1. An action is morally permissible if it is not prohibited by morality.

Charles **Pidgen** explains Dworkin’s definition of “moral permissibility”[[1]](#footnote-1)

In his famous paper 'Objectivity and Truth: You'd Better Believe it' (1996) Ronald Dworkin argues that wholesale or Archimedean moral skepticism of the kind advanced by Mackie (and in my view by Nietzsche) is fundamentally incoherent. You can't be a skeptic about all moral claims, since if you think that abortion is not wrong - or if you think that it is not full-bloodedly true that abortion is wrong - you are committed to the first-order view that abortion is morally permissible. But that only holds if you subscribe to something like (RDI) - that [because] the claim that actions of kind X are [is] not wrong, entails that actions of kind X [is] are right (in the sense of morally permissible). [Pidgen disagrees with Dworkin and later provides a rebuttal to Dworkin’s argument.]

2. The resolution is in the present tense, meaning we look to the status quo. Therefore, the aff only defends worst-case scenarios because currently the only women who turn to murder are the most severely abused.

Charles Ewing 90 writes[[2]](#footnote-2)

Battered women who kill have invariably been both physically and psycho-logically abused by the men they killed. Many if not most of them have also been raped and/or sexually abused by their batterers. Though battered women [victims] who kill have much in common with battered women who do not kill (and it is difficult to generalize from the limited data available), it appears that battered women who kill are subjected to more severe abuse, are somewhat older and less well educated, and have fewer resources for coping with that abuse than do battered women in general. Battered women who kill their batterers seem to have been more frequently beaten, threatened with weapons, and subjected to threats of death-especially threats of retaliation for leaving. Those who kill also appear to [and] have suffered more serious injuries than other battered women. Finally, those who kill seem more likely to have been socially isolated by their batterers.

3. Evaluate the resolution as a question of on balance **truth**, not of desirability. Offense/defense kills core aff ground on this topic because it forces the aff to prove the *desirability* of murder whereas almost all aff ground on this topic only goes so far as to prove that murder is merely permissible.**Section 1** is **Epistemology**

The value is morality as implied by the resolution. Morality is not a list of objective facts but rather a guide for action, so morality must be grounded in an epistemological basis for how one can come to know what moral rules to follow.

However, there are two dilemmas involved in deriving the truth of moral claims.

The first is the infinite regress. Deriving moral beliefs by appealing to more general beliefs devolves into an infinite regress. Alasdair **MacIntyre** explains[[3]](#footnote-3)

Yet the most influential account of moral reasoning that emerged in response to this critique of emotivism was one according to which **an agent can only justify a** particular **judgment by referring to some** universal **rule from which it may be** logically **derived, and can only justify that rule in turn by deriving it from some more general rule** or principle; **but** on this view **since every chain of reasoning must be finite, such a process of** justificatory **reasoning must always terminate with the assertion of some rule** or principle **for which no further reason can be given.** ‘. . . If the enquirer still goes on asking “But why should I live like that?” then there is no further answer to give him, because we have already, *ex hypothesi*, said everything that could be included in the further answer’ (Hare [*The Language of Morals*] 1952, p. 69).

However, coherentism, an epistemological theory which holds that a belief is justified only if, and to the extent that, it coheres well with the other things we believe, can avoid the regress.

Geoffrey **Sayre-McCord** writes[[4]](#footnote-4)

Moreover, such a coherentist can continue to hold that what positive reason we have for any belief will still always depend solely on what other beliefs a person has. This sort of **coherentism**, then, **grants the regress argument's initial assumption: that a belief can provide (positive) justification for another belief only if it is, itself (permissively) justified.** It grants as well that, to the extent an unacceptable regress threatens, it can be brought to a stop with the recognition that beliefs can be justified in either of two senses. What it denies is foundationalism's characteristic -- and defining -- claim that some beliefs (the regress stoppers) are epistemically privileged independently of the inferential/evidential relations they bear to other beliefs. It insists instead that whether a belief can serve to stop the regress, whether it counts as permissively justified or not, is fully determined by the evidential relations it bears to other beliefs, and that when it does so count it itself enjoys no positive justification, even as it is available to provide positive support for other beliefs. **The coherentist won't hold that the permissively justified beliefs that bring the regress to a stop have anything else to recommend them independently of how they relate to other beliefs; their primary role is to provide** the epistemic input -- **the initial bits of evidence** -- **one** justifiably **relies upon in seeking out views that are positively justified.**

