, they could claim that the nature of the constitutive feature of love (union, robust concern, valuation or emotion) has a distinctive nature in romantic love. Whilst all loves might involve e.g. union – the union of romantic love has a distinctive romantic nature.

The uniqueness challenge that I pose is therefore: can our accounts of love show that either a) only romantic love is constituted by feature x (union, etc.); or b) that whilst all loves are constituted by feature x (union, etc.), this feature has a distinct ‘romantic’ nature in romantic love. I argue that none of the four accounts can meet the uniqueness challenge. More precisely, I claim that they all either fail to identify a distinctive type of romantic love; or they can only identify a distinctive type of romantic love by appealing to some further aspect of the relationship that the love is found within.

Option a) – showing that only romantic love is constituted by feature x - seems like an odd route to take. Romantic love is taken to be a token of the type of thing that we call love. The four broad accounts above claim that love (the type) is constituted by a particular feature. If love is taken to be constituted by feature x, then all tokens of it will involve feature x. So if there are two tokens of love – romantic love and close friend love – then both of these tokens will have the constitutive feature that makes them tokens of love (whether that feature is a union, robust concern, a particular form of valuation, or an emotion).

However, some accounts of love – including Robert Nozick’s union account (1990 The Examined Life) - do claim romantic love is distinct in this way. Nozick claims that romantic love is the only kind of love that involves a desire for union. I show that he cannot make this claim because the union he describes is plausibly a part of close friend love as well.

Option b) – showing that the constitutive feature common to all types of love has a distinct ‘romantic’ nature in romantic love – looks initially more promising. However, by going through each of the four accounts in turn, I show that none of them have the tools to do this. For each account I consider how it could show that it’s constitutive feature has a unique nature in romantic
love and then demonstrate that it is either a) unable to show that the constitutive feature has a unique nature, or b) can only do so by appealing to the relationship that the love is found within.

Union Accounts could claim that the union (often characterised as either a shared identity or shared interests) formed in romantic love is unique. These accounts struggle to successfully articulate what a romantic ‘we’ would uniquely look like. When they try to fill in the details and explain the nature of features such as a shared identity the romantic ‘we’ begins to look a lot less unique.

Robust Concern Accounts often describe love as involving the desire to benefit the beloved, and could claim that this desire is unique in romantic love in virtue of a difference in intensity (how strongly it is felt); a difference in importance; or a difference in what is taken to satisfy the desire. These accounts struggle for two reasons. First, because it is very difficult to measure intensity and importance of desires in order to locate a difference. Second, because we would need to look to the relationship the love occurs within in order to see what is taken to satisfy the desire in these relationships.

There are two types of Valuation Accounts. Appraisal accounts could claim that different properties are appraised in romantic love. They will however fail to identify what could be uniquely appraised because the features in the beloved that love responds to look similar in both types of love.

Bestowal accounts can’t claim that a unique kind of value is bestowed in romantic love (bestowal just is according something positive value – we cannot ask what the beloved is valued for, or how they are valued), but they could claim that more value is bestowed on to the romantically beloved. The only way we could see whether this is the case is by looking to the behaviour typically found in romantic relationships to see if it suggests a greater bestowal of value than in close friendships.

There are also two types of emotion accounts. Emotion Proper Accounts could claim that romantic love is a distinct emotion. In order to do so they would need to show that this emotion has a unique formal object (a particular evaluation of the beloved). In order to see whether this is the case we would need to know more about the relationship that the love is found within. This is because there are arguably no evaluations of the beloved that are incompatible with love (of any kind) and so “if we think some range of objects are appropriate kinds of object for... [love] it is because this fits in with our conception of the place that ... [love] has in human life” (Hamlyn 1989 The Phenomena of Love and Hate, pp. 228-229).

Emotion Complex Accounts could claim that there is a something unique about the emotional interdependence/vulnerability between people in romantic love. This interdependence involves mutual recognition of emotions, and appropriate follow up responses (Baier 1991 Unsafe Loves). Showing that there is a unique form of romantic emotional interdependence will be extremely difficult. There are a vast number of emotions to consider, and a vast array of conditions that could affect the appropriateness of the follow-up emotions. If it is possible, then it seems that yet again a closer look at the relationship will be required to see, for example, whether there is a difference in intimacy which might allow for more emotions to be recognised.

I conclude that none of the four accounts of love considered can meet the uniqueness challenge. They cannot show romantic love to be a distinct form of love. This is not a decisive objection to any one of these accounts (or particular instances of them) because they do not in general aim or claim to be able to show that there are distinct types of love. Nevertheless I think the uniqueness challenge is a challenge that we should take seriously, and that it is reasonable to expect such accounts to be able to meet it given the strong intuition that we have distinct types of love.

This conclusion also poses a problem for our initial question. We are still unable to explain the difference between romantic relationships and close friendships. This paper in fact suggests that
what is needed are stand-alone accounts of these relationships. Without such accounts we will not be able to understand the difference between these relationships, nor will we be able to fully understand the nature of interpersonal love.

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*Is There an Asymmetry Between Doing Harm and Doing Good?*

Keywords: Harm; Benefits; Doing and Allowing; Kagan; Deontology

**Synopsis:**
Many deontologists think that the distinction between doing harm and merely allowing harm is morally relevant. They endorse the Doctrine of Doing and Allowing (DDA), which says that we have a moral reason against doing harm, as opposed to merely allowing harm. The DDA seems to justify the common sense moral judgement that it is impermissible to kill one person to save the lives of two others.

Shelly Kagan (1989) argues that defenders of the DDA face a crucial challenge. He argues that if the doing / allowing distinction matters morally when the outcome is harmful, it seems that it should also matter when the outcome is beneficial. The challenge for deontologists, then, is to explain why the reason against doing harm (killing one) should outweigh the reason for doing good (saving two lives). Without a response to this challenge, deontologists cannot explain why it is impermissible to kill the one. Kagan’s challenge undermines a key motivation for deontological moral views.

In this paper, I defend the DDA against Kagan’s criticism. In the first part, I appeal to considerations about the moral status of allowing harm to argue that deontologists can, in fact, explain common sense moral judgements in standard cases such as the above. However, I then argue in the second part that deontologists should nonetheless accept what MacAskill and Mogensen (2019, 8) have termed the Harm-Benefit-Asymmetry (HBA): the view that reasons against doing harm are stronger than reasons for doing (an equivalent amount of) good. Doing so enables deontologists to explain common sense moral judgements about cases involving pure benefits. Finally, I briefly sketch two arguments for HBA.

The upshot is that there are good reasons for deontologists to accept HBA. However, unlike Kagan suggests, deontologists will be able to justify common sense moral judgements even if they decide not to accept HBA.

**Abstract:**
Many deontologists think that the distinction between doing harm and merely allowing harm is morally relevant. They endorse the Doctrine of Doing and Allowing (DDA), which says that we have a moral reason against doing harm, as opposed to merely allowing harm.

Shelly Kagan (1989, 121-126) has argued that defenders of the DDA face a crucial challenge. They need to explain what MacAskill and Mogensen (2019, 8) have termed the ‘Harm-Benefit-Asymmetry’: the view that reasons against doing harm are stronger than reasons for doing (an equivalent amount of) good. Without the Harm-Benefit-Asymmetry, deontologists cannot justify common sense moral judgements about cases commonly used to illustrate the DDA.

In this paper, I first reject Kagan’s argument. I appeal to considerations about the moral status of allowing harm to argue that deontologists can, in fact, explain common sense moral judgements.
then argue that deontologists should nonetheless accept the Harm-Benefit-Asymmetry to deal with cases involving pure benefits, and sketch two possible ways in which deontologists could justify HBA. The upshot is that there are good reasons for deontologists to accept HBA. However, unlike Kagan suggests, deontologists will be able to justify common sense moral judgements even if they decide not to accept HBA.

In the first section, I start by explaining Kagan’s argument in more detail. Recall that the DDA is motivated by its ability to justify common sense moral intuitions. For example, the DDA can explain the intuition that Agent ought not to kill Victim in the following scenario:

_Rescue_ Agent can kill Victim to save the lives of two other people (Kagan 1989, 122).

When Agent kills Victim, she thereby does harm. When Agent fails to save the two others, she merely lets them die. The DDA seems to explain this judgement. The DDA implies that Agent has a stronger reason against killing Victim than against merely allowing harm to the two others. So, Agent ought not to kill Victim.

However, Kagan (1989, 121-125) has argued that this argument fails. Roughly, when Agent kills Victim, she does not only do harm. She also does good, by saving the two. If doing harm has special moral relevance for Agent because it constitutes a doing, rather than a mere allowing, then there seems to be no reason to think that doing good does not have equivalent special moral relevance. It seems plausible that deontologists who think that the doing / allowing distinction is morally relevant should also accept an analogous principle to the DDA, which says that we have a moral reason (equivalent in strength to the reasons given by DDA) for doing good, as opposed to merely allowing good things to happen. In (Rescue), such a principle would give Agent a strong reason for saving the two. It seems that these reasons cancel each other out. The decision, it seems, reduces to a choice between one life or two lives. But then it seems permissible to save two lives over one in (Rescue).

This is bad news for deontologists. It is often thought to be an advantage of deontology that it can explain common sense intuitive moral judgements about cases such as (Rescue) by reference to DDA. Losing this advantage would mean losing a key motivation for deontological moral theories.

The way out for deontologists, Kagan suggests, is to defend the Harm-Benefit-Asymmetry: the view that we have stronger reasons against doing harm than for doing good.

In the second section, I argue that, pace Kagan, deontologists do not need to appeal to the Harm-Benefit-Asymmetry to explain why Agent ought not to kill Victim in (Rescue). To see why, it will prove helpful to reflect on what it means to fail to benefit someone. I will survey three possible views.

First, one might think that a failure to benefit is equivalent to allowing harm. These are like two sides of a coin: whenever A fails to benefit B, A thereby allows harm to B, and whenever A allows harm to B, A thereby fails to benefit B. On such a view, the DDA gives the right result in (Rescue). If failing to benefit the two people simply is allowing harm to them, the DDA implies that the reason against killing Victim is stronger than the reason for benefitting the other two. Unfortunately, this view is not particularly plausible. Agents can fail to benefit others without thereby harming them. Imagine Ann, who does not give Bonnie a birthday gift. It seems absurd that Ann has thereby allowed harm to Bonnie.

Second, one might think that while not every failure to benefit is allowing harm, agents who allow harm to others thereby always fail to benefit them. This view seems more plausible. Imagine Cathy, who does not catch Dora as she falls from the ladder. Cathy allows harm to Dora, and in a sense, it seems appropriate to say that she has failed to benefit Dora. The second view can explain why this seems appropriate, without being committed to the claim that Ann has allowed harm to Bonnie.
However, on the second view, the DDA also gives the right result in (Rescue). For surely, failing to save the two strangers is like failing to catch Dora, and not like failing to benefit Bonnie. According to the second view, we distinguish two kinds of benefits. First, there are, in Shiffrin’s words, ‘pure benefits [...] those benefits that are just goods and which are not also removals from or preventions of harm’ (1999, 124). These are cases such as Dora’s. Second, there are benefits that are, crucially, harm preventions. These are cases such as Bonnie’s.

There is a third view, namely that there are no “impure” benefits. Harms and benefits are distinct. A failure to benefit is one thing, and a failure to prevent harm is a different thing. This view might seem implausible, because it implies that Cathy has not failed to benefit Dora. However, the reason why I have cautiously said it “seems appropriate” to say that Cathy has failed to benefit Dora is that I think it is possible to argue that this use of language is, strictly speaking, mistaken.

It seems clear that deontologists who accept this third view can explain (Rescue): just like Victim, the two others are at risk of suffering harm. The DDA implies that Agent ought not to do harm to Victim.

I conclude that we can safely reject Kagan’s claim that deontologists are unable to explain why Agent ought not to kill Victim in cases like (Recue) by appeal to DDA.

In the third section, I argue that deontologists should nonetheless accept the Harm-Benefit-Asymmetry. Consider

(Present) The only way in which Agent can give Bonnie a present is by pushing Dora from the ladder. The benefit to Bonnie will be significantly greater than the harm to Dora.

Intuitively, Agent ought not to push Dora off the ladder. However, it seems clear that the benefit to Bonnie is pure. The DDA cannot explain why it is impermissible to push Dora off the ladder.

Deontologists can appeal to all kinds of considerations that give them the right results in cases such as (Present). They might argue, for example, that harms have a special moral importance and their elimination ought, therefore, to be prioritized over provision of pure benefits (Shiffrin 2012).

However, given what I have said above about the implausibility of a principle that gives agents a reason for doing (rather than allowing) harm analogous to DDA, it would be nice to have a principled justification for the Harm-Benefit-Asymmetry, which rules out such a principle. In concluding, I briefly sketch two possible justifications.

Roughly, the first point starts from the assumption that agents generally have a prima facie entitlement to the level of well-being they occupy. Agents do not have a comparable prima facie entitlement to a higher level of well-being. Suffering harm means that this entitlement is violated, whereas not being benefitted does not violate such status quo entitlements.

The second justification is based on Fiona Woollard’s (2015) defence of the DDA. It departs from the view that agents have a right against (unjustified) imposition. A failure to be benefitted does not constitute an imposition, whereas harming does. The reason against harming is strong because the alternative (harming) constitutes an imposition. The reason for benefitting is comparatively weaker because the alternative (not benefitting) does not constitute an imposition.

I conclude that there are good reasons for deontologists to accept the Harm-Benefit-Asymmetry. However, if what I have argued is correct, then the pressure to accept the Harm-Benefit-Asymmetry is considerably lower than Kagan suggests.

**References**

Can We Hold Companies Responsible for War Crimes?

Keywords: corporate moral responsibility; collective responsibility; war crimes; just war theory; international law

Synopsis:
This paper asks two related questions: can we hold companies responsible for their contribution to, or complicity in, war crimes? And, if so, what does this entail? I will argue, first, that a careful analysis of the relevant factors bears out that we can hold a company, as a corporate agent, responsible for war crimes only in a very limited range of situations – though this does not fully absolve companies when they recklessly contribute to worsening a situation. Second, I will discuss what it means to hold a company responsible for war crimes, and what follows from such a recognition of responsibility. In the most extreme cases, a company’s complicity may render it (or its employees) liable to defensive harm.

Abstract:
In recent years, there appears to be a growing interest in the possibility of prosecuting companies and business people for their complicity, or active participation, in war crimes (see Crawford 2019). War has long been a profitable business for companies, from the United Fruit Company, to weapons companies, to financial companies such as BNP Paribas, which is accused of assisting former Sudanese President Omar Al Bashir. However, there is little legal precedent for these kinds of cases, and in many jurisdictions, holding corporate entities to account is difficult. Moreover, the International Criminal Court (ICC) simply does not (currently) have authority to judge anyone but individuals. Though there have been a couple of high-profile convictions, these have all been of individuals who used their position within a company to engage in illegal practices, such as Dutch businessman Guus Kouwenhoven who provided arms to Liberia’s Charles Taylor in the 1990s (Ryngaert 2017).

From a philosophical perspective, the question of corporate responsibility for war crimes is an important element of discussions regarding corporate moral responsibility. Or it should be, because so far little published work has explicitly addressed this issue. In the literature on corporate or collective moral responsibility, those writing on corporations and companies tend to focus on other issues (such as human rights violations outside of war, or the environment), and those addressing war crimes tend to focus their attention on other collective agents (primarily states, and sometimes Private Military Security Companies (PMSCs)).

