

Tuesday May 3, 2011 Schedule for the Day

Am: Critical Reasoning

- Review of Exam
- Discussion of Today's Assignment
- Workshop on new material: Ch. 8 into

Pm: Ethical Reasoning

- Ethics of Care

For arguments 1, 2 and 3, circle the conclusion Do not include conclusion indicator

1. Smoking in public places should be restricted, for the reasons that it poses a health risk to bystanders, and it does so without their consent.
2. Eliminating plea bargaining would overburden the court system and require higher taxes. We shouldn't do anything that would bring about those results. Therefore, we should not eliminate plea bargaining.
3. If registering guns would really cut down on crime, then registering cars would have significantly reduced the number of accidents. It follows that registering guns won't cut down on crime, since registering cars has not significantly reduced the number of accidents.

For arguments 4-6: a) circle the conclusion (1 point), and
b) write the pattern to the right of the argument (2 points).

(Names were not necessary
here just patterns)

[Don't just name the patterns; write them out.]

Circle the conclusion

4. We must either rely on driver licenses or adopt national ID cards.
We shouldn't rely on driver licenses. It follows that we must adopt
national ID cards.

Pattern
Disjunctive Argument
(1) A or B
(2) Not A
 $\therefore B$

Circle the conclusion

5. Any reasonable measure that will cut highway deaths should be
passed. A law that lowers the legal blood alcohol level is a
reasonable measure that would cut highway deaths. So a law that
lowers the legal blood alcohol level should be passed.

Pattern
Universal Syllogism
(1) All P_1 's are P_2 's
(2) All P_2 's are P_3 's
 \therefore All P_1 's are P_3 's
Or Predicate

Circle the conclusion

6. The ban on selling needles for drug use should be lifted. This is
so because if we want to combat AIDS, then we must prevent
drug users from sharing dirty needles. If we must prevent this
sharing of needles, then the ban on selling needles should be
lifted. And obviously, we do want to combat AIDS.

Instantiation
Pattern
Chain Argument**
(1) If A, then B
(2) If B, then C
(3) A
 $\therefore C$

****different order OK**

7. Write out the pattern for each of these common argument types **(1 point each)**

Either Standard Form or Ch. 5 Symbols are OK

(a) *modus ponens*

(1) If A, then B	(1) $A \rightarrow B$
<u>(2) A</u>	<u>(2) A</u>
$\therefore B$	$\therefore B$

(b) Chain Argument

(1) A	(1) A
(2) If A, then B	(2) $A \rightarrow B$
<u>(3) If B, then C</u>	<u>(3) $B \rightarrow C$</u>
$\therefore C$	$\therefore C$

(c) Disjunctive Argument

(1) A or B	(1) $A \vee B$
<u>(2) Not A</u>	<u>(2) $\neg A$</u>
$\therefore B$	$\therefore \neg B$

(d) Hypothetical Argument

(1) If A, then B	(2) $A \rightarrow B$
<u>(2) If B, then C</u>	<u>(3) $B \rightarrow C$</u>
\therefore If A, then C	$\therefore A \rightarrow C$

(e) *modus tollens*

(1) If A, then B	(1) $A \rightarrow B$
<u>(2) Not B</u>	<u>(2) $\neg B$</u>
\therefore Not A	$\therefore \neg A$

(f) Predicate Instantiation

(1) All P_1 's are P_2 's
<u>(2) m is a P_1</u>
\therefore m is a P_2

(g) Universal Syllogism

(1) All P_1 's are P_2 's
<u>(2) All P_2's are P_3's</u>
\therefore All P_1 's are P_3 's

(h) fallacy of affirming the consequent

(1) If A, then B	(1) $A \rightarrow B$
<u>(2) B</u>	<u>(2) B</u>
$\therefore A$	$\therefore A$

For arguments 8-10, a) add the missing premise or conclusion (2 points), and
b) write the pattern (2 points) to the right of the argument.

Add missing conclusion

Pattern

- 8 (1) If interest rates are down, the economy will improve
(2) If the economy improves, then employment will rise.
∴ If interest rates are down, then employment will rise

- (1) If A, then B
(2) If B, then C
∴ If A, then C

Add missing Premise

Pattern

9. (1) Flag burning is an act, not speech.
(2) If flag burning is an act, not speech, then
it is not protected by the First Amendment.
(3) If it (flag burning) is an act, not speech, then
we should pass a law against flag burning.
∴ We should pass a law against flag burning.

