

I. The problem of political disagreement

- Features of political disagreements:
  - a. widespread
  - b. strong
  - c. persistent
- Theories of political disagreements:
  - a. miscalculation + the inherent difficulty of political issues
  - b. ignorance, we haven't collected enough information to resolve issues
  - c. people disagree because of divergent values
  - d. Irrationality

II. Ignorance & miscalculation theories: do not explain:

- Persistence of political disagreements
- Strength of political beliefs
- Clustering of logically unrelated beliefs
- Correlations of political beliefs with race, sex, personality traits, etc.

III. Divergent values theory does not explain:

- Why people disagree about values in the first place
- Clustering of logically unrelated beliefs
- Factual disputes

IV. Rational ignorance & rational irrationality

- Two kinds of "rationality":
  - *Instrumental rationality*: consists in choosing the correct means for satisfying your existing desires, whatever they are.
  - *Epistemic rationality*: consists in using correct (logical) reasoning, basing beliefs on evidence, avoiding fallacies, not contradicting oneself, and so on.
- Theory of rational ignorance:
  - It is rational to remain ignorant when costs of collecting information exceed expected benefits.
  - Example: information about political candidates & issues
  - People in fact choose to remain ignorant in these cases.
- Theory of rational irrationality:
  - Assumes:
    - a. People have non-epistemic belief preferences: prefer to believe certain things, for

- reasons independent of the truth or epistemic rationality of those beliefs.
- b. People have some control over what they believe.
  - c. People are generally instrumentally rational.
    - Therefore:
      - People choose to adopt epistemically irrational beliefs, when the “costs” of being rational are greater than the expected benefits.
      - This includes most political beliefs.

#### V. Sources of belief preferences:

- People are biased by self-interest + interests of the group they prefer to identify with
- People adopt beliefs to accord with the self-image they want to project
- Political beliefs can serve as tools of social bonding.
- People are biased towards other beliefs that cohere with their existing beliefs.

#### VI. Mechanisms of belief fixation:

- a. Biased weighting of evidence: we attribute slightly more weight to each piece of evidence that supports our belief, and slightly less weight to each piece of evidence that undermines our belief, than it merits.
- b. Selective attention and energy: we spend more time/energy thinking about arguments supporting our beliefs than arguments criticizing them. But we spend more time looking for flaws in arguments opposing our beliefs than in arguments supporting them.
- c. Selection of evidence sources: we get political information from sources we already know we agree with
- d. We base beliefs on subjective, speculative, and anecdotal claims. These are more subject to bias.

#### VII. What should we do?

- Avoid using mechanisms in (VI).
- Be aware of cases where we are likely to be biased.
- Regard others' political claims with skepticism.
- Identify what sort of evidence is required to scientifically resolve a factual question, or test a factual claim. Ask whether one has such evidence.

Phil 1200

Notes #2: Capital punishment, Sidney Hook

*Notes to students:*

- *Monday, 9/8 class:* Lecture will be given by guest speaker David Boonin, instead of me.
- *9/11 - 9/12:* Conference, “Balancing Liberty and Security After 9/11”. See flier for details.

I. Overview of issues:

A. Deterrence

- CP may deter murders.
- Evidence on this is mixed.
- Death penalty is used rarely, with long delays; perhaps if punishment were more swift and certain, a deterrence effect would be more manifest.
- CP may have a “brutalizing” effect on society. Executions communicate that it is correct and appropriate to kill those who gravely offend us.

B. Community feelings

- CP satisfies community need/feeling
- CP makes victim’s family feel better
- Is the community/family *correct* to feel a desire for execution?  
If no, is satisfying this feeling an advantage?  
If yes, then the case for CP can be rested on that argument.

C. Possibility of executing innocent people

*Anti-CP person:* Innocent people may be executed.

*Pro-CP person:* Innocent people can also be imprisoned. Should we not use any punishment?

*Anti:* But CP is irreversible/cannot be corrected.

*Pro:* But life imprisonment also cannot be corrected.

*Anti:* Yes, but finding out the mistake before the sentence has been completed is more likely.

D. Justice

- Views of punishment:
  - Utilitarian view: punishment justified by desirable consequences of it
  - Retributivist view: bad people deserve to suffer.  
The proportionality principle: punishment should be proportional to the severity of the crime.
- Pro-CP argument: CP only just penalty for murder
- Is death penalty really worse than life imprisonment?

