**Perry the Platypus AC**

I affirm. Deadly force tends to kill rather than always kill – for example a disease, that kills 30% of victims is deadly even though 70% survive. From a social interaction viewpoint, repeated domestic violence is best understood as a “slow homicidal process” that escalates in severity over time. **Ogle and Jacobs[[1]](#footnote-1)** clarify:

This new theoretical framework posits that battering is initially a form of discrimination where the batterer seeks to control the victim and make retaliation or escape too costly. However, **over time [domestic violence]** this effort **moves from moderate control**, using threats and minor violence and then contrition, **to a need for** complete and **absolute control** of the relationship and the victim. Such complete control is unlikely to be accomplished with threats, intimidation, and contrition when the victim no longer believes in those. At that point, the battering cycle changes from three phases to two phases; **tension building becomes shorter and acute violence more frequent and intense.** The victim will recognize this change and begin to utilize her personal coping resources to end the increasing violence. The batterer will interpret these efforts by the victim as a loss of complete control and will again increase the violence to make his point and regain control. We should also see efforts by the batterer to block coping resources of the victim so that they cannot threaten his control again. // **Eventually, the victim will realize she needs** outside **assistance** in order to end the violence **and** protect herself. She **will** then **contact** social **helping resources** (e.g., police, shelter, crisis center, counselor, doctor, etc.) to obtain assistance for ending the violence. This involvement of outside resources increases the risk for the victim because it increases the risk to the batterer. The chances of being identified and sanctioned for the battering have increased. If those social helping resources fail to completely and successfully end the violence, the victim faces increased violence and isolation. **The batterer will interpret these efforts** by the victim **as a**n even greater **risk to his complete control, prompting an even more aggressive response to shut off access** to those social helping resources and to regain control of the victim and the relationship. **This represents an escalation process where the victim becomes increasingly isolated** in the escalating violence and the batterer more powerful **each time an effort** is made **to end the battering** and **fails.** // This perspective represents an interaction process whereby the victim’s efforts to obtain assistance to end the violence result in an escalation of the violence by the batterer and efforts to block coping mechanisms so that they do not threaten his control again. In this escalation process, there are no nonconfrontational periods for the victim. There is no return to normal relations; threats, intimidation, and violence become the primary method of control and the primary characteristic of interaction in the relationship. The victim lives in constant fear with high negative affect, high arousal, simply waiting for the next explosion of violence. **The victim would reasonably** come to **view her situation as constantly lethal**. Consequently, the choice of **[so] lethal self-defense anywhere in this cycle could be** interpreted as **legally justified.**

Prefer a social interaction model of domestic violence because it’s the only interpretation that takes into account the entirety of a battering relationship. Other theories wrongly focus only on the final provocation that leads to homicidal self-defense, but only by considering the *ongoing* cycle of abuse can I demonstrate some form of moral equivalence between battery and deadly force – obviously one instance of battery does not warrant killing in response. Thus, this interp is key to aff ground. It’s also most germane to the resolution’s text because it takes into account the “repeated” modifier on “domestic violence.” Prefer aff interps because I have to speak in the dark, but the neg has the ability to adapt to my advocacy.

I value **morality**. Matthew **Hanser[[2]](#footnote-2)** defines moral permissibility:

As a preliminary formulation, we might say that according to the inferential account, an agent acts permissibly if and only if the practical inference embodied by his action is a good one—if and only if, that is, the premises of that inference justify, or provide adequate grounds for, the acceptance of its conclusion. But this cannot be quite right as an account of moral permissibility. An agent who has insufficient reason for doing what he does need not on that account be acting morally impermissibly. So let us say that **an agent acts morally permissibly if** and only if **his action embodies a practical inference whose premises’ justifying force, if any, is not successfully undermined** or defeated **by any moral considerations.** Let us call such practical inferences “permissible.” An agent acts permissibly, then, if and only if his action embodies a permissible practical inference. (For the sake of simplicity I shall sometimes, in what follows, revert to the preliminary formulation of the view, omitting the qualification about moral considerations.)

Thus, in the absence of a moral prohibition on the use of deadly force, you affirm. This also establishes why presumption goes aff – if no moral considerations can be made in relation to an action, then that action is de facto morally permissible. Also, presume aff because I have to overcome structural skews.

The resolution posits a practical choice between two alternatives – using deadly force or not doing so – and demands that an agent resolve conflicting reasons that count in favor of each course of action. In such cases of normative uncertainty, agents should defer to whichever ethical rule produces the maximum expected value. Andrew **Sepielli[[3]](#footnote-3)** writes:

