

# Handouts

Ethics in the 21st Century

Summer 2019

The following is a collection of my lecture handouts as primary instructor for “Ethics in the 21st Century”.

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# 1 What is an Argument?

Here's a simple argument:

“Mammals are warm-blooded. Dogs are mammals. Therefore, dogs are warm-blooded.”

The **conclusion** = the claim argued for; the claim the argument-giver wants you to accept. (Often preceded by phrases like ‘therefore’, ‘thus’, ‘so’, ‘it follows that’, ‘it must be that’.)

The **premises** = the claims we use to argue for the conclusion; the claims that serve as the basis for accepting the conclusion. (Often preceded by phrases like ‘since’, ‘given that’, ‘for’, ‘because’.)

*Identify the conclusion and premises in each of the following arguments. Underline the conclusion and bracket each premise.*

1. Since the federal constitution is the highest law of the land, and since this state law is in conflict with the federal constitution, it follows that this state law should be invalidated.
2. Because the courts are obliged to uphold laws that are not in conflict with the constitution we may conclude that this state law (which is not in conflict with the constitution) will be upheld.
3. Seeing that it is likely to rain on Tuesday and, moreover, that most people will be at work on that day, we therefore should hold the parade on Saturday.
4. Given that it will rain on Thursday, the parade should be moved to Friday. For we can't expect many people to show up to a parade in the pouring rain.
5. No one should major in horticulture. For there are not many job opportunities in that field, and what jobs there are don't offer much in the way of salary.
6. That there is no planet between Mercury and Venus may be inferred from the total absence of any telescopic evidence of such a body.
7. The corporate tax-hike proposal being entertained by the state senate would force some businesses to lay off workers, and it would lead some businesses to move to other states. In addition, the state already is running a budget surplus: there is no need for extra revenue at this point. For these reasons we should encourage our senators to vote “no” on the tax hike.
8. Touching a downed power line is potentially fatal, as it might still be a live wire.
9. It is reasonable to conclude from the fact that there is no indication of forced entry that either the door was unlocked, or the intruder had a stolen key, or the homeowner let the intruder in.
10. God cannot be capable of performing literally every action. For either God *can* create a stone too heavy for even him to lift, in which case lifting the

stone is something he can't do, or else he *cannot* create such a strong, in which case again there is something he can't do.

11. Sadly, Earth cannot endure forever. I don't know what (if anything) that entails about anyone's religious beliefs, but whatever. The fact is that one day — a few billion years in the future, so it's not like any of us need to worry about it — the sun will exhaust its nuclear fuel. When this happens the sun will expand so much that its outer layers will envelop the inner planets and Earth will be incinerated. Maybe humans will have moved somewhere else by that time; who knows?

*Which of the following are arguments and which are not? If you spot an argument, underline the conclusion and bracket each premise.*

1. Natural selection occurs when, in a population of organisms with different traits, nature selects those organisms with traits that most conduce to survival in that environment.
2. According to the theory of natural selection for example, butterflies with coloration that blend in with the local foliage will be better able to hide from natural predators than butterflies that stand out, and so the camouflaged butterflies are more likely to survive and pass on the genes for this color.
3. Since nuclear bombs clearly do work, and since their construction is based on theories that assume the existence of protons and neutrons, we may infer that there really must be such things as protons and neutrons.
4. This plan will fail if we don't put it into action now.
5. Yuri had to be cheating at chess. He kept looking at his coach during play, and the coach was making lots of strange-looking gestures.
6. It's going to rain tomorrow. I'd stake my life on it.
7. I had a friend whose brother was murdered. The killer was sentenced to death. My friend thought he would get some closure from the execution, but after it was all over he just felt empty.
8. The death penalty is more costly than life imprisonment, studies show it has little or no significant deterrent effect, and every European nation has stopped using it already.
9. We should stop using the death penalty, since it is more costly than life imprisonment, studies show it has little or no significant deterrent effect, and every European nation has stopped using it already.
10. He that troubleth his own house shall inherit the wind.
11. The budget drawn up by this committee is utterly unrealistic.
12. The budget drawn up by this committee is utterly unrealistic, for it is based on economic data that is five years outdated.

## 2 Diagramming arguments

It's often helpful to be able to represent an argument as a picture.

“It is going to rain tonight, given that the clouds are so dark.”

Start by assigning numbers to every claim in the argument:

“(1) [It is going to rain tonight], given that (2) [the clouds are so dark].”

Then we point an arrow from the premise to the conclusion to represent the flow of thought:



Figure 1: single premise argument

Here’s how we represent an argument that consists of two premises that *work together* to support the conclusion:

“(1) [Dogs are warm-blooded], since (2) [dogs are mammals] and (3) [all mammals are warm-blooded].”

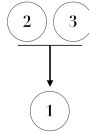


Figure 2: multiple, mutually dependent premises

Sometimes two premises offer *independent* support for a conclusion. For example:

“(1) [You ought to wear your seatbelt], since (2) [wearing your seatbelt can save your life] and since (3) [it’s the law].”

Here’s how we’ll represent this sort of argument:

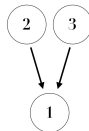


Figure 3: multiple independent premises

Sometimes arguments have smaller argument contained within them. For example:

“(1) [When people don’t wear seatbelts more people die in road accidents]. For this reason, (2) [requiring people to wear their seatbelts

is a legitimate exercise of the legal authority of the state]. And from this we may infer that (3) [the bill repeal the law requiring seatbelts deserves to be defeated].

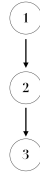


Figure 4: simple subargument

“(1) [The U.S. Constitution implicitly grants to every citizen the right of privacy], and (2) [an adult’s decision about whether to wear a seatbelt is a private decision]. Hence (3) [the government has no legitimate authority to require adults to wear seatbelts], and thus (4) [the bill to repeal the seatbelt law should be passed].”

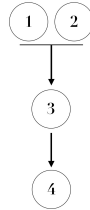


Figure 5: subargument with mutually dependent premises

*Separate the following arguments into numbered statements, and then diagram them.*

1. That molybdenum is not a noble gas can be inferred from the fact that it is a metal.
2. That six is a perfect number can be inferred from the facts that it is equal to the sum of its proper divisors and all numbers that have this property are perfect numbers.
3. The witness kept trying to avoid looking directly at the members of the jury, he was sweating profusely, and he stammered quite a bit — all of which support the inference that the witness was lying.
4. The abundance of light elements in the universe, the cosmic microwave background, and the redshirting of light from distant galaxies all support the conclusion that the universe was born in a ‘Big Bang’. And if it was for this way then the universe is only finitely old, which in turn supports the conclusion that the earth is only finitely old.
5. From the fact that earthquakes tend to occur most often along a ring surround the Pacific Ocean we can infer both that something geologically

important happens at continental boundaries and that the greatest need for tectonic monitoring is around the Pacific.

