



EXAMINING THE RESOLUTION.....	4
AFFIRMATIVE CASE 1: THE GREATEST HAPPINESS.....	10
AFFIRMATIVE CASE – GREATEST HAPPINESS.....	11
CONTENTION 1: MORALITY IS OVERSHADOWED BY EMOTIONS.....	11
CONTENTION 2: LOGICAL DECISION MAKING PROTECTS SOCIETY.....	12
CONTENTION 3: PEOPLE WHO MAKE SUCH DECISIONS ARE MORAL.....	12
CONTENTION 4: FACED WITH A SITUATION WHERE AN INDIVIDUAL MUST ACT UPON THE CHOICE TO SAVE ONE INNOCENT OR MANY – THE MORAL CHOICE IS TO SAVE THE MANY INNOCENT.....	12
AFFIRMATIVE ANSWERS TO POSSIBLE NEGATIVE ATTACKS.....	14
AFFIRMATIVE CASE 2: DUTY.....	16
CONTENTION 1: SOLDIERS ARE BY INTERNATIONAL ACCORD INNOCENT	17
CONTENTION 2: KILLING AN INNOCENT SOLDIER TO SAVE THE LIVES OF THOSE HE OR SHE WOULD KILL IS MORAL.....	17
CONTENTION 3: KILLING ONE INNOCENT PERSON TO SAVE THE LIVES OF MANY INNOCENT PERSONS IS MORALLY PERMISSIBLE.....	17
AFFIRMATIVE ANSWERS TO POSSIBLE NEGATIVE ATTACKS.....	19
OVERVIEW OF NEGATIVE POSITION 1: RESPONSIBILITY.....	20
NEGATIVE POSITION 1 - RESPONSIBILITY.....	21
CONTENTION 1: THE RESOLUTION INDICATES FOUR DISTINCT HUMAN ENTITIES.....	21
CONTENTION 2: AFFIRMATIVE RESOLUTION OPERATES UNDER A FALSE ASSUMPTION.....	21
CONTENTION 3: THE NEGATIVE INTERPRETATION IS THE BETTER INTERPRETATION.....	22
NEGATIVE ANSWERS TO POSSIBLE AFFIRMATIVE ATTACKS.....	23
NEGATIVE POSITION 2: PACIFISM.....	25
NEGATIVE POSITION - PACIFISM.....	26
CONTENTION 1: THE AFFIRMATIVE RESOLUTION IS AN ABSOLUTE STATEMENT.....	26
CONTENTION 2: WAR IS NOT EFFECTIVE.....	27
CONTENTION 3: PACIFISM DOES NOT MAKE A COUNTRY LESS SAFE.....	27
CONTENTION 4: NON-VIOLENCE EMPIRICALLY SAVES MORE LIVES.....	28
NEGATIVE ANSWERS TO POSSIBLE AFFIRMATIVE ATTACKS.....	29
AFFIRMATIVE EVIDENCE.....	31
THE ONE VERSES THE MANY.....	32
SAVING THE ONE OVER THE MANY IS AN EMOTIONAL REACTION.....	32
SAVING THE ONE OVER THE MANY IS AN EMOTIONAL REACTION (cont.).....	33
VMPC PATIENTS ARE MORAL.....	34
WHEN THE EMOTIONS ARE TAKEN AWAY, THE UTILITY COMES THROUGH.....	34
WAR.....	35
WAR CAN BE MORAL.....	35
SOLDIERS ARE NOT RESPONSIBLE FOR THE MORALITY OF THE WAR.....	35



SOLDIERS ARE NOT RESPONSIBLE FOR THE MORALITY OF THE WAR (cont.) .	36
ANY SOLDIER IS A TARGET IN WAR	37
TARGETED KILLING	38
TARGETED KILLING IS MORAL	38
TARGETED KILLING IS SELF DEFENSE.....	38
TERRORIST THREATS JUSTIFY TARGETED KILLING	39
TARGETED KILLING SAVES LIVES	40
LOCATION DOES NOT PROTECT A TERRORIST	40
TARGETED KILLING NO LESS MORAL THAN CONVENTIONAL WAR.....	41
KILLING MORALLY INNOCENT SOLDIERS CAN BE MORAL	41
KILLING CIVILIANS IS SOMETIMES NECESSARY AND MORAL	41
DEATH PENALTY	42
OPPONENTS ARGUE THAT INNOCENT PEOPLE ARE EXECUTED WITH THE DEATH PENALTY	42
EVEN IF THE INNOCENTS ARE KILLED, THEIR DEATH SAVES LIVES	42
CAPITAL PUNISHMENT SAVES INNOCENT LIVES	43
FAILURE TO USE CAPITAL PUNISHMENT CAUSES THE DEATH OF INNOCENTS	44
STATES THAT EXECUTE THE MOST PRISONERS PROVE DETERRENCE	45
LIFE WITHOUT PAROLE IS LIKE A DEATH SENTENCE	46
DEATH PENALTY DOES NOT CAUSE GOVERNMENT TO GO DOWN A SLIPPERY SLOPE	46
STEM CELL RESEARCH.....	47
STEM CELL RESEARCH IS THE BETTER ALTERNATIVE.....	47
OBJECTIONS TO STEM CELL RESEARCH ARE NOT MORAL JUST RELIGIOUS..	47
OBJECTIONS TO STEM CELL RESEARCH VIOLATE SEPARATION OF CHURCH AND STATE	47
RELIGIOUS BELIEFS ARE NOT A GOOD CRITERIA FOR OBJECTING TO STEM CELL RESEARCH.....	48
NO RELIGIOUS VIEW PREDOMINATES	48
ONLY THE NATIONAL INSTITUTE OF HEALTH CAN PROVIDE WISE LEADERSHIP IN STEM CELL RESEARCH	48
STEM CELL RESEARCH IS THE BETTER ALTERNATIVE.....	49
NEGATIVE EVIDENCE	50
THE NEED TO CONSTRAIN CONFLICT IS WIDELY RECOGNIZED	51
WAR IS A POLITICAL TOOL	51
PACIFISM SEEKS TO DISMANTLE THE NEED FOR WAR.....	51
THE MILITARY OPTION IS NOT EFFECTIVE.....	52
WAR ENDANGERS THE DEMOCRATIC STATE	52
RELIGIOUS PACIFISM IS RELEVANT TO THE WORLD.....	53
JUST WAR IS A CHRISTIAN CONCEPT	53
IF WAR IS MORAL WHY DOES IT MAKE SO MANY PEOPLE SAD?	54
WAR IS NOT A LEGITIMATE COURSE OF ACTION THUS IMMORAL.....	55
NON-COMBATANTS SHOULD NOT BE KILLED.....	55



WAR IS NOT JUST ON BOTH SIDES – SOMETIMES ON NEITHER SIDE.....	56
MORAL JUSTIFICATION IS NOT A GOOD EXPLANATION FOR WAR	56
THE CAPACITY TO AFFECT CHANGE IS LIMITED	56
KANT’S THEORY OF EVIL APPLIED TO HUMANS AS A COLLECTIVE SPECIES NOT THE INDIVIDUAL.....	57
HUMANS ARE NEITHER GOOD OR EVIL	57
WAR OPPOSES REASON	57
INTENTION IS NOT A JUST CRITERION FOR WAR.....	58
SUPREME EMERGENCY DOES NOT JUSTIFY KILLING INNOCENTS IN WAR	58
ONE MAY BE WILLING TO DIE FOR A CAUSE BUT SHOULD NOT KILL OTHERS FOR THAT CAUSE.....	59
JUST WAR THEORY GIVES EQUAL RIGHTS TO BOTH SIDES OF A CONFLICT ..	59
JUST WAR AND PREEMPTION CREATE A CONFLICT	60
TARGETED KILLING IS IMMORAL	60
THE TRUE MOTIVE FOR TARGETED KILLING IS RETRIBUTION NOT SAVING LIVES	60
KILLING INNOCENT PEOPLE IS ALWAYS WRONG	61
THE PEOPLE IN IRAQ ARE NOT BETTER OFF NOW	62
TARGETED KILLING	63
TARGETED KILLING IS AGAINST HAGUE REGULATIONS	63
SUNSTEIN AND VERMEULE STATISTICS COULD CONDEMN INNOCENTS	64
DEATH PENALTY IS NOT A MORAL ISSUE.....	65
THE RESOLUTION SETS UP A CONTRADICTION LOGIC	65
ADULT STEM CELLS WORK LIKE EMBRYONIC STEM CELLS	66
RELIGIOUS LEADERS FROM VARIOUS FAITHS OPPOSE STEM CELL RESEARCH	66
THE DESTRUCTION OF HUMAN LIFE IS NEVER ACCEPTABLE.....	66
AN EMBRYO IS NOT A HUMAN.....	67
IMPOSING A 14 DAY LIMIT ON EMBRYOS ENDS THE DEBATE	67
ALTERNATIVES TO EMBRYO RESEARCH EXIST	68
ALTERED NUCLEAR TRANSFER KILLS AFFIRMATIVE NEED	69
DEFINITIONS.....	70



EXAMINING THE RESOLUTION

Edward Lee, PhD

Affirmative Approaches

Is this resolution about Utilitarianism? Certainly it has the flavor of Utility. However, it would be a mistake to assume utility must be debated with this resolution. Various interpretations are possible for imaginative affirmatives. Of course it would be a refreshing experience to see an affirmative to take the bull by the horns and debate the inherent value suggested by the resolution. We have an opportunity to examine utility in terms of the one versus the many rather than arguments which reflect democratic attitudes such as the 51% as opposed to the 49%. And even when affirmative is not advocating utility, it is a sure bet that most negatives are going to attempt to turn the debate toward utilitarianism even if the affirmative never mentions it.

This resolution provides some interesting and difficult challenges for the affirmative. It restricts affirmative in who is killed to save the “many”. One is not given the option of killing an evil monster or a hardened criminal threatening the lives of individuals, but rather an innocent person must be sacrificed in order to save an unspecified number of people who are also innocent. Of course the definition of innocent may become rather crucial in this debate. Who in this world is completely innocent? The soldier who kills an enemy soldier in his sleep may be legally innocent of murder because of the circumstances of war, but the person who kills an abusive husband in his sleep is guilty of murder. Both sleeping individuals could potentially kill others but one is permitted and the other is not. Thus, affirmative has to establish under what circumstances the person being killed is innocent and it must be established that the death of that person will save the lives of “many” innocent people.



In order to do this, it may seem that Affirmative is doing some things that would usually be negative. And Affirmative will have to carefully lay out the reasoning and logic by which the death of an innocent person is moral and that that death will save many lives.

One approach for Affirmative is to attack the idea of morality. Affirmative could contend, as evidence in this brief demonstrates, that morality is confused by emotion. When emotion is taken out of the equation, the logic of the statement is perfectly clear. This has been proven in studies where patients with damage to the prefrontal cortex of the brain lose their emotional ties to huge morality questions such as the resolution presents and chooses on logical grounds. And when examined in the light of pure logic the only answer is yes it would be moral because it would be wrong to lose many people to save just one person.

One case area where Affirmative can claim a legal precedent for the killing of that innocent person is in war. Much theory exists asserting the innocence of soldiers because they simply serve at the discretion of government officials or have been forced into service by the governing power. Thus, the logic goes: "the enemy soldier is innocent as an agent of action but by killing the enemy soldier, the many lives he would have taken on my side will be saved. Therefore, it is moral to kill this innocent person."

Negative will respond that the truth is that armies like that in the United States use volunteers. Volunteers know what they are going to be required to do when they sign up. Therefore, the enemy can not be considered innocent because he or she made the decision to be a part of an organization whose purpose it is to kill. With that, the negative will proceed to show how the Affirmative is not topical. The Affirmative must be ready to argue the innocence of the soldier. Some research beyond this brief into the Geneva Convention and international rules for war might be helpful.

Another area where Affirmative may walk the tightrope is on the issue of stem cell research. It could be argued that yes embryos are destroyed but the research performed upon them is going to save the lives of thousands of people. Affirmative must be ready on two fronts here. One is to argue that embryos are living beings that would never be allowed to grow to birth much less adulthood. As the actor, Christopher Reeve asked an opponent to stem cell



research, which is better: that the stem cells are used to help save people, or to be thrown in the garbage when it is clear that they will not be inserted into a mother to be born?

The second front to be guarded against will be the morality of killing embryos that could – even if they won't be – inserted into a healthy woman and be born into the world. This becomes more important in the face of evidence that new procedures exist that allow the nucleus of an egg to be inserted so that it produces stem cells but is altered so that it can never divide into a human. Most work on such procedures has only been done on mice and has a long way to go before being applied to humans. Affirmative will of course respond that we live in the present and embryonic stem cells are what we have now to combat the problems we have now.

Affirmative could argue the nobility of suicide or actions of self-sacrifice that result in the saving of many innocent lives. The resolution does not specify that the person who is killed should not be the one that causes that death. This approach avoids the moral arguments against killing another and shifts it to the right of the individual to die.

No matter which direction Affirmative goes with this resolution, it is going to be important to either clearly define terms in the speech or have them ready because the affirmative approach is going to depend on closely defining the terms and sticking with those definitions as the case is argued.

Negative Approaches

*The issue of **responsibility** should be popular in this topic, especially for the negative. Notice that the resolution says that it is permissible to kill one innocent person to save many innocent people. Logically, the individual who kills the one is not the agent killing the many otherwise he or she would simply need to desist from the action threatening the many. One can safely assume that there is a human element separate from the person facing the choice in the threat to the many for if the threat is of a natural nature; the death of the one would not save the many. We long ago gave up throwing virginal maidens into volcanoes to assuage cruel gods and bring blessings upon us. No, it must be human agents that threaten the “many”. The resolution*



presents a test for some poor individual unlucky enough to be in the wrong place at the wrong time.

Having established that the person who would be killing the “one” is not the agent who kills the “many”, the responsibility for the death of the many is squarely at the door of the outside agent threatening the “many”. The responsibility of the person who kills the “one” lies only in the action of killing the one. Thus the person who falls into this trap becomes responsible not for saving many lives but for taking a life. The responsibility for the lives of the “many” resides with the agent that threatens the “many”. Certainly, each individual is responsible for the deaths which he or she directly causes. And if the many are saved, it is because the agent who threatened them decided to save the many. Further, Affirmative can not claim that the one person being killed is the one threatening the many people because the “one” is an innocent person. The person threatening the many could not be an innocent person because of the evil actions he or she has exhibited through the threat.

*Another issue that negative can tie to responsibility is **certainty**. There is no way for an individual to know with certainty that another individual is going to kill a large number of people. And in the logic of this resolution, one can not know that the evil person from whom the proposition is issued can be trusted not to kill the “many” anyway. True, the Affirmative might argue that the resolution says the many will be saved, but on close inspection you will see that no guarantees are made with the statement. The resolution simply says it is permissible to kill one innocent person in order to save many innocent people. This statement speaks to intent. If a person kills one innocent with the full expectation that the others will be saved, there is no assurance that those others will be saved. Remember we are dealing with a perverse individual who delights in providing perverse choices. The popular Saw movie series comes to mind here. In Saw, people are kidnapped by a diabolical criminal who forces them to make horrific choices. This resolution is reminiscent of this.*

If we take the elements of responsibility and certainty together, we see that there is no moral reason for an individual to take the life of an innocent person when the responsibility for the lives of the “many” lies outside the range of influence of both the innocent “one” and the person to whom the proposition is made.