However it is undeniable that companies not directly or obviously involved in the business of war do get involved in war. In addition to the United Fruit Company and banks which lend money to war criminals or enable them to dodge sanctions, the recent past has seen a number of notable, and perhaps surprising, cases. For instance, the French cement company Lafarge is accused of...
paying ISIS and other Jihadists in Syria in order to maintain production in its plant in that country (see Crawford 2019). Although cleared by a French court of complicity in crimes against humanity, charges including “financing terrorism” against several employees of the company were upheld as Lafarge reportedly paid out around €13 million to various armed groups. If this is true, it is reasonable to assume that that money significantly increased these groups’ ability to keep fighting and inflicting serious harm on Syrian civilians.

In this paper, I will investigate the conditions under which a company can be held responsible for war crimes. This is not simply a matter of transposing the conditions for corporate moral responsibility outside of war to the context of war, not least because there is not much of a consensus on these conditions in the first place. More importantly, however, the context of war – and the issue of complicity in war crimes in particular – raise a number of specific issues that need to be reckoned with.

First, the context of war raises a number of epistemological barriers which may make it more difficult for corporate agents to assess the extent to which they risk becoming complicit in war crimes. Of course, some cases are clear: Al Bashir’s crimes were well-known, and still BNP Paribas continued to work with him. On the other hand, some cases are more difficult. In the period that Lafarge paid armed groups in Syria (2013-2014), the situation on the ground was fluid and developing.

Second, in the kinds of cases I focus on, the complicity of companies is likely to be significantly mediated by others’ intervening agency. This may affect the extent to which, as well as the way in which, we allocate moral responsibility. At the same time, the harm that is caused is often significant.

Finally, the kinds of cases I am interested in may, at least in some circumstances, raise serious questions about the status of the companies involved. According to some writing on just war theory (e.g. Fabre 2009, Frowe 2014), certain individuals who are conventionally regarded as non-combatants may end up being liable to be harmed in war, if they are in a significant way involved in the war-making effort. Classic examples of these kinds of scenarios include employees in a munitions factory. However, this may extend to employees of other kinds of companies when those companies make an equally significant contribution.

The main focus of this paper is on establishing the extent to which companies can in fact be held responsible for war crimes. The main factors that need to be considered in this context are the kind of agent under consideration; the causal connection between a corporate agent and a war crime, and, crucially, whether there was an intention to contribute to the (possible) commission of a war crime, whether there was knowledge of the possibility that the company’s actions would contribute, or whether there was neither. As noted above, the knowledge condition is particularly salient in the context of responsibility for war crimes, because of the range of epistemological barriers thrown up by the context of war. I will argue that a careful analysis of these factors bears out that we can hold a company, as a corporate agent, responsible for war crimes only in a very limited range of situation – though this does not fully absolve companies when they recklessly contribute to worsening a situation.

Subsequently, I will discuss how we should hold companies which contribute to war crimes responsible. When a company can be held responsible for a war crime, the first issue relates to the distribution of responsibility within the company. Many of the company’s employees will not, themselves, be implicated which raises questions of fairness in punishment. In a very small number of cases, collective punishment may be an appropriate response, but it is more likely that we will need to make some distinctions, and ensure that those innocent and guilty are not punished in equal measure. This is a dilemma that will be familiar from other cases in which corporate agents are found to be responsible for serious wrongs. Second, however, the issue flagged above, regarding a company’s (or its employees’) liability to be harmed in war, is more
unusual and specific to the cases under consideration here. If a company’s complicity in an armed conflict is such that their activities can be considered war-sustaining (cf Gross 2015), then it becomes appropriate to raise questions about the company’s (and its employees’) liability to harm (it is perhaps worth noting here that whereas Gross discusses war-sustaining activities generally, my discussion here will focus more narrowly on what we may call “war crime-sustaining activities”). At the very least, collateral harm to those engaged in war-sustaining activities may be weighted less than collateral harm to true non-combatants, but in certain (extreme) cases, recognizing a company’s participatory liability in this way may mean that (some of) its employees may be rendered liable to direct attack (though this does not always make it all things considered permissible to target them).

To conclude, in this paper I will make two important contributions to the issue of corporate responsibility for war crimes. On the one hand, I will offer a critical analysis of the requirements for holding corporate agents responsible for war crimes. On the other, I will raise and discuss a number of important implications of establishing that a particular corporate agent was responsible for war crimes.

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Surveillance Capitalism: a Marx-inspired account

Keywords: surveillance capitalism, data, Marx, information, Zuboff

Recording: http://nikhilvenkateshphilosophy.com/2020/06/12/talk-on-surveillance-capitalism/

Synopsis:
Some of the world’s most powerful corporations practise what Shoshana Zuboff (2015; 2019) calls ‘surveillance capitalism’. The core of their business is harvesting, analysing and selling data about the people who use their products. In Zuboff’s view, the first corporation to engage in surveillance capitalism was Google, followed by Facebook; recently, firms such as Microsoft and Amazon have pivoted towards such a model. In this paper, I suggest that Karl Marx’s analysis of the relations between industrial capitalists and workers is closely analogous to a story we can tell about the relations between surveillance capitalists and users. Furthermore, two problematic aspects of industrial capitalism that Marx describes — alienation and exploitation — are also aspects, in new forms, of surveillance capitalism. I draw heavily on Zuboff’s work in drawing these
parallels. However, my Marx-inspired account of surveillance capitalism differs from hers over the nature of the exchange between users and surveillance capitalists. For Zuboff, this is akin to either robbery or the gathering of raw materials; on the Marx-inspired account it is a voluntary sale. This difference has important implications for the question of how to resist surveillance capitalism. Most significantly, making the consent of users a condition for surveillance capitalists to appropriate their data will not be adequate to protect users from being alienated and exploited. I conclude by describing two alternative ways of resisting what Zuboff calls the ‘coup from above’ (2019, chap. 18) perpetrated by surveillance capitalists.

### Abstract

Some of the world’s most powerful corporations practise what Shoshana Zuboff calls ‘surveillance capitalism’. The core of their business is harvesting, analysing and selling data about the people who use their products. In Zuboff’s view, the first corporation to engage in surveillance capitalism was Google, followed by Facebook; recently, firms such as Microsoft and Amazon have pivoted towards such a model. In this paper, I suggest that Marx’s analysis of the relations between industrial capitalists and workers is closely analogous to a story we can tell about the relations between surveillance capitalists and users.

The analogy goes like this. In Marx’s account of industrial capitalism, two classes face each other: the capitalists, who own the means of production (capital); and the workers, who do not. Workers need things to survive – food, shelter, healthcare and so on. But they cannot produce these things themselves, since they do not have access to the means of production. Instead, they sell their labour-power to capitalists in return for a wage sufficient to buy the things they need. Combining labour-power with capital produces some product that the capitalist sells on the market, for his or her own profit.

Now, just as workers are driven to sell their labour-power to industrial capitalists by their need for material subsistence, users have a need for social participation which drives them to sell their data to surveillance capitalists. Just as industrial capitalists relieve the workers’ needs with wages, surveillance capitalists relieve users’ needs with access to their platforms. Surveillance capitalists use this data to create products for sale. These relations result, like industrial capitalism, in alienation and exploitation.

A. Users have a need for social participation which they cannot meet without surveillance capitalists. We all have a need for certain kinds of social interaction: sharing news and gossip; making friends; keeping in touch with family members; buying and selling; organising and being invited to social events; sharing what’s going on in our lives and learning what’s going on in the lives of others. Today, it is difficult to meet these needs without using surveillance capitalist platforms.

B. Users sell their data to surveillance capitalists in return for the relief of this need. Most social media sites, internet browsers, email clients and search engines are accessible free of charge. Neither do surveillance capitalists pay users to use their services, which would seem to be the analogy of industrial capitalists paying workers a wage. But simply because cash payment is not involved does not mean that no transaction occurs: users exchange their data for access. Many platforms require that users provide information – for example, one cannot have a Hotmail account without Microsoft knowing one’s email address. Others will not effectively meet one’s needs without giving the firm more data – Google Maps works best when you tell Google your location; you can’t keep in touch with friends on Facebook without revealing to Facebook who your friends are. Surveillance capitalists receive data from all of your actions using their platforms. As Zuboff puts it: ‘Nothing is too trivial or ephemeral for this harvesting: Facebook “likes”, Google
searches, emails, texts, photos, songs, and videos, location, communication patterns, networks, purchases, movements, every click, misspelled word, page view, and more.’ (2015, 79)

C. Surveillance capitalists combine this data with their assets to create products for the market. Hal Varian, Google’s chief economist, describes the core of their business as ‘data extraction and analysis’ (2014). Data is extracted in the way described above, through users providing it as they use Google’s platforms. Data analysis (using other assets, such as the labour-power of engineers and machine intelligence) is used to predict further things about the user: what they want, what they’re likely to do and what social groups they are part of. These bundles of predictions are the products that surveillance capitalists sell.

D. Alienation. Under industrial capitalism, for Marx, workers are alienated from their capacity to work, the products of their work, and their employers. Under surveillance capitalism, users are alienated from their behaviour. Users’ behaviour – every click, like, message, movement – is transformed into the commodity of data. The value of these data is determined by the market; yet one’s social behaviour, like one’s work, is imbued with such meaning, and tightly bound up with the self. They represent, after all, what we like, who our friends are, what causes we follow and where we go. These things have meanings to us that the market cannot appreciate. We are what we do online, but what we do online under surveillance capitalism, like what we do at work under industrial capitalism, is also not us, because it is valued not as human and meaningful, but as a bloodless object with a market price.

E. Exploitation. The exploitation of workers by industrial capitalists is indicated by two facts: the worker has little choice but to deal with the capitalist; the capitalist benefits from the deal at a cost to the worker. That the user has little choice but to deal with surveillance capitalists was argued for in A and B. This deal benefits surveillance capitalists, as they receive data, from which they make lucrative product (C).

There is at least one dimension in which the sale of their data to surveillance capitalists is costly to the user relative to the nearest possible alternative, which was described above: the user is alienated from their behaviour. Insofar as alienation is bad, this is a cost to the user. This cost may be outweighed by the benefits of their need for social participation being met, but it is nevertheless a cost, insofar as alienation is a harm. Users also pay an all-things-considered cost relative to a more remote, better world. If they had control of the platforms that facilitate social participation, they could meet their social needs in a less alienated way.

My analysis relies heavily on Zuboff’s insights. Despite this, the myaccount differs from hers in a key aspect: the nature of the exchange between users and surveillance capitalists. We agree that users’ data is transferred to surveillance capitalists. But whilst I describe this as a sale analogous to the worker’s sale of their labour-power to the industrial capitalist, for Zuboff it is ‘a non-market interaction’ (2019, 93). In Zuboff’s account, users’ data is a ‘raw material’ for surveillance capitalism, which was initially ‘found’ by firms like Google, and then had to be ‘hunted’ (2019, 93–94).

This difference in description of the exchange between users and surveillance capitalists has an important implication for the prospects for privacy regulation as a form of resistance to surveillance capitalism. Zuboff argues that there has been ‘a redistribution of privacy’ (2015, 83) from users to surveillance capitalist firms, the ‘vanishing of decision rights’ (2019, 94) over our behaviour. Her proposed solutions centre around giving users the power to prevent the transfer of their data: by making it clear to them what is going on (‘naming the unprecedented’ (2019, 21)) and giving them ownership of their data and strong privacy rights (2015, 86; 2019, 105).

My Marx-inspired account suggests, however, that given our need for their platforms, it is reasonable to suppose that even if users did understand that surveillance capitalists were taking their data in a way that exploited and alienated them and did have the ‘defensive barriers’ (Zuboff
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2015, 85) in terms of privacy rights to stop them, we would still sell our data to them, as we must to meet our needs. Similarly, the exploitation of industrial workers is not prevented by workers having ownership rights over their bodies, or knowing they are being exploited – they will continue to sell their bodies, and be knowingly exploited, as they need to earn a wage.

If privacy laws will not save us from surveillance capitalism, how can we resist it? Surveillance capitalism, on this account, relies upon the formation of a class of people who do not have access to the means of social participation. This suggests that one way of resisting surveillance capitalism is to build up the capacities people have for social participation outside the platforms of surveillance capitalism, whether that be online or offline.

Furthermore, we should see that surveillance capitalism has opened opportunities that can be so harnessed. The growth of the Internet permitted forms of social participation that had never been open to us, and seem in some ways freer than ever. The possibility of better connecting people with each other, and with things they want and need, is a good thing. Online platforms could facilitate more decommodified exchanges between individuals – think of file-sharing, the ‘freecycling’ of second-hand goods and the crowdsourcing of advice and material support on social media, the masses of free and voluntarily produced writing and art. Even data harvesting – when open, transparent and collectively managed – promises benefits to public policy and to our knowledge of one another. Another strategy for resisting surveillance capitalism, then, is to seize control of the platforms and data flows, and redirect them away from profit and towards the common good.

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With Friends Like These...

Keywords: Social Epistemology; Disagreement; Friendship; Normativity

Synopsis:
This paper argues in favour of moral beliefs that we share with our friends, and against those that we share with our opponents. It does so by arguing against two tempting norms that might suggest otherwise - we call these the ‘Stopped Clock Norm’ and the ‘Echo Chamber Norm’.

The Stopped Clock Norm refers to our tendency to dismiss the fact that we share a particular view with our opponents on the basis that “even a stopped clock is right twice a day”. We argue that this type of response may often be a violation of duties (both epistemic and moral) insofar as it can unfairly imply that the opponents in question are acting in bad faith or are incompetent reasoners. We argue that these duties require us to give our deliberative opponents the benefit of the doubt, and assume that they are just as willing and able as we are to form a coherent set of normative beliefs.

The Echo Chamber Norm refers to our tendency to value the fact that we share a particular view with our opponents on the basis that it is evidence that we are independent thinkers whose beliefs are formed autonomously rather than by mere passive intellectual osmosis. In response, we question whether this kind of “independent thinking” necessarily makes the agent more likely to hold true beliefs, caution against conflating the existence of a group consensus with a lack of intellectual rigor, and argue that groups provide valuable epistemic resources whose loss must be recognized as part of a trade-off with intellectual independence. Again, we identify a duty – this
Abstract:
This paper argues in favour of moral beliefs that we share with our friends - with those who agree with us on other controversial moral matters. It does this by arguing against two tempting norms that might point in the opposite direction - we call these the ‘Stopped Clock Norm’ and the ‘Echo Chamber Norm’. We do this in three parts: in S1 we do the general set-up, and explain why we’d be interested in such non-ideal norms to begin with. S2 contains more specific set-up - we explain our interest in certain kinds of cases of agreement and disagreement, with our ‘friends’ and our ‘opponents’. In S3 we discuss the two norms in favour of ‘Friend Disagreement’, and argue that they’re not as reliable as they might seem.

S1.
There are a number of significant barriers that face anyone hoping to form true moral beliefs. Some of these barriers will come from the difficult nature of moral truth, others will come in the form of facts about ourselves. None of us are really the ideally rational creatures that we sometimes pretend to be in philosophical examples. We struggle to drop deeply-held beliefs that we form in our childhood, we hold implicit biases towards members of certain groups, and we fall prey to advertising tricks and fake news. We even ‘confabulate’ in ways that show we aren’t certain of our own reasons for forming certain beliefs. And we hold on to many of these biases after finding out about them. (Holroyd 2012, Saul 2013)

There are several ways that one might try to become a better epistemic agent. Some of these might be more direct - such as checking the premises and axioms for each of our beliefs, checking that our reasoning is secure, etc. Perhaps we might even try to replicate Descartes’ method of going back to some first and certain principles and working everything out from there.