6. That the patient is running a fever is indicated by her one hundred and two degree temperature and her sweating. The presence of fever in conjunction with vomiting — both of these occurring just shortly after her latest meal — suggests food poisoning as the culprit.
7. Richardson’s bugled handling of the crisis suffuses that he is incompetent, and his apparent lack of embarrassment over the matter indicates that he does not take his job seriously. Together these things demonstrate Richardson’s unfitness for the position he occupies, and so he should be fired. Now, if Richardson should be fired and if a boss’s inner circle of subordinates should be kept on only so long as their boss remains, then the members of Richardson’s inner circle should all be let go as well.

### 3 Two Ways an Argument can go Wrong

**(1) One or more premises are false.**

**(2) The premises do not provide (sufficient) support for the conclusion, even if true.**

The following is an example of the first sort of failure:

“All lemmings have fur, and David is a lemming, so David must have fur.”

The following is an example of the second sort of failure:

“All lemmings have fur, and  $2+2=4$ , so David must have fur.”

Another example of the second sort of failure:

“If Brooke is in California, then it is summer where she is. It’s summer where Brooke is. So she must be in California.”

*Which of the following arguments are good arguments? Which of the following arguments are flawed in having false premises? Which of the following arguments are flawed in having premises that, even if true, do not support the conclusion?*

1. Everyone is either a Democrat or Republican, and Andrew is no Republican. So he must be a Democrat.
2. No crabs are fish, so no fish are crabs.
3. All lobsters are crustaceans and all crustaceans belong to the animal kingdom. So all lobsters belong to the animal kingdom.
4. If a dog is able to bark, then it has a vocal cord. Fido has a vocal cord, so he must be able to bark.
5. Only if you buy a ticket can you win the lottery. But you did not buy a ticket. So you will not win the lottery.

6. Either a mammal has two legs or it has fur. I'm a mammal, and since I don't have fur, it follows that I must have two legs.
7. All the students presently sitting in this classroom are in attendance today, so everyone in attendance today must be a student.

## 4 Deductive v. Non-deductive Arguments

**Deductive** arguments: the premises, if true, *guarantee* the truth of the conclusion. (With a deductive argument it is impossible to have true premises and a false conclusion.)

**Non-deductive** arguments: the premises, if true, merely make it *likely* (probable) that the conclusion is true.

Example deductive argument:

“(1) All physical objects have shape and size. (2) Everything with shape and size has a location in space-time. So (3) all physical objects are located in space-time.”

Example non-deductive argument:

“(1) Most elements are metals, and (2) cobalt is an element. So (3) cobalt is a metal.”

Types of non-deductive arguments:

1. *Statistical*. “75% of the California residents we surveyed said they would vote against the new tax. So most California residents will probably vote against the new tax.”
2. *Causal*. “There is smoke coming out of the building, so there must be a fire inside.”
3. *Appeals to best explanation*. “My car won't start. The engine does not crank at all, the lights are dead, and the electronic locks don't work. Now it could be that most of my fuses blew, or the mice have chewed through every wire, or that someone has set off an electromagnetic-pulse bomb nearby, but the best explanation is that the battery is dead.”
4. *Testimonial*. “The world's best geologists are predicting a massive earthquake in California in the next century, so there probably will be one.”
5. *Inductive*. “The sun has risen every day in the past, so it will rise tomorrow.”

*Identify each of the following arguments as deductive or non-deductive.*

1. Everyone I've ever met who eats caviar has been rich. So it's safe to assume that all caviar eaters are rich.
2. Jamal is a bachelor. So he's not married.
3. Since their ages are 24, 24, and 30, it follows that the arithmetic mean of their ages is 26.

4. Jane stayed at this hotel. We know this because her name is on the hotel registry.
5. Our theory predicts that mercury will become superconducting at this temperature, and this is exactly the experimental result we obtained. So it's reasonable to infer that our theory is true.
6. My aunt is a doctor and she says that wine is good for the heart. So you can bet it really is good for the heart.
7. My car has the same number of cylinders as yours, and yours gets 25 miles per gallon. So it seems likely that my car gets about 25 miles per gallon.
8. If what you're telling me is true then there is a highest prime number. But it's false that there is a highest prime number. So what you're telling me has got to be wrong.
9. From the presence of these skid marks on the highway we can reasonable infer that the drive hit the brakes in an attempt to avoid striking the deer.
10. The air pressure always changes like this before a storm. So it must be caused by the storm.
11. Since the line printed on the page is of finite length, it follows that it is, strictly speaking, a *line segment*.

## 5 Honest and Dishonest Forms of Arguing

Some honest techniques we will practice in this course:

- *Don't interrupt.*
- *Interpret charitably.* When you respond to the point made by another person, respond to the strongest interpretation of that point, not the weakest. Give people the benefit of the doubt.
- *Avoid derisive gestures.* (Eye-rolling, sighing, chucking, shaking your head, etc.)
- *Critique the argument, not the person.* Instead of saying things that feel directed at the person (e.g., “you’re wrong”), direct your criticism more impersonally (e.g., “an objection to that point is . . .”, “I have a worry with that argument. . .”).
- *Find points of agreement.*
- *Recognize potential points of weakness in your own arguments.*
- *Pick your battles.* When others are nit-picking your argument you may feel tempted to defend every minor point. Don't.
- *Smile, and be good-natured.*

Some dishonest techniques we will try to avoid:

- *Red Herring:* trying to change the subject (without admitting you're doing so) because you know you have no good arguments to make on the real issue.



- *Straw Man*: deliberately distorting the position held by your interlocutor in order to make it look easier to refute.
- *Ad Hominem*: ignoring the argument and attacking the person.
- *Stone Throwing*: dismissing an argument as weak without doing anything to show why it is weak.
- *Quibbling*: pointing out minor flaws in a person's argument in a way that exaggerates their importance, as a way to avoid the main point.
- *Putting Words in Someone's Mouth*: attributing to your interlocutor beliefs or attitudes they have not expressed. ("You probably think that...")
- *Befuddlement*: using overly-technical or overly-complicated or overly-vague words in the hopes of confusing or intimidating your interlocutor.

1. Suppose the specific subject of our debate is *whether the human body can be healthy on a diet that excludes meat*. Which of the following remarks are relevant to this narrow topic, and which are red herrings?

- "Some people live on islands where there are not many digestible plants. These people cannot be blamed for eating animal flesh."
- "There are non-meat sources of the same vital proteins that most people derive from eating meat."
- "My grandma lived to be ninety years old, was quite robust, and she never ate meat in her life."
- "Intensive animal farming practices are cruel and anyone who buys meat products at the grocery store is helping to create the demand that fuels these farms."

2. Explain why the arguments below attack straw men:

"People who are pro-choice on the abortion issue are in favor of women having abortions and they glorify the practice. But that's outrageous to glorify killing, even if a fetus is not a human being. So nobody should be pro-choice."