Another Negative approach might be to hold the proposition up as an absolute. Here negative would contend that the resolution presents an absolute statement of fact. Thus, if negative can demonstrate an instance when the statement would be false, then the statement and the Affirmative case would be proven false. Altered Nuclear Transfer would be an example here. Negative would contend that the uncertainty of when a human becomes a human prevents any definitive determination of the morality of Embryo Stem Cell research. However, the many proponents of stem cell research say lives can be saved by Altered Nuclear Transfer in which the nucleus of the cells being used are not able to replicate into humans but still produce stem cells which can be used for the same purposes as embryonic stem cells. Negative would contend that the fact that an alternative exists in this category of the resolution renders the resolution false.

This argument stands even when Affirmative comes back to say that the resolutional scenario would not apply here because of the alternate choices. The negative example stands because the negative has shown that choices are available to avoid killing. Further, the resolution itself inherently provides the presence of choice in presenting whether one is moral in taking the action of killing an innocent person. If there were no choice, the morality would be moot.

Negative will also reject the Affirmative case that advances some sort of suicide. Note that the resolution says it is okay to kill an innocent to save other innocents. This implies an action taken by one individual against another individual. If the framers of the resolution wanted debates about sacrificing oneself for others, it would have been more efficient to word it in a sacrificial context.

Finally, Negative could reject the concept of killing altogether and advocate pacifism as a better alternative. Empirically, non-violent strategies have served to further human goals and humanity in general. Such actions worked in India, South Africa, and even in the United States.

Closing Thoughts

One could argue that this resolution is slanted toward the negative. But there are avenues that imaginative affirmatives can take to both affirm the resolution and surprise the negative. This resolution offers the debaters on both sides a real opportunity to stretch their



NFL SEPT/OCT TOPIC

Resolved: It is morally permissible to kill one innocent person to save the lives of more innocent people.

9

thinking and their logic. The negative can have a field day critiquing the resolution while the - Affirmative -meeting the challenge to be imaginative - can present cases which will give the negative problems. Good luck to all.



AFFIRMATIVE CASE 1: THE GREATEST HAPPINESS

This case takes the Greatest Happiness Principle for its value. Notice it does not say for the greatest number. It may be a matter of semantics, but it may also avoid that argument that 50.1% gets to dictate to 49.9%. Besides, in the case of this resolution it is clear that the choice is between one and many. Thus in deciding the morality of killing the one person, how should we proceed? Killing even one person is repugnant to most human beings. We believe that life is a inviolable possession and no one has a right to take that possession from us. Yet the resolution provides us with that impossible scenario. This case takes the scenario head on. Negative will try to provide examples why the resolitional statement is not correct, but Affirmative should stay on the hypothetical situation set up in the resolution and not allow negative to stray from it. Insist that negative provide as much solid evidence/argument against greatest happiness as the affirmative does for it.



AFFIRMATIVE CASE – GREATEST HAPPINESS

I am firmly resolved that: It is morally permissible to kill one innocent person to save the lives of more innocent people.

The value I will uphold in this debate is **The Greatest Happiness**

John Stuart Mill (1879) *Utilitarianism*. Ch. 1 Project Gutenberg. February 22, 2004

According to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who, in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.

The criterion for this debate should be **least harm**

That solution which brings the least harm should be the criterion by which this debate is judged.

CONTENTION 1: MORALITY IS OVERSHADOWED BY EMOTIONS

Swaminathan, Nikhil. (2008) Kill One to Save Many? Brain Damage Makes Decision Easier © 1996-2008 *Scientific American*, Inc.

Patients with damage to the prefrontal cortex adopt a utilitarian policy when making difficult moral judgments

According to a new report, published in *Nature*, damage to the ventromedial prefrontal cortex (VMPC)—a region in the forebrain associated with emotional response—can blunt a person's emotional response to sacrificing a single person to save many others.

"Moral decision making is based on our emotional reaction to situations as much as it is to any kind of rational thought," says Mario Mendez, a neurologist at the University of California, Los Angeles. "When [the former] is taken away, you have a Mr. Spock, who's just rational about decisions."



CONTENTION 2: LOGICAL DECISION MAKING PROTECTS SOCIETY

Newsweek International (April 9, 2007): "Periscope.(emotional damage)(Brief article)." NA. General OneFile. Gale. 22 Aug. 2008

There may be an upside to emotional damage, says a recent University of Southern California study. By asking how their subjects would react in various hypothetical scenarios, researchers found that damage to a key emotion-processing center, the ventromedial prefrontal cortex, makes people more likely to make tough "utilitarian" choices that maximize public welfare, like shooting an HIV-positive friend who intends to infect others.

CONTENTION 3: PEOPLE WHO MAKE SUCH DECISIONS ARE MORAL

Swaminathan, Nikhil. (2008) Kill One to Save Many? Brain Damage Makes Decision Easier © 1996-2008 Scientific American, Inc. <http://www.sciam.com/article.cfm?id=brain-damage-makes-utilitarian-decisions-easier&SID=mail&sc=emailfriend>

"The decisions of VMPC patients are not amoral," says senior study author Antonio Damasio, formerly a University of Iowa neurologist and now director of the University of Southern California Brain and Creativity Institute. "They are just different from the decisions of other subjects." He adds that these subjects seem to lack the human conflict between emotion and reason. "Because of their brain damage, they have abnormal social emotions in real life," says Ralph Adolphs, a neuroscientist at the California Institute of Technology. "They lack empathy and compassion."

CONTENTION 4: FACED WITH A SITUATION WHERE AN INDIVIDUAL MUST ACT UPON THE CHOICE TO SAVE ONE INNOCENT OR MANY – THE MORAL CHOICE IS TO SAVE THE MANY INNOCENT

- A. If it is moral to save one person, then saving many people must be more moral.
- B. If allowing one person to die is immoral, allowing many to die is worse
- C. Saving the many creates the greatest happiness.

John Stuart Mill (1879) *Utilitarianism*. Ch. 5 Project Gutenberg. February 22, 2004

The only proof capable of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it: and so of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything



is desirable, is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so. No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons. Happiness has made out its title as *one* of the ends of conduct, and consequently one of the criteria of morality.

In summary, we find that the logical and moral thing to do when faced with an impossible moral dilemma is to choose that which generates the greatest happiness. We have seen that when emotions like guilt or shame are taken out of the picture, the logical mind chooses the greatest happiness. It is clear that the criterion of least harm is met in the killing of the one innocent person and thus we create the greatest happiness for both the one who has to do the killing and for the many innocent people saved by that action.

Considering the irrefutable logic of this case, I can see no other than an affirmative vote in this debate.



AFFIRMATIVE ANSWERS TO POSSIBLE NEGATIVE ATTACKS (attacks in red, answers in black)

The value and criteria are the same thing

Not so. In the situation described in the resolution, harm must be done to one person or to many people. If the value I wish to uphold is greatest happiness, I must examine this situation to discover what will bring the greatest happiness. In this instance that which will bring the greatest happiness is that which causes the least harm. Therefore, the criterion for judging whether we reach the greatest happiness is least harm. They are not the same thing. For negative's argument to stand it must work for all instances of greatest happiness. If greatest happiness and least harm were the same thing, then in deciding which movie a group of friends were going to see would be based on least harm. Yet, no harm will come to them if they do not go to the movie which most want to see. The result would simply be that the greatest happiness would not be achieved.

The reasoning between the value and the criteria is circular

The reasoning is not circular but vertical. In order to gain the greatest happiness in this instance one must first meet the standard of doing the least harm. Once that standard has been met, we may then rise to the final level which is greatest happiness. If we think of the pairing as a house and its foundation, least harm is the foundation, and greatest happiness is the house. As the house rests upon the foundation so to does greatest happiness rest on least harm.

Mill is inadequate to provide proof of the situation

The evidence in the case demonstrates that once emotions are not allowed to crowd our judgment, the only logical and moral course of action is that advocated by Affirmative.

Morality does not rest upon logic

Morality very much rest on logic. The negative is trying demonstrate morality through logic – albeit ineffective logic. My evidence is clear on this.

One is only responsible for the ones he or she kills

The weapons that cause death are many. Just as shoot a gun at someone can cause death, failure to act can cause death. Both actions may be taken by the same person. In each instance the victim is just as dead. The only way to determine the action is to determine that which will cause the greatest happiness.



NFL SEPT/OCT TOPIC

Resolved: It is morally permissible to kill one innocent person to save the lives of more innocent people.

15

Killing even one person is immoral

The immorality of killing another human being is not the question here. All life is precious. The question is what is morally permissible given the terrible choice given in the resolution. Greatest happiness provides the moral guidance for this problem. Not only that, once emotion is not allowed to confuse the decision making process, greatest happiness is the choice that is always made.



AFFIRMATIVE CASE 2: DUTY

This case makes the case for killing in war. International law tells us that soldiers are innocent when they take the life of other soldiers in combat. A soldier knows that he saves many of his friends who are innocent soldiers by killing an enemy soldier who is also innocent. This is morally permissible.

I am resolved: It is morally permissible to kill one innocent person to save the lives of more innocent people.

The most common case where a person is faced with such a dilemma

Dictionary.com Unabridged (v 1.1)

[Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006.]

INNOCENT: free from legal or specific wrong; guiltless: innocent of the crime.

The Affirmative interpretation of the resolution is that when a person finds himself or herself in a wartime situation, it is morally permissible to kill a person who is innocent of a crime in order to save many people who are innocent of a crime. Further, the affirmative example will be conduct of war.

The value I will uphold in this debate is **duty**

Dictionary.com Unabridged Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006.

the binding or obligatory force of something that is morally or legally right; moral or legal obligation.

The criterion I will up hold is **jus in bello**

US Military Dictionary. (2002) The Oxford Essential Dictionary of the U.S. Military. Copyright © 2001, 2002 by Oxford University Press, Inc.

The aspect of the international law of war which addresses the practices forbidden to belligerents during a war.

Jus in bello is the rules that govern justice in war. The rules provide standards for fighting war once the ruling leaders of the society have declared war. Just war theory tells us that two opposing armies are entitled to try to win and as long as the actions of one combatant is aimed at another combatant the actions are just and without blame. In essence we are told what is morally permissible.



CONTENTION 1: SOLDIERS ARE BY INTERNATIONAL ACCORD INNOCENT

Ceulemans, C. (Winter 2007). The moral equality of combatants. (Essay). *Parameters.* , 37, 4. p.99(11). Retrieved August 15, 2008, from General OneFile via GaleCarl [Ceulemans holds a Ph.D. in political science from the Vrije Universiteit in Brussels. He teaches in the Department of Behavioral Sciences and holds a Chair of Philosophy at the Royal Military Academy.]

At the core of the Just War tradition is the fundamental doctrine of the moral equality of combatants. Basically this doctrine says that the realm of responsibility of combatants on all sides is equally limited to that of the *jus in bello*. Combatants cannot be held responsible for the just or unjust nature of the war in which they participate. The *ad bellum* responsibility belongs solely to the political decision makers.

CONTENTION 2: KILLING AN INNOCENT SOLDIER TO SAVE THE LIVES OF THOSE HE OR SHE WOULD KILL IS MORAL

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

A riddle in the ethics of war concerns whether lethal defensive force may be justifiably used against aggressing soldiers who are morally innocent. In this essay I argue that although there might be reasons for excusing soldiers as individuals, one may be justified in using defensive force against them provided that they have initiated threatening behavior and that our interpretation of that behavior as threatening is reasonable.

CONTENTION 3: KILLING ONE INNOCENT PERSON TO SAVE THE LIVES OF MANY INNOCENT PERSONS IS MORALLY PERMISSIBLE

It must be evident that if one life is valuable, then each person in a group must be just as valuable. And losing any one life is a tragedy, especially if that life taken is an innocent life. However, there are incidents as described in this speech that provide the terrible choice outlined in the resolution. The most terrible of all situations must be to find oneself in the middle of a battle where one must kill to save himself or herself and those who depend on your actions. That soldier running toward you with a machine gun is no more guilty than you in this battle that was begun in a politician's office. However, that innocent soldier who is doing his duty to his government is also going to kill those innocent soldiers on your side. And the only choice you



have is to kill that enemy soldier or watch as he kills many innocent soldiers on your side. Killing that one innocent person in order to save many innocent persons is morally permissible.

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

A riddle in the ethics of war concerns whether lethal defensive force may be justifiably used against aggressing soldiers who are morally innocent. In this essay I argue that although there might be reasons for excusing soldiers as individuals, one may be justified in using defensive force against them provided that they have initiated threatening behavior and that our interpretation of that behavior as threatening is reasonable.

This sentiment is echoed in

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

Thus: (1) states can go to war for the sake of formal sovereignty with no need to show that, beyond that formal sovereignty, any vital interests are in clear and imminent danger, and (2) once they actually do wage war, they can kill any enemy soldier, regardless of the personal danger posed by or responsibility of those being killed.

It is plain that the resolution is true. In a situation when a young soldier finds himself or herself in the terrible situation of war, when they are doing their duty to their country, they must know that they their actions are moral. Jus in bello allows that soldier to remain morally innocent when they kill an enemy soldier in defense of fellow soldiers and for those in the home country depending on that soldier. When a soldier kills an enemy soldier – who international law recognizes as morally innocent – in defense of himself of his comrades in arms, that soldier has committed a morally permissible act. And in meeting the criteria of the morally permissible act, the soldier has bet the value of Duty which is so important in this debate. I ask for the Affirmative vote.



AFFIRMATIVE ANSWERS TO POSSIBLE NEGATIVE ATTACKS (attacks in red, answers in black)

Duty is not a value

1. Duty by definition is obligatory. Obligation is often used as a value.
2. Duty is valued by many people especially when that duty is to one's country.
3. The Cambridge Dictionary of Philosophy defines value as the worth of something. Merriam Webster Online dictionary defines value as something (as a principle or quality) intrinsically valuable or desirable. I have shown that Duty meets these definitions.

War is not an acceptable example of the resolution

War is the best example of the resolution.

First, it is historically relevant. Our country is involved in armed conflict at this time. I have shown that soldiers are not morally responsible for the decision of their government to go to war. Soldiers on both sides are acting in good faith that the government has sent them on a just cause. Therefore, killing one morally innocent soldier is morally permissible under international rules of war.

Just War Theory is flawed

Just war theory has been used for hundreds of years as the guiding principal for entering into war. Just because Negative claims that Just War is flawed does not make it so. What is the alternative to just war? Either war that has no objective criteria and so is conducted at the whim of a government official, in which case no moral guidelines exist, or pacifism becomes the standard operational procedure in which case one allows the conquest of one's society and the deaths of innocents.



OVERVIEW OF NEGATIVE POSITION 1: RESPONSIBILITY

***This negative position is probably better suited to an experienced debater who is practiced in applying logic to debate.