- (1) A
(2) If A, then B
(3) If B, then C
∴ C

Add missing conclusion

10. (1) All reckless drivers are a menace to public safety.
(2) All who are a menace to public safety deserve our scorn.
 \therefore All reckless drivers deserve our scorn

Pattern

- (1) All P_1 's are P_2 's
(2) All P_2 's are P_3 's
 \therefore All P_1 's are P_3 's
Universal Syllogism

Argument 11 fits a pattern that is different from the seven patterns listed in your text.
Circle the conclusion (2 points) and write the (new) pattern (3 points).

Circle the conclusion

11. Carla will not be a good parent. This is so because
all good parents have the ability to be patient.
Carla does not have this ability

Pattern

- (1) All P_1 's are P_2 's
(2) m is not a P_2
 \therefore m is not a P_1

**A modus Tollens
like extensive of
Predicate
Instantiation**

Argument 12 is tricky. It relies on a combination of a predicate-based pattern with a statement-based pattern. State it in standard form with the missing conclusion added (3 points), and write the pattern (3 points).

12. Anyone who follows the trends will suffer a loss of integrity. Janine has lost confidence in her own sense of style. If that is so, then she will follow the trends. The unfortunate conclusion is obvious.

Argument in Standard Form with missing conclusion added

Pattern

(1) Janine has lost confidence in her own sense of style

(1)A

(2) If Janine has lost confidence in her own sense of style,
then Janine will follow the trends.

(2) If A, then P_1j

(3) All P_1 's are P_2 's

$\therefore P_2j$

(3) Anyone who follows the trends will suffer a loss of integrity

-
 \therefore Janine will suffer a loss of integrity

***A combination of
modus ponens and
predicate
Instantiation***

The following argument also relies on a combination of patterns from your text. Notice that it has a missing premise. State the entire argument in standard form below, with the missing premise added (4 points), and write the pattern (3 points). Be sure to make use of all the stated premises.

13 If we continue to be concerned about illegal drugs, especially meth, then either drug use will finally decline, or drug arrests will continue to increase. If drug arrests continue to increase, then we will need to shift more spending from education and health care to the criminal justice system. We will continue to be concerned about illegal drugs, especially meth. It follows that we will need to shift more spending from education and health care to the criminal justice system.

[Argument in Standard Form-you may abbreviate sentences]

Pattern

(1) If we continue concern about illegal drugs
then either drug use will decline, or drug arrests increase.

(2) If arrests increase, then we will shift spending

(3) We will continue concern about illegal drugs.

(4) Drug use will not decline (IMPLICIT missing premise)

∴ We will shift spending

(1) If A, then B or C.

(2) If C, then D.

(3) A.

(4) Not B.

∴ D

14. State whether each of the following statements makes sense (yes or no) **(3 points)**
- a. The premise is valid NO
 - b. The conclusion is sound. NO
 - c. The argument is true. NO

15. For each statement, write yes if it is consistent, no if it is not consistent. **(4 points)**
- a. The argument has a false conclusion, but it is valid. YES
 - b. The argument is sound but not valid. NO
 - c. The premises are true and the conclusion is false, but the argument is valid. NO
 - d. The argument is sound but the conclusion is false NO

Use the counterexample technique to show that the argument 16 invalid (3 points)

- | | | |
|----|--|-----------------------------------|
| 16 | (1) All forms of censorship are a restriction of liberty | All cats are animals |
| | <u>(2) A ban on handguns is a restriction of liberty</u> | <u>My dog is an animal</u> |
| | ∴ A ban, on handguns is a form of censorship. | ∴ My dog is a cat. |

Note: this is only one of a wide variety of possible counterexamples

- 17 Suppose the following statement was a premise of an argument. Criticize it in a way your text recommends **(3 points)**. *All learning is valuable.*
- Memorizing the ten random numbers is a telephone directory (backwards) would be learning, but it wouldn't be valuable**

Note: this is only one of a wide variety of possible criticism

17 Suppose the following statement was a premise of an argument. Criticize it in a way your text recommends **(3 points)**.

All learning is valuable.

Memorizing the ten random numbers is a telephone directory (backwards) would be learning, but it wouldn't be valuable *This is a counterexample to a universal statement.*

Note: this is only one of a wide variety of possible counterexamples

18. Use the truth-table method to determine whether the following argument is valid or invalid **(4 points)**

If the American people really want to decrease the cost of Medicare, they will put more Republicans in office. The American people don't really want to decrease the cost of Medicare, so they won't put more Republicans in office.