"People who are pro-life would like to see a return to the days when women were basically second-class citizens without any legal rights over their own bodies. That's a terrifying prospect, and so no one should be pro-life."

- I want to prove that there has been at least one female, western world leader in the last fifty years. My example is Margaret Thatcher — who, I tell you, was the Prime Minister of Britain from 1979 to 1985. You reply (correctly) that Thatcher was the PM from 1979 to 1990, not 1985. Are you quibbling?
- A defense lawyer is trying to impeach the testimony of a witness by pointing out that the witness has a criminal record. She says that the witness has

had three prior felony convictions when in fact the number is two. Would it be quibbling for the prosecution to object to the motion on the grounds that the witness has only two prior felony convictions?

5. Honest or dishonest? “Representative Barker is advocating a new tax, which is odd given that she stated during her campaign that she would not ask for any new taxes. Clearly Barker is a liar and not to be trusted, and the new tax bill is a bad idea.”
6. Honest or dishonest? “My neighbor the hedge-fund manager says an increase in the income tax rates for wealthy individuals would diminish investment and spending at a time when businesses can ill afford it. But that’s what you’d expect to hear from a person in the top 1% when it comes to annual income, so you need to take his claims with a grain of salt.”

## 6 Necessary & Sufficient Conditions

P is **necessary** for Q = Q cannot be true unless P is true. P is *needed* for Q to be true.

P is **sufficient** for Q = P’s being true is *enough*, all by itself, to make Q true.

Fill out the table below:

Boiling potatoes	<i>sufficient for</i>	Cooking potatoes
Cooking potatoes	<i>necessary for</i>	Boiling potatoes
My dog is happy		My dog gets pet
My dog gets pet		My dog is happy
Being awake		Operating a motor vehicle
Operating a motor vehicle		Being awake
Playing basketball		Playing a sport
Playing a sport		Playing basketball
Ordering food		Eating food
Eating food		Ordering food
Getting every Q correct		Getting perfect score
Getting perfect score		Getting every Q correct

Understanding the distinction between necessary and sufficient conditions is essential to the project of constructing philosophical definitions.

A **philosophical definition** of X is a set of conditions that are *individually necessary* and *jointly sufficient* for X.

What is a *bachelor*?

What is *water*?

What is a *square*?

What is *knowledge*?

Understanding the distinction between necessary and sufficient conditions is also essential to understanding **conditionals** (“if-then” statements).

“If it rains, the grass will grow.”

“If our theory is correct, then there are no such things as protons.”

“If his fingerprints are at the crime scene, then he’s the killer.”

“If P, then Q” = P is a sufficient condition for Q, and Q is a necessary condition for P.

Conditionals are ubiquitous in arguments.

“If she sold the stolen painting, then she’s rich. She sold the stolen painting. So she’s rich now.”

If P, then Q.

P.

So, Q. [*modus ponens*]

“If Tom is a lobster, then Tom is a crustacean. Tom is not a crustacean. So he’s not a lobster.”

If P, then Q.

Not-Q.

So, not-P. [*modus tollens*]

But conditionals are tricky.

“Ingesting element X is not dangerous. If an element is radioactive then ingesting it is dangerous. But element X is not radioactive.”

If P, then Q.

Q.

So, P. [*bad*]

“If the Johnsons take the train, then they’ll make it to town by noon tomorrow. Since we know they won’t take the train, we shouldn’t expect them by noon tomorrow.”

If P, then Q.

Not-P.

So, not-Q. [*bad*]

*For each of the following arguments determine whether the premises (if true) provide sufficient support for the conclusion:*

1. That's not a dog. If something barks, then it's a dog, and that thing doesn't bark.
2. Only if you buy a ticket can you win the lottery. But you did not buy a ticket. So you cannot win the lottery.
3. You must not have ever seen anything produced by HBO. You haven't seen Game of Thrones unless you've seen something produced by HBO, and you've never seen Game of Thrones.
4. The kids are out of school today in Minnesota. It must have snowed heavily up there, since the kids get out of school if it snows.
5. Becca must have the flu. You have the flu only if you have a fever, and she's got a nasty fever today.
6. There's not gas in the car. The car won't run unless there's gas in it, and the car won't run today.
7. If Tom didn't run in the race, then he's full of regret. And we all know that when Tom is full of regret he starts smoking again. And sure enough, he's smoking again. So he must not have run in the race.
8. Either Kim's favorite color is blue or green. If Kim's favorite color is blue, then her mom's favorite color is purple. If Kim's favorite color is green, then her mom's favorite color is red. Her mom's favorite color isn't purple. So Kim's favorite color must be green.

## **1. Three Branches of Moral Philosophy**

**Metaethics:**

**First-order moral theory:**

**Applied Ethics:**

## **2. Metaethics**

Three big metaethical questions:

**(1)** What are we doing when we make moral claims?

**(2)** Are moral claims capable of being true? If so, are they sometimes true?

**(3)** If there are moral truths, are they like more familiar kinds of truths?

**Error Theory:**

**Nonreductive Realism:**

**Ideal-desire Realism:**

**Theistic Realism:**

**Goal-relative Realism:**

**Expressivism:**

**Prescriptivism:**

### **3. First-order moral theory**

Two big questions:

**(4)** What is goodness? When is an individual life or state of the world good/bad/better/worse?

**(5)** What is rightness? When is an action right/wrong?

**3.1. Goodness**

**(4a)** What makes an *individual life* better or worse (i.e., what is well-being)?

**Hedonism:**

**Desire-Satisfactionism:**

**Pluralism:**

**(4b)** What makes the *state of the world* better or worse?

**Personalism** (two varieties):

**Impersonalism:**

### **3.2. Rightness**

**(5)** What is rightness? When is an action right/wrong?

Best way to get at this question is by attacking two preliminary questions:

**(5a)** What are the things that contribute to an action's being right/wrong? (I.e., what are the "rightness" factors.)

**(5b)** How do the rightness factors interact together to make an action right/wrong?

**Consequentialism:**

**Rights-as-Constraints View:**

**Absolute Duty View:**

**Prima Facie Duty View:**

**Virtue View:**



## **1. Varieties of Liability**

Causal liability:

Moral liability:

Legal Liability:

## **2. Three Branches of US Law**

(1) Criminal Law:

(2) Civil Law:

(3) Constitutional Law:

## **3. Standards of Evidence**

A standard of evidence in the law is a standard for *how much* (admissible) evidence there has to be for some “legal eventuality” to come about.

Legal eventuality	standard of evidence	quantitative gloss
brief stop and search	“reasonable suspicion”	>10-50% likely
arrest, indictment, substantial search	“probable cause”	>30-60% likely
civil/family liability	“preponderance of evidence”	>50% likely
wills, libel, child custody	“clear and convincing evidence”	>65-75% likely
criminal liability	“beyond a reasonable doubt”	>90-95% likely

#### 4. Criminal Liability

*actus reus* = “guilty act” = whether you committed the crime

*mens rea* = “guilty mind” = whether you had the certain mental states when committing the crime.