*The premise of this negative position harkens back to the days when counter-warrants were all the rage. The negative offers an alternate interpretation of the data given in the resolution. Recall that the basics of an argument are 1) **data** (evidence) 2) a **warrant** which provides an interpretation of the data and 3) a **claim** is the final statement which presents the result of the data and the interpretation (warrant). The negative here asserts that the affirmative interpretation of the resolution is incorrect. Negative must insist that affirmative account for the actions of all the human agents which play a role in the proposition. This position, though perhaps not a true counter-warrant, applies the counter-warrant approach to the affirmative interpretation of the resolution.*

The logic flows like this:

The understood person A is presented with the dilemma in which A must kill one innocent person B in order to save many innocent people M.

A is presented this problem by a fourth human agent H. This is clear. A can not have created the situation otherwise A could simply let both B and M go unharmed. The threat can not be a natural threat because saving either B or M would not constitute murder on the part of A. Additionally, the death of B could not prevent a natural disaster such as a hurricane or a volcanic eruption. Thus the only threat that would ensure that the many would die is if the threat comes from a human source apart from A, B, or M.

B can not be the threat H. Otherwise B could not be innocent.

Since H holds the threat over M, the death of M becomes the responsibility of H.

A is only responsible for the death of B. Thus, with the responsibility for M taken away it would be immoral for A to kill B. Further, with no certainty that H will allow M to live, it is immoral for A to kill B.

This logic of this counter-warrant works in the case of war because in war, H is the governmental agency and its components that threaten M. And so A still holds the responsibility of B only. There is no guarantee that the enemy government will not succeed in killing M anyway. In war killing only one enemy soldier will not guarantee the safety of the many. In fact, there is no guarantee that in war, more people will survive than die especially within the nuclear reality we exist in today.

In the case of suicide where A is forced to kill him/herself, the same logic applies. An outside human agent is really forcing the situation. Thus H still holds the responsibility for M as well as the death of A whom H forced into suicide.

The key to this case will be to maintain the focus of the responsibility on the agents of action. Once the moral responsibility for the many is taken away, there is no morally permissible reason for the killing of the one innocent person.



NEGATIVE POSITION 1 - RESPONSIBILITY

I must reject the proposition that **it is morally permissible to kill one innocent person to save the lives of more innocent people.**

In this debate I will uphold the value of **responsibility**

from *Dictionary.com Unabridged (2006)* [Based on the Random House Unabridged Dictionary, © Random House, Inc..]

a particular burden of obligation upon one who is responsible: the responsibilities of authority.

The criteria for this debate should be **certainty**

The American Heritage® Dictionary of the English Language, Fourth Edition
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Something that is clearly established or assured:

CONTENTION 1: THE RESOLUTION INDICATES FOUR DISTINCT HUMAN ENTITIES

The resolution explicitly mentions one innocent person and it mentions a separate innocent group of people. Also understood is a third person who is faced with the choice of killing the one person or the allowing the group of people to die. Finally, a fourth human element is present threatening the innocent group of people. This threat must be human because if the threat were a natural threat such as an earthquake or tornado, then there could be no certainty that the many could have been saved. Additionally, the killing of a human would not stop a natural disaster. Human sacrifice was long ago abandoned as a means of controlling nature. Thus the only conclusion is that there is a fourth agent that poses the threat to the many and the killing of the many is the responsibility of that fourth agent.

CONTENTION 2: AFFIRMATIVE RESOLUTION OPERATES UNDER A FALSE ASSUMPTION

- A. The affirmative wants us to believe that the understood person in the resolution is responsible for both the one and the many. This is false. The understood person is only responsible for the one person he or she kills.



- B. Implicit in the resolution is a fourth party that is endangering the “many innocent”. This is obvious from the fact that the understood person has the power of life and death over the many. If it were a natural disaster that threatened the many, the understood person could not be certain of saving the many.
- C. Since it is a separate human agent which poses the threat to the many innocent people, the responsibility for their death or salvation rest with that person who poses the threat. The understood person is only responsible for the life of the one innocent he or she would kill. Therefore, it can not be morally permissible to kill one innocent person because Affirmative can not be certain that this fourth party would actually cease the threat. The understood person could be the victim of a warped mind. Thus the resolution is false.

CONTENTION 3: THE NEGATIVE INTERPRETATION IS THE BETTER INTERPRETATION

- A. Negative interpretation accounts for all parties to the actions inherent in the resolution. Affirmative disregards or fails to recognize the existence of the fourth human agent which presents the initial threat to the many innocent people. Negative recognizes this threat.
- B. Since Negative recognizes the existence of the fourth threatening human agent, the negative interpretation of the situation is the more logical interpretation. The understood person who affirmative asserts must make a decision is actually only responsible for his or her actions against the one innocent person. The fourth human agent is responsible for the threat to the many innocents.
- C. Since the understood person is responsible only for the one person, killing that one innocent person would be immoral. The deaths of the many innocents and the morality of those deaths are the responsibility of the fourth human agent.

The decision in this debate is clear. The responsibility of the actors in the resolution is clear. There can be no certainty that the fourth human agent will allow the many innocent people to live even if the understood person kills the one innocent person. Thus, killing the one innocent person violates the responsibility each person has to every other person – to respect their right to live. The resolution is based on a faulty warrant and so is false. This alone is enough to win the debate but let us examine the specific arguments of the affirmative case...



NEGATIVE ANSWERS TO POSSIBLE AFFIRMATIVE ATTACKS (attacks in red, answers in black)

Negative is abusive

This is absurd on several levels.

- 1) Affirmative can establish no clear standards by which abuse can be judged.
- 2) Negative has the right and obligation (rejoinder) to attack the logic upon which the affirmative case is built. This is good argumentation.
- 3) As long as Negative also attacks the specific Affirmative value, criterion, and contentions Negative has fulfilled its burden of rejoinder.

In the case of war, killing an enemy soldier is morally permissible

This is not necessarily true

First, the soldier must be innocent. If the soldier volunteered for service, then the soldier was not forced to fight but rather joined for the purpose of fighting. Knowingly signing up for the opportunity to kill demonstrates that the person had a wish to kill and so bears at least some of the blame for the execution of the war. Thus, affirmative can not even claim to be topical because the agent who kills as well as the one who is killed can not be proven to be innocent.

In war, all soldiers are innocent

This idea of international law is predicated on the belief that a soldier is forced to join the fighting forces and has no recourse but to kill. However that is hard to defend in this age of all volunteer armies wherein we have soldiers who hired on and were not forced to be in the army.

Responsibility is not a value

1. Cambridge Dictionary of Philosophy defines value as the worth of something. Merriam Webster Online dictionary defines value as something (as a principle or quality) intrinsically valuable or desirable. I have shown that Responsibility meets these definitions.

2. Responsibility is a value that is held high in all societies. Every criminal justice system in the world seeks to fix responsibility. Responsibility is inherently the value that the resolution seeks to prove by fixing permission to a killing. The resolution seeks to show that the responsibility for the death of the one does not exist if the many are saved. Negative demonstrates how it is the responsibility for the one and not for the many that exists.



It is morally permissible to kill oneself to save many.

The affirmative's own resolution says that one who dies must be innocent. If this person is threatening the many with death, then that person can not be innocent. If the person is forced to kill himself, then the responsibility is on the one who forced the death. Either way, in this situation, the justification or permission for the death does not exist.

Certainty can never be 100% and so is not a good criterion

On the contrary, certainty can be 100%. If I take the threat away, then harm can not occur from that threat. However, affirmative does not remove the threat to the many. Therefore, even if the one dies, the death of the many may follow.



NEGATIVE POSITION 2: PACIFISM

This position asserts that there is an alternative to killing anyone. The position upholds pacifism as a choice that has worked in the past and can work now. It recognizes that a person only has a responsibility for the actions he or she takes. My killing one innocent person is not going to guarantee the lives of more innocent people. It is obvious that the innocent person was not the threat (even in war since it is not the soldier but the political machine that initiated the war which is the threat). Empirical examples exist in India when Ghandi led a non-violent revolt against the British and in South Africa where the black population led by Nelson Mandela eventually won equality and participation in government. And certainly Martin Luther King and the non-violent civil rights movement resulted in a fundamental change in the way America treated its citizens.

The evidence in the case and in this brief shows that war has increased over the last hundred years and so the use of war has not brought peace to the world and it certainly has not made the world safer, rather the world seems to be getting more dangerous.

*The main idea in this position is that Affirmative presents an absolute statement in the resolution. It says killing the one innocent **is morally permissible** so that the lives of other innocent people can be saved. It does not say in some circumstances. It does not say in one circumstance. The wording of the resolution makes a blanket statement that it is morally permissible. The negative position is that if an example can be given when it would not be morally permissible, then the resolution is false and negative should win.*



NEGATIVE POSITION - PACIFISM

The Affirmative offers us a resolution which says: It is morally permissible to kill one innocent person to save the lives of more innocent people. Affirmative understands this statement offers only two courses of action with just result: either one person must die or more than one person must die. I reject the proposition and the logic that Affirmative offers for it.

An examination of the resolution provides us with the reality that it is advocating an idea that morally justifies killing so that others in a particular society might live. The most common example of this is war. And as I demonstrate that pacifism is a better alternative to war, the absoluteness of the resolution will be disproven and thus the resolution will fall as will the Affirmative case.

The value I offer for this debate is **Political Pacifism**

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

The word "pacifism" derives from the Latin word "pax," meaning peace between states. It is a relatively recent recruit into the English language, entering common usage via French in the early twentieth century as a name for opposition to war as a means to the resolution of conflict between states. (5) This is still the primary sense of the word according to the Oxford English Dictionary, whose first definition of pacifism is "the doctrine or belief that it is possible and desirable to settle international disputes by peaceful means." So understood, pacifism is a specifically political doctrine, concerned only with the establishment of peaceful relationships between states, rather than within states, or between individuals in their private lives.

The criterion for this debate should be **Effectiveness**

WordNet® 3.0, © 2006 by Princeton University.

power to be effective; the quality of being able to bring about an effect

CONTENTION 1: THE AFFIRMATIVE RESOLUTION IS AN ABSOLUTE STATEMENT.

Note that the statement does not say that it is morally permissible in some instances or that in the case of a particular event killing is morally permissible. The resolution says that killing one



innocent is permissible if we can save many. Thus if negative can show one instance when such action is not moral, then the negative should win this debate.

CONTENTION 2: WAR IS NOT EFFECTIVE

At the heart of war is the idea that soldiers who are considered personally innocent kill personally innocent soldiers from an opposing side and that the side that kills the most eventually wins and saves their homeland and the many lives within their homeland.

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice*. , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

Let's begin with the issue of relative effectiveness, and look first at conventional military means. In order to achieve its political end the military uses--or at least is supposed to use--the threat or exercise of organized violent force for two purposes: to deter external attack and to resist and overcome such attack if it nevertheless occurs. How effective are these uses of force in achieving the desired outcomes? In the case of resistance to invasion, clearly not very effective at all. The twentieth century alone is replete with successful invasion, from Belgium to Tibet. However, the ineffectiveness of armed resistance to invasion will not be so important if the threat of such resistance generally acts to deter armed conflict. Does it? It would seem not--the frequency and intensity of war appears to have been increasing for at least the past couple of centuries. In terms, then, of its absolute effectiveness, the military way does not look very good.

CONTENTION 3: PACIFISM DOES NOT MAKE A COUNTRY LESS SAFE

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice*. , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

So even on a Hobbesian minimalist account of the state there are very considerable costs associated with the present system, costs that are more or less totally absent in the case of organized pacifism. Though there may need to be a state-funded body to arrange training in non-violent tactics, the cost of such training would only be a fraction of that incurred by the present system. With the lessening of the financial burden associated with the preparation of war, taxation could be reduced. Without the clash of armies, the death and destruction that is the inevitable concomitant of battle would be absent (though there may be still deaths and so on in the face of invasion). Of course, it has been allowed, a state that adopted a pacifistic defense policy may leave its citizens vulnerable to abuse at the hands of violent invaders, but as has already been argued, it is not clear that such invasion is more likely, or more likely to be successful, given the right kind of organized resistance for its members.



CONTENTION 4: NON-VIOLENCE EMPIRICALLY SAVES MORE LIVES

The affirmative resolution assumes that the “more innocent lives” are an end. That saving those lives somehow advances society. However, the same dangerous circumstance that threatened them still exists and simply waits to rear its head again. We know when pacifism was used in India, South Africa, and even in the United States civil rights movement change occurred without the declaration of violence. It may be true that some Indians, some South Africans, and some Americans died as result of their commitment to these causes but the change was realized without killing on behalf of those who sought change.

The loss of the many (if indeed they are actually lost) in the resolution is a small price to pay for the assurance that in the future everyone in society will be safer. Killing one innocent person to save many is not an effective way of preventing the evil that forced the decision. If an outside agent kills the many that is the responsibility of that person or persons. Pacifism shows us a better path to peace and to a better society. These arguments alone are enough to end this round but now let us turn to the specifics of the Affirmative case.



NEGATIVE ANSWERS TO POSSIBLE AFFIRMATIVE ATTACKS (attacks in red, answers in black)

Pacifism would have allowed Hitler to take over the world

That is doubtful. His own officers wanted to kill him and sooner or later they would have. Secondly, Ghandi demonstrated that non-violent protest against an imperial power (England) can force that power into submission. The assertion that non-violence would not have worked in a particular instance where violence was applied only proves that violence was the option chosen.

England can not be compared to Nazi Germany

Actually it can. Both were bent on world domination. Both used violence to control the people of the countries they conquered. In the view of those whose country is invaded, the difference would be small.

Pacifism would allow nations to conquer other nations.

First, Ghandi demonstrated that non-violent protest against an imperial power (England) can force that power into submission. The assertion that non-violence would not have worked in a particular instance where violence was applied only proves that violence was the option chosen. Second, the threat of war has not prevented the invasion of one country by another.

The resolution is not talking about war.

First, you have to explain how innocent people are put into a situation where one of them must die in order for the others to live. Second, if Affirmative is advocating that this is an isolated instance where a madman kidnaps a group of innocent people and forces one of them to choose which one must die so that the others can live, then the responsibility for the death of the many would be on the madman and not on the person who the madman tried to force into killing. (*see negative position 1*) Therefore, your resolution falls because the death of the many would be the responsibility of the madman and the person who chose to kill the one would bear the responsibility for his own action.

Holding Affirmative to proving an absolute statement is abusive

Affirmative chose to defend this resolution. By coming to this tournament you chose to defend the resolution. You had the same ability to look at the resolution and see that it has no qualifiers in terms of “morally permissible”. The resolution says is – period. Negative has simply shown an instance when this statement is wrong. Since I have demonstrated the resolution is wrong, I should win the debate.



Also, no standard for abuse exists. Affirmative has constructed no formal argument describing the standard, the violation, or the impact of the violation on this round, on debate in general, or the world of deciding who to kill and who to save.

The resolution requires the choice between the one and the more innocent

Actually, it simply says that killing the one innocent is morally permissible. I have demonstrated that killing the one innocent is not morally permissible because 1) the death or lives of the more innocent is not the responsibility of the person who would kill the one innocent person. 2) I have demonstrated that when presented with such a choice one can refuse to do violence and maintain their innocence. The resolution allows several choices not just killing.

The resolution is an abstract exercise and real world scenarios can not be applied

Nonsense! This proposition is centered in the real world. We live in a society that is at war and that has brought other nations into that battle. Our nation and other nations have systematically killed diplomats and individuals who are suspected of being a threat. These people have been killed in their homes, in their cars, and in private unarmed airplanes. One can not discuss this resolution in the isolation of a theoretical debate. Any example used must - by our mere citizenship in a society - utilize examples derived from that society.