$A \rightarrow B$

$\neg A$

$\therefore \neg B$

**Fallacy of denying
the Antecedent**

**Any Possible situation in which ALL the premises are
True and the Conclusion is False?**

**Line 3 shows that for one possible situation, i.e.
assignment of truth-values to constituent letters all
the premises are true and the conclusion is false So
the argument is INvalid**

Initial Assignment		Premises		Conclusion
A	B	$A \rightarrow B$	$\neg A$	$\neg B$
1. T	T	T	F	T
2. T	F	F	F	F
3. F	T	T	T	F
4. F	F	T	T	F

Diagram illustrating the truth-table results:

- Line 3 is circled in blue, indicating a situation where all premises are true and the conclusion is false.
- Line 4 is also circled in blue.
- Arrows point from the circled lines to the text: "Problem" (for line 3) and "OK" (for line 4).

19. Translate the following argument into symbols from Chapter 5 and use the truth-table method to determine whether it is valid or invalid **(4 points)**

(1) If (A and B), then (A or B)

(2) Not A

∴ Not B

(1) $(A \& B) \rightarrow (A \vee B)$

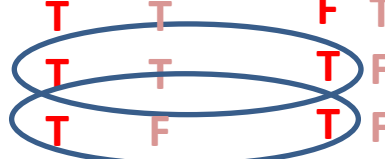
(2) $\neg A$

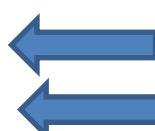
∴ $\neg B$

Any Possible situation in which ALL the premises are True and the Conclusion is False?

Line 3 shows that for one possible situation, i.e. assignment of truth-values to constituent letters, all the premises are true and the conclusion is false. So the argument is **Invalid**.

Initial Assignment		Premises		Conclusion
A	B	$(A \& B) \rightarrow (A \vee B)$	$\neg A$	$\neg B$
1. T	T	T T	F T	F T
2. T	F	F T	F T	T F
3. F	T	F T	T F	F T
4. F	F	F T	T F	T F




Problem
 OK

20 **Reconstruct (4 points) and criticize (evaluate: Is it sound?) (4 points) the argument in the following passage using techniques discussed in the text**

It is not permissible for doctors to determine the gender of a fetus whenever parents request it. This is so because if we permit such testing, then some parents will abort a fetus simply because of its gender.

(1) If it is permissible for doctors to determine the gender of a fetus whenever parents request it, then some parents will abort a fetus simply because of its gender.

(2) Parents should not be able to abort a fetus simply because of its gender.

∴ It is not permissible for doctors to determine the gender of a fetus.

The conclusion follows from these premises (at least if we allow “value” or “should” arguments” resembling *modus tollens*), but premise 1 assumes that when doctors determine the sex of a fetus, they will give this information to parents. It would be possible to have a policy that allows doctors to make this determination (for example, to detect sex-linked diseases) but that doesn’t generally make this information available to parents. Premise 2 sounds persuasive, but keep in mind how strong an assertion this must be in order for the argument to be valid. The premise can’t merely assert that allowing parents to abort a fetus because of its sex is a bad thing; rather, it must assert that we must prevent this state of affairs—using abortion for sex selection—from coming about in any circumstances. In reply, a critic could admit that sex selection by means of abortion is a bad consequence that we would hope to minimize but that the benefits of allowing doctors to determine the sex of a fetus (especially in detecting sex-linked diseases) outweigh the risk that some parents will misuse information concerning the sex of the fetus.

21. **(2 points)** According to your text, if an argument is a fallacy, then

- a. it will tend to persuade people.
- b. it is a bad argument.
- c. it may be a valid argument.
- d. all of the above.

d

The following two arguments commit fallacies. For each (a) state the name of the fallacy committed e.g. *false dilemma* (b) explain why it is a bad argument and (c) why it still might be persuasive (e.g. distracts, resembles a good argument, puts emotion in place of reason) (4 points each of the two)

22. Vice President Cheney when in office argued that officials in the executive branch should be allowed to keep their conversations with constituents private for the reason that this privacy encourages free and open consultation, which is necessary for government to function well. We should pay no attention to this argument, since Cheney was obviously a corrupt official who is just trying to hide evidence of improper influence.

(a) Name of fallacy: attacking the person (ad hominem)

(b) Why a bad argument: Chaney's argument about executive privilege could be good for all that is said even if Cheney is a corrupt official who could benefit from it.