For most US criminal laws, you can be criminally liable for violating that law **only if** it can be proven beyond a reasonable doubt that you meet both the *actus reus* and *mens rea* conditions.<sup>1</sup>

What are the *mens rea* conditions in US criminal law? That is, what does it take to have a “guilty mind” when committing a criminal offense?

A guilty mind comes in *four* degrees in US law:

- (1) You **purposefully** committed the crime:
- (2) You **knowingly** committed the crime:
- (3) You **recklessly** committed the crime:
- (4) You **negligently** committed the crime:

<sup>1</sup>There are some exceptions — e.g., statutory rape and felony murder.

## 5. Tort Liability

“Fault” Torts:

1. **Intentional torts.** You try to harm someone and succeed in doing so. Examples:
2. **Negligent torts.** You don’t take reasonable caution to prevent some harm, and this results in some harm. Examples:

“No Fault” Torts:

3. **Strict liability torts.** You do something that results in harm to another, but you did not intend the harm nor did the harm come about because you acted negligently.<sup>2</sup>  
Examples:

We’ll ask moral questions about the US criminal law in later weeks. Today, we’ll ask moral questions about US tort law. In particular:

**Today’s Big Moral Question:** *Is a strict liability regime (such as we have in the US) ever morally justified? Are there harms for which we should hold people/companies liable even when they have exercised due care?*

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<sup>2</sup>Strict liability is rare in criminal law, but we do find it in criminal cases involving statutory rape or “felony murder”.

**Today's Big Moral Question:** *Is a strict liability regime (such as we have in the US) ever morally justified? Are there harms for which we should hold people/companies liable even when they have exercised due care?*

## **I. The Case for Strict Liability**

*The Deterrence Argument:*

1. A strict liability regime for products incentivizes producers/distributors to take much greater safety precautions than a negligence liability regime for products.
2. These much greater safety precautions will result in safer products, which will prevent a great deal of harm to consumers (which will, in turn, benefit the economy).
3. Therefore, a strict product liability regime prevents a great deal of harm that a negligence product liability regime does not.

*The Less-Burdensome Argument:*

4. Most companies have deeper pockets than private citizens.
5. When companies suffer financial setback, they can "cost spread" to minimize how harmful the setback is.
6. For both of these reasons, most companies suffer less harm from the loss of \$X than a private citizen suffers from the loss of \$X. (Comparable financial setbacks are not comparable harms.)
7. In a negligence product liability regime the individual consumer has to bear the costs of defective products, but in a strict product liability regime to producer has to bear the costs of defective products.
8. So a strict product liability regime prevents a great deal of harm that a negligence product liability regime does not.

Taken together, the two arguments purport to make the case that:

9. A strict product liability regime prevents a great deal *more* harm than a negligence product liability regime. [from 3 and 8]

But we still need one more assumption to get to the moral justification of a strict liability regime:

10. The government is justified in enforcing policies that prevent a great deal of harm to its citizens.

Therefore,

- ii. A strict product liability regime is morally justified.

*Objections/worries?*

## **2. The Case Against Strict Liability**

*The Fairness Argument:*

1. It is unfair to penalize people for failing to do things for which they are not at fault.
2. Manufacturers who exercise due care and do not act negligently are not at fault when they sell defective products that result in harm.
3. Strict product liability requires that manufacturers be penalized, in the form of compensation, for selling defective products that result in harm.
4. Therefore, strict product liability is unfair.
5. If strict product liability is unfair, then it is not morally justified.
6. Strict product liability is not morally justified.

*Objections/worries?*

## **I. Minimum Wage**

**Today's Big Moral Question:** Do employers have a moral obligation to pay their workers a living wage?

**Living wage** =df..

(For the purposes of today, let's say that a living wage in the United States is what the MIT Living Wage Calculator says it is.)

### **I.1. Where Wages Come From**

A worker's **marginal product** (aka "competitive wage") =df..

**Competitive market** =df..

A worker's marginal product might be less than a living wage, or it might be greater than a living wage. It all depends how much profit the worker can add to the company.

### **I.2. Two Arguments for such an Obligation**

#### **I.2.1. The Exploitation Argument**

1. Employers have a moral obligation to not exploit their workers.
2. If an employer does not pay their workers a living wage, then they exploit their workers.
3. So employers have a moral obligation to pay their workers a living wage.

What is *exploitation*?

Brennan rejects premise (2):

B1. A worker is exploited by an employer only if the employer takes advantage of the worker's desperation and/or bad bargaining position.

B2. An employer does not take advantage of a worker's desperation and/or bad bargaining position by paying the worker her marginal product.

B3. Therefore, an employer does not exploit the worker if the employer pays the worker her marginal product, even if that pay is less than the living wage.

### **1.2.2. The Capacities Argument**

1. Every person is entitled to the resources needed to lead a life in which she is able to develop and enjoy her basic capacities.
2. Among the resources needed to lead a life in which one is able to develop and enjoy their basic capacities is a living wage.
3. Therefore, each person's employer ought to pay her a living wage.

Brennan rejects the *inference* from 1 and 2 to 3. He claims the argument is invalid.

### **1.3. Two Arguments against such an Obligation**

#### **1.3.1. The Substitution Argument**

1. If companies pay a living wage, they are incentivized to maintain fewer workers.
2. If companies maintain fewer workers, then the workers they let go will be those with the lowest marginal product.
3. Persons with the lowest marginal product tend to be the worst-off, the poorest.
4. Therefore, if companies pay a living wage, this will make the poor even more poor.

#### **1.3.2. The Gentrification Argument**

1. If companies pay a living wage, then skilled workers will be incentivized to take the jobs of unskilled workers.
2. Unskilled workers, being unskilled, cannot fill the skilled vacancies left behind — the result being that unskilled workers are driven into even lower paying jobs or out of a job altogether.
3. Therefore, if companies pay a living wage, this will make the poor even more poor.

#### **1.3.3. The Distortion Argument**

1. If companies pay a living wage, this will incentivize people to do jobs they are bad at.
2. If people do jobs they are bad at *en masse*, this will reduce the overall amount of value in the economy.
3. Less overall value in the economy reduces the overall prosperity of a population.
4. Therefore, if companies pay a living wage *en masse*, they will reduce the overall prosperity of a population.

## 2. **Contracts**

What is a contract?

### 2.1. **Birth of a contract**

What is it to make an **offer**?

An offer can be accepted, and thus a contract is born. What else can happen to an offer?

What is it to **accept** an offer?

How well must you understand my terms in order to legally accept them?

What sort of terms can one legally accept?