For most of us such an approach would be excessively time-consuming. In reality we are non-ideal agents in non-ideal circumstances, and we must rely on some less-direct methods to try to improve the quality of our beliefs. This paper examines a particular set of non-ideal epistemological heuristics. We ask: what can we learn about a belief when it comes to seeing whether our friends or our opponents disagree with us? And we answer: we have reason to trust the belief if it matches those of our friends and not our opponents, despite two norms that seem to point to the contrary.

S2.
We’re interested in two possibilities - an important moral belief in both cases. And we’re interested in what an agent can learn about that belief just from discovering what their friends and opponents think about it.

We’re thinking of the agent as an individual, their ‘friends’ as a larger group of peers who tend to share other controversial moral beliefs with the agent, and their opponents as people who normally take the opposing sides on those other controversial moral beliefs. And when we talk about ‘controversial moral beliefs’ we just want to stipulate something moral in nature, and that a number of our peers will both agree and disagree with.

These are the kinds of cases we’re interested in for two reasons. Firstly, these kinds of cases are common and important. In the real world we tend to move in groups with shared moral beliefs, whether it’s members of our own political affiliations, people from the same city, or even people of the same age. It’s important to know if and when we should take disagreements in these groups as opportunities to reflect and reconsider our beliefs. Secondly, the combination of moral, political, and epistemological dynamics make the cases different to many cases of peer
disagreement that have been discussed already, which don’t have the same moral and political dimensions. (See, eg, Goldman and O’Connor 2019, Feldman 2007, Kelly 2010)

The possibilities that we’re interested in, then, are as follows:

- 1) Friend Agreement: The agent finds that their friends share this belief, and their opponents don’t.
- 2) Friend Disagreement: The agent finds that their friends don’t share this belief, and instead this belief is shared with their opponents.

From this, we’ll discuss two different epistemic norms: the ‘Stopped Clock’ norm and the ‘Echo Chamber’ norm. We argue that, despite the appearances of these norms, we have particular reason to be suspicious of case 2) when compared to case 1). However, we acknowledge that these heuristics are non-ideal, and as such our aims are both modest and general.

S3.

In this section we’ll argue that we have reason to be cautious in the face of Friend Disagreement. We’ll do this by considering two responses to such cases which downplay or overplay the value of Friend Disagreement in a way that is likely to cause us to hold and retain false normative beliefs.

The first of these involves what we call the “Stopped Clock Norm”. Suppose, for example, that you are confronted with the fact that a particular belief which you hold is commonly held by those who hold a range of other views that you find morally abhorrent. You may be tempted to insist that “even a stopped clock is right twice a day” – the implication being that those with otherwise contemptible views may still get some things right on occasion. Perhaps your opponents have the right view in this case but for the wrong reasons, for instance, or perhaps the view in question is just so obviously correct that even those who ordinarily endorse the wrong views cannot help but recognize its truth.

Our argument here is twofold. In response to the latter idea, that the agreement with one’s opponents indicates that the view in question is so obvious that even x group can see it, we point out that such evidence doesn’t support the conclusion after all. After all, the moral beliefs in question are still ‘controversial’ ones - we’re not interested in moral views that everyone agrees on, but that opponents agree on and friends disagree on.

In response to the former idea, that one’s opponents might have the right view for the wrong reasons, we argue that this may often be a violation of our (moral and epistemological) duties insofar as it can unfairly imply that the individuals in question are acting in bad faith or that they are incompetent reasoners. We argue that duties of civility require us to give our deliberative opponents the benefit of the doubt, and assume that they are just as willing and able as we are to form a coherent set of normative beliefs. It’s tempting to dismiss our opponents as being irrational in specific ways that we’re not, so an inconsistency in their overall moral beliefs isn’t so important - after all, we believe that we’re generally right and they’re generally wrong. But as we argue in S1, we’re non-ideal agents, and there are a number of ways in which we can go wrong in our moral reasoning. Even if we grant that our opponents are generally wrong, we don’t know that they’re wrong in a way that indicates inconsistency across their moral beliefs.

The second case we discuss in this section involves what we call the ‘Echo Chamber Norm’. According to this norm, we should be pleased to discover that our beliefs do not perfectly align with those with whom we tend to agree, as this is evidence that we are independent thinkers whose beliefs have been formed by autonomous reasoning rather than mere passive intellectual osmosis.

In response, we question the tendency to assume that this kind of “independent thinking” necessarily makes one more likely to hold true beliefs, caution against conflating the existence of
a group consensus with a lack of intellectual rigor, and argue that groups provide valuable epistemic resources whose loss must be recognized as part of a trade-off with intellectual independence. Again, we identify a duty of deliberative civility – this time, one that is owed to our allies rather than our adversaries – which we may violate if we treat others as though they are not as committed to independent thinking as we are.

It is important to emphasise that our conclusions in this section do not presuppose that the person who finds herself in these circumstances happens to be moving toward or away from the truth. The epistemic heuristics for which we argue apply regardless of whether one’s initial beliefs turn out to be true of false. Our aim here is simply to caution against certain practices which are likely to lead a person to hold false beliefs by placing too much value on the fact of peer disagreement, and/or failing to fully appreciate the value of peer consensus. Agreeing with those who one normally considers highly disagreeable should give us a reason to be suspicious of our point of agreement. Similarly, we should be willing to trust in the judgment of those with whom we tend to agree.

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**Freedom, Private Property, and Public Access**

*Synopsis:* Since Locke, the concept of freedom has been central to the liberal tradition. It has also been bound up with the idea of private property. My freedom as an individual includes, very importantly, the right to own property; and as owner, I have exclusive rights to the use of that property. This principle very often applies not just to ordinary moveable commodities, but also to land. In that case, an individual’s right to exclusive access entails denying the freedom of others to walk where they please. Yet access to nature—being able to visit places of natural interest and beauty, provided one causes no inconvenience or harm—should be viewed as a right just as basic as the right to own property.

In some countries, people enjoy to varying degrees what in Sweden is called allemansrätten (Everyman’s Rights), the freedom go where one pleases, albeit with certain reasonable restrictions. But in many countries (e.g. the United States, Australia, and Ireland) the right to roam is quite limited.

This privileging of individual property rights over freedom of access is easy to explain historically but hard to justify. It cannot be defended by appeal to the harm principle. Nor is there any reason to believe that monopolistic access rights either leads landowners to be better stewards of their property or helps promote general prosperity by encouraging hard work and enterprise. It may, however, contribute to people’s alienation from their natural environment, sharpen class distinctions, and reinforce an individualistic rather than collectivist outlook to the detriment of society as a whole.

**Abstract:** Since Locke, a defining feature of political philosophy in the liberal tradition has been the central importance given to individual freedom and individual rights. Personal liberty is not, of course, the only measure according to which societies might be judged or compared. Other possible criteria include social stability, material prosperity, national power, the happiness, virtue, or religious conformity of the people, the quality or the culture, or the glory of the sovereign. But liberalism
typically views individual rights as more or less sacrosanct, not to be sacrificed simply in order to secure some other good such as happiness, or prosperity.

Over the centuries there have been fierce debates over who should enjoy these basic rights. And exactly what constitutes the sort of freedom in question is also controversial. Mill's harm principle is often taken to provide a reasonable starting point: I should be free to do as I please as long as I'm not harming anyone else. But defining the concept of "harm" is difficult. Moreover, the harm principle, as it is often applied, defines freedom negatively and rather abstractly. Thus, although rich and poor alike enjoy the same freedom to fly first class or sleep on the street, this is true only formally, not in reality. And the rich aren't thought to be "harming" anyone—in the narrow sense of violating someone's rights—when they live high on the hog while the homeless go hungry. Yet an alternative notion of freedom is available, one that includes a positive right to the basic material conditions necessary for autonomy and self-realization.

In addition to these familiar difficulties with the classical liberal concept of freedom, there is another problem. From the outset, this concept was bound up with the idea of private property. As well as comprising such rights as freedom of religion, belief, expression, assembly, occupation, and travel, it also included the freedom to own property, to protect it, and to dispose of it as one chooses. In capitalist societies this principle typically goes unchallenged. Consequently, we tend to overlook ways in which it can interfere with the general goal of maximizing freedom across society at large.

A specific example of this that deserves more attention than it normally receives in political philosophy is the freedom to walk where one pleases. In Sweden right is guaranteed by recognition of what is called allemansrätten or "Everyman's rights." Extensive access of this kind also exists in countries such as Finland, Norway, Iceland, Switzerland, Austria, Estonia, and Scotland. In 2000 the British government passed “right to roam” legislation that significantly increased the amount of privately owned land to which the public has access in England and Wales. The laws that allow everyone the freedom to walk across uncultivated land, even if it is privately owned, are typically accompanied by sensible restrictions: e.g. people must keep a reasonable distance from houses, not leave litter, damage property, or make a lot of noise. There may also be prohibitions against hunting, lighting fires, using motor vehicles, etc..

Yet in many countries, there is no such right to roam. In Ireland, for instance, this right only exists in the National Parks, which cover a mere one percent of the country. And in the United States, where freedom is routinely trumpeted as the nation's first virtue, there are vast privately owned areas to which the public has no legal access, many containing sites of outstanding natural interest or beauty. In some US states property owners can deny people access to mountain peaks, lake shores and beaches.

In the case of ordinary movable commodities, ownership rights typically carry a right to exclusive use and control. The conventional wisdom that prevails in many places is that this entailment should obtain in the case of land as well. But we should step back from this way of thinking and see it for what it is. It privileges one sort of freedom (the right to deny people access to land one owns) over another (the right, within certain parameters, to go where one pleases). Yet giving priority to that first kind of freedom is really quite peculiar. On the one hand, we have the right of a single individual—or in some cases, paying members of an elite club—to exclusive enjoyment of a piece of nature; on the other hand, we have the rest of humanity's right to visit this place. Why should the former trump the latter?

The historical explanation is fairly simple. This way of thinking was developed by the wealthy few to protect their privileges at the expense of the many. But it is not easy to justify. It seems obvious that the freedom of any people is significantly enhanced if they are guaranteed reasonable access to uncultivated land. They can then more easily visit innumerable places, otherwise closed off to them, to take in vistas, watch birds, photograph flowers, forage for
mushrooms, search for fossils, and so on. Moreover, the freedom in question can justifiably be considered quite basic: it is after all, the freedom to enjoy to the full our common heritage—viz. our planet.

Denying the general public access to privately owned uncultivated land is hardly supported by the harm principle. I don’t harm anyone simply by walking through a wood or a meadow that they happen to own. And the argument that I harm them when I do this because I violate their ownership rights clearly begs the question. One could equally well argue that they violate my rights when they deny me access.

Less direct, more utilitarian, defences of privileging private property over public access appeal to the general long-term benefits that supposedly flow from a system in which this order of values is established and protected. One such argument is that private individuals will be better stewards of their land if they their ownership rights are unconditional. But there is no real evidence to support this claim.

Another argument is that making land ownership more desirable by tying it to exclusive access motivates individual industry and initiative, which in turn raises the general material prosperity of society, thereby also enhancing the practical freedom of many individuals. This is also dubious. Wealth brings all sorts of benefits and privileges. Passing right to roam legislation leaves nearly all these intact. It is implausible that the existence of allemansrätten would negatively affect anyone's work ethic or entrepreneurial spirit.

In fact, a stronger argument can be made that allowing landowners to restrict public access to uncultivated land has subtle negative consequences, quite apart from the direct denial of recreational enjoyment. In some areas it arguably contributes to people's alienation from their natural environment by making it harder for them to reach places where they can enjoy nature. It may contribute to social alienation by reinforcing the distance between classes. And by establishing this sort of exclusive ownership of and access to land as an ideal to be envied and aspired after, it encourages an individualistic rather than a collectivist outlook, to the detriment of society as a whole.

Once monopolistic access rights to land have been established they can be hard to overturn. Both the perceived interests of the landowners and the entrenched ideology that binds the concept of freedom to that of property rights can be formidable obstacles. But as the example of the extension of the right to roam in parts of Britain shows, it can be achieved. And those countries where "Everyman's rights" prevail offer attractive models that may eventually prompt less enlightened societies to emulate them.
I begin, firstly, by noting the variable ways we talk about sex, as something done-to or done-with another. I highlight the tendency to conflate sex with penetration, thus conceptualising sex as done-to, and how this has been implicitly adopted by feminist sexual ethics. As others have shown, the focus within sexual ethics on requests for sex which are either consented to or refused produces a transactional model of sex which objectifies women (Du Toit, 1990; Kukla, 2018). I therefore propose that we take the idea that sex is done together as our starting point. Consequently, in the second part, I present Gilbert’s analysis of what it is for people to do something together. This provides a framework from which I derive necessary conditions for sex: it is necessary that the participants pursue mutual aims as one agent, forming a ‘sexual we’. Thirdly, I show that the Joint Action Theory of Sex provides a conceptual basis on which we can build a feminist sexual ethic which avoids the shortcomings of the transactional model. Fourthly, and finally, I show that my theory can distinguish between sex and masturbation in contentious cases, closing what a current conceptual gap.

The Joint Action Theory of Sex therefore utilises an intuitive conception of sex as done-with to produce unique insights into the nature of sex and the obligations it produces.

Abstract:

Sex has historically been understood to refer to penile-vaginal penetration. However, this definition is unsatisfactory; it is incredibly heteronormative and many find it implausible that rape is a kind of sex rather than a different act altogether. Contemporary use strays from this traditional conception which leads to widespread disagreement and confusion (Bogart, 2000; Pitts & Rahman, 2001; Sanders, 1999). We are left without any clear account of what we are talking about when we talk about ‘sex’. This is particularly worrying for sexual ethics which has proceeded despite lacking an answer to this question. In this presentation I begin with the intuitive starting point that sex is something people do together and go on to utilise the metaphysics of joint action to derive necessary conditions for some sexual activity to constitute sex.

The presentation proceeds as follows. Firstly, I highlight the tension between the traditional (penetrative) conception of sex and a joint action conception of sex. I show that feminist sexual ethics must reject the traditional conception it has implicitly adopted. Secondly, I introduce the metaphysics of joint action to produce what I term ‘The Joint Action Theory of Sex’. I utilise Gilbert’s theory of joint action in ‘Walking Together’ (1990) to derive necessary conditions for sex. I do not address the sufficiency conditions for some activity to constitute sex, as that goes beyond the scope of this presentation. Thirdly, I highlight the normative consequences of The Joint Action Theory of Sex, showing that my theory provides a robust basis for feminist sexual ethics. Finally, I show that the joint-action theory of sex allows us to distinguish masturbation from sex in contentious cases.

The conflation of sex and penetration produces an androcentric and heteronormative conception of sex as something done by men to women. While feminist sexual ethics has sought to reject dominant attitudes to sex and consent, it has implicitly adopted the same conception of what sex itself is. As others have argued, this conception runs contrary to the aims of feminist sexual ethics. This is particularly apparent in the examples used to demonstrate the conceptually transformative power of consent e.g. surgery without consent is stabbing. As Archard notes (2018), even with consent there is no sense in which “we performed surgery on me”. This reflects the tension between a done-to conception of sex and a done-with conception: it makes sense to say “we had sex”, it does not make sense to say “we penetrated me”. The near-exclusive focus on consent and refusal within sexual ethics maintains the heteronormative, penetrative model of sex as done-to, transactional and objectifying (Du Toit, 2009). Further, it provides no basis for discussions of what good sex might be: it only highlights when sex is impermissible (Kukla, 2018). It is crucial that we
reject this conception of sex as done-to, and analyse sex as a joint action in order to investigate feminist sexual ethics.