(c) Why do arguments like this tend to persuade us? It distracts by focusing attention away from argument to the character of the person giving it and appeal to emotion (loathing of Chaney)

23 I believe the U.S. has gone too far in restricting smoking. There are those who hold the opposing view that these restrictions are justified. They apparently think that whether some teenager smokes a cigarette is more important than whether thousands die in traffic accidents.

(a) Name of fallacy: **Straw Man**

(b) Why a bad argument? **The restrictions on smoking by teenagers could be justified for all that is said and even more stringent restrictions on driving could be justified.**

(c) Why do arguments like this tend to persuade us? **They distract us from the assertion, by focusing on the large number of teenagers killed in automobile accidents**

24. (11 points) Reconstruct the central argument in the editorial about pharmacists on the next page

Problem 24 Reconstruction (6 points)

- (1) No one has the right to refuse to perform some foreseeable aspect of their job.
 - (2) Dispensing the “morning after” pill ,contraceptives to unmarried women and other drugs to which people object on religious grounds is a foreseeable aspect of a pharmacists job.
- ∴ Pharmacists don’t have the right to refuse to dispense the morning after pill, contraceptives to unmarried women and other drugs to which people object on religious grounds is a foreseeable aspect of a pharmacists job.

Problem 24 Evaluation (Criticism)(5 points)

The argument is valid, but not sound.

At least some pharmacists entered the field before the morning after pill was created and in some cases before contraceptives were widely available. As the author himself indicates, this might not have been foreseen by this pharmacists. So at least these pharmacists might have a right to refuse. The second premise is therefore not true One could also challenge the truth of the first premise. A worker might foresee that they would have to work with a certain class of chemicals, but it is unclear whether they should be held to working with this class, if as a result of recent research they are found to have rare, but dangerous genetic condition that makes exposure to these chemicals especially dangerous to them. Or they might just develop allergies later in life, that limit exposure. In these cases they might have “right” to refuse to work with them (and still retain their job by working with other chemicals.

- (1) No one has the right to refuse to perform some foreseeable aspect of their job.**
- (2) Dispensing the “morning after” pill ,contraceptives to unmarried women and other drugs to which people object on religious grounds is a foreseeable aspect of a pharmacists job.**
- ∴ Pharmacists don’t have the right to refuse to dispense the morning after pill, contraceptives to unmarried women and other drugs to which people object on religious grounds is a foreseeable aspect of a pharmacists job.**

Problem 24 Evaluation (Criticism)(5 points)

The argument is valid, but not sound.

At least some pharmacists entered the field before the morning after pill was created and in some cases before contraceptives were widely available. As the author himself indicates, this might not have been foreseen by this pharmacists. So at least these pharmacists might have a right to refuse. The second premise is therefore not true .

One could also challenge the truth of the first premise. A worker might foresee that they would have to work with a certain class of chemicals, but it is unclear whether they should be held to working with this class, if as a result of recent research he is found to have rare, but dangerous genetic condition that makes exposure to these chemicals especially dangerous to him. Or he might just develop allergies later in life, that limit exposure. In these cases they might have “right” to refuse to work with them (and still retain their job by working with other chemicals.

E1 15 points

Present a version of utilitarianism as a conceptual theory (that is, in standard form for a conceptual theory). Use the techniques of criticism for conceptual theories discussed in chapter 8 and if possible in R&R to evaluate this version of utilitarianism. Indicate any additional criticism of utilitarianism you find compelling.

6. Act Utilitarianism

An action is morally right *if and only if* it produces the greatest good
(happiness, pleasure, social utility) for the greatest number
A \leftrightarrow B (more than any alternative)

An action is morally right if and only if it produces more good than any available alternative.

An action is good if and only if it produces happiness (pleasure) in normal individuals.

Counterexample (B \rightarrow A), Scapegoating as in the McCloskey example and the peeping Tom example presented by R&R satisfied the conditions on the right, but might be taken as not morally right.

E2 15 points

Present a version of Kantian ethics as a conceptual theory (that is, in standard form for a conceptual theory). Use the techniques of criticism for conceptual theories discussed in chapter 8 and if possible in R&R to evaluate this version of Kantian ethics. Indicate any additional criticism you find compelling.

8. Kantian Ethics

An action is morally right *if and only if* it is accord with the categorical imperative,

An act is morally right *if and only if* it is in accord with a maxim by which the act can be willed to a universal law.