The second dilemma is the naturalistic fallacy. Peter **Tramel** explains why it is impossible to derive an ought from an is[[5]](#footnote-5)

[Brackets in original text] Arguably, **moral** and epistemic **principles must be general**, in the sense that **[because] they cover indefinitely many particular instances** of rightness, goodness, knowledge, and so on. **Science can produce generalities**, such as natural laws, **on the basis of** generalizing from **particular observations. However**, as Immanuel Kant ([1785]: 63) pointed out, **in order to soundly generalize to moral** [or epistemic] **principles** in the scientific way, **one would have to already know which examples**, which observations or theoretical entities, **are morally relevant; and one can only know that on the basis of other general moral** [or epistemic] **principles. Thus**, if we are limited to scientific generalization from examples, then **we are** trapped, **unable to generate the general moral** [or epistemic] **principles we need in order to get started.**

However, coherentism avoids the “is”/“ought” fallacy. **Sayre-McCord-2** writes[[6]](#footnote-6)

**Coherentists**, in contrast, reject precisely this view, **maintain**ing **that whatever justification our moral beliefs enjoy is due entirely to the relations they bear to other things we believe. Those who think the gap between nonmoral and moral beliefs** (or at least between nonevaluative and evaluative beliefs) **is forever unbridgeable, maintain that** all **our moral beliefs receive what justification they have only from other moral** (or at least evaluative) **beliefs.** […Text Omitted, Full card available…] **given** just **how implausible it is to see** any of **our moral views as epistemically privileged, a great attraction of coherentism is its ability to make sense of our moral views being** (to a greater or lesser extent) **justified even in the face of the "is"/"ought" gap.**

Therefore the criterion is maximizing coherence of one’s beliefs.

I contend that lethal force is most coherent with the victim’s point of view.

**First,** victims feel as though their life is in imminent danger and that they have no other means of recourse. Gerard **Chan**[[7]](#footnote-7)writes:

**Victims of domestic abuse** generally **believe that** they are responsible for their batterer's violent behavior, and they believe **their abusers are** both capable of and **likely to kill them. They feel there is no escape** not only **because they may be found and** be **hurt more seriously if they try, but also because they** **often lack the financial resources to survive on their own. Lastly, victims will often not tell their friends and family or seek help, either because they fear** it will further enrage **their abuser, or because they are** embarrassed or **discouraged by societal and familial pressure**s to make the relationship "work."

**Second,** victims believe they are acting in self defense. **Saunders**[[8]](#footnote-8)

A controversy exists regarding the nature of violence committed by women against their intimate partners. When battered women are violent it is not known if the violence should be labeled “mutual combat,” “husband abuse,” or “self-defense.” Following a review of studies comparing the extent of husbands’ and wives’ victimization and some conceptual issues regarding self-defense, **data are presented from 52** battered **women** on their motives for using violence against their partners. **The most frequent reason for violence** reported by the women **was** for **self-defense.** Only one woman reported initiating an attack with severe violence in more than half of her violent acts. **Only eight percent** of the women reported that nonsevere violence was **used [violence] to initiate an attack more than half of the time.** The concepts of "self-defense" and “fighting back” were significantly and positively correlated, that is, many women saw them as being the same. The women’s self-reports are discussed in the context of the need to collect data on relevant explanatory variables in family violence research and the application of a feminist perspective to reduce bias in such research.

*Saunders’s study is objective. He controls for self-report bias.* ***Saunders-2****[[9]](#footnote-9)*

*An 18-item version of* ***the Marlowe-Crowne*** *Social Desirability* ***Scale*** *(Crown & Marlowe, 1964)* ***was used to detect*** *possible* ***bias from subjects’ attempts to respond in a socially desirable manner.*** *Social desirability response bias is a common source of invalidity in self-reported measures.* ***The version used here correlated*** *.95* ***[95 percent] with the original*** *33-item* ***version.*** *The scale’s concurrent validity has been shown by its correlation in expected directions with the validity scales of the Minnesota Multiphasic Personality Inventory (Crown & Marlowe, 1964).*