Pacifism takes too long to work.

War takes a long time too. There was the Hundred Years War. The crusades that lasted three hundred years, the war against the Protestants and the Catholics in Ireland has gone one for hundreds of years, Vietnam that went from the late 1950s to the early 1970s, and even our war in Iraq is in its fifth year. Ghandi got the British out of India a lot faster than any of those.



NFL SEPT/OCT TOPIC

Resolved: It is morally permissible to kill one innocent person to save the lives of more innocent people.

31

AFFIRMATIVE EVIDENCE



THE ONE VERSES THE MANY

SAVING THE ONE OVER THE MANY IS AN EMOTIONAL REACTION

Swaminathan, Nikhil. (2008) Kill One to Save Many? Brain Damage Makes Decision Easier © 1996-2008 Scientific American, Inc. <http://www.sciam.com/article.cfm?id=brain-damage-makes-utilitarian-decisions-easier&SID=mail&sc=emailfriend>

Joshua Greene, an assistant professor of psychology at Harvard University, who first proposed that utilitarian decision making involves overcoming an emotional component, says that the new study is "a really nice demonstration of the idea that moral decisions—at least in cases like these—are not driven by a single moral faculty but rather by two different kinds of processes that can be in competition with each other." He adds that patients with damaged VMPCs are left only with an intact reasoning faculty, which he believes is seated in the dorsolateral prefrontal cortex region at the top of the forebrain. In effect, no competition occurs between this reasoning process and an emotional aversion to harming another human being.

Swaminathan, Nikhil. (2008) Kill One to Save Many? Brain Damage Makes Decision Easier © 1996-2008 Scientific American, Inc. <http://www.sciam.com/article.cfm?id=brain-damage-makes-utilitarian-decisions-easier&SID=mail&sc=emailfriend>

Are morals based on facts and knowledge, or are they grounded in emotions? In other words, if you programmed a computer with the right information, would it make the same moral judgements as a person? 'No', is the answer suggested by new research suggesting some moral decisions are based on emotions rather than explicit moral rules.

Swaminathan, Nikhil. (2008) Kill One to Save Many? Brain Damage Makes Decision Easier © 1996-2008 Scientific American, Inc. <http://www.sciam.com/article.cfm?id=brain-damage-makes-utilitarian-decisions-easier&SID=mail&sc=emailfriend>

The psychological and neurobiological processes underlying moral judgement have been the focus of many recent empirical studies. Of central interest is whether emotions play a causal role in moral judgement, and, in parallel, how emotion-related areas of the brain contribute to moral judgement. Here we show that six patients with focal bilateral damage to the ventromedial prefrontal cortex (VMPC), a brain region necessary for the normal generation of emotions and, in particular, social emotions¹, produce an abnormally 'utilitarian' pattern of judgements on moral dilemmas that pit compelling considerations of aggregate welfare against highly emotionally aversive behaviours (for example, having to sacrifice one person's life to save a number of other lives). In contrast, the VMPC patients' judgements were normal in other classes of moral dilemmas. These findings indicate that, for a selective set of moral dilemmas, the VMPC is critical for normal judgements of right and wrong. The findings support a necessary role for emotion in the generation of those judgements.



SAVING THE ONE OVER THE MANY IS AN EMOTIONAL REACTION (cont.)

The Neuroscientist (August 2007): "Prefrontal cortex and moral judgments.(The Neuroscientist Comments)(Brief article)." 13.4 299(1). General OneFile. Gale. 22 Aug. 2008

Although considerable progress has been made in terms of understanding neurobiological substrates for moral judgment, the role of emotions and of emotion-related areas of the brain has remained incompletely understood. Now Koenigs and others (2007) report that patients with focal bilateral damage to the ventromedial prefrontal cortex (VMPC) tend to produce aberrantly "utilitarian" judgments when confronted with moral dilemmas. The investigators studied six patients with bilateral damage to the VMPC, challenging them with moral dilemmas that were designed to pit competing considerations against one another, for example, the judgment as to whether to push one person off a bridge in order to stop a runaway boxcar from hitting five people. Comparing these subjects with neurologically normal controls and brain-damaged comparison subjects, they found that the VMPC patients displayed marked defects in social emotion, impaired autonomic activity in response to emotionally charged pictures, and severely diminished empathy, embarrassment, and guilt, while showing generally intact intellect and normal baseline mood. Interestingly, in moral judgments pitting the utilitarian calculation of how to maximize aggregate welfare (diverting the boxcar so as to save five people) against emotionally aversive actions (turning the boxcar toward one person), the VMPC subjects tended to endorse the aggregate welfare choice. The authors conclude that, for a selective set of moral decisions, the VMPC is critical for normal right-wrong judgments, and they posit that emotion plays an important role in generation of these decisions.



VMPC PATIENTS ARE MORAL

Koenigs et al 2007. *Nature* advance online publication [21 March 2007] [Michael Koenigs, Liane Young, Ralph Adolphs, Daniel Tranel, Fiery Cushman, Marc Hauser and Antonio Damasio] doi: 10.1038/nature05631; Received 3 November 2006; Accepted 17 February 2007; Published online 21 March 2007

This strategy would lead VMPC patients to a normal pattern of judgements on low conflict personal dilemmas but an abnormal pattern of judgements on high-conflict personal dilemmas, precisely as was observed. The specificity of this result argues against a general deficit in the capacity for moral judgement following VMPC damage. Rather, VMPC seems to be critical only for moral dilemmas in which social emotions play a pivotal role in resolving moral conflict

WHEN THE EMOTIONS ARE TAKEN AWAY, THE UTILITY COMES THROUGH

Koenigs et al 2007. *Nature* advance online publication [21 March 2007] [Michael Koenigs, Liane Young, Ralph Adolphs, Daniel Tranel, Fiery Cushman, Marc Hauser and Antonio Damasio] doi: 10.1038/nature05631; Received 3 November 2006; Accepted 17 February 2007; Published online 21 March 2007

Subjects evaluated moral dilemmas designed to pit two competing considerations against one another. A paradigmatic dilemma of this type presents subjects with the choice of whether or not to sacrifice one person's life to save the lives of others. One consideration is a utilitarian calculation of how to maximize aggregate welfare, whereas the other is a strong emotional aversion to the proposed action. One model holds that endorsement of the proposed action (the utilitarian response) requires the subject to overcome an emotional response against inflicting direct harm to another person (a 'personal' harm^{7, 8}). If emotional responses mediated by VMPC are indeed a critical influence on moral judgement, individuals with VMPC lesions should exhibit an abnormally high rate of utilitarian judgements on the emotionally salient, or 'personal', moral scenarios (for example, pushing one person off a bridge to stop a runaway boxcar from hitting five people), but a normal pattern of judgements on the less emotional, or 'impersonal', moral scenarios (for example, turning a runaway boxcar away from five people but towards one person).



WAR

WAR CAN BE MORAL

Ceulemans, C. (Winter 2007). The moral equality of combatants. (Essay). *Parameters*, 37, 4, p.99(11). Retrieved August 15, 2008, from General OneFile via GaleCarl [Ceulemans holds a Ph.D. in political science from the Vrije Universiteit in Brussels. He teaches in the Department of Behavioral Sciences and holds a Chair of Philosophy at the Royal Military Academy.]

According to the Just War tradition a war can only be just if two sets of principles are satisfied. (1) First there is the *ius ad bellum*. These principles tell us when it is just to start a war. There has to be a good reason or a just cause in order for a war to be morally permissible (self-defense, defense of others, putting a stop to human rights violations). The decision to go to war has to be taken by a legitimate authority. Those who wage war need to be motivated by good intentions (desire to promote a more stable peace). War should not only be a last resort (necessity), it must also offer a reasonable chance of success. Moreover, the good the warring party hopes to obtain should outweigh the evil caused by the war (proportionality). The second set of principles, the *ius in bello* or the right in the war, focuses on the moral constraints that need to be observed during hostilities. Noncombatants must never be the intentional target of military actions (discrimination), and the military utility of a particular act of war has to outweigh the damage it will cause.

SOLDIERS ARE NOT RESPONSIBLE FOR THE MORALITY OF THE WAR

Ceulemans, C. (Winter 2007). The moral equality of combatants. (Essay). *Parameters*, 37, 4, p.99(11). Retrieved August 15, 2008, from General OneFile via GaleCarl [Ceulemans holds a Ph.D. in political science from the Vrije Universiteit in Brussels. He teaches in the Department of Behavioral Sciences and holds a Chair of Philosophy at the Royal Military Academy.]

If the military were permitted to question the legitimacy of a duly executed decision to go to war, it would be engaged in an activity for which it has no authority. Instead of a purely advisory function, the military would in this case acquire a final say on the matter of the use of military force. Needless to say this is not a legitimate role for the military.



SOLDIERS ARE NOT RESPONSIBLE FOR THE MORALITY OF THE WAR (cont.)

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

In addition to being young, uneducated, and swayed by their superiors and public authorities, soldiers fight out of loyalty to their country and out of lawful subservience to it. (18) In certain situations they may be fighting under duress. (19) The latter is particularly likely for conscripted soldiers who fight for a tyrannical regime, as was the case for many soldiers in the two latest Iraqi wars. Of course, one could maintain that no unjust combatant is ever fully innocent; every combatant on an unjust side can probably be faulted in some way. After all, going to war is a serious matter, and we should expect those who choose to fight in a particular war to take every possible measure to determine the justice of its cause. Notwithstanding this, I contend that at least some of the soldiers fighting an unjust war might at least sometimes be morally excused for their activities. (20)

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

Soldiers often fail to take steps to ensure that they take part only in just wars. It may therefore simply be a matter of luck, unrelated to the quality of their moral characters, that some soldiers end up fighting on the unjust side and others on the just side of wars. Thus, even if soldiers should not be fully excused for being unjust aggressors, one can recognize that they are no more to blame than those with whom they fight.

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

Assuming that it is permissible to kill the culpable to save the innocent, only innocent people need to participate in the contractual position. I shall therefore investigate the reasons innocent people have for accepting a decision procedure that gives priority to the defending party. Clearly, their reasons would depend on their interests. It is plausible to assume, though, that a main interest of the contracting parties would be to reduce their risk of dying. Reasons for accepting rules for regulating actions of self- and other-defense would therefore be to avoid deaths of the innocent while expending the lives of the culpable.



ANY SOLDIER IS A TARGET IN WAR

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

Thus: (1) states can go to war for the sake of formal sovereignty with no need to show that, beyond that formal sovereignty, any vital interests are in clear and imminent danger, and (2) once they actually do wage war, they can kill any enemy soldier, regardless of the personal danger posed by or responsibility of those being killed. Following McMahan, I shall call this view the "Orthodox View." (3)

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

To complete the analogy between conventional wars and wars against terror, we can assume that just as all soldiers (but only soldiers) are legitimate targets in the former, regardless of their individual roles, the threat they pose as individuals, or their personal responsibility in the waging or conducting of the war, so in the latter all members of the relevant terror organizations are legitimate targets and can be killed by the terrorized side on the basis of the latter's right to self-defense. Moreover, members of terrorist organizations bear far greater moral responsibility for their actions than soldiers in conventional wars, because many of the latter are conscripts forced to participate in the war, whereas joining a terror organization is usually a more voluntary act.

Gary Solis [2007] TARGETED KILLING AND THE LAW OF ARMED CONFLICT Naval War CoUege Review, Spring 2007, Vol. 60, No.

Nor was Admiral Yamamoto's death a targeted killing. Like the Blueland sniper's victim, Yamamoto was a lawful combatant in an international armed conflict, killed by opposing lawful combatants. "There is nothing treacherous in singling out an individual enemy combatant (usually, a senior officer) as a target for a lethal attack conducted by combatants distinguishing themselves as such ... even in an air strike." The fact that Yamamoto was targeted away from the front lines is immaterial. Combatants may be targeted wherever found, armed or unarmed, awake or asleep, on a front line or a mile or a hundred miles behind the lines, "whether in the zone of hostilities, occupied territory, or elsewhere." "Combatants can withdraw from hostilities only by retiring and becoming civilians, by becoming hors de combat, or by laying down their arms." The shooting down of Admiral Yamamoto was not a targeted killing.

Gary Solis [2007] TARGETED KILLING AND THE LAW OF ARMED CONFLICT Naval War CoUege Review, Spring 2007, Vol. 60, No.

On 3 November 2002, over the desert near Sanaa, Yemen, a Central Intelligence Agency—controlled Predator drone aircraft tracked an SUV containing six men. One of the six, Qaed Salim Sinan al-Harethi, was known to be a senior al-Qa'ida lieutenant suspected of having played a major role in the 2000 bombing of the destroyer USS *Cole*. He "was on a list of 'high-value' targets whose elimination, by capture or death, had been called for by President Bush." The United States and Yemen had tracked al-Harethi's movements for months. Now, away from any inhabited area, the Predator fired a Hellfire missile at the vehicle. The six occupants, including al-Harethi, were killed.¹⁴ That was a targeted killing. In today's new age of nonstate actors engaging in transnational terrorist violence, targeting parameters must change. Laws of armed conflict agreed upon in another era should be interpreted to recognize the new reality. While some will disagree, the killing of al-Harethi should be considered as being in accord with the law of armed conflict.



TARGETED KILLING

TARGETED KILLING IS MORAL

Cullen, Peter M., [2008] The Role of Targeted Killing in the Campaign against Terror. *Joint Force Quarterly* JFQ / issue 48, 1st quarter 2008

This article examines the legality, morality, and potential efficacy of a U.S. policy of targeted killing in its campaign against transnational terror.⁴ The conclusion is that, in spite of the genuine controversy surrounding this subject, a carefully circumscribed policy of targeted killing can be a legal, moral, and effective tool in a counterterror campaign.

Cullen, Peter M., [2008] The Role of Targeted Killing in the Campaign against Terror. *Joint Force Quarterly* JFQ / issue 48, 1st quarter 2008

Provided that targeted killing operations comply with the law of war, one can make a convincing argument that they are consistent with the Just War tradition. By their very nature, they seek to target those terrorists who are intent on killing, maiming, and injuring innocent civilians.

TARGETED KILLING IS SELF DEFENSE

Gary Solis [2007] TARGETED KILLING AND THE LAW OF ARMED CONFLICT *Naval War College Review*, Spring 2007, Vol. 60, No.

The justification for targeted killing rests in the assertion of self-defense. Israel argues that "it is the prime duty of a democratic state to effectively defend its citizens against any danger posed to their lives and well-being by acts or activities of terror." In the United States, the preamble of the Constitution includes the words, "in order to . . . provide for the common defense." A prominent Israeli scholar argues, "It may be contended that the right of self-defence is inherent not in *jus naturale*, but in the sovereignty of States." In 2004, the United States initiated an aggressive military-based strategy against suspected terrorists, no longer taking a law enforcement approach to their capture and trial.^{^o}



TERRORIST THREATS JUSTIFY TARGETED KILLING

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

What entitles the U.S. to define its campaign against Al Qaeda as war, with the loosening of various moral prohibitions implied by such a definition, rather than as a police enforcement action aimed at bringing a group of criminals to justice? The answer here--as with conventional war--lies in: (a) the gravity of the threat posed by Al Qaeda and (b) the impracticality of coping with this threat by conventional law-enforcing institutions and methods. The threat posed by Al Qaeda to the U.S. is enormous. It is not only a threat to the lives of thousands of people, Americans and others, but also the threat of the terrorizing results of such mass killing on the entire country in terms of the economy and the quality of day-to-day life. A war of terror does not mean that all citizens are under actual attack all the time, but that such attacks are frequent enough and devastating enough to make life unbearable.