## 2.2. Death of a contract

What are some ways in which a contract can go out of existence?

What is a **breach** of contract?

What happens when a contract is breached?

## **i. Contract Law**

What is a contract?

### **i.i. Birth of a contract**

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What sort of terms can one legally accept?

**A Big Moral Question:** What sorts of terms *should* the law allow one to accept?

### 1.2. Death of a contract

What are some ways in which a contract can go out of existence?

What is a **breach** of contract?

What happens when a contract is breached?

## 2. Distributive Justice

**The Big Moral Question:** What makes a distribution of economic goods (e.g., wealth) more or less *just* or *choiceworthy*? What sort of distribution should public policy aim at?

A historically powerful thought: the best distributions are the most *equal* (“egalitarian”) ones.

## 2.1. Egalitarianism

Common ground amongst almost everyone is the idea of the **equality of human worth**: ...

Different versions of egalitarianism are different attempts to spell out the implications of equal human worth for distributive justice.

**STRICT EGALITARIANISM**: the most just distribution is one where every person has the same level of economic goods.

What's the attraction?

What are some worries?

**LUCK EGALITARIANISM**: the most just distribution is one where (i) all persons have the same chances of enjoying the same wealth + leisure totals as one another, and (ii) there are no very large differences in wealth + leisure totals between different persons.

What's the attraction?

What are some worries?

- the “leveling down” objection: ...

**MINIMAX EGALITARIANISM:** the most just distribution is one where the worst-off are best off, provided those who benefit from any inequalities occupy positions that are equally open to all.

What’s the attraction?

What are some worries?

**DESERT EGALITARIANISM:** the most just distribution is one where every person has a level of economic goods proportional to her effort at socially productive activity.

What’s the attraction?

What are some worries?

## 2.2. Libertarianism

Libertarians argue that all these theories get off on the wrong foot. They all operate under the illusion that the justice of a distribution is a matter of the “pattern” it displays, rather than a matter of how it came about.

### Nozick’s “liberty upsets patterns” objection to patterned theories: ...

What are some worries for Nozick’s argument?

I **own** X = (i) I’m *free to use* X, (ii) I have a *right against others* that they not interfere with my use of X, and (iii) I have the *power to waive* those rights.

### Self-ownership: ...

Negative implications of self-ownership: others cannot harm me, cannot force me to do things for others, cannot force me to do things for myself.

Positive implications of ownership: if I want to give you my labor (my body) and you want to receive it, then it’s morally okay for me to give it to you (provided I harm no one in the process), and morally wrong for anyone to interfere with my giving it to you.

Three ways of coming to have ownership over things other than one’s body:

- *Original acquisition*: ...
- *Transfer*: ...
- *Rectification*: ...

**NOZICKIAN LIBERTARIANISM:** the most just distribution is one where everyone has what they own.

On this view, the only justified state is the **minimal state**: ...

What are some worries?

**LEFT-LIBERTARIANISM:** the most just distribution is one where everyone has what they own, but where something can be originally acquired only in a way that leaves enough for everyone else to acquire an equally advantageous share of unowned resources.

**EQUALITY-OF-OPPORTUNITY LIBERTARIANISM:** the most just distribution is one where everyone has what they own, provided those who benefit from any inequalities occupy positions that are equally open to all.

## I. Statistical Evidence

A standard of evidence in the law is a standard for *how much* (admissible) evidence there has to be for some “legal eventuality” to come about.

Legal eventuality	standard of evidence	quantitative gloss
brief stop and search	“reasonable suspicion”	>10-50% likely
arrest, indictment, substantial search	“probable cause”	>30-60% likely
civil/family liability	“preponderance of evidence”	>50% likely
wills, libel, child custody	“clear and convincing evidence”	>65-75% likely
criminal liability	“beyond a reasonable doubt”	>90-95% likely

Statistical evidence:

*Underage Drinkers.* Reliable studies establish that at the average USC house party over 70% of underage participants engage in underage drinking. On this basis the police stop and search every underage USC student arriving at every house party.

*Blue Bus.* A vehicle hit John’s car last night. Witnesses on the scene could determine that it was a bus, but could not tell what color the bus was. There are two bus companies in town, the Blue Bus Company (all of whose buses are blue) and the Red Bus Company (all of whose buses are red). John sues the Blue Bus Company for damages and puts forward as his only evidence the fact that 80% of the buses in town last were owned by the Blue Bus Company and that only 20% of the buses in town last night were owned by the Red Bus Company. The judge, on this basis alone, orders the Blue Bus Company to pay damages to John.

*Two Shotguns.* Rumsfeld and Cheney both hate George. George went for a hike one day. Rumsfeld followed with a shotgun loaded with 99 pellets. Separately, Cheney also followed with a shotgun loaded with only 1 pellet. Both Rumsfeld and Cheney caught sight of George at the same time (from the same distance) and fired all their pellets at him. Of the 100 pellets in the air, only one hit George, but it hit him in the head and caused his death. There is no evidence from which gun the fatal pellet was fired, but there are multiple eyewitness and video evidence to testify to all of the aforementioned details. Rumsfeld is tried for murder on the basis of the fact that the odds are 99-to-1 that he killed George, and he is convicted.

The puzzle:



- (i) In both civil and criminal cases, judges and juries are willing to convict defendants on the basis of evidence that makes it *sufficiently likely, though not certain*, that the defendant did what he is accused of doing.
- (ii) Statistical evidence often makes it more than sufficiently likely that the defendant did what he is accused of doing.
- (iii) And yet judges and juries are usually very unwilling to convict defendants on the basis of statistical evidence.

The **Big Moral Question**: *Should* judges and juries use statistical evidence?

Three possible justifications for *not* using statistical evidence:

1. *The causal justification.*
  
  
  
  
  
  
  
  
  
  
2. *The knowledge justification.*
  
  
  
  
  
  
  
  
  
  
3. *The manipulation justification.*

It's definitely the case that we're lousy at statistical reasoning. Six well-known examples:

**i. Base Rate Fallacy.**

You know some students at USC have a cold right now. You're told: "If a student has a cold, then it's 80% likely the cold-detector beeps on that person. And if a person does not have the cold, then it's 20% likely the cold-detector beeps on that person." You put the cold-detector on a student selected at random and it beeps. How likely is it that this student has the cold?

**ii. Gambler's fallacy.**

I've got a fair coin. You know it's fair because yesterday you watched a statistician flip it 10,000 times and saw it come up heads exactly 5,000 times and tails exactly 5,000 times. Today I flip the coin five times. It lands heads each time. Am I more likely to flip heads or tails on the sixth flip?

**iii. Inverse Gambler's fallacy.**

It's quite unlikely to roll double sixes with a pair of dice: there's less than a 3% chance you'll roll double sixes on a given roll. Knowing this, you're surprised to enter the classroom and see, at that very moment, Brooke rolling a pair of dices and getting double sixes on the first roll. Does the fact that Brooke rolled double sixes on the first roll you witness give you some reason to think Brooke has been rolling for quite a while?