Taking seriously the idea that sex is done together requires investigating what it takes to do something together. Gilbert tackles precisely this question in “Walking Together” (1990). Gilbert shows that two people merely engaging in the same activity, such as walking alongside one another, does not suffice to do that activity together. When two people are truly on a walk together they have an entitlement to rebuke the other if, for instance, one party walks ahead too quickly and the other cannot keep up. Gilbert rejects that common knowledge of a shared aim suffices to produce such entitlements. Rather, she argues that there must be a joint aim, not merely a shared aim, if there is to be joint action. This requires that the participants form a “plural agent” by “offer[ing their] will to be part of a pool of wills which is dedicated, as one, to that goal” (1990, p.7).

This theory of joint action offers a unique lens through which to analyse sex, centring the fact that it is a done together. The first obvious consequence is that consent is a necessary condition for doing something together. However, because sex requires joint commitment, considerably more than consent is required. The participants must have a joint aim, rather than merely a mutual aim they both hold individually, which is the object of the plural agent they form. It is important to note that this does not mean that sex must aim at mutual sexual satisfaction, though this has been proposed elsewhere e.g. (Soble, 2017). This creates an excessively narrow view of what sex can be and erases the experience of many people. There is no reason that sex cannot be focussed on the pleasure of one party, provided this is the joint commitment of all participants. Therefore, simply by taking seriously the talk of sex as something done together, we can derive necessary conditions for sexual activity to constitute sex: both parties must take on the joint sexual aim as their own, forming a ‘sexual we’.

The Joint Action of Theory of Sex provides a robust conceptual basis to build a feminist sexual ethic upon. Firstly, we now have an argument as to why sex and rape are different activities. My theory offers an explanation of the difference, rather than merely stipulating the distinction, and in doing so rejects the transactional analogies that have been used previously. Moreover, joint sexual activity generates entitlements and obligations just like any joint action. In particular, I have noted that my account does not require the aim of sex to be mutual sexual satisfaction. It can, however, explain what is wrong with selfish sex. Where there is an agreement that mutual satisfaction is in fact the aim of the sexual activity, betraying that aim is incompatible with pooling one’s will to form a plural sexual agent. My theory of sex, therefore, lays the conceptual groundwork for moving beyond narrow issues of consent and refusal. It allows us to investigate what we owe to our sexual partners, as has been the focus of recent work, e.g. (Archard 2018, Kukla 2018). Consequently, it supports Pineau’s influential theory of ‘communicative sexuality’ (1989) which emphasises the need for ongoing, open communication. The joint-action theory of sex shows that Pineau’s model is motivated by recognising the nature of sex itself.

Next, I show that the joint-action theory of sex allows us to delineate the difference between masturbation and sex. How to define masturbation has received even less attention than sex, yet many of the cases that present challenges for the traditional conception of sex put pressure on precisely this distinction. There is certainly a common-sense definition of masturbation: it is solo sexual activity. However, precisely what activities this picks out is not clear. It requires us to determine the point at which another individual can be said to be ‘involved’ in an agent’s sexual activity. There is a clear intuitive sense in which, for example, a man who calls a commercial phone-sex line and manually stimulates himself can be said to be masturbating. Yet, two individuals who each stimulate themselves while engaging in phone sex (or cybersex) are not precisely engaged in solo sexual activity.
There is one extant attempt to delineate multi-party masturbation from sex, proposed by Alan Soble (2017). Soble attempts to defend an account of masturbation which includes mutual masturbation (two people each stimulating themselves) and dual masturbation (two people each stimulating the other). Soble argues that rape and sexual activity in which one party pursues their own satisfaction, or fanatiscises during intercourse, are intuitively masturbatory. Soble’s distinction is that sex aims at mutual pleasure while masturbatory acts are those which are “grossly selfish”. However, this proposal ultimately fails. It is not clear that his cases are all instances of “gross selfishness” and this is an odd conceptual crux for masturbation as it bears little relation to our everyday use of the term. Further, Soble claims to reject negative normative judgements about masturbation yet masturbation is, on his account, constitutively selfish.

My own theory of sex provides a more promising account of masturbation. Utilising The Joint Action Theory of Sex we can distinguish sex from masturbatory activity because the latter lacks the necessary joint commitment. This allows us to distinguish certain borderline cases. At least some of Soble’s cases (such as rape and the previously discussed case of selfish sex), therefore, are indeed masturbatory. The issue is not selfishness, per se, but the undermining of joint commitment required to form a ‘sexual we’. This therefore provides an intuitive understanding of masturbation as sexual activity which is, in some sense, solitary: it is not done with another person.

I thus use of the metaphysics of joint action to derive necessary conditions for sexual activity to constitute sex. Adopting this theory of sex provides a robust basis for feminist sexual ethics, while avoiding the problematic consequences the traditional conception produces. Further, it allows us to distinguish multi-party masturbatory acts from sex. The Joint Action Theory of Sex therefore provides unique insights into the nature of sex, motivated by the intuitive idea that sex is done together.

Wilson, Lee (The University of Edinburgh)

Does False Consciousness Necessarily Preclude Moral Blameworthiness?: The Refusal of the Women Anti-Suffragists

Keywords: False Consciousness; Moral Responsibility; Victim-Blaming; Epistemic Injustice

Synopsis: Social philosophers often analyse occasions of ‘voluntary victimhood’ in terms of false consciousness, referring to a set of evidence-resistant ignorant attitudes held by otherwise sound epistemic agents, systematically occurring in virtue of, and motivating them to perpetuate, structural oppression. But there is an intuitive worry that appealing to the notion of false consciousness in questions of responsibility for the harm suffered by members of oppressed groups amounts to victim-blaming. The assumption behind this, to put it in Strawsonian terms, is that an individual under false consciousness systematically fails to meet the relevant rationality and epistemic conditions for ordinary blameworthiness. But I argue that attending to the constitutive mechanisms and heterogeneity of false consciousness allows us to better see how it is that suffering from it does not eo ipso render an agent an inappropriate target of blame. I first give a sketch of the general concept of false consciousness and its constitutive mechanisms, showing how the two diverging intuitions about the culpability of oppressed agents arise. I then attend specifically to the anti-suffragist manifesto “An Appeal Against Female Suffrage,” observing how its signatories, despite false consciousness, satisfy both rationality and epistemic conditions for ordinary blameworthiness. I focus on three prominent signatories, arguing that the irrationality characterisation is unsustainable beyond the
group-level diagnosis, and that the women of the Appeal’s capacity to respond appropriately to reasons was demonstrably not compromised. Then, drawing on recent work on epistemic injustice, I argue that there were indeed culpable mechanisms at play in the case of their false consciousness, rendering them blameworthy for the Appeal.

Abstract:
Social philosophers and theorists often analyse occasions of ‘voluntary victimhood’ in terms of false (or ideological) consciousness, referring to a set of evidence-resistant ignorant attitudes held by otherwise sound epistemic agents, systematically occurring in virtue of, and motivating them to perpetuate, structural oppression. But there is an intuitive worry in general that appealing to the notion of false consciousness in questions of responsibility for the harm suffered by members of oppressed groups amounts to victim-blaming. The assumption behind this, to put it in Strawsonian terms, is that an individual under false consciousness systematically fails to meet the relevant rationality and epistemic conditions due to structural distortions of reasoning or knowledge practices: such that their status as a responsible moral agent would be thereby undermined. However, one might also have the conflicting intuition that it is precisely because of false consciousness, and its attendant epistemic sophistication and lack of coercion, that allows one to legitimately lay part of the blame on such contributing agents. There is a sense that the concept brings to focus crucial but otherwise overlooked agents that are partly responsible for structural oppression as a whole.

A paradigmatic case of false consciousness can be found in fin-de-siècle Britain, when a hundred and four prominent women put forward the anti-suffragist manifesto “An Appeal Against Female Suffrage.” Published in 1889, the Appeal marked a watershed women-led response to the purported threat of suffragism at the time—an act that, as some suffragists wryly noted, ran counter to not only to the growing need to represent women’s interests in legislation but also the very anti-participatory sentiments that the anti-suffragists professed to uphold. And, as a number of recent historians have noted, the narrative that the women of the Appeal were simply uncritical handmaiden in the anti-suffrage cause of men crucially overlooks the unique and thoughtful contribution of the signatories in strategising and succeeding in “inflecting anti-suffragism with new, more positive emphases designed especially to appeal to female public opinion” in both parliamentary and public debates.

The concept of false consciousness provides a constitutive story about how they became a particular type of agent such that we would justifiably attribute the relevant act to them as theirs. False consciousness would thus allow us to see the women anti-suffragists as having the same status of agency as their male counterparts, as equally full-fledged members of the moral community. Exempting them as moral agents in limine would not only be unjustly presumptive but also be counter-productive to the emancipatory cause. Ordinarily, our blaming practices are thought to have a crucial communicative function, addressing the agent and appealing to shared reasons for modifying their attitudes or behaviour. In contrast, by theorising such agents outside the moral community, we preclude ourselves from enlisting them for collective resistance against a shared oppression and to about structural change.

So while the intuition of exemption from blameworthiness has been often presumed, I wish to cautiously vindicate the second intuition and allay the worry of victim-blaming a priori. I argue that attending to the constitutive mechanisms and heterogeneity of false consciousness allows us to better see how it is that suffering from it does not eo ipso render an agent an inappropriate target of blame. That is, how one’s status as a morally responsible agent is not necessarily undermined by a characterisation of false consciousness.

To do this, I take up the women of the Appeal as a historical case study to show how they, even under false consciousness, can satisfy both the rationality and epistemic conditions and
thereby qualify for blameworthiness in the ordinary sense. My main contention here is that too often the broad group-level strokes in painting false consciousness as such as irrational, along with focusing on whether a whole category of people can be relevantly aware under situations of oppression, pays insufficient attention to the variety in how the relevant ignorance at the individual level might be nevertheless actively acquired and maintained by the agent as part of their false consciousness.

An oppressed individual’s agency and reasons is conceptualised as both constrained and constituted under false consciousness, and when the individual-level mechanisms salient for the constitution are culpable, we would regard the agent as blameworthy for the issuing action. So the ethical task here of determining whether a specific agent is nonetheless morally responsible would mainly involve the individual-level analysis of the form of false consciousness, attending to the constitutive stabilising mechanisms salient for the agent’s beliefs, given their position within the relevant structure(s), and the structural-level only insofar as it might restrict or mask rationality, or render ignorance non-culpable.

I attend specifically to the case of the Appeal, observing how its signatories, despite false consciousness, satisfy both rationality and epistemic conditions for ordinary blameworthiness. While the claim of systematic irrationality might be made at the level of the signatories as a collective, it is harder to sustain at the individual level of analysis, when we attend to the various mechanisms that formed and maintained the belief in natural incapacity of women for political activity. I focus on the details of three prominent women of the Appeal—Louise Creighton, Beatrice Webb, and Mary (Humphry) Ward—arguing that the irrationality characterisation is unsustainable beyond the group-level diagnosis, and that the women of the Appeal’s capacity to respond appropriately to reasons was demonstrably not compromised despite them being correctly understood as having false consciousness.

Then, drawing on recent work on epistemic injustice and attending to the writings of Creighton, Webb, and Ward, I argue that there were indeed culpable mechanisms at play in the case of their false consciousness—e.g. testimonial injustice and wilful hermeneutic ignorance—rendering them blameworthy for the Appeal. That is, caused by their prejudices against women and lower classes, the women anti-suffragists not only gave a deflated level of credibility to the suffragists, but also refused to adopt the alternate epistemic resources offered by them. Further, as in the specific case of Webb, we also see that (ordinary) blame, if understood at least in terms of the appropriate reactive attitudes, or in terms of addressing the agent and appealing to shared reasons for modifying their attitudes or behaviour, may be itself instrumental to the epistemic erosion of a given false consciousness.
## ABSTRACTS (Panel Sessions)

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Panel proposed by: John William Devine (Swansea University)

Panel session title: Philosophy of Sport: The Ethics of Excellence

Synopsis:

What is the point of sport? The papers in this panel develop the view that sport is, most fundamentally, an excellence-based activity. The value of sport resides principally in its providing an avenue by which admirable human skills and capacities can be cultivated, tested, and manifested. Recent controversies in elite and professional sport involving leading athletes such as Lance Armstrong, Oscar Pistorius, and Caster Semenya have underscored the ethical dimension of sport. In these debates concerning the use of performance enhancing drugs (doping), the use of carbon fibre prosthetic limbs, and binary sex segregation in sport, excellence-based reasons are in the foreground of normative analysis.

Excellence has played a central role not only in public debate but also in philosophical debate about sport. Interpretivists about sport such as John Russell and Robert L. Simon, inspired by Ronald Dworkin's legal philosophy, appeal to excellence as the grounding value in their normative theories of sport. However, sporting excellence has commanded more support than scrutiny in the philosophy of sport literature. This panel will fill this lacuna by exploring complementary aspects of sporting excellence. The panel will address the following questions concerning the nature and application of ‘excellence’ in sport:

1. What constitutes sporting excellence? [Pike]
2. Is sporting excellence in a given sport relative to different sporting cultures? [Eylon]
3. How can sporting excellence be undermined or promoted by rule designers and adjudicators? [Devine]
4. How should the concept of excellence guide the debate about sex segregation in sport? [Testa]

In addressing this cluster of questions, the panel will provide the beginnings of a systematic philosophical analysis of the nature and moral significance of excellence in sport, and it will bring these theoretical insights to bear on the leading ethical problems in sport of enhancement and sex segregation.

Panel Outline:

Philosophy Of Sport: The Ethics Of Excellence

What is the point of sport? The papers in this panel develop the view that sport is, most fundamentally, an excellence-based activity. The value of sport resides principally in its providing an avenue by which admirable human skills and capacities can be cultivated, tested, and manifested.

While panelists agree on the central place of excellence in sport, they disagree about issues such as the nature of excellence in sport as well as the practical implications of its centrality. The panel will consider questions that implicate concepts spanning the ethics, metaethics, and metaphysics of sporting excellence, and they will apply these concepts and arguments to practical questions in...
Sports ethics. Specifically, the panel will address the following questions concerning the nature and application of ‘excellence’ in sport:

1. What constitutes sporting excellence? [Pike]
2. Is sporting excellence in a given sport relative to different sporting cultures? [Eylon]
3. How can sporting excellence be undermined or promoted by rule designers and adjudicators? [Devine]
4. How should the concept of excellence guide the debate about sex segregation in sport? [Testa]

These papers fill a lacuna in the literature by exploring complementary aspects of a central sporting value which, although pivotal, has commanded more support than scrutiny in the philosophy of sport literature.

Recent controversies at the elite and professional level have brought the ethical dimension of sport to public attention: the Lance Armstrong and Russian doping scandals have raised anew doubts over the justifiability of the ban on performance enhancing drugs in sport. Oscar Pistorius challenged the distinction between disability sport and able-bodied sport. Finally, Caster Semenya and Rachel McKinnon have called into question the justifiability of binary sex segregation in competition. These controversies have also provided focal points for public debate concerning moral issues ranging from the morality of cheating, the moral significance of the ‘able-bodied/disabled’ distinction, to the proper treatment of trans community.