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

If we are to continue to adhere to the fundamental idea of just war theory, namely, that wars are fought between combatants only and should avoid targeting non-combatants, we must conclude that in wars against terror, too, the combatants of the terrorized country may direct their weapons only at members and activists in the terror organizations against which they are fighting.

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

Targeted killing, then, emerges as the most natural manifestation of jus in bello in wars on terror, for under jus in bello, even if a war is unjust, it should be directed (to as great an extent as possible) only at combatants. This implies that wars against terror should be directed (to as great an extent as possible) only at terrorists. However, unlike enemy soldiers in conventional wars, terrorists are embedded amidst the civilian population and can be hit only (or mainly) in their homes, cars, and so forth. Thus, targeted killing is the most natural application of the principles of jus in bello in wars against terror.



TARGETED KILLING SAVES LIVES

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

To kill by name is to kill somebody simply because he is who he is, regardless of any contingent features he possesses or actions he has committed. This type of killing is, indeed, deeply problematic from a moral point of view. But targeting soldiers in war is not of this kind. It is connected to the special role the targets play in the war or, more precisely, to the special threat they pose to the other side. In other words, even if soldiers are only agents of some collective, some agents might be more important than others in carrying out the policy or ideology of that collective. Targeting such agents rather than others expresses no "personal" grievance against them, but simply recognition of their special excellence in executing their role as agents.

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

In line with this view, it seems to me that far from being "morally abhorrent," as Gross seems to believe, targeted killing expresses the appropriate respect for human life during wartime. With targeted killings, human beings are killed not simply because they are "the enemy," but because they bear special responsibility or play a special role in the enemy's aggression. This is particularly true in wars against terrorism, where those targeted are usually personally responsible for atrocities committed against the lives of innocent civilians.

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

First, in the war against terror, just as in the war against the mafia, what counts are the long-term results, not the immediate ones. In the short run, acts of revenge might follow the killing of terrorists, but in the long run, there is good reason to believe that such killings will weaken the terror organizations, generate demoralization among their members, force them to restrict their movements, and so on. The personal charisma and professional skills of the leaders and key figures of certain organizations are crucial to the success of their organizations, something that is especially true with regard to terror organizations that operate underground with no clear institutional structure. It is reasonable to assume that killing such individuals will gradually make it more difficult for the terror machinery to function.

LOCATION DOES NOT PROTECT A TERRORIST

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

A change in one's location (from office to home or from headquarters to a hotel) cannot provide moral immunity from attack to a person who might otherwise be killed in self-defense, assuming--I emphasize again--that the permission to kill him does not rest on his posing an immediate threat.



TARGETED KILLING NO LESS MORAL THAN CONVENTIONAL WAR

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law.* , 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

Regarding the effectiveness of targeted killing in wars against terror, here, too, we can draw an analogy to conventional wars. Fighting armies do their best to choose effective measures, i.e., measures that will contribute to the defeat of their enemy. But very rarely will they be criticized, prospectively or retrospectively, on the grounds that ineffective actions caused the unnecessary deaths of enemy soldiers. Applied to targeted killing, this means that its effectiveness should concern us morally no more than the effectiveness of methods used or actions taken in conventional wars. At any rate, in most cases and in the long run, there is no convincing evidence that targeted killing is an ineffective means in fighting terror.

KILLING MORALLY INNOCENT SOLDIERS CAN BE MORAL

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

A riddle in the ethics of war concerns whether lethal defensive force may be justifiably used against aggressing soldiers who are morally innocent. In this essay I argue that although there might be reasons for excusing soldiers as individuals, one may be justified in using defensive force against them provided that they have initiated threatening behavior and that our interpretation of that behavior as threatening is reasonable.

KILLING CIVILIANS IS SOMETIMES NECESSARY AND MORAL

Bacevich, A J (Spring 2007). The war on terror properly understood.(FORUM: ON TERRORISM) *World Policy Journal*, 24, 1.p.59(2). Retrieved August 15, 2008, from General OneFile via Gale: [Andrew J. Bacevich is professor of history and international relations at Boston University, and the author, most recently, of *The New American Militarism.*]

A glance at the historical record demonstrates that this dictum applies to the United States no less than to other great powers. When we have found it expedient to kill civilians, we have done so without suffering notable qualms of conscience. The strategic bombing campaigns directed against Germany and Japan during World War II offer a prime example.

When Secretary of Defense Donald Rumsfeld passed the word after 9/11 to "take the gloves off," he was adverting to this tradition of subordinating moral considerations to the ostensible imperatives of "military necessity."

Žilinskas, Justinas. (2008) TARGETED KILLING UNDER INTERNATIONAL HUMANITARIAN LAW. *JURISPRUDENCIJA Mokslo darbai* 2008 5(107); 8-18

From the moment a civilian is taking direct part in hostilities, he forfeits immunity from attack. He becomes a lawful target for the duration of his engagement in the hostilities [39, p. 18–23].



DEATH PENALTY

OPPONENTS ARGUE THAT INNOCENT PEOPLE ARE EXECUTED WITH THE DEATH PENALTY

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

Many people believe that capital punishment is morally impermissible. In their view, executions are inherently cruel and barbaric. (1) Often they add that capital punishment is not, and cannot be, imposed in a way that adheres to the rule of law. (2) They contend that, as administered, capital punishment ensures the execution of (some) innocent people and also that it reflects arbitrariness, in the form of random or invidious infliction of the ultimate penalty. (3)

EVEN IF THE INNOCENTS ARE KILLED, THEIR DEATH SAVES LIVES

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

The principal difference, on the empirical assumptions we are making, is that in a legal regime without capital punishment far more people die, and those people are innocent of any wrongdoing. No one denies that arbitrariness in the system of capital punishment is a serious problem. But even if the existing system is viewed in its worst light, it involves far less arbitrariness than does the realm of homicide.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

Stipulating that capital punishment saves many more innocent lives than it takes, the strict scrutiny argument has the default position backwards. Criminal justice policy would do well to adopt capital punishment while the search for regulatory alternatives proceeds; it is the alternatives that should be strictly scrutinized, to be rejected unless and until they prove themselves superior.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

If it is stipulated that substantial deterrence exists, both consequentialist and deontological accounts of morality will or should converge upon the view that capital punishment is morally obligatory. Consequentialists will come to that conclusion because capital punishment minimizes killings overall. Deontologists will do so because an opposition to killing is, by itself, indeterminate in the face of life-life tradeoffs; because a legal regime with capital punishment has a strong claim to be more respectful of life's value than does a legal regime lacking capital punishment; and because modern deontologists typically subscribe to a consequentialist override or escape hatch, one that makes otherwise impermissible actions obligatory if necessary to prevent many deaths--precisely what we are assuming is true of capital punishment.



Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

Compare a situation in which a state seeks to kill an innocent person, knowing that the execution will prevent a number of private killings; deontologists believe that the unjustified execution cannot be supported even if the state is secure in its knowledge of the execution's beneficial effects. Of course, it is contentious to claim that capital punishment is a moral wrong. But if it is, then significant deterrence might be entirely beside the point. It is simply true that many intuitive objections to capital punishment rely on a belief of this kind: just as execution of an innocent person is a moral wrong, one that cannot be justified on consequentialist grounds, so too the execution of a guilty person is a moral wrong, whatever the evidence shows.

CAPITAL PUNISHMENT SAVES INNOCENT LIVES

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

For many years, the deterrent effect of capital punishment was sharply disputed. (18) In the 1970s, Isaac Ehrlich conducted the first multivariate regression analyses of the death penalty, based on time-series data from 1933 to 1967, and concluded that each execution deterred as many as eight murders.

Dezhbakhsh, H., & Shepherd, J M (July 2006). The deterrent effect of capital punishment: evidence from a "judicial experiment". *Economic Inquiry.* ,44, 3. p.512(24). Retrieved August 15, 2008, from General OneFile via Gale:

We use panel data for 50 states during the 1960-2000 period to examine the deterrent effect of capital punishment, using the moratorium as a "judicial experiment." We compare murder rates immediately before and after changes in states' death penalty laws, drawing on cross-state variations in the timing and duration of the moratorium. The regression analysis supplementing the before-and-after comparisons disentangles the effect of lifting the moratorium on murder from the effect of actual executions on murder. Results suggest that capital punishment has a deterrent effect, and that executions have a distinct effect which compounds the deterrent effect of merely (re)instating the death penalty. The finding is robust across 96 regression models.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

More recent evidence, however, has given new life to Ehrlich's hypothesis. (22) A wave of sophisticated multiple regression studies have exploited a newly available form of data, so-called "panel data," that uses all information from a set of units (states or counties) and follows that data over an extended period of time. A leading study used county-level panel data from 3054 U.S. counties between 1977 and 1996. (23) The authors found that the murder rate is significantly reduced by both death sentences and executions. The most striking finding was that on average, each execution results in eighteen fewer murders. (24)



Dezhbakhsh, H., & Shepherd, J M (July 2006). The deterrent effect of capital punishment: evidence from a "judicial experiment". *Economic Inquiry*. ,44, 3. p.512(24). Retrieved August 15, 2008, from General OneFile via Gale:

The results indicate that the annual murder rate jumped by 0.8 or 9.3% when the moratorium was imposed and dropped by 0.8 or 8.3% when the moratorium was lifted. The two-year average murder rate also jumped by 1.35 or 16.3% when the moratorium was imposed and dropped by 0.8 or 8.2% when the moratorium was lifted. The larger effect for the two-year comparisons is caused by rising murder rates during the moratorium years. Three-year averages show a similar pattern with an increase of 1.66 or 20.9% and a drop of 0.4 or 4.1% for the respective effects.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review*. , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

We suggest, in other words, that on certain empirical assumptions, capital punishment may be morally required, not for retributive reasons, but rather to prevent the taking of innocent lives. (7)

FAILURE TO USE CAPITAL PUNISHMENT CAUSES THE DEATH OF INNOCENTS

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review*. , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

The suggestion bears not only on moral and political debates, but also on constitutional questions. In invalidating the death penalty for juveniles, for example, the Supreme Court did not seriously engage the possibility that capital punishment for juveniles may help to prevent the death of innocents, including juvenile innocents. (8) And if our suggestion is correct, it relates to many questions outside of the context of capital punishment. If omissions by the state are often indistinguishable, in principle, from actions by the state, then a wide range of apparent failures to act--in the context not only of criminal and civil law, but of regulatory law as well--should be taken to raise serious moral and legal problems.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review*. , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

In the end, however, we believe that it is difficult to sustain the set of moral assumptions that would bar capital punishment if it is the best means of preventing significant numbers of innocent deaths. Indeed, we believe that many of those who think that they hold those assumptions are motivated by other considerations--especially a failure to give full weight to statistical lives--on which we focus in Part III.



Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

The foundation for our argument is a significant body of recent evidence that capital punishment may well have a deterrent effect, possibly a quite powerful one. (9) A leading national study suggests that each execution prevents some eighteen murders, on average. (10) If the current evidence is even roughly correct--a question to which we shall return--then a refusal to impose capital punishment will effectively condemn numerous innocent people to death. States that choose life imprisonment, when they might choose capital punishment, are ensuring the deaths of a large number of innocent people. (11) On moral grounds, a choice that effectively condemns large numbers of people to death seems objectionable to say the least. For those who are inclined to be skeptical of capital punishment for moral reasons--a group that includes one of the current authors--the task is to consider the possibility that the failure to impose capital punishment is, *prima facie* and all things considered, a serious moral wrong.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

Some people believe that even if capital punishment could be morally acceptable if it were fairly administered, the inevitability of unfair administration means that we must eliminate it. These arguments point to strong reasons for reforming the existing system to increase accuracy and decrease arbitrariness. But the arguments do not succeed as objections to capital punishment as such. Once the act/omission distinction is no longer central, it becomes clear that the standard moral objections to capital punishment apply even more powerfully to the murders prevented by capital punishment.

STATES THAT EXECUTE THE MOST PRISONERS PROVE DETERRENCE

Dezhbakhsh, H., & Shepherd, J M (July 2006). The deterrent effect of capital punishment: evidence from a "judicial experiment". *Economic Inquiry.* ,44, 3. p.512(24). Retrieved August 15, 2008, from General OneFile via Gale:

The descriptive statistics characterizing the three probability distributions are reported in Table 5. (14) Each column contains statistics pertaining to a comparison window. The number of observations is slightly larger than the number of states with switches, because a few states had more than one switch, generating more than one observation. (15) A considerable number of observations are positive, indicating that many states experience an increase in the murder rate after they suspend (or abolish) the death penalty.

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

As for the recent data, it is true that evidence of deterrence is reduced or eliminated through the removal of Texas and other states in which executions are most common and in which evidence of deterrence is strongest. (45) But removal of those states seems to be an odd way to resolve the contested questions. States having the largest numbers of executions are most likely to deter, and it does not seem to make sense to exclude those states as "outliers." (46) By way of comparison, imagine a study attempting to determine what characteristics of baseball teams most increase the chance of winning the World Series. Imagine also a criticism of the study, parallel to Berk's, which complained that data about the New York Yankees should be thrown out, on the ground that the Yankees have won so many times as to be "outliers." This would be an odd idea, because empiricists must go where the evidence is; in the case of capital punishment, the outliers provide much of the relevant evidence.



LIFE WITHOUT PAROLE IS LIKE A DEATH SENTENCE

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

Those who object to capital punishment typically favor life imprisonment, or even life imprisonment without parole, as a morally acceptable alternative. But once an empirical lens is introduced, this preference becomes quite puzzling. A significant number of those who have committed egregious murders, and might otherwise be subject to capital punishment, are killed in prison. State officials must be aware of this fact. Indeed, one study finds an extremely large deterrent effect from prison deaths, with a reduction of 30 to 100 violent crimes and an equivalent reduction in property offenses per death. (72) Is it so clear that an official execution is much worse than a statistical risk of murder? Is it so much worse for the state to authorize its officials to execute people than for the state to imprison people with the knowledge that many of those imprisoned will be killed by private or public actors--not expressly authorized to be killed, to be sure, but with little likelihood of official punishment? We think that those who oppose capital punishment ought not to see life imprisonment as substantially better if many convicted murderers are going to be killed, directly by state actors or with the acquiescence of state actors, in prison.

DEATH PENALTY DOES NOT CAUSE GOVERNMENT TO GO DOWN A SLIPPERY SLOPE

Sunstein, C R, & Vermeule, A. (Dec 2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review.* , 58, 3. p.703(48). Retrieved August 15, 2008, from General OneFile via Gale: [Adrian Vermeule, Bernard D. Meltzer Professor of Law, the University of Chicago.]