**Third,** most victims have already tried to use the legal system without success.

**Wimberly 07** writes[[10]](#footnote-10)

Empirical, historical, and sociological evidence should be used by experts to show that the necessity of a battered woman’s actions in self-defense is in large part created by societal pressures that demand that women stay in the home, and submit to the domination of men. For instance, an expert could demonstrate how the assumptions of the law and subsequently of law enforcement officials reflect the social norms that compel women to silently and privately cope with domestic abuse. As Caroline Forell and Donna Matthews wrote, “[T]he law is often ineffectual. For example, **in a U.S. Department of Justice study**, Marianne Zawitz estimated that nearly **90 percent of women killed by intimates had previously called the police**, and that **half of these had called five or more times**.” 78 **Professor Raeder similarly found**, “The statistics produced from myriad sources are disconcerting, even with some discounting for methodological objections. Each year nearly 1500 women are killed by their batterers. Approximately **ninety percent of women killed by husbands or boyfriends were stalked and had previously called the police.**

**Fourth**, victims don't prosecute their abusers because they fear repercussions.

Andrew Klein 2009 of the U.S. Department of Justice[[11]](#footnote-11)

A study of five jurisdictions **in three states** found that victims across all sites reported that fear of defendant retaliation was their most common barrier to participation with prosecutors. [103] Even in a Chicago study where the majority of Chicago victims wanted their abusers prosecuted, fear was the biggest factor for those who opposed prosecution. A quarter of victims opposing prosecution reported being specifically threatened by their abusers against prosecution. Others expressed fear that their abusers would become more violent. In addition to fear, almost half who wanted the prosecution to be dropped thought it wouldn't make any difference. About a third of the victims opposed prosecution because they depended on their abusers for housing. [107] In addition to fear of the abuser, an Ohio study found that more victims were actually more afraid of testifying in court than they were of the defendant or compromising their relationship with the defendant. Specifically, victims expressed fear that the prosecutors would not prepare them adequately to testify. They were also concerned that the defendant might not be found guilty.

Section 2 is Util

.

Even if neg wins that an objective moral system can be determined, that moral system would reduce to consequentialism.

First, there is no act-omission distinction.

Alan Gewirth 82 writes[[12]](#footnote-12)

To be responsible for inflicting lethal harms, a person need not intend or desire to produce such harms, either as an end or a means. It is sufficient if the harms come about as an unintended but foreseeable and controllable effect of what he does. For since he knows or has good reasons to believe what actions or policies under his control will lead to the harms in question he can control whether the harms will occur, so that it is within his power to prevent or at least lessen the probability of their occurrence by ceasing to engage in these actions. Thus, just as all persons have the right to informed control, so far as possible, over the conditions relevant to their incurring cancer and other serious harms, so the causal and moral responsibility for inflicting cancer can be attributed to persons who have informed control over other persons’ suffering the lethal harms of cancer.

Second, only util could be universally willed. Singer 2[[13]](#footnote-13)

The universal aspect of ethics, I suggest, does provide a persuasive, although not conclusive, reason for taking a broadly utilitarian position. My reason for suggesting this is as follows. In accepting that [since] ethical judgments must be made from a universal point of view, I am accepting that my own interests cannot, simply because they are my interests, count more than the interests of anyone else. Thus my very natural concern that my own interests be looked after must, when I think ethically, be extended to the interests of others. Now, imagine that I am trying to decide between two possible courses of action - perhaps whether to eat all the fruits I have collected myself, or to share them with others. Imagine, too, that I am deciding in a complete ethical vacuum, that I know nothing of any ethical considerations - I am, we might say, in a pre-ethical stage of thinking. How would I make up my mind? One thing that would be still relevant would be how the possible courses of action will affect my interests. Indeed, if we define 'interests' broadly enough, so that we count anything people desire as in their interests (unless it is incompatible with another desire or desires), then it would seem that at this pre-ethical stage, only one's own interests can be relevant to the decision. Suppose I then begin to think ethically, to the extent of recognizing that my own interests cannot count for more, simply because they are my own, than the interests of others. In place of my own interests, I now have to take into account the interests of all those affected by my decision. This requires me to weigh up all these interests and adopt the course of action most likely to maximize the interests of those affected. Thus at least at some level in my moral reasoning I must choose the course of action that has the best consequences, on balance, for all affected.

Util affirms. **First**, the universe is flat.

**NASA 10**[[14]](#footnote-14)

The WMAP spacecraft can measure the basic parameters of the Big Bang theory including the geometry of the universe. If the universe were open, the brightest microwave background fluctuations (or "spots") would be about half a degree across. **If the universe were flat, the** spots **[brightest microwave background fluctuations] would be about 1 degree across. While if the universe were closed, the brightest spots would be about 1.5 degrees across.**

**Recent measurement**s (c. 2001) by a number of ground-based and balloon-based experiments, including MAT/TOCO, Boomerang, Maxima, and DASI, have shown that the brightest spots are about 1 degree across. Thus the universe was known to be flat to within about 15% accuracy prior to the WMAP results. WMAP has [spacecraft have] confirmed this result with very high accuracy and precision. We now know that the universe is flat with only a 2% margin of error.