Each of these controversies turn on arguments concerning the nature of ‘sporting excellence’: if doping is so difficult to detect, should it be banned, or would lifting the ban compromise the purpose of the sport as a test of excellence? Should athletes with prosthetic limbs be allowed to compete in able-bodied sport, or does running with blades, for example, constitute running in the relevant sense at all? Finally, does the inclusion of trans women in women’s sport undermine such competition as a test of female sporting excellence?

Excellence has played a central role not only in public debate but also in philosophical debate in sport. Internalists contend that sport has intrinsic value. On this view, sport is not simply a means for amusement or economic profit, but it is valuable in and of itself. The leading version of internalism is ‘broad internalism’, inspired by Ronald Dworkin’s ‘interpretivist’ theory of law, whereby legal rules are grounded by a set of principles that guide how legislators should legislate and how judges should adjudicate. On this view, rules obtain normative significance in virtue of their being justified by more fundamental normative principles. For broad internalists, sport provides a context in which particular forms of human excellence can flourish.

The most influential interpretivists in the philosophy of sport literature are John Russell and Robert L. Simon. Both agree that the most important interpretivist principles in sport are excellence-based. Russell has argued that the most important interpretative principle to guide rule-making, rule interpretation, and decisionmaking by officials during sporting contests is excellence-based: ‘Rules should be interpreted in such a manner that the excellences embodied in achieving the lusory goal of the game are not undermined but are maintained and fostered’ (Russell, ‘Are Rules All an Umpire Has to Work With?’, 1999, p. 35). Robert L. Simon argues that sporting competition, at its best, is not an adversarial, zero-sum contest but a ‘mutual question for excellence’ (Simon et al, Fair Play: The Ethics of Sport, 2015 (4th ed.), p. 43), that is, a cooperative enterprise in which competitors challenge each other to bring forth their best performance.

While much hangs on whether excellence is being undermined or not or whether a particular competitive arrangement qualifies as a mutual question for excellence, there is no explicit account within the philosophy of sport of what excellence means, how it relates to different
sports or how it might be advanced or undermined. Our panel takes this important neglect as its point of departure.

This panel has been assembled with the aim of taking an initial step towards bringing the philosophy of sport into the mainstream of the applied philosophy community. Exposure at an event like the SAP conference will allow critical scrutiny of work in this area, raise awareness of the philosophical work that is already going on in the philosophy of sport, and it will bring attention within the profession to sport as a legitimate subject of philosophical enquiry.

The panel brings together four philosophers intimately engaged with the ethical and metaphysical issues in sport:

Jon Pike will take up the fundamental question of what constitutes sporting excellence? The literature trades on examples and intuitions regarding the nature of sporting excellence, but no philosophical account has yet been developed. Pike argues that sporting excellence, rather than being rooted in challenges posed by the rules of sport, is rooted in our biophysical environment. Excellence in sport is the ability to execute very difficult potential actions (or affordances). Sport provides obstacles that require competitors to move their bodies in complex ways. In providing the conditions by which athletes are encouraged to move in novel ways (e.g. the tennis serve or the triple summersault), sport helps us to discover bodily possibilities that exist in the world.

Yuval Eylon will take discussion beyond the nature of sporting excellence to its metaethical status. Is excellence relative in sport? Within any given sport, there are different modes of winning â€“ a fair win, a spectacular win, an at-all costs win, a win simpliciter â€“ and different types of win relate to sporting excellence in different ways. Each mode of winning corresponds to a different mode of ‘playing well’. Excellences in sport are relative to different conceptions of playing well in the same way that moral excellences are relative to different conceptions of living well. What constitutes playing well for someone pursuing a spectacular win will involve a different set of excellences to playing well for someone pursuing an at-all-costs win. So, excellence in a given sport is relative to the particular mode of ‘playing well’ that operates at the time of play.

John William Devine will examine the significance of excellence for rule-design in sport and for the adjudication of in-competition disputes. Specifically, he will investigate how the rules and their application may advance or stifle the manifestation of excellence in sport. He will develop a four-part typology of ways that excellence might be compromised or promoted. This typology emphasises the importance of the perceptibility of and the relation between excellences within a sport, and he will apply this normative framework to the justifiability of different modes of ‘enhancement’ in sport ranging from coaching and data analytics to innovations in equipment.

Georgia Testa will consider the role that excellence should play in another area of recent sporting controversy: binary sex segregation in competition. Not every opponent can bring out the best of an athletes. An athlete’s sporting excellence is best realised when facing an opponent of roughly equal ability who can provide us with a test of just the right difficulty. The desirability of contests in which competitors can bring out the excellence in each other combined with the relevance to sports performances of biological differences between the sexes provides an excellence-based argument, in some sports, for biological sex classes.

To conclude, the panel will advance our understanding of the nature of sporting excellence, a central but undertheorised value in sport. In addressing the proposed cluster of questions, the panel will provide the beginnings of a systematic philosophical analysis of the anatomy and moral significance of excellence in sport, and it will bring these theoretical insights to bear on the leading ethical problems in sport of enhancement and sex segregation.
Dr John William Devine (Swansea University)
Dr Yuval Eylon (Open University, Israel)
Dr Jon Pike (Open University, UK)
Dr Georgia Testa (University of Leeds)

Synopsis / abstracts of panel papers:

**Pike, Jon** (Open University, UK)

*Excellence in sport and a skilful grip on affordances.*

I will argue that excellence in sport is constituted by the ability to do, and success in doing, very difficult potential actions (or affordances).

Excellence consists in doing something well. In sport, the things that participants want to do well, and spectators want to be done well, are various affordances. It seems that this is a matter that requires additional criteria of wellness, over mere success. But I will argue that these cases reduce to cases where, if the affordances are difficult enough to identify, and difficult enough to complete successfully, excellence is simply a matter of doing them simpliciter (that is, to succeed in doing them). Sport, even non-competitive sport, tends to funnel its participants towards difficult affordances. We find ourselves situated in a biophysical environment, act in that environment and succeed or fail. The affordances in question consist in the direct relationship between the agent and their biophysical environment, and excellence in sports resides in doing some of the most difficult biophysical tasks that there are to be done.

The Fosbury flop, the front crawl, and Simone Biles’ triple double somersault are new ways of moving bodies. As such, they are examples of excellence. When we find new, very difficult ways to move, we are discovering something about the possibilities that exist in the world, rather than creating something ab initio. I will argue, then, that excellence in sport has much more to do with pre-institutional affordances than it has to do with rules. Like sports themselves, sporting excellence is rooted in our biophysical environment rather than in conventions, or ‘constitutive’ rules.

**Eylon, Dr Yuval** (Open University, Israel)

*Values, Relativism And Excellence*

I argue that what counts as an excellence in sports (quickness, ball-control, etc.) is relative to a conception of the sport - a culture of playing the sport, which in turn manifests an ethical outlook.

Relativism about sports excellences seems either trivially true, or false. It is trivially true in the sense that different sports require different skills. However, for each given competitive sport, it seems that excellence is internally defined - the quickest sprint is the excellent sprint, and similarly in the more complex cases of sports that involve a multitude of skills such as football (however we determine what being ‘better overall’ means). Relativism seems unwarranted.

Since winning is the constitutive aim competitive games, it seems to follow that playing well is playing to win. But if so, how can other values (playing fairly, playing spectacularly, taking risks, playing entertainingly) be anything but distractions? The response is that the end of the game is not merely winning, but winning well - or more accurately a particular type of win: a fair win, a...
spectacular win, an at-all-costs win, winning simpliciter (which is just one type of win amongst others), etc. This claim is defended by showing that it accounts for several phenomena.

Finally, the end of the game (a type of win) is internally related to the excellences of a game: the type of win pursued defines what counts as playing well and as good performance. Therefore, inasmuch as there are different and incompatible ideals of wins, this allows for a relativism of sporting excellence: excellences in sports are relative to conception of playing well in a similar way in which virtues of excellences are taken to be relative to conceptions of the good life, and thus to different ethical outlooks of games and of the good life.

**Devine, John William** (Swansea University)

*Taking Excellence Seriously: Ethics And Enhancement In Sport*

What forms of enhancement should be permitted in sport? Arguments concerning the justifiability of enhancement in sport have revolved around three principal considerations: 1. harm, 2. fairness, and 3. excellence. Excellence-based arguments remain the least developed. Despite the concept being invoked regularly in the literature and the display of athletic excellence being one of the primary justifications for competing in or caring about sport, the philosophy of sport lacks a theory of sporting excellence.

The enhancement debate has been unduly narrow not only in the neglect of excellence (an important candidate justificatory criterion) but also in revolving around one mode of enhancement â€” performance enhancing drugs (PEDs) â€” in isolation from the myriad other forms of enhancement that sports governing bodies must adjudicate.

This paper addresses both shortcomings by examining how excellence-based arguments should inform the enhancement debate not limited to PEDs. I argue that the fundamental rationale for sporting competition is the display of sporting excellence. ‘Excellence’ is understood not comparatively but as exemplary of valuable human capabilities. There are four ways in which an enhancement may undermine sport as an excellence-based activity. Enhancement may undermine a sport’s:

1. Cluster of Excellences: The enhancement may alter the set of excellences that are tested within the sport (e.g. speed, strength, strategic nous);
2. Quantum of Excellence: The enhancement may reduce the amount of excellence displayed in a sport;
3. Clarity of Excellences: The enhancement may obscure the degree to which those excellences are observable in the sport;
4. Balance of Excellences: The enhancement may disrupt the appropriate relation (structure of relative importance) between excellences within the sport.

These concerns contribute to a single interpretivist principle called the ‘Excellence Principle’. I argue that the Excellence Principle is a desideratum for any adequate normative theory of enhancement in sport.

**Testa, Georgia** (University Of Leeds)

*Excellence Is Not A Class Of Its Own*

One condition of excellence is that athletes are reasonably matched against each other. A game between Rafael Nadal and Serena Williams will be horribly one sided, but not because Serena Williams is not an excellent tennis player. She is excellent in her class, as is Nadal. Sport is
routinely organised by classes based on such things as age, degrees/kinds of disability, skill (think of professional versus amateur), and so on, in cases where physical strength or skill differs between different classes of competitors.

The justification of these classes varies but, where legitimate, identifies a relevant difference that prevents unfairness when matching competitors. For example, classes are non-arbitrary and non-discriminatory when they are based on opportunity to develop a sporting skill, such as time available to devote to a sport, which explains why we have professional and amateur categories, although this can also be explained by degrees of skill: amateurs may be sports people who lack the skill to compete professionally. We also consider it unfair to match fully able-bodied people against people with disabilities that are inherently physically or cognitively limiting of achievement. Nevertheless, we recognise that there is such a thing as excellence in sport X for a person with disability Y, which is an achievement in its own right and to be lauded.

I will argue that, in some sports, there is a non-arbitrary and non-discriminatory reason to recognise biological sex classes, due to the physical skills and demands of a given sport and the biological sex-based differences that make it the case that one sex will not be able to match the excellences of the other â€“ Serena and Rafa.

I will argue that this is not trans-discriminatory. Furthermore, we need equal opportunities to excel and, as women have traditionally lacked such opportunities in sport as in other areas of life, and to some extent continue to do so, as a result of sex-related discrimination or barriers, this constitutes a further reason to maintain biological sex classes in sport.

Panel proposed by: Manuel Gustavo Isaac (Swiss National Science Foundation/University of St Andrews): isaac.manuelgustavo@gmail.com

Panel session title: The Implementation Challenge for Conceptual Engineering (ICCE)

N.B. The ICCE Panel will be turned into an independent workshop to be scheduled in Winter 2020/21. Announcement will be circulated on general mailing lists (philos-i, philosop, hopos-g), professional networks (PhilEvents, LinkedIn) and social media (Twitter, Facebook). Stay tuned!

Synopsis:

Conceptual engineering is an exciting new movement in analytic philosophy that explicitly focuses on how to best improve our conceptual repertoires. One key feature of this renewed approach lies in its normativity: conceptual engineers aims to provide us with the concepts we ought to have, instead of merely describing the concepts we do have as a matter of fact. Given the ubiquity of potentially deficient concepts, the potential outreach of conceptual engineering is unlimited: the methods and processes of conceptual engineering might ultimately be applied across philosophy, in other academic disciplines, and in society more generally. There are two main directions in current work on conceptual engineering: case study research that focuses on specific conceptual deficiencies and then advocates for specific conceptual ameliorations; metaphilosophical research that mostly deals with the theoretical foundations of conceptual engineering, its practical application, and its methodological framework. The ICCE Symposium makes the next step by taking up the Implementation Challenge for conceptual engineering and
thus turning the whole enterprise into an issue in applied philosophy that has a direct bearing on areas of practical concern. The implementation challenge for conceptual engineering is about how to implement the ameliorative strategies that the conceptual engineers may come to have advocated for. Yet as of now, and in spite of the threat it poses to its overall program, no extant work has exclusively addressed the implementation challenge for conceptual engineering. By systematically investigating all of its ramifications, the main goal of the ICCE symposium is to thereby contribute to a better understanding of what conceptual engineering practically amounts to and thus improve the prospect for conceptual engineering being an effectively actionable method.

Panel Outline:

Conceptual engineering is an exciting new movement in analytic philosophy that explicitly focuses on how to best improve our conceptual repertoires. One key feature of this renewed approach lies in its normativity: conceptual engineers aims to provide us with the concepts we ought to have, instead of merely describing the concepts we do have as a matter of fact. Given the ubiquity of potentially deficient concepts, the potential outreach of conceptual engineering is unlimited: the methods and processes of conceptual engineering might ultimately be applied across philosophy, in other academic disciplines, and in society more generally ranging from non-academic research to policymaking and diplomacy, public debates and discourse or political newspeak, the practice of liberal arts, new e-learning and other education technologies, and so on, insofar as our ways of thinking and acting in all of these fields may be potentially improved by the design and use of better concepts. Think, for instance, of the recent efforts to improve the concept of sexual orientation in order to combat systemic social oppression and discrimination in the US as well as of the various linguistic innovations that have been used as tools to increase the awareness of climate crisis (from greenhouse effect to global warming) or for changing political attitudes (e.g., via the neologism homophobic). Examples like this are all around us every day. And conceptual engineering precisely means to be the method to assess and improve our concepts working as such cognitive devices. Yet, conceptual engineering is still a young area of research, and many of its most critical issues need to be explored, debated, and settled.

Although there is no common framework unifying conceptual engineering as research program, current work in conceptual engineering shares several core commitments. First, concepts are usually taken to be representational devices that serve cognitive purposes for instance, the ‘four food groups’ to roughly classify food on an oversimplified nutritional basis. Second, it is basically assumed that better concepts leads to better thinking, acting, and behaving for instance, that the concept of phoneme is better than the concept of letter in order to well describe the sound pattern of a natural language or that the concept of racialization is better than that of race in order to prevent discriminatory practices against socially formed racialized groups of people. And third, it is generally claimed that our conceptual apparatus can, and sometimes should, be (re-)engineered, and for the better.