From a consequentialist standpoint, executing the innocent would be a very poor strategy for government to follow. For one thing, there will always be plenty of convicts in the pipeline whose guilt is certain, why take the extra risk and trouble of executing the innocent? More important still is the following: each execution of someone known to be innocent, or whose guilt is doubted, would dilute the deterrent signal that the government would (by hypothesis) be attempting to strengthen. In the limiting case, if capital punishment were entirely random, falling with utter arbitrariness upon innocent and guilty alike, there would be no deterrence at all; there would be no reason for any prospective criminal to take the threat of capital punishment into account.



STEM CELL RESEARCH

STEM CELL RESEARCH IS THE BETTER ALTERNATIVE

National Right to Life News, (May 2000). Owen and Reeve Debate Killing Embryos. 27, 5. p.NA. Retrieved August 18, 2008, from General OneFile via Gale:

In a widely-reported rhetorical question, Reeve asked, "Is it more ethical for a woman to donate unused embryos that will never become human beings, or to let them be tossed away as so much garbage when they could help save thousands of lives?"

OBJECTIONS TO STEM CELL RESEARCH ARE NOT MORAL JUST RELIGIOUS

Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*, 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

IN JULY 2005, AMERICA'S ONGOING DEBATE OVER EMBRYONIC STEM cell research reached a dramatic moment during a Senate subcommittee hearing. * In a conference room crowded with television camera crews, newspaper journalists, fellow legislators, and a panel of expert witnesses ranging from scientists to bioethicists, Senator Tom Harkin (D., Iowa), in a long and impassioned statement, asserted there are no moral issues here, just personal religious views parading as political principle

OBJECTIONS TO STEM CELL RESEARCH VIOLATE SEPARATION OF CHURCH AND STATE

Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*, 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

The policy under attack is the president's August 9, 2001, executive order limiting federal funding to already existing stem cell lines. At that time President Bush declared that during his administration, no further embryo-destructive research would be supported by the American taxpayers. Now, however, as Congress threatens a legislative override of this policy--which the president, in turn, promises to veto--there is an ever more vocal outcry that this is not mere politics, but the imposition of religious beliefs, a deeper matter violating the established order of separation of church and state.



RELIGIOUS BELIEFS ARE NOT A GOOD CRITERIA FOR OBJECTING TO STEM CELL RESEARCH

NO RELIGIOUS VIEW PREDOMINATES

Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research.* , 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

The recognition of this foundational conflict has become increasingly clear in American culture. Most analysts agree that the results of the last presidential election reflect a widening divide within American society over matters of faith. It is also clear that with advances in our understanding and control of biology, our social division increasingly involves different basic assumptions concerning the source and significance of the natural world--most specifically, the meaning of human nature as grounded in natural human embodiment, and the possibility of its degradation or destruction through technological manipulation. This conflict over the use of biotechnology to intervene in human life has reached its deepest point of disagreement over the issue of cloning to create human embryos for scientific experimentation.

ONLY THE NATIONAL INSTITUTE OF HEALTH CAN PROVIDE WISE LEADERSHIP IN STEM CELL RESEARCH

The scientific arguments for going forward with this research are compelling; and the best way to do this would be with federal funding through the National Institutes of Health (NIH). The convergence of these advancing technologies is delivering unprecedented powers for research into the most basic questions in early human development. Beyond the obvious benefit of understanding the biological factors behind the estimated 150,000 births with serious congenital defects per year, it is becoming increasingly evident that certain pathologies that are only manifest later in life are influenced or have their origins in early development. Furthermore, fundamental developmental processes (including the formation and functioning of stem cells), and their disordered dynamics, seem to be at work in a range of adult pathologies including some forms of cancer. Research in these realms is so broadly foundational to the whole of biomedical science that only the NIH can provide the wise governance, ethical oversight, and measure of funding essential for cooperative collaboration on a national level.



STEM CELL RESEARCH IS THE BETTER ALTERNATIVE

National Right to Life News (May 2000). Owen and Reeve Debate Killing Embryos., 27, 5. p.NA. Retrieved August 18, 2008, from General OneFile via Gale:

In a widely-reported rhetorical question, Reeve asked, "Is it more ethical for a woman to donate unused embryos that will never become human beings, or to let them be tossed away as so much garbage when they could help save thousands of lives?"

The Christian Century (Dec 25, 2007):"Stem cell advance may not end debate.(News)." 124.26 14(1). General OneFile. Gale.

But scientists--and some politicians--have said the announcement doesn't mean that embryonic stem cell research should cease immediately. "Even though these announcements are momentous, until a reprogrammed panacea cell is used to make stem cells that actually function properly to repair a damaged nerve, spinal cord or heart, all avenues of research must be funded and pursued," wrote Arthur Caplan, head of the Center for Bioethics at the University of Pennsylvania, in a column for MSNBC.com.

Park, R L (July-August 2007). Stem cells: President Bush vows to protect one-celled people.(NEWS AND COMMENT)(George W. Bush)(Brief article). . *Skeptical Inquirer*. , 31, 4. p.8(1).

The Stem Cell Research Enhancement Act passed the Senate 63 to 34, but President Bush promises a veto. He said the use of embryonic stem cells in research "crosses a moral line." In case you're wondering where this "moral line" is drawn, George W. Bush and other conservative theologians believe a "soul" is assigned to the fertilized egg at the instant of conception. That makes it a person, even though it's not counted in the census. In-vitro fertilization makes a lot more of these one-celled people than it needs; leftovers are stacked in the freezer until it starts filling up. President Bush cares deeply about these helpless one-celled people and wants to ensure they are properly flushed down the disposal rather than exploited by godless scientists interested only in the reduction of suffering.



NFL SEPT/OCT TOPIC

Resolved: It is morally permissible to kill one innocent person to save the lives of more innocent people.

50

NEGATIVE EVIDENCE



THE NEED TO CONSTRAIN CONFLICT IS WIDELY RECOGNIZED

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

Recognition of the need to constrain the impact of conflict on the political viability of states contributed to the creation of an international (first European, and later global) society of states, in which sovereignty implied not simply rights, but also duties to fellow members. (14) By the later part of the eighteenth century, wars were becoming less frequent, even though their destructiveness when they did occur continued to grow.

WAR IS A POLITICAL TOOL

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

Where pacifism and political orthodoxy have diverged is in their attitudes to the institutionalization of violence as an integral part of interstate relations. The orthodox response to problems of inter-state conflict has been to develop and further regulate the institution of war. Certain kinds of institutionalized actors--armies, and ultimately states--are recognized as legitimate holders of military force, and the conditions under which such force may be wielded, as well as the forms and limits of its use, are specified in international law and treaties. War is now defined and understood in purely political terms, and (roughly speaking) is seen as legitimate only to the extent to which it is at the service of valid political goals; in particular (following the gradual delegitimization of the concept of "offensive wars") as a means to the preservation or restoration of the status quo in international relations. (18) To this extent war is a conservative institution, (19) at least in its aims, though in its effects, of course, it is often radically transformative.

PACIFISM SEEKS TO DISMANTLE THE NEED FOR WAR

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

Just as it would be a mistake to identify a social institution such as the market with the occasions on which people trade with each other rather than with the whole system of production, distribution, advertisement, and so on of commodities that makes such trades possible, so war as a political institution consists not simply of episodes of armed conflict between states and the rules and norms governing such conflicts, but also the whole complex of activities and organization that lead up to and make possible such episodes. (20) It is the institution of war in this comprehensive sense to which the pacifist is opposed: it follows that the peace that the pacifist desires is not simply the absence of fighting, but rather the dissolution of the institution of war. (21)



THE MILITARY OPTION IS NOT EFFECTIVE

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

There is ample historical evidence, for example, of the ways in which measures supposed to increase military security--development of armaments, strengthening of border posts, and so on--can undermine trust between states, and actually make conflict more, not less, likely, as well as the tendency for low-level military conflicts to escalate. The unilateral adoption of a pacifist stance by one nation removes these potential provocations for invasion. We also have a good deal of evidence for the effectiveness of non-military resistance to armed invasion. (32) That evidence itself must have some deterrent force for those who contemplate military occupation of a state that has institutionalized pacifist resistance. In the light of these considerations, it is at least doubtful that we can always be sure that military means are clearly more effective than pacifist ones.

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

On either model there are very considerable costs associated with the present system. Even when they are not actually involved in a war, the financial costs of supporting military institutions are enormous. Once these institutions actually engage in war, death and suffering occur, often on a vast scale. Undoubtedly, this is the greatest harm associated with the present system. But there are others. War frequently leads to destruction of economic resources and important cultural artifacts, as well as wide-spread pollution. Those who participate in war are often psychologically disturbed for the rest of their lives. This is bad for them, but also for those close to them and indeed for their society as a whole.

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

Furthermore, the costs associated with the present system continue to grow. (33) For centuries the financial costs of the preparation and waging of war have increased, as has the devastation caused by wars. This is not accidental, but rather a seemingly inevitable result of the present system. As one armed force gains weapons of greater destructive power and delivery systems capable of carrying these weapons further and faster, others strive to match them, for fear that they will be overwhelmed by these weapons in potential future conflicts. So the deadly spiral of the arms race escalates. As I have already pointed out, the effect of this escalation is to make us less, not more, secure. And as the cost of these weapons increases, so more and more of the world's productive resources are diverted to their production. At the same time, states are forced to tighten control of their populations: to tax and conscript them, against their wills, to provide the resources and personnel necessary for war.

WAR ENDANGERS THE DEMOCRATIC STATE

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

Indeed, there is evidence that the growth in the institution of war has been at the expense of Kantian institutions. The American political historian Brian Downing, for example, has argued that the historical record shows a contrast between, on the one hand, states that have been heavily involved in war and were either destroyed in conflict or suffered the rise of a form of a military-bureaucratic form of government at the expense of existing (proto-Kantian) constitutional government forms, and, on the other hand, states that were able to avoid such involvement, where "constitutional government endured and provided a basis for the development of democracy." (36)



Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice*. , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

So, finally, the fact that the growth of military institutions appears likely to subvert reasonably just constitutional democracies provides a reason for the supporter of such polities to favor pacifism; and conversely, the fact that such polities make the fighting of wars less likely provides a reason for pacifists to favor them. (37)

RELIGIOUS PACIFISM IS RELEVANT TO THE WORLD

Hauerwas, S., & Sider, J. A. (Dec 2002). Pacifism redux. (Correspondence). *First Things: A Monthly Journal of Religion and Public Life*. , p.2(3). Retrieved August 29, 2008, from General OneFile via Gale:

So, while we will not say that Christian ethics is for everyone, neither will we say that the Church's life operates only within a restricted ghetto. The nonviolent witness of the Church is a public and evangelical proclamation, accessible, at least in part, to the watching world. Prof. Cole is therefore wrong to suggest that the pacifism of the messianic community offers no strategy for making the world more peaceful. We believe that the very existence of the Church is such a "strategy," beginning with the refusal of Christians to kill other Christians, which is at least the necessary condition for Christians to explore amid the ambiguities of the world what less violent alternatives might exist.

JUST WAR IS A CHRISTIAN CONCEPT

Hauerwas, S., & Sider, J. A. (Dec 2002). Pacifism redux. (Correspondence). *First Things: A Monthly Journal of Religion and Public Life*. , p.2(3). Retrieved August 29, 2008, from General OneFile via Gale:

Rather, just war doctrine is based on the Christian commitment to seek justice in a fallen world. We are sympathetic with attempts to so understand just war, but we think the issues surrounding this understanding of just war are much more complex than Prof. Cole's account suggests. He defends the "ahistorical nature" of the just war doctrine, but surely for people who seek to go to war justly it makes some difference what kind of society they think is capable of doing so. Does just war, for example, require some form of Christendom if we are to be sure the war is undertaken by a legitimate authority? What difference does it make that advocates of just war work within the presumptions of a realist foreign policy--as in the case of United States foreign policy--which assumes that one must do evil that good may come? This is to say that we disagree with Prof. Cole's claim that the criteria for *ius ad bellum* are not historically conditioned. He is quite right to reject consequential reasoning, but it is not clear what difference that should make for just war reflection in our world.



Hauerwas, S., & Sider, J. A. (Dec 2002). Pacifism redux. (Correspondence). *First Things: A Monthly Journal of Religion and Public Life.* , p.2(3). Retrieved August 29, 2008, from General OneFile via Gale:

Prof. Cole eloquently argues that those committed to just war also must suffer for their convictions. But it remains unclear to us what specific costs he thinks just war thinking may exact. Yoder sympathetically explored these questions in his *When War Is Unjust: Being Honest in Just War Thinking* (revised edition, Orbis, 1996), and as far as we know no advocate of just war reflection has responded to the challenges Yoder presented in that book. Seldom, for instance, does any advocate of just war address the issue concerning whether all the criteria of just war need to be met if the war is to be undertaken by Christians.

IF WAR IS MORAL WHY DOES IT MAKE SO MANY PEOPLE SAD?

Finally, we wonder what Prof. Cole can possibly mean when he says that it is "a sad fact that Christians are always going to have to use violence" and yet also maintain that when just warriors use force justly, "such acts bear no stain of evil." Why, on Aquinas' or Calvin's grounds, would it be appropriate to feel sorrow for an action that is justified? When Aquinas, for instance, asks "Whether sorrow is compatible with moral virtue?" he repeats Aristotle, saying, "To have controlled sorrow for what we should feel sorry about is a mark of virtue" (*Summa Theologiae*, I-II, 59, 3). In this way, Aquinas is careful to distinguish appropriate objects of sorrow from inappropriate ones, such that he may say that the virtuous person may feel sadness for another's sin. But he does not say that a Christian should feel sorry about an act of justice. Admittedly, in the medieval world penance was required from those returning from a just war, but surely such a requirement was because the Church continued to have some sense that war is incompatible with the gospel. Prof. Cole does not think war is incompatible with the gospel. So why is he sad?



WAR IS NOT A LEGITIMATE COURSE OF ACTION THUS IMMORAL

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Following thinkers like Immanuel Kant and Hannah Arendt, I will argue against the thesis that war can be just. In his 1795 essay "To Perpetual Peace," Kant wrote, "The concept of the right of nations as a right to go to war is meaningless.... It serves justly those men who are disposed to seek one another's destruction and thus to find perpetual peace in the grave that covers all the horrors of violence and its perpetrators" (1795/1983, 117). And Hannah Arendt later wrote, "Violence can be justifiable, but it will never be legitimate" (1970, 52).

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

The lessons I wish to draw from my reading of Kant's views of evil and of war are the following: 1) His analysis of radical evil shows that while conflict is endemic to human existence, violent conflict is not inevitable. 2) War is not a rational expression of human freedom, hence war is immoral. 3) The task of the moral and political philosopher therefore is not to ratify specific wars and to castigate others, but to present an alternative narrative of historical development that could transform the conditions that create wars.

NON-COMBATANTS SHOULD NOT BE KILLED

Ceulemans, C. (Winter 2007). The moral equality of combatants. (Essay).
Parameters . , 37, 4. p.99(11). Retrieved August 15, 2008, from General OneFile via Gale

According to the Just War tradition a war can only be just if two sets of principles are satisfied. (1) First there is the jus ad bellum. These principles tell us when it is just to start a war. There has to be a good reason or a just cause in order for a war to be morally permissible (self-defense, defense of others, putting a stop to human rights violations). The decision to go to war has to be taken by a legitimate authority. Those who wage war need to be motivated by good intentions (desire to promote a more stable peace). War should not only be a last resort (necessity), it must also offer a reasonable chance of success. Moreover, the good the warring party hopes to obtain should outweigh the evil caused by the war (proportionality). The second set of principles, the jus in bello or the right in the war, focuses on the moral constraints that need to be observed during hostilities. Noncombatants must never be the intentional target of military actions (discrimination), and the military utility of a particular act of war has to outweigh the damage it will cause.