In a flat universe, all actions are morally neutral because there will always be an infinite amount of total happiness.

Bostrom 02[[15]](#footnote-15)

In the standard Big Bang model, assuming the simplest topology (i.e., that space is singly connected), there are three basic possibilities: the universe can be open, flat, or closed. Current data suggests a flat or open universe, although the final verdict is pending. If the universe is either open or flat, then it is spatially infinite at every point in time and the model entails that it contains an infinite number of galaxies, stars, and planets. There exists a common misconception which confuses the universe with the (finite) ‘observable universe’. But the observable part—the part that could causally affect us—would be just an infinitesimal fraction of the whole. Statements about the “mass of the universe” or the “number of protons in the universe” generally refer to the content of this observable part; see e.g. [1]. Many cosmologists [also] believe that our universe is just one in an infinite ensemble of universes (a multiverse), and this adds to the probability that the world is canonically infinite; for a popular review, see [2].” Recent cosmological evidence suggests that the world is probably infinite. Moreover, [I]f the totality of physical existence [it] is indeed infinite, in the kind of way that modern cosmology suggests it is, then it contains an infinite number of galaxies, stars, and planets. If there [is] an infinite number of planets then there is, with probability one, an infinite number of people. Infinitely many of these people are happy, infinitely many are unhappy. Likewise for other local properties that are plausible candidates for having value, pertaining to person‐states, lives, or entire societies, ecosystems, or civilizations—there are infinitely many democratic states, and infinitely many that are ruled by despots, etc.  Suppose the world contains an infinite number of people and a corresponding infinity of joys and sorrows, preference satisfactions and frustrations, instances of virtue and depravation, and other such local phenomena at least some of which have positive or negative value. More precisely, suppose that there is some finite value ε such that there exists an infinite number of local phenomena (this could be a subset of e.g. persons, experiences, characters, virtuous acts, lives, relationships, civilizations, or ecosystems) each of which has a value ≥ ε and also an infinite number of local phenomena each of which has a value ≤ (‒ ε). Call such a world canonically infinite. Ethical theories that hold that value is aggregative imply that a canonically [an] infinite world contains an infinite quantity of [both] positive value and an infinite quantity of negative value. This gives rise to a peculiar predicament. We can do only a finite amount of good or bad. Yet in cardinal arithmetic, adding or subtracting a finite quantity does not change an infinite quantity. Every possible act of ours therefore has the same net effect on the total amount of good and bad in a canonically infinite world: **[namely] none** whatsoever. Aggregative consequentialist theories threatened by infinitarian paralysis: they seem to imply that if the world is canonically infinite then it is always ethically indifferent [to] what we do.

But **second**, even if we can make util calculations, permitting deadly force maximizes utility because it reduces domestic violence in the long-term.

Professor Benjamin Zipursky 96 gives 4 warrants[[16]](#footnote-16)

A similar argument applies with regard to the possibility of more pervasive physical and psychological forms of domination. What is at stake, in this regard, is not only physical security, but, as Jane Cohen has pointed out, liberty of thought, speech, movement, and sexuality. Physical domination is an instrument for the elimination of these forms of liberty, and for the elimination of psychological independence and well-being. And one particularly important enhancement of the physical domination is the elimination of the dominated woman's access to outside help. n38 If use of deadly force in no-access situations were permitted, then it would arguably be the case that: (1) she [the victim] would increase her ability to avert death or injury in thesortof "no-access" case[s] that **does** frequently arise **in these** scenarios; (2) to the extent that her sense of lack of liberty and helplessness wer based on her actual condition, she [the victim] might experience a greater sense of liberty because, if access has truly been cut off, she will still have the right to defend herself; and (3) the assailant could no longer count on being able to rape and terrorize her by cutting off access and engaging in brutal conduct without facing the risk of defensive homicide (a risk that would presumably increase substantially if such defensive homicide were legal). Perhaps this fact would diminish the terrorizing conduct and the cutting off of access. With regard to both forms of domination I have considered, it might also be added that society might change so that access for women to alternative paths of relief were more available than it now is. [4] If the cost to society of no-access scenarios were [is] women killing men without criminal liability, the state might be more motivated to provide alternative avenues of relief. This provision of access would arguably enhance women's security.