An act is morally right if and only if it treats humanity,
whether in the actors own person or in that
of another as an end and never as a means only

An act treats a person as a end *if and only if* it treats the person
as with dignity and respect

Counterexample, The Dutch fishing boat captains who lied to Nazis during WWII In order to smuggle Jewish refugees to England as described by R&R might be taken as a counter example. The conditions on the right (the maxim enjoying truth telling and prohibiting lying) suggests the captains should not lie to the Nazis, but that might seem morally wrong. Also the concept of the *categorical imperative, maxim...* need might need further elucidation

Ethics Extra Credit Plagiarism example

The utilitarian approach to punishment focuses on at least two approaches: deterrence and rehabilitation. The deterrence approach would justify the (degree of) punishment in terms of the benefit or preventing future acts of plagiarism by either the student or others who might hear about it. The rehabilitation approach would look at improving (rehabilitating) the student, perhaps by teaching about the importance of claiming others intellectual property as ones own.

The Kantian approach to punishment (as R&R note) is retributivism—the punishment must “fit” the crime, but it must also hold the plagiarizer responsible—to do otherwise would be to treat the plagiarizer as less than a responsible adult denying the plagiarizer the “dignity” they deserve. Also, as in the case of lying in general, deception about authorship might undermine the institution of intellectual property and hence be something that could not be willed as a “universal” maxim.

EXTRA CREDIT (up to 20 points)

We read the Froma Harrop editorial *Gay, straight: What's the deal?* in the first workshop and discussed its main conclusion. (reconstruct and criticize the argument as best you can)

(1) Either both traditionally marriage and gay marriage or neither deserve the deal IMPLICIT)

(2) Traditional marriage does not deserve the deal

∴ Neither the traditionally marriage nor gay marriage deserve the deal

This version of the argument is valid—an extended version of the disjunctive argument. $(A \ \& \ B) \vee (\neg A \ \& \ \neg B)$

$\neg A$
∴ $(\neg A \ \& \ \neg B)$

Much of the article is concerned to justify premise 2 by pointing to the problems in justifying “special treatment” The standard claims that it supports the raising of children, doesn’t justify special treatment for all married people—even the childless. Premise 1 might be accused of harboring a false dilemma, but that would demand showing that tradition marriage (but not gay marriage) deserves special treatment.

Assignment for today from last Tuesday

Exercise 7.1 A6

The Obama administration yesterday, amidst all this record-setting cold weather, proposed a new agency to study and report on the changing climate, also known as global warming...They're having to delay setting up the office [of Climate Service] because they're expecting another 16 to 20 inches [of snow] in Washington. I mean, this is absurd.

Rush Limbaugh, February 9, 2010 broadcast of his radio program.

- (1) There has been some record-cold weather (in Washington DC).
 - (2) If (1), there is no global warming (climate change).
 - (3) if there is no global warming, the a new agency to study global warming is absurd.
-

A new agency to study global warming is absurd

The expression “global warming” might be taken to mean uniform warming through out the world, or it might be taken to mean a rise in average temperature. If it is interpreted in the latter way, one predicted consequence of global warming is in increase in locally severe weather.

This passage has equivocation on “global warming” and perhaps the fallacy of misleading definition—a technical definition (rise in average temperature) in premise 3 and conclusion and inform notion of uniform warming

Exercise 7.1 A10

America did not become a democracy until the 1960s. Women could not vote until the Nineteenth Amendment was ratified in 1920, and it was only in 1965 that a Voting Rights Act was passed that did away with property qualifications and literacy tests, and paved the way for the genuine participation of all people, regardless of race, creed, or national origin.

This passage trades on an ambiguity in the term “democracy.” In one sense, a democracy is a form of government that has mechanisms to represent the views of the citizens. In a second sense, it must do more than merely permit these views to be represented. The citizens must actually participate in the process, at least to the extent that they vote for their representatives. The first sentence in the passage is false under the first interpretation and true under the second.

Exercise 7.2 #6

A family is a group of persons of common ancestry living under the same roof.

Something is a family *if and only*

- (1) A group of persons.
- (2) These persons have common ancestry.
- (3) These persons live under the same roof.

Exercise 7.2 #8

There are certain indicators of humanhood, included among them are an IQ of at least 20 and probably 40, self-awareness, self-control, a sense of time, and the capability of relating to others.

Adapted from Joseph Flecher, "Indicators of Humanhood: A Tentative Profile of Man," *Hasting Center Report* 2(5) (November 1972).

Something is human *if and only if*

- (1) It has an IQ of at least 20.
- (2) It has self-awareness.
- (3) It has self-control.
- (4) It has a sense of time.
- (5) It has the capability of relating to others.
- (6) Other (unspecified) conditions.