There are two main directions of research in current work on conceptual engineering: case study research that focuses on specific conceptual deficiencies and then advocates for specific conceptual ameliorations (e.g. Haslanger 2000 on WOMAN, Scharp 2013 on TRUTH, etc.); metaphilosophical research that mostly deals with the theoretical foundations of conceptual engineering (e.g. what, in the relevant sense, are concepts? how does conceptual engineering fit in an overall theory of mind and language? what is the relation of conceptual engineering to similar methodological frameworks? etc.), its practical application (e.g. how, why, and when to implement conceptual engineering? does conceptual engineering work in the same way across
different conceptual domains? etc.), and its methodological framework (e.g. what are the criteria for the quality of concepts? how can a conceptual deficiency be ameliorated? etc.) (cf. Cappelen 2018).

The ICCE Symposium makes the next step by taking up the Implementation Challenge for conceptual engineering and thus turning the whole enterprise into an issue in applied philosophy that has a direct bearing on areas of practical concern. The implementation challenge for conceptual engineering (Cappelen and Plunkett 2019) is about how to implement the ameliorative strategies that the conceptual engineers may come to have advocated for: Do conceptual engineers have to turn themselves into conceptual activists in order to ensure their work having some concrete impact on real people’s life? What are the obstacles for implementing conceptual ameliorations on the ground and are there ways to overcome these obstacles? Who are the other stakeholders possibly involved in conceptual ameliorations? Furthermore, how to identify them, target them, and interact with them? And in this light, are engineering projects even feasible? These are among the questions that will typically be discussed in this symposium.

The ICCE Symposium will be divided into 4x30min. slots (each including a 20min talk and 10mins for Q&A). The first talk will give a neat characterization of the implementation problem, further map the different options that are available to solve it, and then draw the lesson from these different options. The second talk will present a moderately optimistic view on the control we have over the concepts that are the targets of engineering projects based on a dual content theory of concepts. The third talk argue for a psychological way of taking up the implementation challenge that heavily relies on outsourcing interdisciplinary and intersectoral strategies, beyond philosophy. And finally, the fourth talk will empirically investigate the extent to which the implementation of conceptual changes falls within the control of competent thinkers in light of human cognitive limitations.

As of now, in spite of the threat it poses to its overall program, no extant work has exclusively addressed the implementation challenge for conceptual engineering. By systematically investigating all of its ramifications, the main goal of the ICCE symposium is to thereby contribute to a better understanding of what conceptual engineering practically amounts to and thus improve the prospect for conceptual engineering being an effectively actionable method.

NAMES AND AFFILIATIONS OF PANELISTS
-- Mark, Pinder (Open University)
-- Steffen, Koch (Ruhr-University Bochum)
-- Manuel Gustavo, Isaac (Swiss NSF/University of St Andrews)
-- Eugen, Fischer (University of East Anglia)

REFERENCES (WHOLE PANEL SESSION)

Synopsis / abstracts of panel papers:

**Mark, Pinder** (Open University)
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*What is the implementation problem?*

Conceptual engineering is the process of improving our conceptual repertoire, and the study thereof is intended to have practical applications both inside, and outside, of philosophy. However, in Fixing Language (OUP, 2018), Cappelen argues that it is effectively impossible to implement conceptual changes: conceptual engineering involves changing word meanings but, given that word meanings are fixed by external factors (such as a natural kind’s essence), none of us has control over word meaning. This, according to Cappelen, is the implementation problem.

So construed, there are two principal responses to the problem. Firstly, argue that we have more control over word meaning than Cappelen allows (Koch 2018; Simion and Kelp 2019). E.g., if we co-ordinate language use, we can collectively change a word meaning. However, this strategy doesn’t solve the problem, as none of us has control over how others use words. I cannot make everyone use â€œwomanâ€‌ to mean person subordinated due to perceived female-marked features, even if that is a ‘social kind’, just as I cannot make â€œwomanâ€‌ mean that.

The second strategy is to argue that Cappelen has an overly restrictive conception of conceptual engineering (Pinder 2019; Riggs 2019). E.g., conceptual engineering might involve no more than changing how relevant people use words. This makes conceptual engineering easy in local contexts. But, in wider contexts, the problem remains: wide-scope conceptual engineering involves widespread co-ordination of language use. And, again, none us has control over how others use words.

These arguments suggest two conclusions. Firstly, pace Cappelen, the implementation problem is this: wide-scope conceptual engineering involves widespread co-ordination of language use, but...
none us has control over how others use language. Secondly, the implementation problem is not distinctive: it is just the age-old problem of effecting a coordinated improvement in people’s behavior. And good luck with that.

Steffen, Koch (Ruhr-University Bochum)

*Conceptual engineering and the implementation challenge. A moderately optimistic perspective*

Conceptual engineering aims to criticize and improve the concepts we use. Concepts shape how we think about the world, how we communicate with each other, how we pursue our personal lives, and how we organize our society. By improving our concepts, philosophy understood as conceptual engineering could potentially have a significant positive impact. It is this line of reasoning that fuels the enthusiasm one can find in contemporary writings on conceptual engineering. However, it is questionable whether this optimistic stance is warranted. This is because it is unclear whether and how conceptual engineering can be implemented. In this vein, Cappelen (2018) argues that conceptual engineering is largely inscrutable and out of control: we can propose better word meanings, but actually changing the meanings of our words is not something we can rationally hope to achieve.

In my talk, I challenge Cappelen’s pessimistic stance and argue for moderate optimism instead. I start by sketching a view about what conceptual engineering amounts to, i.e. how we ought to construe the objects of conceptual engineering and what it means to engineer them. The gist of this view is that concepts should by understood as having dual contents: cognitive content on the one hand, and referential content on the other. I argue that both of these contents can, and sometimes should, be engineered, and explain what this amounts to. Based on this view, I argue “contra Cappelen “that engineering each of the two contents is scrutable and, to some extent, within our control. It will emerge that engineering concepts is often a collective long-term project akin to other forms of social change, however. For this reason, I will conclude that we often (merely) possess immediate long-range control over conceptual engineering.

Manuel Gustavo, Isaac (Swiss Nsf/University Of St Andrews)

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*The Implementation Challenge From A Psychological Point Of View*

The implementation challenge is about how to secure uptake for the representational ameliorations that conceptual engineers may come to prescribe. The main claim of this talk is that the threat that this challenge poses to the very feasibility of conceptual engineering mostly depends on which representational devices are taken as targets objects for engineering projects.

With this in mind, I will start recalling why conceptual engineering should be about concepts, instead of any other kind of representational devices (Isaac forthcoming). I will next present a simple dichotomy between two types of theories of concepts, namely: philosophical theories, which typically model concepts as the components of our thought contents, and psychological theories, which typically model them as the explanans of our higher cognition. Against that background, I will then turn to assessing their suitability for implementing ameliorative strategies.

Philosophical theories of concepts will be assessed in a classic externalist framework at both a collective (local or global) and individual level and it will be argued that conceptual ameliorations are for them either out-of-control or indirect or random, respectively. By contrast, psychological theories will be assessed in an internalist framework at an individual level and it will be argued...
that conceptual ameliorations are for them implementable by re-delineating the bodies of information that we retrieve by default when we exercise some higher cognitive competence.

As a result, on this picture, the implementation phase of engineering projects will have to be outsourced to other disciplines or sectors. Based on my personal experience with think tankers, I will conclude outlining strategies for knowing how to segment, reach, inform, and monitor a potential pool of implementation partners. Hopefully, conceptual engineering will thereby be made available to social exploitation by translating the concepts it creates into innovative abilities and behaviors well-suited for real people’s cognitive life.

Eugen, Fischer (University Of East Anglia)

Conceptual Control: An Empirical Perspective On The Implementation Challenge

Conceptual engineering promises to provide representational devices that help us think and reason better. In extending this promise, conceptual engineers presuppose that competent thinkers are able to adopt, and make correct use of, the new devices. This presupposition has been challenged on theoretical grounds (Burgess and Plunkett 2013; Cappelen 2018). This talk examines it empirically, explores to what extent conceptual engineers can deliver on their promise, and suggests empirical methods that can help them to deliver on it in the light of serious cognitive constraints. The upshot is that conceptual engineering can help us think better only when practiced as an interdisciplinary enterprise.

The most common form of conceptual engineering provides normative semantic explanations that endow familiar words (‘woman’, ‘zombie’, ‘see’) with new, related senses (Haslanger 2000; Chalmers 1996; Jackson 1977). This enhances polysemy. But to what extent are competent language users able to use polysemous words in line with such new explanations, in judgment and reasoning?

To render this question empirically tractable, the paper draws on polysemy research from psycholinguistics (Klepousniotou et al. 2012; MacGregor et al. 2015). To address the question, it turns to experimental philosophy. Recent findings identify a first gap in ‘conceptual control’: Fischer and Engelhardt (2017; 2019) experimentally identify conditions under which even competent thinkers cannot help making inappropriate inferences from special uses of familiar words, which are licensed by the dominant sense, but are cancelled by explanations of the contextually relevant sense. Such automatic inferences influence further judgment and reasoning, even when language users explicitly reject them. The talk briefly reviews evidence of further gaps in conceptual control, to suggest the pertinent cognitive constraints are serious. It finally explains how conceptual engineers can deploy psycholinguistic methods to work around the vitiating conditions identified, and develop representational devices that can actually be used as intended.
explain how environmental influences affect gene expression. Recent discoveries challenge the previously entrenched belief that genes determine biological development: it seems that, instead, environmental factors determine how genes behave, and that these effects are inheritable. This raises challenges for ethical theorising that conceives of responsibility for health as essentially individual. In her talk, Moormann discusses individual versus collective responsibility against the background of findings in epigenetics. She outlines the main challenges for collective accounts of responsibility for health, and proposes a model of responsibility distribution that is responsive to these findings.

Although epigenetics findings are acknowledged and are being addressed in the philosophy of psychiatry, their implications for ethical discussion of the scope and extent of individual responsibility have not yet been adequately addressed. Hens illustrates this lacuna with the help of empirical work by herself and others on the relation between biology, diagnoses indicating a neurological condition, and moral responsibility for one’s behaviour. For Hens, a more dynamic understanding of human biology is needed in order to assess more accurately the degree to which one is responsible for one’s behaviour.

The concept of ‘human nature’ as being genetically determined has been prominent in discussions on the permissibility of human genetic engineering. If human nature is not only genetically but also environmentally determined, the question arises of how this changes the case for, or against, human genetic engineering. In her talk, Cutas examines the ways in which findings in epigenetics challenge entrenched attitudes in favour of, as well as against, genetically engineering humans.

Panel Full Proposal:

Panel convenor: Daniela Cutas (Umeå University)

Panel participants: Emma Moormann (University of Antwerp); Kristien Hens (University of Antwerp); Daniela Cutas (Umeå University)

In 2018, it was reported that for the first time babies were born who have undergone a gene editing procedure as embryos (Marchione 2018). This was met with international outrage and calls for a global ban on reproductive use of germline editing (Lander et al 2019). While many of the reactions have focused on the timing of the intervention in relation to the stage of research, others have objected to it in principle: this incident has crossed the boundary into genetically altering human nature, and this is impermissible. Unlike genetic engineering of somatic cells, engineering the germline (reproductive cells such as gamete and embryonic cells) causes changes that will be inherited by the descendants of the person created in that process.

The Convention on Human Rights and Biomedicine states that an intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purpose and only if its aim is not to introduce any modification in the genome of any descendantsâ€™ (Art. 13). This provision is designed to prevent the use of such technologies as to produce individuals or entire groups endowed with particular characteristics and required qualities (Council of Europe 1997: 14). In the explanatory report of the Convention’s cloning protocol, random genetic recombination is deemed important for human beings’ freedom, which is why it is in the interest of all persons to keep the essentially random nature of the composition of their own genes (para 3). This association between undirected genetic recombination and persons’ interests has also been emphasised in the work of philosopher Jürgen Habermas, who argues that intervention on the genome of another person creates an unprecedented type of unequal relationship between individuals, in which one has determined
the essence of the other. In this way, they are not ‘of equal birth’ and âœthe intergenerational relations lose the naturalness which so far has been a part of the taken-for-granted background of our self-understanding as a speciesâ€ (Habermas 2003: 72). Political scientist Francis Fukuyama locates justice itself in our human nature â€“ where by âœhuman natureâ€ he means âœthe sum of the behavior and characteristics that are typical of the human species, arising from genetic rather than environmental factorsâ€ (2002: 130). Because justice depends on human nature as is, for Fukuyama intervening genetically on human nature is irresponsible. In contrast, in 2018 the Nuffield Council of Bioethics (a major advisory body in the UK) recommended that germline editing is permitted if it is compatible with the welfare of the resulting person and does not increase vulnerability in society. It notes that appeals to the inviolability of human nature have prompted strong objections to gene editing; however, these objections reveal an essentialist approach that is itself problematic (Nuffield Council 2018).

Prominent bioethicists have argued that reproductive responsibility includes a moral obligation to select embryos most likely to have a good life: this has been called the Principle of Procreative Beneficence (Savulescu 2011). Such proposals have been criticised for reducing everything about future children to specific genetic traits that are alone seen as indicative of their expected quality of life (Asch 2003). They have also been criticised for employing an untenable notion of ‘genetic responsibility’ (Dupras & Ravitsky 2016). Other bioethicists have suggested that future children should be engineered as a way to adapt to changes in the environment and reduce carbon emissions (Liao et al 2012): we ought to change human nature as a response to environmental challenges.

Such suggestions demonstrate a reliance on genetics to solve global problems that may be unjustifiably naïve and optimistic. Nature (genes) and nurture (the environment) are so intertwined, that the mere question of the exact causal role of specific genes may be unanswerable: there cannot be expression of a gene outside of an environment (Keller 2010: 6). This perspective contrasts both with ideas of human nature as genetically determined as in Fukuyama’s objection to genetic intervention â€“ and with the idea that we can mitigate or adapt to environmental challenges by altering our genes as in the Liao et al suggestion. Both those who argue in favour of modifying humans to adapt to the environment and those who are against modification of human nature take for granted that human nature is genetically determined.

Genetic make-up is often described as a ‘blueprint’ for human nature that is set at the time of conception and stable across one’s lifetime. To a large degree, this understanding of human nature dominates both among scientists and among lay people alike. However, recent discoveries in epigenetics have revealed that gene expression depends on environmental conditions. The environment in which an organism is born and lives changes the way in which her genes work. These changes are heritable: what prospective parents experienced as children, and even what their own parents experienced, has an impact on the gene expression of their future offspring (Kaati et al 2007, Thayer & Kuzawa 2011, Hens 2017, Roberts et al 2018). Knowledge of these influences and causal chains raises questions about responsibilities that we may have for the health and wellbeing of not only our future offspring, but also our offspring’s offspring. These discoveries challenge previously entrenched conceptions of human nature and the nature/nurture divide, confound the distinction between genes and the environment, and extend the scope of parental responsibilities.

Two important distinctions here are those between retrospective and prospective responsibility, and between causal and role-based responsibility. For example, we say that a parent is morally responsible to ensure that her child’s needs are met: this is prospective and role-based responsibility. One other sense in which we speak of moral responsibility is causal and retrospective: the parent may be responsible for having harmed her child, for example by behaving in ways that were harmful to the fetus. According to some authors, ‘epigenetic responsibility’ should be prospective rather than retrospective and collective rather than
individual: rather than assigning blame, we should look at what changes need to be made in order to minimise harms (Hedlund 2012). In her talk, Moormann elaborates on these distinctions and focuses on the relation between individual and collective responsibility for health.