Domestic violence outweighs death for 2 reasons.

**A.** Scope – domestic violence affects millions of women.

National Organiztion of Women 06[[17]](#footnote-17)

Murder. **Every day four women die in this country as a result of domestic violence**, the euphemism for murders and assaults by husbands and boyfriends. **That’s**  approximately **1,400** women **a year,** according to the FBI. The number of women who have been murdered by their intimate partners is greater than the number of soldiers killed in the Vietnam War Battering. Although only 572,000 reports of assault by intimates are reported to federal officials each year, the most conservative estimates indicate **two to four million women** of all races and classes **are battered each year. At least 170,000** of those violent incidents **are serious enough to require hospitalization,** emergency room care or a doctor’s attention.

**B.** Reducing violence also reduces death in the long-term by reducing both the death of thousands of women from domestic violence and reducing the need to kill as a response.

Alternatives Fail.

Abusers recidivate even after being arrested. Only lethal force can solve domestic violence long-term.

Andrew Klein 2009 of the U.S. Department of Justice[[18]](#footnote-18)

Reabuse has found to be substantially higher in longer term studies. A Massachusetts study tracked 350 male[s] abusers arrested for abusing their female intimate partners over a decade, 1995 to 2005. The study found that 60 percent were rearrested for a new domestic assault or had a protective order taken out against them, even though some went three to four years between arrests. [138, 224] An equivalently high rearrest rate for domestic violence was also documented in Colorado between 1994 and 2005. During that time, of 84[thousand],431 defendants arrested for domestic violence, according to the state bureau of investigation, more than 50,000 (nearly 60 percent) were arrested for domestic violence charges more than once. In other words, the domestic violence rearrest rate was almost 60 percent for arrested abusers over an average of five years.

Relevancy standards prohibit women from talking about past events, meaning that patterns of domestic violence are not explained.

Deborah **Weissman 2001** of UNC Law School[[19]](#footnote-19)

The power of bias may also insinuate itself in the invocation of neutral rules which are implemented according to values and assumptions of the judge, but which are often injurious to battered women. Legal procedures that appear objective and neutral are neither, when the biases harbored by a judge are infused in their application. Judges who do not understand that abusive behavior is a dynamic with connected and controlling characteristics, and not isolated instances of assault, may apply **the evidentiary requirement of relevancy** in a fashion that **precludes women from testifying about their history of assaults. Judges** thereby focus on an incident of alleged physical harm and **limit testimony** and evidence **to a specific event** or to incidents which are closely related chronologically. This is particularly problematic if the most recent episode, prompting the request for relief, is not the worst episode a woman has endured. Thus, if a woman waits to seek relief until a subsequent assault--one that does not produce injuries or does not rise to a sufficient level of outrage in the judge's perspective--she may be denied that relief because she is precluded from testifying about a prior, more violent course of conduct she has experienced.

The result is a fragmentation of testimony which distorts stories in ways that negate the experiences of battered women and deny a more complete understanding of gender-based violence. **Without evidence documenting the history of violence** and the connections between emotional abuse, threats, and physical harm, **patterns of domestic violence rarely will be discernible**. Furthermore, important connections between battered women themselves remain obscured, impeding the recognition of domestic violence as a public problem with larger social implications, and confining it to individual idiosyncrasies without larger meaning.

Finally, in imminent high-risk situations, even a utilitarian would allow non-maximizing choices to be permitted because forcing an agent to do a util calculation in the case of imminent danger would paralyze action, making her too indecisive to act effectively.

Next – Preempts

1. Accept the aff interpretation as long as it is reasonable because the negative can adapt in the next speech, whereas I would have to start over entirely in the 1AR.

This also sets the brightline for whether an interpretation is reasonable. The abusiveness of the interpretation must outweigh the structural disadvantage of forcing a 1AR restart for it to be unreasonable.

2. RVIs are uniquely justified for the aff because

(a) the massive time-skew of the LD 1AR makes it impractical to fully cover theory and still have a fair chance at substance; and

(b) no risk theory would exacerbate neg bias by giving him a free source of no risk offense that comes prior to all AC offense.

3. I’m willing to clarify or alter my advocacy in cross-x. Don’t vote on theory absent cross-x clarification because it only encourages unnecessary theory.

4. Presume aff because of time skew and because we assume actions are permissible until proven otherwise because it is the less restrictive option.

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