**iv. Simpson's paradox fallacy.**

In 2007 Jacoby Ellsbury had a .353 batting average and Mike Lowell had only a .274 batting average.<sup>1</sup> In 2008 Ellsbury had a .280 batting average and Lowell had only a .274 batting average. Who had a higher batting average over the course of 2007 and 2008 *combined*?

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<sup>1</sup>For those unfamiliar with baseball, having a .353 batting average means that you hit the baseball in 35.3% of your "at bats".

**v. Prosecutor's fallacy.**

Kim is on trial for robbing an art museum. At the scene of a crime is a single strand of hair. Extremely reliable tests reveal that only 1 out of 100,000 persons in LA are a match for this type of hair, and that Kim (an Angeleno) is a match. On this basis the prosecution argues that there is only a 1/100,000 chance that Kim is innocent (put differently: that there is a 99.999% chance she is guilty). Is this right?

**vi. Monty Hall problem.**

Suppose you're on a game show, and you're given the choice of three doors: Behind one door is a car; behind the others, goats. You pick a door, say No. 1, and the host, who knows what's behind the doors, opens another door, say No. 3, which has a goat. He then says to you, "Do you want to pick door No. 2?" Is it to your advantage to switch your choice?<sup>2</sup>

**2. Democracy**

**Democracy** =df. A method of *group decision making* characterized by a kind of *equality* among the participants at an essential stage of the decision-making process.

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<sup>2</sup>You know: (1) The host will always open a door that was not picked by the contestant. (2) The host will always open a door to reveal a goat and never the car. (3) The host will always offer the chance to switch between the originally chosen door and the remaining closed door.

### 2.1. Instrumental Goods of Democracy

The good of **distributed attention**:

The **informational** good:

The **stability** good:

### 2.2. Intrinsic Goods of Democracy

#### **Self-governance:**

Ur thought: Just as each person has moral authority over her own life, so too does each community have moral authority over its own collective life.

1. The moral authority of a community to choose its own way of life is respected only if every member of the community is able to participate in the political process in roughly equal ways.
2. Only in a democracy is every member of the community able to participate in the political process in roughly equal ways.
3. A community's political decision-making process is morally justified only if it respects the moral authority of the community.
4. Therefore, democracy is the only morally justified form of government.

#### **Equality:**

1. Social hierarchies of superiority and inferiority fail to respect to equal worth of human beings.

2. A political community contains no social hierarchies only if it is democratic.
3. Therefore, only democracies respect the equal worth of human beings.

### 2.3. Costs of Democracy

#### **The Expertise Problem:**

**The Incentive Problem:** Even if most people were talented enough to make decent political decisions, they have strong incentives to select representatives that are not wise decision-makers:

### 2.4. Non-Ideal Democracy?

#### **Elitist Democracy** =df. ...

What are some worries for elitist democracy?

#### **Interest-group Democracy** =df. ...

What are some worries for interest-group democracy?

# Freedom of Speech & Religion

## **I. Freedom of Expression in the Law**

Lots of things fall under the umbrella of “expression” in discussions of freedom of expression: speaking, writing, acting, petitioning, marching, advertising, slandering, singing, making art.

First amendment to the Constitution:

“Congress shall make no law...abridging the *freedom of speech*, or of the *press*; or the right of the people peaceably to *assemble*, and to *petition* the Government for a redress of grievances.”

### **Who are expression protections held against?**

### **What do these protections involve?**

- protected speech includes not just political speech, but speech about morality, religion, science, art, culture, etc.
- freedom of the press guarantees that the government not undercut media infrastructure.
- freedom of petition permits lobbying, as well as suits to be brought against government entities.

### **Exceptions?.**

- defamation
- fraud
- obscenity
- child pornography

- “fighting words”
- threats
- treason
  
- What about hate speech?
  
- Time, place, manner restrictions:
  
- Restrictions involving government property:
  
- Hiring/membership discrimination as speech?
  
- Spending \$ as speech?

## **2. Freedom of Religion in the Law**

The other part of the first amendment:

“Congress shall make no law [respecting an *establishment of religion*]<sub>establishment clause</sub>,  
or [prohibiting the *free exercise* thereof...]<sub>free exercise clause</sub>”

### **2.1. Establishment Clause**

Historical background:

**Who is restricted by this clause?**

**What do these restrictions involve?**

- Clearly, the government cannot form an established church.

Other unambiguous *restrictions* on the government:

Unambiguously *permitted* government behavior:

*Ambiguous* matters:

- Public displays or practices of religious significance by government?
  
- Government benefits to religious organizations that have extra-religious goals?



## 2.2. Free Exercise Clause

Who are these religious protections held against?

What do these protections involve?

**Exceptions?**

Bans on certain practices that have religious significance are permitted, provided the ban is a general ban that applies not just to religious persons. For example:

BUT! The battleground of religious exemptions:

- The “Sherbert/Yoder test”: a religious exemption *must* be built into any law *unless* (i) not building in the exemption is necessary to accomplish a very important government goal, *and* (ii) the law in question is the least restrictive means of achieving that goal.
- Supreme Court changes position in 1990 (Employment Division v. Smith), and says religious exemptions unnecessary to build in.
- Since 1990:

### 3. The Ethics of Free Speech

**Q1.** What good is the freedom of speech? Why care about it?

**Q2.** What sorts of speech are *most* important?

**Q3.** What other goods does speech sometimes conflict with?

**Q4.** Our **big moral question**: What sorts of speech *should* the law permit? What sorts of speech should the law *not* permit?

It seems plain that not *all* speech should be free. Consider: yelling ‘fire!’ in a crowded theater, child pornography, defamation, false advertising, the selling of state secrets. Seems there must be some limits. But where, exactly, to draw the line?

Mill’s suggestion: all speech should be free *except* when it results in certain sorts of *harm*.

*Harm, narrowly conceived:*

*Harm, broadly conceived:*

**Mill’s Harm Principle (Narrow):**

**Mill's Harm Principle (Wide):**

Worries:

**Q5.** Where to draw the line with pornography?

What harms are at issue?

**Q6.** Where to draw the line with hate speech?

**Q7.** Where to draw the line with political speech?

# Punishment

**Legal punishment** is:

- (1) the deliberate
- (2) infliction of a harm or deprivation of legal rights,
- (3) imposed by a legal authority
- (4) on an alleged legal wrongdoer
- (5) for an alleged legal wrongdoing.

**The BIG moral question:** When is punishment morally permissible?

A pressing question because punishment involves doing things to people that we find obviously wrong when they're not done in the name of punishment.

A **forward-looking** theory of punishment says that punishment is justified by what it brings about.