Exercise 7.2 #10

Autism Spectrum Disorder

[Draft Revised Version Feb. 10, 2010 for DSM V expected 2013]

Must meet criteria 1, 2, and 3:

1. Clinically significant, persistent deficits in social communication and interactions, as manifest by all of the following:
 - a. Marked deficits in nonverbal and verbal communication used for social interaction;:
 - b. Lack of social reciprocity;
 - c. Failure to develop and maintain peer relationships appropriate to developmental level
2. Restricted, repetitive patterns of behavior, interests, and activities, as manifested by at least TWO of the following:
 - a. Stereotyped motor or verbal behaviors, or unusual sensory behaviors
 - b. Excessive adherence to routines and ritualized patterns of behavior
 - c. Restricted, fixated interests
3. Symptoms must be present in early childhood (but may not become fully manifest until social demands exceed limited capacities)

A person exhibits autism spectrum disorder (ASD) *if and only if* he or she exhibits to some degree in early childhood (and more fully as social demands exceed capacity) the following symptoms:

- (1) marked deficits in nonverbal and verbal communication used for social interaction,
- (2) lack of social reciprocity,
- (3) failure to develop and maintain peer relationships appropriate to developmental level,
- (4) at least two of a), b), and c)
 - a) stereotyped motor or verbal behaviors, or unusual sensory behaviors
 - b) excessive adherence to routines and ritualized patterns of behavior
 - c) restricted, fixated interests

Exercise 7.3 A10

A society is democratic if and only if

- (1) It has a constitution;
- (2) It has a court system; AND
- (3) It has elected officials.

Counterexample: If all nominees were dictated by those in power, a society would not be democratic, even though it satisfied the three stated conditions

Exercise 7.3 B6

An object is beautiful if and only if it is aesthetically successful.

An object is aesthetically successful if and only if it springs from the creative imagination.

The theory does ultimately elucidate, though only insofar as the technical expression “aesthetically successful” is tied to creative imagination. Of course, a conceptual theory of “creative imagination” would also be needed

No Exercise 7.3 B10

Exercise 7.4 A7

Conceptual Theory:

**Persons are married to one another
if and only if**

- (1) There are two and only two of them**
- (2) They are a man and a woman**
- (3) They have a sexual relationship**

page 2879

16 Q...

17 Now, what are the three main rules that you believe
18 define marriage?

19 A. Well, the first is what you might call the rule of
20 opposites. That was the man -- what is the customary
21 man/woman basis of marriage.

22 Q. And second?

23 A. Two, that is, marriage is two people.

24 Q. Okay. And the third?

25 A. It's a sexual relationship.

page 2880

1 Q. Okay. Now, let me ask you about those three rules that
2 you used to define marriage.

3 First, with respect to the rule of opposite --

4 A. By the way, I want to just clarify. I'm not saying that
5 those three rules constitute a definition of marriage. What
6 I'm referring -- that was the term you just used in your
7 question or your statement.

8 What I'm saying is that those are the three
9 essential foundations of the marital institution or the three
10 essential structures of the marital institution, and that's
11 where we get into this concept of rules. So that's what I'm
12 trying to say.

13 Q. Okay. The three essential structures of the institution
14 of marriage, is that an acceptable terminology?

15 A. Yes, sir.

Although the author denies that this is a definition, the claim that these are the three essential structures of the marriage institution implies that they are necessary and sufficient conditions. A clear counter-example would be a couple that has been legally married but no longer has a sexual relationship. The claim that marriage is restricted to pairs disregards the prevalence of polygamy in many societies. This requirement as well as the "man and a woman" requirement are most likely prescriptions that the author would urge upon us rather than an attempt to capture the essence of marriage as it is actually practiced.

Exercise 7.4 A10

Selection from *Memorandum for Alberto R. Gonzales, Counsel to the President*

(*The so-called Bybee memo*)

You have asked for our Office's views regarding the standards of conduct under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment as implemented by Sections 2340-2340A of title 18 of the United States Code.... In Part I, we examine the criminal statute's text and history. We conclude that for an act to constitute torture as defined in Section 2340, it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent to intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, e.g., lasting for months or even years. We conclude that the mental harm also must result from one of the predicate acts listed in the statute, namely: threats of imminent death; threats of infliction of the kind of pain that would amount to physical torture; infliction of such physical pain as a means of psychological torture; use of drugs or other procedures designed to deeply disrupt the senses, or fundamentally alter an individual's personality; or threatening to do any of these things to a third party. The legislative history simply reveals that Congress intended for the statute's definition to track the Convention's definition of torture and the reservations, understandings, and declarations that the United States submitted with its ratification. We conclude that the statute, taken as a whole, makes plain that it prohibits only extreme acts.