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

The central premise in the doctrine of double effect is the distinction between combatants and noncombatants. Whereas killing enemy soldiers is part of the moral reality of war, the killing of civilians is not. When civilians become targeted by military violence, this act must be viewed as evil.



Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Since there is substantial debate about the distinction between combatants and noncombatants, I will only align myself with those who claim that this distinction is ultimately untenable. This distinction does not provide a meaningful measure of the dangers posed to civilians during wartime. For example, in World War II, one database lists over 19 million total combatant deaths and over 17 million total civilian deaths. (5) In the Vietnam War, there were an estimated 1.1 million Vietcong guerillas and North Vietnamese soldiers who died, and an estimated 2 million civilian deaths in the north and south between 1954 and 1975. (6) In the recent war in Iraq, unnamed U.S. military officials have said that between 10,000 and 15,000 Iraqi soldiers were killed, and the estimates of civilians killed by military intervention range between 21,705 and 24,628. (7) These examples indicate that civilian casualties in military conflict are almost as high as combatant casualties, and often are significantly higher.

WAR IS NOT JUST ON BOTH SIDES – SOMETIMES ON NEITHER SIDE

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Most wars are just on one side (xii). And although there are wars that are just on neither side (including the recent U.S. war against Iraq) (Walter 2006, 163), no war can be just on both sides (Walter 1992, 59).

MORAL JUSTIFICATION IS NOT A GOOD EXPLANATION FOR WAR

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Some just war theorists shy away from invoking the concept of evil in relation to just war theory. James Turner Johnson, for example, writes, "The punishment of evil is, in my judgment, the least useful of the classic formulations of just cause in the present context. One reason for this is the prevalence of ideological divisions in the contemporary world. This line of justification for the use of force to protect value is all too easily changed into a justification for ideological warfare by one's own 'forces of light' against the 'forces of darkness' with their different ideological beliefs" (1992, 58-59).

THE CAPACITY TO AFFECT CHANGE IS LIMITED

There is another factor that we as Americans must consider when we confront the atrocities on both sides. We bear a moral responsibility in any situation to the extent that we have the capacity to affect that situation. In the case of the Milosevic cruelties against the Kosovars, our capacity to intervene--which may have been greater before we rushed to bomb--is very limited, unless we go into a fullscale ground war. If that happens, the resulting tragedy will far exceed the one that has already taken place. But we have a direct responsibility for the cruelties our government inflicts by bombing innocent people in Yugoslavia.



KANT'S THEORY OF EVIL APPLIED TO HUMANS AS A COLLECTIVE SPECIES NOT THE INDIVIDUAL

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Kant's theory of evil is typically discussed in terms of its success or failure to explain problems of moral motivation within individuals. But this focus on the individual overlooks the centrality of the collectivity for Kant's analysis of evil. When he wrote of the human being as good or evil, he meant not individuals but the whole species (1793/1996, 74). And since the propensity to evil refers to the collective concept of human beings, the means for overcoming radical evil must be collective as well--as Kant's 1795 essay on perpetual peace makes clear.

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

As Benhabib argues, Kant equivocated between two conceptions of sovereignty: 1) Westphalian sovereignty, in which a state enjoys ultimate sovereignty over all subjects within its territory, and in which relations with other sovereign countries are voluntary, and 2) a liberal international sovereignty, in which states are dependent on subscribing to common values and principles regarding human rights (2004, 40-42). To develop Kant's theory of human freedom in a consistent manner would require moving to the second conception of sovereignty.

HUMANS ARE NEITHER GOOD OR EVIL

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Kant's discussion of war is framed by his discussion of evil. No individual or political leader can be viewed as good or evil since all human beings share the same complex conditions of freedom in which the condition for evil is part of our nature. By this, Kant meant that our own moral motivations cannot be transparent to ourselves and that we are in a relation of self-alienation. Instead of seeking the explanation of war in the evil of some leaders or nations, he found the explanation in the paradoxical "unsocial sociability" of human beings, by which humans live together in society and want everything to go according to their desires, giving rise to conflict, competition, and warfare (1784/1983, 31-23).

WAR OPPOSES REASON

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Although Kant argued that war historically has filled some important purposes for human development, including the geographic dispersion of people and the incentive to establish legal relationships (1795/1983, 121), he found that the destructive effects of a system of states based on military power had overtaken the positive effects of war. Hence, Kant argued that "reason absolutely condemns war" (116).



INTENTION IS NOT A JUST CRITERION FOR WAR

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

What is decisive in the case of double effect is the goodness of intention, and the claim that good intention can justify acts that result in the evils of civilian deaths. Here we would do well to recall the problematic of intention Kant raised. If we can never be transparent to ourselves, we can never be entirely confident that our intentions are unproblematic. Hence, how can we be sure that the pilot who drops his bomb in order to destroy a military target does not also intend to kill innocent persons (Holmes 1989, 197)? If intention is the sole guarantee of proper intention in double effect, then it can provide no criteria to distinguish between proper and improper uses of this principle.

SUPREME EMERGENCY DOES NOT JUSTIFY KILLING INNOCENTS IN WAR

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

Supreme emergency refers to the case in which the threat to human values is so imminent and so radical that "one might well be required to override the rights of innocent people and shatter the war convention" (1992, 259). And he finds an instance of this in the British decision to bomb German citizens prior to 1942 (though not after 1942, and he condemns the bombing of Dresden in 1945 when the war was virtually won) (258, 261). Walzer defends the concept of supreme emergency, knowing full well that a half-million deaths of civilian men, women, and children resulted from Allied terrorism in World War II (255).

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

First, Walzer invokes a consequentialist criterion to set aside the deontological commitments of just war theory. How can he on the one hand maintain a commitment to human rights and on the other hand justify the "overriding" of these rights? Does Walzer's use of "overriding" here imply that the rights are suspended, or that they remain in force but are justifiably subordinated to a higher good? (10) This latter possibility points to Walzer's attempt to address what he calls the duality of moral judgment, which I discuss below. Other just war theorists criticize the direction in which Walzer has developed just war theory Jean Bethke Elshtain notes, "By continually adjusting to the realities of total war, just war discourse is hard to distinguish from modified realism ... the just war frame is stretched to the breaking point as it can no longer provide a coherent picture of its discursive object--war in any conventional sense." (11)



ONE MAY BE WILLING TO DIE FOR A CAUSE BUT SHOULD NOT KILL OTHERS FOR THAT CAUSE

Schott, R. M. (April-June 2008). Just war and the problem of evil.(Critical essay)
Hypatia , 23, 2. p.122(19). Retrieved August 15, 2008, from General OneFile via Gale:

So the first difference that the judgment "justifiable but illegitimate" makes is that it provides for an understanding of the complexity of moral judgment, and it provides for a more nuanced understanding of the rights and wrongs of each party in wartime conflict, which is important for developing viable post-conflict relations. The second difference has to do with what Christopher Coker calls the metaphysical meaning of war, the willingness to sacrifice oneself in war. Coker writes, "To make war valuable morally is to make it sacred in terms of sacrifice, the willingness to die for a cause in which one believes" (2004, 142). Walzer also believes that what is fundamentally at stake in just war is defending "rights that are worth dying for" (1992, 53).

James Legge (1867) *THE CHINESE CLASSICS (CONFUCIAN ANALECTS)*. Philadelphia: J.B. Lippencott & Co. p.107

Chi K'ang asked Confucius about government, saying, 'What do you say to killing the unprincipled for the good of the principled?' Confucius replied, 'Sir, in carrying on your government, why should you use killing at all? Let your evinced desires be for what is good, and the people will be good. The relation between superiors and inferiors, is like that between the wind and the grass. The grass must bend, when the wind blows across it.'

JUST WAR THEORY GIVES EQUAL RIGHTS TO BOTH SIDES OF A CONFLICT

Overland, G. (Dec 2006). Killing Soldiers. *Ethics & International Affairs.* , 20, 4. p.455(21). Retrieved August 18, 2008, from General OneFile via Gale:

The just war tradition is peculiar in that while its proponents think morality applies to war, they insist that soldiers from each side of a conflict may be justified in killing soldiers from the other side. (1) According to Michael Walzer, a central principle of war is that soldiers have an equal right to kill. (2) In becoming a soldier, one gains the right to kill other soldiers but loses one's immunity against being killed by soldiers of the opposing side. (3) That soldiers defending themselves and their state against unjust aggressors may permissibly have recourse to defensive force is not peculiar; the peculiarity is that, even when just war theory distinguishes between just and unjust sides in a war, it still grants equal rights to kill and liabilities to be killed to each individual soldier, regardless of which side he or she is on.



JUST WAR AND PREEMPTION CREATE A CONFLICT

Wester, E. (Summer 2007). Last resort and preemption: using armed force as a moral and penultimate choice. *Parameters*, 37, 2. p.59(12). Retrieved August 15, 2008, from General OneFile via Gale: [Chaplain (Colonel) Eric Wester formerly served as command chaplain for the US Army Reserve Command. He is Executive Assistant to the Joint Working Group, responsible to co-locate the three military chaplain schools]

There is a logical conflict between using armed force as a Last Resort in concert with Just War theory and the current national security doctrine of preemption. Preemption, in effect, asserts that proper action is morally necessary before reaching a point of Last Resort. PEO, known also as armed humanitarian intervention, present situations where it may make ethical sense to act with armed force before circumstances deteriorate. Armed force may be applied before it is, in fact, the Last Resort. Using ethical tests from Just War theory, including Last Resort logic, may influence the decision making process regarding the use of military force in PEO. But in deliberations about the use of armed force, two necessary factors relate to applying the Last Resort test: assessing feasible alternatives before turning to military power and testing the awful actions targeted to be stopped.

TARGETED KILLING IS IMMORAL

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law*, 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

The purpose of this paper is to provide a philosophical defense for targeted killings in the wars against terror. The paper argues that if one accepts the moral legitimacy of the large-scale killing of combatants in conventional (what are soon to be called "old-fashioned") wars, one cannot object--on moral grounds--to the targeted killing of terrorists in wars against terror. If one rejects this legitimacy, one must object to all killing in war, targeted and non-targeted alike, and thus not support the view, which is criticized here, that targeted killings are particularly disturbing from a moral point of view.

THE TRUE MOTIVE FOR TARGETED KILLING IS RETRIBUTION NOT SAVING LIVES

Statman, D. (Jan 2004). Targeted killing. *Theoretical Inquiries in Law*, 5, 1. p.NA. Retrieved August 15, 2008, from General OneFile via Gale:

In a recent article on targeted killing, Steven David argues that the best moral justification for Israel's policy of targeted killing is retribution. (12) The argument is a simple and straightforward one: Those people targeted committed terrible crimes. Evildoers deserve to suffer in response and in a way suited to their crimes. Palestinian terrorists with blood on their hands therefore deserve death, the ultimate punishment for their crimes. Hence, the targeted killing of these terrorists is justified.



KILLING INNOCENT PEOPLE IS ALWAYS WRONG

Bacevich, A J (Spring 2007). The war on terror properly understood.(FORUM: ON TERRORISM) World Policy Journal, 24, 1.p.59(2). Retrieved August 15, 2008, from General OneFile via Gale: [Andrew J. Bacevich is professor of history and international relations at Boston University, and the author, most recently, of The New American Militarism.]

The Western moral tradition prohibits the intentional killing of non-combatants. This prohibition, an integral element of the Christian theory of just war, is explicit and absolute. Although President George W. Bush's credentials as a moral philosopher may appear sketchy, he got it exactly right when he declared in his June 2002 speech at West Point that "Targeting innocent civilians for murder is always and everywhere wrong."

Savoy, P. (May 31, 2004). The moral case against the Iraq War: viewed in the light of our own ideals, the right to life is so fundamental that killing the innocent to advance any purpose, however worthy, is wrong. The Nation. , 278, 21. p.16. Retrieved August 15, 2008, from General OneFile via Gale: [Paul Savoy, a former assistant district attorney for New York County and past dean of the John F. Kennedy University School of Law in Pleasant Hill, California]

What is overlooked by those who believe the benefits of the war outweigh the costs is that killing even one innocent person to benefit others violates the most basic human right--the right to life. The right to life is one of those unalienable rights enshrined in the Declaration of Independence and the Bill of Rights. "Life is the immediate gift of God, a right inherent by nature in every individual," William Blackstone wrote in his eighteenth-century Commentaries on the Laws of England, one of the leading sources of American civil liberties. What Blackstone meant when he characterized the right to life as a God-given right is that it is beyond the power of any mere government to abrogate or repeal. Innocent people may not be killed or injured by the state, even when a majority believes it serves the greater good.

Savoy, P. (May 31, 2004). The moral case against the Iraq War: viewed in the light of our own ideals, the right to life is so fundamental that killing the innocent to advance any purpose, however worthy, is wrong. The Nation. , 278, 21. p.16. Retrieved August 15, 2008, from General OneFile via Gale: [Paul Savoy, a former assistant district attorney for New York County and past dean of the John F. Kennedy University School of Law in Pleasant Hill, California]

In a prelude to the "Grand Inquisitor" scene in The Brothers Karamazov, Ivan asks his faith-based brother Alyosha a question we all need to ask ourselves about the children who were killed or injured in the Iraq war: "Let's assume that you were called upon to build the edifice of human destiny so that men would finally be happy and would find peace and tranquillity. If you knew that, in order to attain this, you would have to torture just one single creature, let's say the little girl who beat her chest so desperately in the outhouse, and that on her unavenged tears you could build that edifice, would you agree to do it?"

Even more horrifying than the torture of Iraqi prisoners by their American captors has been the unnecessary suffering and death inflicted on the Iraqi people by the war itself. One of those children on whose unavenged tears the edifice of freedom has been built in Iraq was 12-year-old Ali Ismael Abbas, who was so badly burned in a US missile attack on Baghdad that his entire torso was black, his arms so mutilated that, as New Yorker correspondent Jon Lee Anderson described the hospital scene, they "looked like something that might be found in a barbecue pit." His family, which included his pregnant mother, his father and his six brothers and sisters, were all killed by the blast. Some of their bodies were so unrecognizable that all Anderson could see in morgue photographs was a collection of charred body parts and some red flesh.



Savoy, P. (May 31, 2004). The moral case against the Iraq War: viewed in the light of our own ideals, the right to life is so fundamental that killing the innocent to advance any purpose, however worthy, is wrong. *The Nation*, 278, 21. p.16. Retrieved August 15, 2008, from General OneFile via Gale: [Paul Savoy, a former assistant district attorney for New York County and past dean of the John F. Kennedy University School of Law in Pleasant Hill, California]

Viewed in the light of our own moral ideals, as embodied in our constitutional tradition, the right to life is so fundamental that killing the innocent to advance the cause of freedom of electoral choice or any other purpose, however worthy, must be regarded as wrong. We denounce terrorists because when the freedom of self-determination they seek is weighed in the balance against the right to life of innocent people, it is the right to life that our collective conscience has decided should prevail.