A **backward-looking** theory of punishment says that punishment is justified by what happened in the past (e.g., what the wrongdoer did).

*Six theories:*

- (1) **Abolitionism:** no sort of legal punishment is ever morally okay.

*Worries:*

- (2) **Consequentialism:** it's morally okay to punish someone if and only if doing so will bring about *better overall consequences* than not punishing that person.

What goods are at stake?

What costs are at stake?

*Worries:*

What sorts of punishment fit best with the consequentialist picture?

- (3) **Retributivism:** punishment is justified by the important role it plays in giving people what they *deserve*.

*Worries:*

What sorts of punishment fit best with the retributivist picture?

- (4) **Expressivism**: punishment is justified by the important role it plays in publicly *condemning* certain actions.

*Worries:*

What sorts of punishment fit best with the retributivist picture?

- (5) **Reconciliationism**. Punishment is justified by the important role it plays in the repentance, reform, and reconciliation of the offender.

*Worries:*

What sorts of punishment fit best with the reconciliation picture?

- (6) **Hybridism:** Punishment is justified when it provides such-and-such combination of protection, deterrence, retribution, condemnation, repentance, reform, and reconciliation.

*Worries:*

**Another BIG moral question:** what would each of these theories say about the punishment regime of the United States?

# Privacy

## I. “Harmful Intereference” in the Law

A great deal of harmful interference falls under the domain of **trespass**.

### 1. *Trespass to the Person*

1.1. Battery:

1.2. Assault:

1.3. False Imprisonment:

### 2. *Trespass to Chattels:*

### 3. *Trespass to Land:*

But there’s also a great deal of harmful interference that does not fall under the domain of trespass. Some of these fall under the (much more recent) legal domain of **invasion of privacy**.

Type	Description in the Law
	<i>Intrusion of solitude</i>
	<i>Public disclosure of private facts</i>
	<i>False light</i>
	<i>Appropriation</i>



## 2. “Individualized Information” in the Law

**Individualized information** =df..

In the US, when is it legally okay to collect individualized information about another person?

### 2.I. Collection by Private Persons

The collection of individualized information by private persons is primarily regulated by state-level *tort* law.<sup>1</sup>

Private persons are forbidden (in most states) to collect individualized information when three conditions are met:<sup>2</sup>

- (i) a reasonable person could expect that the information in question would not be collected, and
- (ii) a reasonable person would find the act of collection highly offensive, and
- (iii) the information in question is not “newsworthy”.

If these conditions are met, then the victim can sue for *intrusion of solitude*.

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<sup>1</sup>There are some criminal laws regarding invasion of privacy, but they’re pretty rare.

<sup>2</sup>New York, Virginia, North Dakota, and Wyoming are the only states that do not forbid this sort of intrusion of solitude.

## 2.2. Collection by Companies

Primary differences between United States and Europe regarding data collection by companies:

Health Insurance Portability and Accountability Act (HIPAA), 1996:

Fair Credit Reporting Act (FCRA), 1968:

California Consumer Privacy Act (CCPA), 2018:

## 2.3. Collection by Government

The collection of individualized information by the government is largely regulated by *Constitutional* law.<sup>3</sup> Most relevant:

AMENDMENT 4. The right of the people to be *secure in their persons, houses, papers, and effects, against unreasonable searches and seizures*, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

---

<sup>3</sup>It is also regulated by various statutes. For example, the *Stored Communications Act*.

There's not a lot to go on there. So how has the Supreme Court applied this amendment to the case of the collection of individualized information?

*Olmstead v United States* (1928)...

*Katz v United States* (1967)...

The **Katz Rule**: police can collect individualized information in such-and-such a way only if either:

- (i)
- (ii)

How this has played out in some concrete situations:

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<i>legal form of info collection</i>	<i>legal form of info collection only w/ warrant</i>	<i>legal form of data collection in special cases</i>
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- Does the 4th Amendment apply to information voluntarily handed over to a third party? (U.S. v Miller, 1976).

- Does the 4th Amendment does cover private searches?
- Does the 4th Amendment apply to electronic communications?
- Must a phone company turn over records to the government if the government asks for them?
- Is the government permitted to collect and store records of who called who, when, for how long, etc.?

### 3. Ethics of Information Collection

**The BIG moral question:** how *should* the law allow private citizens and the government to collect individualized information?

An important preliminary question: what goods are at stake when it comes to the collection of individualized information?

Considerations of *ownership*:

Considerations of *control*:

# Abortion: Legality & Morality

## **I. The Legality of Abortion**

### **I.1. before *Roe v. Wade***

1700s:

1800s:

1900-1972:

*Griswold v. Connecticut* (1965):

*Roe v. Wade* (1973):

- Majority opinion:

- Dissenting opinion:

## **1.2. constitutional interpretation**

**Literalism:**

**Intentionalism:**

**Moralism:**

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

Do the legal effects of the fourteenth amendment include the right to an abortion (as claimed by the majority in Roe)?

### 1.3. after *Roe v. Wade*

Domains of state variability:

## 2. The Morality of Abortion

### 2.1. the language of rights

Hohfeldian Type	Correlative
A has <b>claim</b> against B	B has <b>duty</b> towards A
A at <b>liberty</b>	B has <b>no claim</b> against A

### 2.2. the right-to-life argument

Some definitions:

**Extreme anti-abortionism:**

**Moderate anti-abortionism:**

**Extreme pro-abortionism:**



**Moderate pro-abortionism:**

**“Ordinary” pregnancy:**

THE RIGHT TO LIFE ARGUMENT:

1. Every human/person has a claim right to life.
2. A fetus is a human/person.
3. Therefore, a fetus has a claim right to life. [1 & 2]
4. It is impermissible to violate someone’s claim rights unless there are more weighty rights at stake.
5. There are no more weighty rights at stake in cases of abortions in ordinary pregnancies (for example, a woman’s permission right to decide what happens in and to her body is outweighed by a fetus’s claim right to life).
6. It is a violation of a human/person’s right to life to kill it.
7. Therefore, it is impermissible to kill a fetus in cases of ordinary pregnancy. [3,4,5 & 6]

The “old school” debate:

**2.3. Thomson’s defense of abortion**

The Violinist Case:

The Failed Rescue Case:

Thomson's Argument:

(1)

(2)

(3)

**Objection #1:**

Counter:

**Objection #2:**

Counter:

**Objection #3:**

Counter:

Counter-counter:

#### **2.4. two distinct questions**

(1)

(2)

# What do we owe to AI?

## 1. Schwitzgebel and Garza's Argument

Their **main claim**:

**"Human-grade AI"** =df. a being that is at least as intellectually and emotionally sophisticated as human beings.

THE NO-RELEVANT-DIFFERENCE ARGUMENT:

1. The only differences relevant to moral status are psychological or social differences.
2. If one kind of entity has moral status but not another, then there must be some *relevant difference* between the two entities that explains this difference.
3. There are possible AIs who do *not* differ from human beings in terms of their psychological or social features.
4. Human beings have moral status.
5. Therefore, there are possible AIs who have moral status. [from 1-5]
6. We have duties towards something if and only if (and because) it has moral status/worth.
7. Therefore, there are possible AIs to who we would have moral duties. [5 & 6]

- An AI has no psychological differences from human beings if it is conscious, and if it can think, believe, desire, and feel emotions, pain, and pleasure like a human being.
- An AI has no social differences from human beings if it can stand in similar interpersonal relationships as human beings — e.g., if it can enter into families, friendships, etc.