Exercise 7.4 A10

An act constitutes *torture* if and only if

(1) It inflicts pain that is difficult to endure.

(2) The inflicted pain that is either

Physical pain equivalent to serious physical injury or death, or

Mental pain resulting in significant psychological harm lasting months or years, and resulting from one or more of the following

Threats of imminent death

Threats of infliction of the kind of physical pain that constitutes physical torture

Infliction of such physical pain as a means of psychological torture

Use of drugs or other procedures designed to deeply disrupt the senses or alter personality

Threatening to do any of the above to a third party.

(3) Other (unspecified) conditions

A counterexample would be an act that inflicts mental pain that produces extreme psychological harm but does not last months or years because the victim either dies or becomes psychologically incapacitated in a way that nullifies the harm. Also, threatening to harm a third party (such as the victim's young child) would surely constitute torture even if what is threatened would predictably produce pain that is serious but slightly less harmful than the pain described in condition 2a.

Exercise 7.4 B6

Gay marriage is unacceptable. Marriage is a union between a man and a woman, sanctioned by the state, in accordance with the laws of God.

A relationship is a marriage if and only if

- (1) It is a union between a man and a woman,**
- (2) It is sanctioned by the state,**
- (3) It is in accordance with the laws of God.**

Argument:

- (1) A relationship is a marriage if and only if it is a union between a man and a woman, it is sanctioned by the state, it is in accordance with the laws of God. (FROM CONCEPTUAL THEORY)***
 - (2) “Gay marriage” is not a union between a man and a woman and is not in accordance with the laws of God.***
 - (3) If (1) and (2), then “gay marriage” is not real marriage. (IMPLICIT)***
 - (4) If “gay marriage” is not real marriage, then it is unacceptable. (IMPLICIT)***
- ∴ “Gay marriage” is not acceptable.***

Argument:

- (1) A relationship is a marriage if and only if it is a union between a man and a woman, it is sanctioned by the state, it is in accordance with the laws of God. (FROM CONCEPTUAL THEORY)*
- (2) “Gay marriage” is not a union between a man and a woman and is not in accordance with the laws of God.*
- (3) If (1) and (2), then “gay marriage” is not real marriage. (IMPLICIT)*
- (4) If “gay marriage” is not real marriage, then it is unacceptable. (IMPLICIT)*
∴ “Gay marriage” is not acceptable.

Criticism:

The conceptual theory does not elucidate the phrase “in accordance with the laws of God.” There are differences among religions about what this phrase means. If it is narrowly interpreted to demand a religious or covenant wedding, then many widely accepted marriages would not be “acceptable.” It would also seem to allow “sham marriages,” that is, marriages for the sole purpose of obtaining citizenship (though in some cases these might not be sanctioned by the state) as well as “marriages of convenience between gay men and a lesbian women. Even if we accept the conceptual theory, we could challenge the implicit Premise 4. It is not clear that gay union is *unacceptable* just because it doesn’t fit a narrow definition of “marriage.” Social practices change and evolve over time. Badminton might have evolved as an inauthentic form of tennis (or vice versa) but that is not reason at all against playing it.

EXTRA CREDIT Exercise 7.4 B10

An act is torture *if and only if*

- (1) it involves inflicting horrible pain and suffering.
- (2) The inflictor of the pain and suffering has control over the recipient.
- (3) Other (unspecified) conditions . (see Answer for Ex 7.4 A10 for possibilities).

Argument:

- (1) *Inflicting horrible pain and suffering against combatants over whom one has control (but who have not surrendered) is not (always) morally wrong in war.*
 - (2) *A combatant who has surrendered is morally no different than some combatants who have not surrendered.*
 - (3) *If (1) and (2), then a non-pacifist cannot make a moral case against torturing some captured combatants.*
-
- ∴ A non-pacifist cannot make a moral case against torturing some captured combatants.*

Criticism: Premise (3) could be criticized on the grounds that even though a combatant who has surrendered poses no less threat than *some* combatants who have not surrendered, nevertheless the threat from combatants who have surrendered *on the whole* is much less. Even a non-pacifist could reasonably want war to be less horrible than it might be, and one way of limiting the horror of war would be to try to get countries to agree to treat those who have surrendered more humanely than those who have not. If that is so, then even though a country might see it as necessary to engage in war in some circumstances, whatever ends such a country foresees are probably not significantly compromised by agreeing to mutual humane treatment of surrendered combatants. What is gained by effecting such an agreement (some diminishment of pain and suffering of one's own combatants who surrender) has greater weight than what is lost (some harm at the hands of surrendered enemy combatants who escape).