## E. Monetary Costs

- Community shouldn't have to pay for keeping criminals in prison.
- But, execution is 3x more costly than life imprisonment.
- Cost is created by legal fees.

## II. Sidney Hook says:

### A. Arguments for CP

1. Deterrence argument: C.P. deters murders?
  - *Response:* This has never been proven.
2. Community need/feeling:
  - *Response:*
    - The community may be wrong
    - Doesn't justify any *mandatory* death sentence
    - Death penalty may result in fewer guilty verdicts

### B. Arguments against CP

Possibility of executing innocent people

- Execution cannot be corrected

### C. Cases where CP would be justified

- If Hitler had been captured, he should have been executed
- If the defendant requests execution
- Those who commit a second murder after being sentenced to prison

Primoratz says:

I. The deterrence argument:

- Most studies have found no deterrence effect.

II. The retributive argument

The central argument for CP is this:

1. The *Proportionality Principle*: The punishment should be (as far as possible) proportional to the seriousness of the crime.
2. If the crime is murder, then the only proportional punishment is death.
3. Therefore, if the crime is murder, the punishment should be death.

III. Arguments against CP:

A. Beccaria says the state cannot have the right to take the life of its citizen, because the state's rights are based on the social contract, and it cannot be assumed that the citizen has transferred his right to life to the state.

*Replies:*

1. We might well question the social contract theory. But even if we grant that ...
2. A citizen might well (rationally) agree to be killed *if* he commits a murder. That is not the same as agreeing to be killed *full stop*.

B. CP violates the right to life.

*Replies:*

1. The right to life does not seem to be absolute. See cases of war, self-defense.
2. A murderer cannot credibly claim the protection of a right to life.

C. CP position is contradictory, because the state is doing the same thing that the criminal did.

*Reply:*

1. This argument implies that *all* punishment is wrong in the same way.
2. Killing innocent people is not the same thing as killing guilty people (who deserve to die).

D. CP is not *proportionate* punishment, because different lives have different value. What if the victim was very old, or sick, but the killer is young and healthy?

*Reply:*

1. Nevertheless, "all human beings are equal." We would not want to remove this assumption from our legal system.
- [2. Better reply: restrict CP to cases in which the crime was really bad, e.g., multiple

- murders.]
- E. CP also not proportionate punishment because the criminal suffers during the waiting time.
1. This isn't necessary; we could execute people faster. But we have delays in order to prevent mistakes.
  - [2. Better reply: restrict CP to cases in which the crime was really bad, e.g., multiple murders.]
- F. The argument from the possibility of executing innocent people.
- Reply:*
1. We could restrict CP to cases in which the defendant's guilt was especially certain. I.e., have a higher standard of proof for assigning the death penalty than for mere conviction of a crime.
    - Some would say that *any* chance of error, however small, is reason enough to oppose CP.  
[*Reply:* But if this were true, it would also have to be a reason to oppose any punishment whatsoever.]
  2. A very small probability of an unjust execution may be outweighed by the value of the *justice* of meting out proportionate sentences to murderers.
- G. CP is discriminatory; blacks and poor criminals are more likely to receive it.
- Reply:*
1. This just means we should reform the discriminatory aspects of the courts.
  2. The same holds for other kinds of sentences. Should we abolish all punishments because of this?

#### IV. Retributivism without CP?

- Notwithstanding the Proportionality Principle, punishments should not be *cruel* (go beyond a certain threshold of harshness).
  - Example: We should not torture criminals, even those guilty of torture.
- Someone might feel that CP is cruel in a similar way. But I, Igor Primoratz, do not.

## I. Definitions

- *Euthanasia*: Euthanasia has four characteristics: (i) it involves killing someone (or allowing someone to die), (ii) the killing must be intentional, (iii) the 'victim' must be a person who is going to die anyway, within a relatively short time, and (iv) the killing is done for the 'victim's own good.
  - *Passive Euthanasia*: where life-preserving treatment is withheld, thus allowing the patient to die.
  - *Active Euthanasia*: where someone actively kills the patient.
  - *Voluntary Euthanasia*: patient asks to be killed.
  - *Non-voluntary*: patient is unconscious/mentally incompetent. Someone else decides on their behalf.
  - *Involuntary*: patient wants not to be killed.
- *Assisted Suicide*: just like euthanasia, except that instead of killing the patient, a doctor (or someone else) provides the patient with the means of killing himself.