## 2. Objections

## 2.1. Objection #1

(i) is false; there are other differences relevant to moral status.

### **Two alternative accounts of moral status:**

*The Aristotelian Account:*

*The Theistic Account:*

### **Counter:**

To the Aristotelian account...

- Artefacts have intention-based purposes.
- AI would be artefacts.
- So AI would have intention-based purposes.
- We could design those purposes to be identical to the non-intention-based purposes of humans.
- Therefore, if our telos gives us our moral status, then there are possible AIs with comparable moral status.

To the theistic account...

- If God's attitudes towards humans gives them their moral status, then God must hold this attitude towards humans because of their psychological and/or social features.
- If God didn't have a similar attitude towards other entities with the same psychological and/or social features, then God would be arbitrary and morally deficient.

- But if God exists and if God really is the ground of moral status, then God is *not* morally deficient.
- So if God exists, then there are possible AIs with comparable moral status.

The takeaway: these accounts do not threaten the conclusion of the No-Relevant-Difference Argument.

### **2.2. Objection #2**

- (3) is false. It isn't possible to have AIs who are similar to human beings with respect to their psychological and social features.

**Counter:**

### **2.3. Objection #3**

- (6) is false. Just because AI would have moral status does not mean that we'd have duties towards them.

“Spheres” of obligation:

**Counter:**

- (i) We have substantial duties towards non-human entities already.
- (ii) And in any case, there are possible AIs that could end up in our closest sphere of obligation.

#### 2.4. Objection #4

But we created them! “Hey AI, you owe your very life to me. You should be thankful just for the time I’ve given you. I owe you nothing.” (The Happy Cow analogy)

#### Counter:

- (i) Not obvious that the Happy Cow case shows what it’s supposed to show.
  
- (ii) And in any case, there are closer analogies. For example, the couple who decide to have a child.

### 3. Two Rules for AI Construction:

**Rule 1.** Since we have the power to determine an AI’s default level of pleasure and pain, we have a duty to construct AIs that tend to experience a great deal more pleasure than pain. (One respect in which we have *greater* duties towards AI than towards humans.)

**Rule 2.** We should build AI in such a way that people neither *over*-attribute nor *under*-attribute moral status to those entities.

# Genetically Modified Organisms

## **i. what are they?**

**Artificial organisms** =df...

**Genetically modified organisms** =df..

*Examples:*

“HT”, “Bt”, and “*stacked*” GM crops:

*Some statistics:*

- 47% global GM crops soybean
- 32% global GM crops corn
- 14% global GM crops cotton
- 5% global GM crops canola
- over 90% of corn and soybean in US is GM

*Conventional/organic* distinction v. *GMO/non-GMO* distinction:

**Our BIG moral question:** Should the government permit the use of current GMO technology in agriculture?



## **2. the case for permitting GMOs**

(1) Efficiency:

(2) Fewer toxins in use:

(3) Nutrition:

(4) Less erosion:

### **3. the case for prohibiting GMOs**

(1) Intrinsic wrongness of transgenic tech:

(2) Environmentally costly:

(3) Socially and economically costly:

# Land Ethics

## **I. Preliminaries**

**Moral worth** =df...

**Instrumental** v. **Intrinsic** worth:

## **2. The Worth of Natural Entities**

### **2.I. what sorts of natural entities have worth?**

**Humanism:**

**Sentientism:**

**Bio-ethicism:**

**Eco-ethicism:**

**Gaia-ethicism:**

**2.2. how much worth do different natural entities have?**

**Equal View:**

**Variable View:**

**2.3. what explains the worth of natural entities?**

*Questions:*

If consciousness/capacity to feel pleasure/pain is the sole ground of moral worth, what sorts of natural entities have intrinsic moral worth? Do they have it in equal amounts?

If life (“goal-directedness” or “being an organism”) is the sole ground of moral worth, what sorts of natural entities have intrinsic moral worth? Do they have it in equal amounts?

If functional complexity is the sole ground of moral worth, what sorts of natural entities have intrinsic moral worth?

If being valued is the sole ground of moral worth, what sorts of natural entities have intrinsic moral worth?

### **3. The Well-being of Natural Entities**

**Hedonism:**

**Desire-Satisfactionism:**

Neither theory applicable to non-sentient organisms...

#### **3.1. the well-being of non-sentient organisms**

Intuitively, what sorts of things are *good for* an oak tree?

*Two theories of the well-being of non-sentient organisms:*

(1) **The survival theory:**

(2) **The teleological theory:**

### 3.2. the well-being of non-living natural entities

Examples of non-living natural entities:

What, intuitively, are the sorts of things that make for a better ecosystem?

But *why* are all of these features good for an ecosystem? What general theory of well-being can be given for non-living natural entities?

# The Non-Identity Problem

## **i. the problem**

### **Case #1:**

Mary and Matthew:

Susy and Sammy:

### **Case #2:**

The Depletion policy:

The Conservation policy:

**Three Plausible claims:**

- (1) An act is *wrong* only if that act makes things *worse for* someone. Acts that *maximize* wellbeing for each and every existing or future person cannot be wrong.
- (2) One does not make someone's life *worse* by bringing them into existence to live a life worth living.
- (3) We act *wrongly* when we choose the Depletion policy. Susy acts wrongly by not waiting for a day to have a child.

The **necessity of origins**:

Given the necessity of origins and given that our characters live a life worth living, the three plausible claims are inconsistent. At least one must be false.

**2. potential solutions**

**2.1. rejecting (3)**

Worry 1:

Worry 2:

The Depletion<sub>2</sub> Policy:



If (3) is false, this is a big deal! It means that we have much fewer duties towards future generations than most people think we have. Morality permits us to privilege presently-existing people to a considerable extent.

## **2.2. rejecting (1)**

Three strategies for rejecting (1):

### **Strategy 1:**

Shiffrin's gold bar case:

Worry for strategy 1:

### **Strategy 2:**

Harmless wrongs:

Worry for strategy 2:

### **Strategy 3:**

But how to compare between possible *societies*?

The **Total View**:

The *Repugnant Conclusion*:

The **Average View**:

The *Mere Addition Problem*:

Worry for strategy 3:

**Where does the non-identity problem leave us?**