Furthermore, capacity responsibility, as defined by Hart, is associated with a person’s capacity to reason, to foresee harm and to carry out behaviour that social norms require from them. For example, a small child has less capacity responsibility than an adult does. A person held at gunpoint is also less to blame for the actions she is forced to perform. Having certain mental attributes may imply that one is less responsible for one’s behaviour or that one is less capable of adapting one’s behaviour. It has been suggested, by philosopher of science Ian Hacking and others, that the more ‘biological’ a condition is considered, the less the person with that condition is considered to blame for her actions. Hence, biology is exculpating. However, it is not clear to what degree being able to pinpoint a biological cause for a disorder dissolves the person of responsibility for behaviour related to the disorder. In her talk, Hens discusses the interplay between genetic explanations and exculpation of ‘problematic’ behaviour. Drawing from her empirical work with autistic adults, she presents both the relief that biology can bring in shielding an individual or their parents of moral blame, and the loss involved in failing to engage explicitly with the implications of a diagnosis for moral responsibility.

References


Moormann, Emma (University of Antwerp)

Collective Responsibility for Epigenetic Health

This paper aims to explore issues related to collective responsibility for health in light of findings in epigenetics. It will start with a brief explanation of some philosophically salient characteristics of epigenetic mechanisms: heritability, unpredictability and, at least in some cases, reversibility. After this introduction, I will explore two questions in this talk.

Epigenetics findings suggest that ethical theories with a focus on individual or personal responsibility for health cannot sufficiently do justice to the complexities of epigenetic mechanisms and the influence of an individual’s environment on their health. If this is the case, can collective agents have responsibility for epigenetic health? Does it make sense, for example, to hold corporations responsible for the adverse health effects their toxic waste may have for individuals through epigenetic mechanisms? I will argue that it does, and draw on some existing theoretical frameworks for collective responsibility to make my point. I will apply the concept of forward-looking collective responsibility (FLCR) to a realistic case of individual health mediated by epigenetic mechanisms.

Secondly, if we can assign forward-looking responsibility for some epigenetic health effects to a collective agent, can we also say something about the content of this responsibility? What kind of responsibility are we talking about, and how can collective agents discharge this responsibility? I will explain how a framework of responsibility distribution could be nuanced enough to do justice to the complexities of epigenetics. A just theory of responsibility distribution should recognize that responsibility comes in degrees and should be distributed fairly among the individuals and collectives involved.

Hens, Kristien (University of Antwerp)

Responsibility and neurodiversity. An investigation

Studies with adults with a diagnosis of autism and with parents of children with such a diagnosis suggest that the diagnosis is often regarded as an indication that the ‘problematic’ behaviour has its origin before birth, is genetic and lifelong. As such, it absolves the child and her parents of responsibility for difficult behaviour, and the bar of what can be expected from the child is set much lower than is the case for typical children.

In this talk, I discuss how concepts such as innate/acquired, biological/psychosocial, genetic/environmental affect the ways in which professionals and stakeholders (persons with a neurodevelopmental disorder and their families) conceive of responsibility in the context of neurodevelopmental disorders. I use my own empirical research with autistic adults and that of others. I also point out possible pitfalls of a deterministic interpretation of the causes of certain diagnoses, and show how a more dynamic understanding of human biology may suggest a more nuanced view on the attribution of moral responsibility.
Cutas, Daniela (Umeå University)

*Epigenetic changes and germline gene editing*

In this talk, I analyse the ethical debate surrounding germline gene editing, against the background of findings in epigenetics that challenge the idea of human nature as genetically determined. Molecular changes caused by environmental influences resonate across generations, and this challenges the view of human beings as atomistic individuals separate from their environment. Fully appreciating the impact of such findings may provide a basis for a concept of human nature that is responsive to environmental cues. This is especially relevant in bioethics, as in this research area the idea of genetics as a ‘blueprint’ for human nature is often still taken for granted. It suggests that endeavours to engineer human beings in order to improve their ability to deal with environmental threats are misguided, as genes alone cannot do this.

Germline editing is a very high-tech solution to problems at least some of which can be addressed through social or behavioural intervention. For example, the Chinese experiment consisted in editing genes in healthy embryos in order to prevent HIV infection. However, this outcome can be achieved by education or the use of prophylactics. Likewise, pollution, certain chemicals, climate change, poverty or war, also seem to alter human nature, by causing inheritable changes. At least some of these effects can be remedied by reducing inequality and exposure across societies and social strata â€“ by addressing their causes â€“ rather than by engineering humans. Such remedies would protect human nature twofold: not only would we not genetically alter it ourselves, but we would also improve the world around us and thus reduce harmful epigenetic changes to our nature. If this is correct, my analysis provides a counterargument to the drive towards germline gene editing as well as to some of its most principled objections.

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Panel proposed by: Kyle Johannsen (Trent University)

Panel session title: *Positive Duties to Wild Animals: A Dialogue*

Synopsis:

An increasingly large number of animal ethicists believe that there are things we both can and morally ought to do about the harms animals face in the wild. Only recently, however, has a diverse array of views emerged among pro-interventionists. Though it seems ‘natural’ to think of intervention in the wild as a matter of humanitarian assistance, a number of writers argue that cosmopolitan distributive justice militates in favor of intervention. They note that the core intuition driving cosmopolitanism â€“ the idea that it’s unfair for the circumstances of one’s birth to determine one’s life prospects â€“ seems to include species membership, too. In addition, a number of authors have argued that we owe rectification to wild animals for anthropogenic harms. Clare Palmer, for example, highlights various anthropogenic harms that she thinks grounds duties of rectification, but among the most significant harms are those associated with anthropogenic climate change.

The purpose of this panel is to generate a dialogue between writers who agree that we owe significant positive duties to wild animals, but who have fairly different perspectives on the matter. Questions that may be addressed in the panel papers and in subsequent discussion include the following: What normative considerations support the claim that we owe assistance to...
wild animals? Are there some considerations that the existing literature has not yet identified and which might be used to develop a fresh perspective? To what extent are different perspectives on intervention compatible with each other? Where do they provide mutual support for the same interventions, and where do they disagree about which interventions to undertake? Are some rationales for intervention more politically tractable than others? Are some rationales more compatible with environmentalism than others? If so, how important is compatibility with environmentalism anyways?

Panel Outline:

An increasingly large number of animal ethicists believe that there are things we both can and morally ought to do about the harms animals face in the wild. Only recently, however, has a diverse array of views emerged among pro-interventionists. Most understand positive duties to wild animals as either duties of humanitarian assistance (McMahan 2015; Horta 2017; Paez 2015; Johannsen 2017 and 2020), duties to rectify anthropogenic harms (Pepper 2019; Palmer 2019; and Sebo forthcoming), or duties of cosmopolitan distributive justice (Faria 2014; Horta 2016; and Cochrane 2018). The purpose of this panel is to generate a dialogue between writers who agree that we owe significant positive duties to wild animals, but who have fairly different perspectives on the matter.

Though we’ve always known that the wild is a nasty place where predators lethally attack prey, only recently have most animal ethicists come to realize that most wild animals fail to flourish. In fact, what we know about wild animal reproduction suggests that the majority of sentient beings born into the world may not even live lives worth living. After all, only some wild animals (K-Strategists) protect their genes by restricting reproduction to a small number of cared-for offspring. Many animals protect their genes by producing large numbers of uncared-for offspring. This evolutionary reproductive strategy, normally referred to as the ‘r-Strategy’ (MacArthur and Wilson 1967; and Pianka 1970), is used by many lizards, amphibians, fish and small mammals. Instead of restricting reproduction and providing intensive care, r-Strategists produce a large quantity of offspring, the majority of whom die from disease, starvation, injury, exposure or predation, shortly after birth.

The r-Strategy is not the only source of suffering in nature. This seems obvious enough when we note that other causes, such as predation or food scarcity, must be present in order for r-Strategists’ young to die prematurely, but it’s also true that r-Strategist infants aren’t the only wild animals who experience a low level of welfare. Most (sentient) K-Strategist animals and r-Strategist adults endure a considerable amount of suffering from a variety of sources. Consider the effects of predation. In addition to the painful deaths caused by predation, the threat of predation causes hunger by preventing prey animals from foraging in risky areas (McNamara and Houston 1987; Anholt and Werner 1995), it’s a source of psychological stress for prey animals (Dwyer 2004; Creel et al. 2007), and predation is a source of non-fatal injury for those who manage to escape predator attacks.

It’s not unreasonable for one to initially respond to the above with a sense of depressed resignation, but a number of ethicists believe that we both can and should intervene. Some interventions, specifically large-scale ones, will require research before they can be conducted safely and effectively, but the sheer scale of wild animal suffering means we have strong moral reasons to fund that research. According to a recent estimate, the world’s population of wild, terrestrial vertebrates is about one trillion, give or take a 0, and the number of wild marine vertebrates is even larger (Tomasik 2019). As large as the above estimate is, though, we should
keep in mind that it specifically represents the total number of (wild, terrestrial) vertebrates alive at any given moment. As a result, it doesn’t include the number of vertebrates who, over a period of time, e.g., 10 years, were born and then died shortly afterwards. Were we to include the many r-Strategist vertebrates who die a painful death only shortly after being born, our population number would be far higher than one trillion.

Though it seems ‘natural’ to think of intervention in the wild as a matter of humanitarian assistance, a number of different understandings have emerged in recent years. As we noted earlier, a number of writers argue that cosmopolitan distributive justice militates in favor of intervention. After all, the core intuition driving cosmopolitanism is that the circumstances of one’s birth, including one’s nationality, are morally arbitrary. Accordingly, cosmopolitans maintain that it’s unfair when one’s nationality determines one’s life prospects. But if we judge it unfair for the circumstances of birth to determine one’s life prospects, doesn’t that judgment include species membership, too? The species one happens to be born into is just as circumstantial as the nation one’s born in. And if inequalities traceable to species membership are unfair, then wild animals are in a tremendously unfair situation. On average, wild animals are far worse off than human beings. In light of this inequality, do we not have reasons of distributive justice to intervene in nature?

In addition, a number of authors have argued that we owe rectification to wild animals for anthropogenic harms. Clare Palmer, for example, highlights various anthropogenic harms that she thinks grounds duties of rectification, but among the most significant harms are those associated with anthropogenic climate change. In her words, Changing precipitation patterns and intensity, rising temperatures, warming of the upper oceans, Arctic ice melt, sea level rise, heat waves, the shifting of habitat types, will all impact wild animal populations. While some populations will be able to take advantage of the changing conditions to expand and grow, others will be severely affected, including many already threatened and endangered species (Palmer 2019 p.1). Considering how pervasive the effects of climate change both are and will be, it seems that not only distributive, but also rectificatory justice, militates in favor of a considerable level of intervention in the wild. Forms of rectificatory intervention she considers are rescue and rehabilitation, habitat restoration, and assisted migration (Palmer 2019 pp. 7-14).

As we noted earlier, the purpose of this panel is to generate a dialogue between authors who have different perspectives on our positive obligations to wild animals. Questions that may be addressed in the panel papers and in subsequent discussion include the following: What normative considerations support the claim that we owe assistance to wild animals? Are there some considerations that the existing literature has not yet identified and which might be used to develop a fresh perspective? To what extent are different perspectives on intervention compatible with each other? Where do they provide mutual support for the same interventions, and where do they disagree about which interventions to undertake? If two perspectives come into conflict, which one should have priority? When, if ever, is it appropriate to coercively enforce positive obligations to wild animals, and are the different perspectives on intervention likely to agree on the answer? Are some rationales for intervention more compelling, or better able to withstand objections, than others? Are some rationales for intervention more politically tractable than others? Are some rationales more compatible with environmentalism than others? If so, how important is compatibility with environmentalism anyways?

References


Panelists

**Alasdair Cochrane**, Ph.D.
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Solidarity with Wild Animals

One of the key ideas behind the so-called 'political turn' in animal ethics is that animals are not simply creatures with moral status, but fellow members of our 'multi-species communities'. Some have argued that an important aspect of taking animal membership seriously is recognising, augmenting and developing 'solidaristic' relations with them. The claim here is that we can come to a richer understanding of our obligations towards animals if we see them not as passive recipients of our moral agency, but fellow cooperators in collective projects in pursuit of the common good. To date, and quite understandably, most of the discussion surrounding solidarity with animals has focused on domesticated animals. In particular, some important recent work has focused on those animals whom we work alongside, such as therapy, assistance and service animals. These studies have asked whether the seemingly solidaristic relations that exist between humans and non-human animals in these contexts can be built on at a broader community level.

But does the possibility of inter-species solidarity end with domesticated working animals? Or are there prospects for meaningful forms of solidarity with wild animals? This question is important to ask given the devastating population declines of so many species of wild animals. And it is a meaningful question to ask given our increasing acceptance that there is no sharp divide between 'society'and 'nature'and that our collective projects depend fundamentally upon the functioning and flourishing of non-domesticated creatures. As such, this paper addresses the possibility of solidaristic relations with wild animals by exploring the work in two adjacent fields of enquiry: ecological work on the cooperative practices of wild species of animal; and work in global ethics concerning the extension of solidarity across borders.

Paez, Eze (University of Minho)

Wild Animal Suffering: The Freedom-based Approach

Wild animals probably have net negative lives because of the naturogenic harms they suffer. Since there are over 1 quintillion of them, they constitute the majority of sentient individuals. It is important to determine what reasons, if any, we have to assist them.

Arguments for a permission or a requirement to help wild animals have been typically based on a concern for their well-being, rather than their freedom. Even political accounts of our duty to help...
deny that animals have an interest in autonomy. When a concern for the freedom, or sovereignty, of wild animal communities has appeared in the literature, it has been to argue for non-intervention.

In my talk I will present a freedom-based account of our duty to assist wild animals. I will argue, first, that animals can be free or unfree. They cannot assess normative or evaluative principles, but they update their intentional states and choose according to them in pursuit of their aims. This kind of control is all that freedom requires. In order not to compromise it, we should relate to animals in ways compatible with the practical standards implicit in their rational and volitional activity.

Second, guaranteeing their freedom requires us to recognise animals as our fellow citizens, immune from the unjustified interferences of others. But being in control is compatible with both scant and abundant opportunities for choice. The most important choice-situations of wild animals are restricted to flee-or-fight, greater or lesser suffering, or a more or less painful death. Concern for their freedom also requires us to improve the richness of their choices, if necessary by modifying nature.

Pepper, Angie  (University of Birmingham)

Assisting Wild Animals: A Strategically Minimalist Rights-Based Account

Reflection on the scale of suffering in nature is dispiriting. Billions of sentient animals are currently striving to survive inhospitable conditions and will inevitably succumb to injury, starvation, dehydration, disease, and predation. For many of these animals, life is reduced to little more than the struggle for survival and it is arguably the case that for many of them life is simply not worth living. What are we to do about all of this suffering? We might be tempted to focus our efforts on bringing nature into line with morality, but that endeavour is a fool’s errand. In most cases, reducing one individual’s suffering comes at the cost of causing suffering elsewhere and there are few occasions when an intervention will not violate someone’s most basic rights. Moreover, placing the natural world under strict human control will inevitably violate the rights of nonhuman animals to self-determination; a right that must be central to any project of interspecies justice.