Brief Intro to Chapter 8 on statistical Reasoning

Example 8.1 *Inductive Argument (Particular-to-General)*

Premise (1) In studies of 5,000 people, those who had more exposure to environmental smoke had a higher frequency of lung cancer.

Conclusion (likely) People who have more exposure to environmental smoke generally have a higher frequency of lung cancer.

Example 8.2 *Deductive Argument (Modus Ponens)*

Premise (1) People who have more exposure to environmental smoke generally have a higher frequency of lung cancer.

Premise (2) If (1), then we should restrict smoking in public places.

Conclusion ∴ We should restrict smoking in public places.

Inductive Argument (Particular-to-General=Sampling Argument)

(1) The first two layers of strawberries contain many ripe ones.

(likely) All layers of strawberries contain many ripe ones.

Inductive Argument (“Classic “Inductive Argument, Past to Future)

Variation of particular-to-general argument

(1) In the 1960s measures to combat inflation led to increased unemployment.

(2) In the 1980s measures to combat inflation led to increased unemployment.

(3) In the 1990s measures to combat inflation led to increased unemployment.

(likely) Measures to combat inflation will always lead to increased unemployment.

Inductive Argument (General-to-Particular)

(1) Most 103-year-old persons who have major surgery
suffer serious complications.

(2) Didi is a 103-year-old person who has had major surgery.

(likely) Didi will suffer serious complications.

On our view some inductive arguments go from the general to the particular contrary to what is sometimes said in talking about them

Deductive

(1) All God's creatures need potassium in their diets.

(2) Alvin is one of God's creatures.

∴ Alvin needs potassium in his diet

Inductive with Statistical Premise

(1) Most adults can tolerate moderate amounts of sugar in their diets.

(2) Alvin is an adult.

(likely) Alvin can tolerate moderate amounts of sugar in his diet.

Jerry must be pretty well off. Lexus owners have higher- than-average incomes and Jerry owns a Lexus.

Deductive Version

(1) All Lexus owners have higher-average incomes.

(2) Jerry owns a Lexus.

∴ Jerry has a higher-than-average income.

Inductive Version

(1) Most Lexus owners have higher-average incomes.

(2) Jerry owns a Lexus.

(likely) Jerry has a higher-than-average income.

A recent poll of a random sample of Americans of voting age indicated that 68 percent favored a constitutional amendment aimed at assuring a balanced budget. With such a large approval rating, it is only a matter of time before a balanced budget amendment is ultimately passed into law. This is because most proposed additions to the Constitution that have substantial public support ultimately gain ratification.

Reconstruction

Sampling Argument

68% of the eligible voters sampled in the poll favored more strict gun control legislation

(likely) About 68 % of the eligible voters in America favor more strict gun control.

Argument with Statistical Premises

(1) About 68 % of the eligible voters in America favor more strict gun control legislation

(2) Most measures supported by a large portion of the American Public become law.

(likely) More strict gun control legislation will ultimately be ratified.

Criticism of Sampling Arguments

1. Attacking the evidence. Is the evidence cited in the premise true or can the data be disputed
2. Questioning the representativeness of the sample.
 - (a) Size of Sample
 - (b) Sample Selection
3. Pointing to a shift in the unit of analysis
4. Challenging the truth of the conclusion.

Change in Schedule and Critical Reasoning Assignment

Paper copy with this afternoons ethics workshop

WK 6 May 3 May 6	Am SR+: Intro to Sampling Arguments (Read: C&P Ch 8) Pm: ER Ethics of Care, (Read: R&R Ch11)	Am: SR Correlation Arguments(Review C&P Ch 8; Read C&P Ch 9 to p.252) Pm: ER: Intro to Virtue Ethics : ((Read: R&R, Ch 12)
WK 7 May 10 May 13	Am SR: Arguments from Controlled Experiments (Read: C&P Ch 9 to p 260.) Video Pm ER: Virtue Ethics II : (Read handout on Virtue Ethics	Am: CR :Explanation and Theories (Ch. 10) Pm Idea Fair for Critical Exchange Topics More Explanation and Theories

Critical Reasoning Assignment for Friday May 6:

Exercise 8.1 A2, A4, A6, A8, A10, A12; B2, B4, B6, B8, B10

That's All Folks