## II. Background data:

- *Public opinion*: somewhere between 40% and 65% of people support euthanasia.
- *The law*:
  - 40 states specifically prohibit physician-assisted suicide. 9 states have no law specifically prohibiting it. Oregon law specifically allows it.
  - Every state (with the possible exception of Ohio) treats active euthanasia as murder.
  - Passive euthanasia, in the form of patients refusing treatment, is widely accepted.
- *The Jack Kevorkian case*:

Kevorkian created a machine to assist patients in committing suicide. The machine allowed patients to self-administer lethal doses of drugs. He was put on trial 4 times for assisted suicide. 3 acquittals, 1 mistrial. In 1998, he crossed over to active euthanasia, administering a lethal injection to a patient and videotaping the event. In 1999, he was convicted of murder and sentenced to 10-25 years.

## III. Arguments for euthanasia:

(see Brock, "Voluntary Active Euthanasia")

- A. Individuals have a right of self-determination & a right to control the manner of their death.
- B. Euthanasia can relieve unnecessary pain and suffering.
- C. Euthanasia can allow patients to die with dignity. How they spend their final hours

can be very important to some people.

D. Many people care about how their family remembers them.

#### IV. Arguments against:

A. It is 'against nature':

1. We all have a natural inclination to preserve life.
2. It is wrong to go against natural inclinations.
3. So euthanasia is wrong.

B. Religion:

1. The Bible is against euthanasia. Why:
  - a. Because God owns us.
  - b. The Bible prohibits suicide. If suicide is not allowed, euthanasia wouldn't be either.
2. The Bible is an accurate source of moral guidance.
3. So we should not practice euthanasia.

C. Doctors make mistakes:

1. Euthanasia would only be justified if we were certain the patient will not recover.
2. We can never be certain that a patient will not recover from a condition.
3. So euthanasia is never justified.

D. Deliberate killing:

1. Euthanasia is deliberate killing of an innocent person.
2. Deliberate killing of an innocent person is wrong.
3. So euthanasia is wrong.

E. Bad consequences:

1. Allowing euthanasia might lead to:
  - a. People being pressured or talked into choosing death (to spare their families financial burdens, etc.)
  - b. Later allowing non-voluntary euthanasia.
  - c. Later allowing *involuntary* euthanasia.
  - d. Weakening our opposition to homicide.
  - e. Undermining of the profession of medicine. Why:
    - 1') The "moral core" of medicine is the commitment to preserving life & health.
    - 2') Euthanasia involves doctors in killing.
    - 3') So it requires them to abandon the moral core of their profession.
2. All of those things are bad.
3. So allowing euthanasia would be, to that extent, bad.

Phil. 1200

Notes #5: Active & passive euthanasia, James Rachels

- Rachels says there is no *moral difference* between active and passive euthanasia. Why:

I. Active eu. can be more humane than passive eu.

*Example:* The Downs syndrome babies with intestinal blockage. Three options:

1. Operate and allow the baby to live.
  2. Kill the baby quickly and painlessly.
  3. Do not operate, and let “dehydration and infection wither [the baby] over hours and days.”
- Current law allows (3) but not (2). But (3) is clearly worse than (2).

II. The conventional doctrine leads to decisions concerning life and death made on irrelevant grounds.

- Compare two cases:
  - 1: Baby who has Downs syndrome and intestinal blockage.
  - 2: Baby who has Downs syndrome & no intestinal blockage.
- Conventional doctrine allows baby 1 to die, but baby 2 must be kept alive. So the life/death decision is made on the irrelevant basis of whether the baby happens to have intestinal blockage.

III. There is no morally significant difference between killing and letting die.

*Examples:*

- (a): Smith drowns his 6-year-old cousin in the bathtub, so that he can get some inheritance.
- (b): Jones is about to drown his 6-year-old cousin in the bathtub, so that he can get some inheritance. But the child slips in the bathtub and falls face down. Jones stands by and watches the child drown.

- Is case (b) significantly better than case (a)?
  1. Case (b) is not (significantly) better than (a).
  2. Cases (a) and (b) differ only in that (a) is a killing, and (b) is a letting-die.
  3. Therefore, the difference between killing and letting-die is not morally significant (from 1, 2).

*Application to euthanasia:*

4. The only difference between active & passive euthanasia is the difference between killing and letting-die.
5. Therefore, there is no morally significant difference between active & passive euthanasia (from 3, 4).