While the quest to make the natural world conform to morality may be ill-fated, the quest to make human action meet the demands of morality is precisely what morality is about. Thus, I argue that we should concentrate our efforts on the many harms visited upon nonhuman animals by humans. With this in mind, I advance a strategically minimalist rights-based approach to determining our duties to wild animals. This view holds that nonhuman animals have rights against humans acting in ways that threaten their lives and cause them to suffer. In this paper, I outline the benefits of strategic minimalism about animal rights in the context of wild animals. Despite its parsimony, the account I develop faces a number of objections. Accordingly, I respond to the claim that the view is not compatible with environmentalism and therefore not politically expedient. I also argue against the claim that we are, at present, rarely required to assist wild animals because we must first assist disadvantaged humans who have more weighty claims. Lastly, I show how the view does not falter when confronted with conflicts between duties to assist.

Sebo, Jeff (New York University)

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How Many Wild Animals Should There Be?
Some people believe that we should cause or allow more wild animals to exist. Other people believe that we should cause or allow fewer wild animals to exist. Other people believe that we have no right to ask how many wild animals there should be at all. Which perspective is correct? In this talk I survey questions in ecology, well-being, creation ethics, and population ethics that are relevant to this issue. For example, what is life like for wild animals, and how does human activity affect them? What does it mean to have a life worth living, and which wild animals, if any, have lives worth living? Do we have equal reason to create lives worth living and prevent lives not worth living, or do we have stronger reason to do one or the other? Do we have equal reason to promote average and total well-being in the world, or do we have stronger reason to do one or the other? How should we attempt to answer these questions under conditions of risk and uncertainty? I then argue for three conclusions. First, given that humans are already shaping how many wild animals there will be, we have not only a right but a responsibility to ask how we should do so. Second, given our current uncertainty about relevant scientific and philosophical issues, we are not yet able to say how many wild animals there should be. Third, as we seek to reduce our uncertainty about these issues, we should err on the side of preserving wild animal populations.

Panel proposed by: Kerri Woods (University of Leeds): k.woods@leeds.ac.uk

Panel session title: Epistemic Injustice and Asylum

Synopsis:

Existing policies for the granting of international protection render the processing of asylum claims one of the most important, challenging, and problematic spheres of decision-making in modern states. This panel investigates how mechanisms of epistemic injustice impact on issues central to contemporary concerns about the justice of asylum regimes and processes in the UK and beyond; applying insights from epistemic injustice theory to specific policies that governments and other agencies claim to be legitimate but which, the panel argues, should be called into question.

Running through the panel as a whole are two sets of aims: Firstly, to apply insights from the field of epistemic injustice to illuminate problematic aspects of asylum policy and practice and the specific harms and injustices faced by asylum seekers. Secondly, to enlarge the field of epistemic injustice by examining the experiences of a group of people routinely affected by such injustice that has hitherto been neglected by philosophers working in this field; showing that existing philosophical frameworks may have to be expanded or adjusted in order to adequately account for the forms of epistemic injustice experienced by those claiming asylum.

Each panel paper focuses on a different form of epistemic injustice that those claiming asylum may be prone to experience. The first paper looks at how discriminatory media reporting threatens to undermine the epistemic agency of those claiming asylum. The second examines how the UK asylum claim system subjects individuals to forms of testimonial injustice that are structural in nature. The third paper focuses on how asylum testimonies concerning trauma may lead even the most virtuous of hearers to unjustly disbelieve speakers. And the final paper looks
at how the UK government’s Asylum Policy Instructions predictably and systematically produce hermeneutical injustice with respect to LGBTQ claimants.

**Panel Outline:**

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_N.B._ These papers will be presented online as part of a panel on “Epistemic Injustice and Asylum”, to be held online on Friday 4th September 2020, 4-6pm UK time. Colleagues interested in attending this seminar can register via Eventbrite at: [https://www.eventbrite.com/e/epistemic-injustice-and-asylum-tickets-107624929060](https://www.eventbrite.com/e/epistemic-injustice-and-asylum-tickets-107624929060)

**Outline:**

Epistemic injustice is a growing field of research, attracting considerable attention in applied philosophy in recent years; for example, in the study of illness and psychiatry (Kidd and Carel 2017), education and the academy (Alcoff 2017), and justice for indigenous peoples (Tsosie 2017). However, there is yet to be much work applying insights from this field to the study of refugee and asylum issues, which is itself a burgeoning ground of normative theorising, as well as an important policy area. This panel addresses this gap.

Existing policies for the granting of international protection render the processing of asylum claims one of the most important, challenging, and problematic spheres of decision-making in modern states. The costs and benefits at stake in asylum decisions endow them with grave moral significance: such decisions may result in an individual being offered valuable rights of protection, residence, support and, perhaps, eventual citizenship; or instead returned to risk of death, deprivation, or persecution. These are also decisions in which the potential for injustice looms large. If the receiving state has a goal of limiting inward migration in general, or grants of asylum in particular, then those claiming asylum are confronted by a problem of conflicting aims in a context of severe inequality of power. Asylum decisions also tend to have a fundamental epistemic component, with judgments of the applicant’s credibility often playing a vital role.

It is well established that asylum seekers face various forms of epistemic exclusion. For example, perceived ‘lack of credibility’ is a common reason for asylum claims to be rejected in the UK and elsewhere (Powell, 2016); and there is reason to think that such judgments of incredibility may be seriously flawed (Shaw & Kaye, 2013). Moreover, the long-standing stereotyped representation of refugees and asylum seekers in mainstream media throughout Europe represents a clear and ongoing threat to refugees’ and asylum seekers’ well-being and agency. The public discourse that is fed by and reflects media representations of asylum seekers informs and responds to the policies and institutions that regulate and assess asylum claims. Some have
claimed that such media representations feed into a situation whereby those seeking international protection are confronted by a 'culture of disbelief'; both in society at large, and within the institutions that assess their claims.

This panel investigates how mechanisms of epistemic injustice impact on issues central to contemporary concerns about the justice of asylum regimes and processes in the UK and beyond; applying insights from epistemic injustice theory to specific policies that governments and other agencies claim to be legitimate but which, the panel argues, should be called into question. Running through the panel as a whole are two sets of aims, which are met to varying degrees by all the papers: Firstly, to apply insights from the field of epistemic injustice to illuminate problematic aspects of asylum policy and practice and the specific harms and injustices faced by asylum seekers. Secondly, to enlarge the field of epistemic injustice by examining the experiences of a group of people routinely affected by such injustice that has hitherto been neglected by philosophers working in this field; showing that existing philosophical frameworks may have to be expanded or adjusted in order to adequately account for the forms of epistemic injustice experienced by those claiming asylum.

The panel begins with Smith’s reframing of the perceived justice of the editorial code in regulating media reporting of asylum and refugee issues. This is traditionally understood to hang upon a debate between free speech and avoiding harm, where the democratic value of a free press is rooted in the fundamental value of epistemic agency. Yet, Smith argues, given the testimonial injustice and epistemic exclusion that asylum seekers and refugees experience as a result of derogatory reporting, a contradiction emerges. This contradiction should be taken seriously by the Editors Code.

Smith’s analysis of the issues at stake in allowing persistent derogatory reporting of asylum seekers helps to establish the context in which specific policies relating to asylum are developed and enacted. The remaining papers in the panel look at specific policies regulating asylum and assess the normative implications that arise when insights from theories of epistemic injustice are applied to these practices.

Firstly, Blomfield analyses the UK asylum claims system as an epistemically unjust institution; arguing that in many cases in which individuals have their UK asylum claims refused on the grounds that they lack credibility, we have reason to suspect that they have been subjected to a distinctly epistemic form of injustice alongside the material harm of that refusal. In particular, Blomfield argues, it is important to recognise how individuals claiming asylum are subjected to testimonial injustices that are structural in nature; generated by features of the asylum system including workplace culture, performance targets, and institutional credibility markers. Blomfield concludes that by devoting attention to the systems by which states determine asylum claims, philosophers can learn various things about testimonial injustice in its structural mode a form that has been relatively underexplored in the philosophical literature.

Secondly, Govindarajan looks more specifically at the impact of that traumatic experience may have on asylum claims. Asylum seekers must offer testimony that is perceived and judged to be credible by asylum decision-makers; and given nature of asylum claims which, after all, relate to a well-founded fear of persecution such testimony will often concern experiences of trauma. Govindarajan begins with the assertion that the successful transmission of traumatic testimony depends as much on the asylum-seeker’s capacity to present a convincing story as the willingness and ability of the decision-maker to receive it. She argues that testimonies of trauma pose a unique set of challenges for even the most virtuous of hearers, which may cause them to unjustly disbelieve speakers. She examines two grounds of such disbelief and contrasts them with the kinds of prejudicial credibility deficits that characterize our conventional understanding of epistemic injustices.
Finally, Woods, like Blomfield, seeks to illuminate an aspect of asylum practice by applying insights from the literature on epistemic injustice, and to add to philosophical analysis of the ways in which institutions foster and sustain a specific form of such injustice, namely, wilful hermeneutic ignorance, as initially developed by Polhaus Jnr (2012). Woods focuses on the case of LGBTQ asylum claimants and argues that specific injustices arise for this group when media-perpetuated stereotypes of LGBTQ people coalesce with media-fuelled prejudices towards refugees and asylum seekers. Thus, Woods’ paper also returns the discussion to themes first developed in Smith’s opening paper.

Synopsis / abstracts of panel papers:

**Smith, Leonie** (University of Manchester, UK)

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*Asylum Seekers, Epistemic Injustice and the Media*

No instance in which the UK print press media (‘PPM’) discriminates against a group of people as a class can ever fall foul of the Editors’ Code (the industry’s main code of conduct) anti-discrimination guidelines. Discrimination claims can be made against the PPM for reporting which contains ‘prejudicial or pejorative’ language with regard to identifiable individuals. But the guidelines specifically prohibit consideration of any complaint against groups. This results in the main regulatory body for the PPM concluding that articles describing asylum seekers, as ‘œspreading like a norovirus’ and ‘œa plague of feral humans’®, are not even investigable on grounds of discrimination (IPSO case: 02741-15 Greer v The Sun).

Opponents and proponents of this policy typically frame the debate in terms of ‘‘free speech vs harm’. Specifically, that we need to balance:

(A) The need for a free press; with  
(B) The harms caused to marginalised groups by derogatory reporting.

Predictably, little progress is made in either side convincing the other.

I argue that we ought to assess the PPM’s freedom to report pejoratively on asylum seekers on the basis of the fundamental values from which that freedom is derived. If we find a contradiction in upholding that value whilst also permitting discriminatory reporting, this would indicate that the policy needs revising, on pain of irrationality. One plausible fundamental value behind the right to PPM press freedom is epistemic agency. But discriminatory reporting can undermine that same agency in asylum seekers by maintaining or worsening the likelihood of testimonial injustice and epistemic exclusion. This has serious repercussions for asylum seekers, whose claims are regularly rejected on credibility grounds and who are often excluded from important decision-making spheres. We therefore find a contradiction: one that ought to be taken seriously by the Editors’ Code.

**Blomfield, Megan** (University of Sheffield, UK)

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This paper examines the system by which the UK Home Office determines asylum claims (claims to be granted international protection as a refugee) as an epistemically unjust institution. My aims are twofold. First, I seek to demonstrate that concepts from the philosophical literature on epistemic injustice can help to illuminate some of the ways in which this system subjects those claiming asylum to injustice. Second, I aim to show that by devoting attention to the systems by which states determine asylum claims, philosophers can learn various things about testimonial injustice in its structural mode “a form that has been relatively underexplored in the philosophical literature.

In more detail, I will argue that in many cases in which individuals have their UK asylum claims refused on the grounds that they lack credibility, we have reason to suspect that they have been subjected to a distinctly epistemic form of injustice “alongside the material harm of that refusal. In some cases, this is because asylum applicants experience testimonial injustices that are interpersonal in nature; perpetrated by the individual caseworkers that assess their claims. Such cases seem to fit Fricker’s (2007) framework of testimonial injustice. However, in other cases individuals claiming asylum appear to experience testimonial injustices that are significantly, or even wholly, structural in nature. Such injustices are generated by features of the asylum system including workplace culture, performance targets, and institutional credibility markers.

Recognising these mechanisms of structural testimonial injustice is important for both practical and theoretical reasons. First, it provides better understanding the forms of injustice that those claiming asylum are subjected to and the prospects for remedying them. Second, it casts doubt on Fricker’s (2017) insistence that the primary form of testimonial injustice is interpersonal and that structural testimonial injustice can only be pre-emptive in nature.

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Epistemic Injustice and the Problem of Traumatic Testimony

To be recognized as a refugee and to qualify for protection from the host country, an asylum-seeker must provide a testimonial account that establishes reasonable fear of persecution upon return to her country of origin. In the paucity of corroborative evidence, this testimony and its analysis are often critical for determining refugee status. Credibility assessments thus play a central role in the refugee claims process.

Scholars of forced migration have extensively discussed the impact of trauma in this context. Their focus has overwhelmingly been on detailing its negative influence on asylum seekers’ ability to present coherent, convincing accounts of their experiences. However, these works fail to adequately address the challenges encountered by asylum decision-makers who are tasked with evaluating traumatic testimony. I address this gap in my paper by focusing on the difficulties inherent in the act of receiving testimonies of trauma and identify related forms of epistemic injustice that arise in the refugee claims process.

I begin with the assertion that the successful transmission of traumatic testimony depends as much on the asylum-seeker’s capacity to present a convincing story as the willingness and ability of the decision-maker to receive it. I argue that testimonies of trauma pose a unique set of challenges for even the most virtuous of hearers and that these may cause them to unjustly disbelieve speakers. I focus on two grounds of disbelief in particular: disbelief motivated by self-preservation and disbelief due to inconceivability. I delineate the epistemic outcomes of these as silencing through rejection and silencing through misrepresentation. I contrast these forms of
silencing with the kinds of prejudicial credibility deficits that characterize our conventional understanding of epistemic injustices.

I conclude by outlining the normative implications of my account for both the theoretical framework of epistemic injustice as well as institutions of asylum.

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Wilful Hermeneutic Ignorance and LGBTQ Asylum Claims

The ‘‘hostile environment’ all migrants to the UK face is particularly and specifically hostile for LGBTQ asylum-seekers. While normative theorists have carefully evaluated who qualifies as a refugee (e.g., Cherem 2015; Shacknove 1985), they have tended to do so without considering the specificity of individuals in a world where markers of gender, race, sexuality, disability and other characteristics shape lives and perceptions of credibility. But this approach ignores the specificity of experiences and generates blindness to specific injustices. In this paper, I apply insights from recent work in the theorising of epistemic injustice to asylum policy as it relates to LGBTQ claimants. I argue that the UK government’s Asylum Policy Instructions predictably and systematically produce what, in another context, Polhause Jnr (2012) calls wilful hermeneutic ignorance in relation to LGBTQ claimants. Further, I argue that this injustice is not an unfortunate, but essentially external, issue that may be mitigated within the asylum process by better training of those adjudicating claims. Rather, the injustice is produced by the policy and institutional frameworks, notably by the ways in which LGBTQ asylum applicants are required to demonstrate their status as belonging to a ‘‘particular social group’ in order to qualify for asylum. The paper pursues an ameliorative project of better understanding and identifying the ways in which this injustice is generated, as a precondition for effective remedy. It argues that heteronormative and neo-colonial understandings of sexuality coalesce with a culture of suspicion towards refugees and an institutionalised conceptualisation of LGBTQ identities, generating a pernicious form of epistemic injustice within the asylum decision-making process for LGBTQ people. It is therefore unjust.