THE PEOPLE IN IRAQ ARE NOT BETTER OFF NOW

Savoy, P. (May 31, 2004). The moral case against the Iraq War: viewed in the light of our own ideals, the right to life is so fundamental that killing the innocent to advance any purpose, however worthy, is wrong. *The Nation*, 278, 21. p.16. Retrieved August 15, 2008, from General OneFile via Gale: [Paul Savoy, a former assistant district attorney for New York County and past dean of the John F. Kennedy University School of Law in Pleasant Hill, California]

There is no social entity called Iraq that benefited from some self-sacrifice it suffered for its own greater good, like a patient who voluntarily endures some pain to be better off than before. There were only individual human beings living in Iraq before the war, with their individual lives. Sacrificing the lives of some of them for the benefit of others killed them and benefited the others. Nothing more. Each of those Iraqis killed in the war was a separate person, and the unfinished life each of them lost was the only life he or she had, or would ever have. They clearly are not better off now that Saddam is gone from power.

Savoy, P. (May 31, 2004). The moral case against the Iraq War: viewed in the light of our own ideals, the right to life is so fundamental that killing the innocent to advance any purpose, however worthy, is wrong. *The Nation*, 278, 21. p.16. Retrieved August 15, 2008, from General OneFile via Gale: [Paul Savoy, a former assistant district attorney for New York County and past dean of the John F. Kennedy University School of Law in Pleasant Hill, California]

Gen. Richard Myers, chairman of the Joint Chiefs of Staff, warned before the war that, despite the military's best efforts to prevent civilian casualties, "people are going to die." Given this knowledge aforesought, the Administration cannot continue to pretend that the civilian deaths in Iraq were accidental. The mother killed in a Baghdad bomb blast holding her baby so tightly they could not be pried apart, and the thousands of other innocent Iraqis killed in the war, were the victims of intentional homicide, however accidental or acceptable their deaths may have appeared on Fox News or CNN.



TARGETED KILLING

TARGETED KILLING IS AGAINST HAGUE REGULATIONS

Žilinskas, Justinas. (2008) TARGETED KILLING UNDER INTERNATIONAL HUMANITARIAN LAW.
JURISPRUDENCIJA Mokslo darbai 2008 5(107); 8-18

At the beginning of the twentieth century, the proscription of treacherous killing was embodied in Article 23(b) of Hague Regulation [35]. It has been derived from this article, read in connection with Article 23 (c) of Hague Regulation, that law of war also prohibits combatants from targeting and killing enemy combatants who are no longer on the battlefield, but are resting at home or taking their family to the cinema [36, p. 8]. Hereby the contention, that lawful targeting in wartime has never required that the individual being targeted is actually engaged in combat and thus could be killed at any time and at any place whatsoever, is rejected [17, p. 627].

Žilinskas, Justinas. (2008) TARGETED KILLING UNDER INTERNATIONAL HUMANITARIAN LAW.
JURISPRUDENCIJA Mokslo darbai 2008 5(107); 8-18

In our view an enemy combatant who is not contributing to enemy military action, when he or she is spending time with his or her family and in those circumstances his or her killing does not generate a direct military advantage. Such a killing might not amount to perfidy as such, but dishonour in conduct is also in defiance with the general principles of humanity and humanitarian law.



SUNSTEIN AND VERMEULE STATISTICS COULD CONDEMN INNOCENTS

Smith, C. S. (August 20, 2005). Forget the statistics, killing is wrong: supporters of the death penalty say it deters murderers. Be careful, says Clive Stafford Smith. Using bald figures to resolve moral dilemmas is fraught with danger. *New Scientist*. , 187, 2513. p.20[Clive Stafford Smith is legal director of Reprieve, a UK charity fighting for people facing the death penalty]

For a start, they offer nothing in the way of original research. Their paper, "Is Capital Punishment Morally Required?" (AEI-Brookings Joint Center for Regulatory Studies, working paper, March 2005), is a philosophical polemic based on the conclusions of other authors. What's more, the "wave of recent evidence" suggesting that capital punishment saves lives is little more than a ripple. They base their argument on a 2003 paper by Hashem Dezhbakhsh and others (*American Law and Economics Review*, vol 5, P 344), citing it as evidence that each execution saves 18 lives. However, they go on to refer to another study that "proves" each execution saves 14 lives; another proves that only five lives are saved; yet another claims three are saved. Which researchers are we to believe? How would it look if, rather than dealing with life or death, these were financial analysts all promising a profit on an investment but unable to decide whether it would be 3 per cent or 18 per cent? My bet is that you would get nervous about investing.

Smith, C. S. (August 20, 2005). Forget the statistics, killing is wrong: supporters of the death penalty say it deters murderers. Be careful, says Clive Stafford Smith. Using bald figures to resolve moral dilemmas is fraught with danger. *New Scientist*. , 187, 2513. p.20[Clive Stafford Smith is legal director of Reprieve, a UK charity fighting for people facing the death penalty]

This is untenable, and immoral. My African-American, juvenile, mentally disabled client Ryan Matthews was recently exonerated from death row by six DNA tests. He has only one life, and it would have been no consolation to him, had he been executed in error, that some academic pondering the view from his office window thought that his arbitrary death was OK because the murder for which he was falsely convicted was arbitrary too.



DEATH PENALTY IS NOT A MORAL ISSUE

Dieter, R C (Wntr-Spring 1994). Secondary smoke surrounds the capital punishment debate. *Criminal Justice Ethics*

Arguing the morality of the death penalty would be like attacking the morality of smoking twenty years ago. At that time, it would have been fruitless to propose a ban on smoking on the grounds it was immoral.

While people sensed that cigarettes had their problems, and even the Surgeon General warned of their risks, smoking was far too accepted in the culture to be legislated out of practice. But today, smoking is on the ropes largely because of its practical implications. The societal costs of both smoking and secondary smoke have shifted the debate from freedom of choice to one of conflicting interests.

A similar shift may be happening in the debate surrounding capital punishment. It is unavailing today to say the death penalty should be abolished because it is immoral. When seventy-five percent of the American public support the death penalty, they render the national moral issue moot.

THE RESOLUTION SETS UP A CONTRADICTION LOGIC

Green, K. (July 2003). Distance, divided responsibility and universalizability. *The Monist.* , 86, 3. p.501(17). Retrieved August 15, 2008, from General OneFile via Gale:

At this point Singer's argument rests on the principle that we should give equal consideration to the interests of all people--no matter whether they are near or far from us, related or not related, or of the same or different nationality. If I donate money to overseas aid I may be unable to buy my child the new dress she desires. As Singer argues, failing to satisfy my child's desire for pretty clothes is morally trivial in comparison with failing to save a stranger's life, so it cannot rate in showing that the second conjunct is false. Those who say that I am entitled to buy my child a new dress, in circumstances in which I could rescue some other mother's child from death, are apparently forced to deny the equal consideration of interests principle.



ADULT STEM CELLS WORK LIKE EMBRYONIC STEM CELLS

The Christian Century (Dec 25, 2007): "Stem cell advance may not end debate.(News)." 124.26 14(1). [General OneFile](#). Gale.

However, research on stem cell development has proven highly controversial because human embryos are destroyed in the process. In addition, some scientists have proposed cloning human embryos from patients with certain diseases. Such cloning would prevent rejection of any new tissues or organs grown from the stem cells and used for those patients. Many religious groups--and many nonreligious bioethicists--find both prospects ethically troubling. The new research has the potential to render both moral quandaries moot because, for the first time, it reprograms adult cells to act in ways that are apparently identical to those of embryonic stem cells. The research was conducted by Shinya Yamanaka of Kyoto University and a team led by James Thomson at the University of Wisconsin. Both teams used four genes to "reprogram" human skin cells, which essentially reverted to the stem cell format of their ancestors.

RELIGIOUS LEADERS FROM VARIOUS FAITHS OPPOSE STEM CELL RESEARCH

Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*. , 73, 3. p.819(16). Retrieved August 23, 2008, from [General OneFile](#) via Gale:

Most commentators from the scientific community interpreted this UN mandate as a sign of the over-extension of religious values, an inappropriate interference in the realm of science. And, indeed, authorities from the major religious traditions have weighed in on these important issues. Christian, Confucian, Buddhist, and some Hindu and Jewish scholars have spoken up strongly against any destruction of human embryos for research.

THE DESTRUCTION OF HUMAN LIFE IS NEVER ACCEPTABLE

Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*. , 73, 3. p.819(16). Retrieved August 23, 2008, from [General OneFile](#) via Gale:

Assessing the moral status of the embryo begins with affirming the moral status of human life in general. The principle that human life constitutes the fundamental good serves as the cornerstone of law for our civilization. In no circumstance is the intentional destruction of the life of an innocent individual deemed morally acceptable. This valuing of human life is indeed the moral starting point for both advocates and opponents of cloning for biological research, and it flows from the reciprocal respect that we naturally grant as we recognize in the other a being of moral equivalence to ourselves. It leads to the principle of inviolability of human life and the prohibition against using human life instrumentally.



AN EMBRYO IS NOT A HUMAN

M Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*. , 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

Consider the confident assertions of the now discredited South Korean scientist Woo Suk Hwang: "What we are doing is not creating embryos. An embryo basically presupposes a birth of a life. But we have no intentions or goals whatsoever to create life.' So, it's not an embryo if you don't intend to make a baby out of it" (Kim, 2005).

IMPOSING A 14 DAY LIMIT ON EMBRYOS ENDS THE DEBATE

M Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*. , 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

The three arguments currently given in support of a 14-day limit on embryo research--lack of differentiation, lack of individuation, and pre-implantation status--are based on a kind of "received tradition" that dates back to the 1996 Warnock Commission in the United Kingdom (United Kingdom Report, 1984). But this commission explicitly acknowledged the continuous nature of embryonic development, stating: "There is no particular part of the developmental process that is more important than any other" (Saletan, 2005). In a recent memoir, Mary Warnock discussed the utilitarian grounding of her commission's analysis, acknowledging that her committee's task was "to recommend a policy which might allow the sort of medical and scientific progress which was in the public interest" (Saletan, 2005).



ALTERNATIVES TO EMBRYO RESEARCH EXIST

M Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*, 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

Altered Nuclear Transfer uses the technology of nuclear transfer but with a preemptive alteration that assures that no embryo is created. The adult body cell nucleus or the enucleated egg's contents (or both) are first altered before the adult body cell nucleus is transferred into the egg. The laboratory construct that is produced by ANT has only partial developmental potential. It lacks the integrated unity that characterizes a human embryo so the above ethical analysis would permit harvesting its embryonic stem cells.

M Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*, 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

One variation involves the preemptive silencing of a gene necessary for the integrated development that characterizes an embryonic organism. As described in an January 2006 paper in *Nature* magazine, stem cell biologist Rudolf Jaenisch has established the scientific feasibility of this approach in a series of dramatic mouse model experiments in which he procured fully functional embryonic stem cells from a construct that is radically different in developmental potential than a human embryo (Meissner and Jaenisch, 2006?).

M Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research*, 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

Another variation of ANT called Oocyte Assisted Reprogramming (ANT-OAR) has been put forward by Markus Grompe, director of the Stem Cell Center at the Oregon Health Sciences University. This approach involves a kind of "jump-starting" of cell differentiation to bypass entirely the totipotent cells of the cleavage stages of natural embryogenesis. In this variation of ANT, alterations of the nucleus of the adult body cell and the enucleated egg's contents before nuclear transfer would force early expression of genes characteristic of a later and more specialized cell type that is capable of producing pluripotent stem cells. Such a creation, from its very beginning, would never have the actual configuration or potential for development that characterizes a human embryo and would therefore not have the moral standing of a human being. As documented in a joint statement posted at the Ethics and Public Policy Center website, this proposal has drawn wide endorsement from leading scientists, moral philosophers and religious authorities. (Joint Statement, 2005).



ALTERED NUCLEAR TRANSFER KILLS AFFIRMATIVE NEED

M Hurlbut, W B (Fall 2006). Science, religion, and the politics of Stem cells. *Social Research.* , 73, 3. p.819(16). Retrieved August 23, 2008, from General OneFile via Gale:

ANT, in its many variations, could provide a uniquely flexible investigative tool and has many positive advantages that would help advance embryonic stem cell research. Unlike the use of embryos from IVF clinics, ANT would produce an unlimited range of genetic types for the study of disease, drug testing, and possibly generation of therapeutically useful cells. By allowing controlled and reproducible experiments, ANT would provide a uniquely flexible research tool for a wide range of useful studies of gene expression, imprinting, and intercellular communication. Furthermore, the basic research essential to establishing the technique would advance our understanding of developmental biology and might serve as a bridge to other technologies, such as direct reprogramming of adult cells. Moreover, as a laboratory technique, ANT would unburden embryonic stem cell research from the additional ethical concerns of the "leftover" IVF embryos, including the attendant clinical and legal complexities in this realm of great personal and social sensitivity.



DEFINITIONS

TARGETED KILLING

Žilinskas, Justinas. (2008) TARGETED KILLING UNDER INTERNATIONAL HUMANITARIAN LAW. JURISPRUDENCIJA Mokslo darbai 2008 5(107); 8-181.

Targeted killing is defined as the premeditated killing of a specific target (person/persons) suspected of terrorism, with explicit or implicit governmental approval. The advantage of using the term 'targeted killing' is that it

DEATH BY SNIPER IS NOT TARGETED KILLING

Gary Solis [2007] TARGETED KILLING AND THE LAW OF ARMED CONFLICT Naval War CoUege Review, Spring 2007, Vol. 60, No.

The sniper, a lawful combatant, killed a lawful enemy combatant in the course of armed conflict between two high contracting parties to the Geneva Conventions. To kill the enemy in a lawful manner was the sniper's mission; it was expected and required of him. A combatant taking aim at a human target and then killing him is not what is meant by the term "targeted killing."

jus ad bellum

US Military Dictionary. (2002) The Oxford Essential Dictionary of the U.S. Military. Copyright © 2001, 2002 by Oxford University Press, Inc.

The aspect of the international law of war which addresses the circumstances under which war may be resorted to in order to solve a dispute among nations.

Alexander Moseley (2008) The Internet Encyclopedia of Philosophy [A Professionally Peer-Reviewed Resource © 2008], "Just War."

The principles of the justice of war are commonly held to be: having just cause, being declared by a proper authority, possessing right intention, having a reasonable chance of success, and the end being proportional to the means used.



Pacifism

Alexandra, A. (Oct 2003). Political pacifism. *Social Theory and Practice.* , 29, 4. p.589(18). Retrieved August 29, 2008, from General OneFile via Gale:

The word "pacifism" derives from the Latin word "pax," meaning peace between states. It is a relatively recent recruit into the English language, entering common usage via French in the early twentieth century as a name for opposition to war as a means to the resolution of conflict between states. (5) This is still the primary sense of the word according to the Oxford English Dictionary, whose first definition of pacifism is "the doctrine or belief that it is possible and desirable to settle international disputes by peaceful means." So understood, pacifism is a specifically political doctrine, concerned only with the establishment of peaceful relationships between states, rather than within states, or between individuals in their private lives.