**You and I are imperfect beings.** One consequence of this is that **we must make our decisions under** uncertainty. There are two types of uncertainty with which we must contend. One is *non-normative uncertainty* – uncertainty about matters of non-normative fact. Non-normative facts may include everything from the age of the universe to the GDP of Burkina Faso to the health effects of drinking four gallons of Mountain Dew in one night. The other is ***normative uncertainty*** – uncertainty **about the reasons** those **[empirical] facts give us [to act].** Someone might, for example, be uncertain about whether the reasons to have an abortion outweigh the reasons not to have one, even she were certain about how the fetus develops, the kind of life a child born to her would lead, and so on. Similarly, someone may be uncertain whether the reasons to support a tax increase outweigh the reasons to oppose it, even if she is sure about the economic and social effects of the increase. // A good deal has been written on the issue of what we should do when we’re non-normatively uncertain. To get a feel for the perceived importance of this issue, consider that nearly every major ethical theory has been pilloried somewhere or other for failing to offer guidance to non-normatively uncertain agents. By contrast, almost nothing has been written on the issue of what we should do when we’re normatively uncertain. This is both unfortunate and surprising, as normative uncertainty seems so clearly to pervade the life of the reflective person. In this paper, I’ll take some small steps towards rectifying this neglect. I will suggest that the right thing to do under normative uncertainty is given by what I’ll call a “comparativist” principle of rationality. The bad news is that the application of comparativist principles is impossible without first solving a problem that I call the Problem of Value Difference Comparisons. I spend the majority of the paper defending a solution to this problem and answering objections to this solution. // *Part I: The Phenomenon of Normative Uncertainty.* **An agent is normatively uncertain [when]** just in case a) **her degrees of belief** (or “credences”, or “subjective probabilities”) **are divided between** at least two **mutually exclusive normative propositions**, and b) this division in her degrees of belief is not entirely due to non-normative uncertainty. Consider a Commander-in-Chief deciding whether to go to war. If he has some credence in the proposition going to war is better than not going to war and some credence in the proposition not going to war is better than going to war, and this is not fully explained by his uncertainty regarding the non-normative facts, then the Commander-in-Chief is normatively uncertain. // There are many different kinds of normative proposition. The ones I want to focus on are what I **call[ed] “practical comparatives”.** A practical comparative is a proposition of one of these forms: Action A is better than Action B; Action A is worse than Action B; Action A is equal to Action B. These propositions are practical in that they are about what we ought to do, rather than what ought to be, or how we ought to be. They are comparative in that they’re about how actions compare to each other, rather than how they fare absolutely. // Other treatments of normative uncertainty have focused on uncertainty among normative theories, rather than uncertainty among practical comparatives. Normative theories include such ethical theories as utilitarianism, deontology, virtue ethics, and all the rest, as well as theories about prudence, legality, and so on. My main reason for **focusing on practical comparatives** rather than on theories is that, while almost everyone has beliefs about the former – which, again, are simply beliefs about which actions are better or worse than which other actions – **[is necessary because] very few people think in terms of comprehensive [ethical] theories like utilitarianism.** Even those who do have beliefs about theories may have many beliefs about practical comparatives that are entirely independent of the deliverances of any of their theories. Insofar as our goal is to offer an account of what actual people should do under normative uncertainty, it’d be better to shift the focus away from beliefs that constitute such a small part of most people’s normative thinking. // That said, I do think uncertainty regarding normative theories is an important topic, so at the end of the paper, I’ll explain how basic features of my approach to uncertainty about comparatives can be cross-applied to uncertainty about theories. // *Part II: Responses to Normative Uncertainty.* One way of putting our animating question is: which action should I perform when I’m normatively uncertain? But this is ambiguous, for there are many senses of “should”. It’s important to distinguish between what I’ll call the “‘should’ of rationality” and the “‘should’ of reasons”. What one should (in the former sense) do depends only on one’s own mental states. The extra-mental world plays no role in determining what it’s rational to do, other than, of course, the role it plays in causing us to have the mental states we do. What one should (in the latter sense) do may depend on features of the world other than one’s own mental states. The right answer to the question above, if we take the “should” as the “should” of reasons, seems clearly to be “whichever action(s) one actually has sufficient reason to do”. But as I shall argue, this is not the right way to answer the question, if “should” is understood as the “should” of rationality. And this is the sense of “should” with which I’ll concern myself. // We must also make a further distinction – between what it’s globally rational to do, and what it’s locally rational to do. What it’s globally rational for an agent to do depends on all of that agent’s mental states; what it’s locally rational for an agent to do depends on only some subset of that agent’s mental states. But while it makes sense to say what it’s globally rational, simpliciter, for an agent to do, it doesn’t make sense to say what it’s locally rational, simpliciter, for an agent to do. We first have to specify which subset of the agent’s mental states we’re talking about. So evaluations of local rationality will always be evaluations of what it’s locally rational to do given this or that subset of an agent’s mental states. // I’ll ask what it’s locally rational to do, given a subset of the agent’s total mental states that includes her practical comparative beliefs, plus whichever of her other mental states it is rational to hold along with those practical comparative beliefs. The actions that will be rational in this sense may not be rational in the global sense. It may be locally rational, given an agent’s practical comparatives, for him to perform some action even though it is irrational, given his other mental states, for him to have those practical comparatives in the first place. Maybe he believes that the evidence doesn’t support them. Maybe he’s a nihilist about value who hasn’t quite connected the dots. In that sort of case, it’s plausible that some other action may be the globally rational one. // So again, the cleaned-up version of our question is: Which action is it locally rational to perform, given your practical comparative beliefs plus whatever mental states it is rational to hold along with those practical comparative beliefs? // Perhaps the most natural answer is: Act in accordance with the practical comparative in which you have the highest credence. That is, if your degree of belief is highest that Action A is better than Action B, then you should do A rather than B. We should be leery of this answer, though, because some similar courses of action under non-normative uncertainty seem so clearly mistaken. **Suppose that I am deciding whether to drink a cup of coffee. I have a** degree of **belief of .2 that the coffee is** mixed with a deadly **poison, and a** degree of **belief of .8 that it’s** perfectly **safe.** If I act on the hypothesis in which I have the highest credence, I will drink the coffee. But this seems like a bad call. **[But] A good chance of coffee isn’t worth such a significant risk of death** - at least, not if I’ve got commonsense beliefs regarding the values of coffee and death. // Similarly, suppose I am deciding between actions A and B. There’s some chance that A is better than B, and an ever so slightly greater chance that B is better than A. I also believe that, if A is better than B, then A is saintly and B is abominable; but if B is better than A, then B is slightly nasty and A is merely okay. Despite the fact that my credence is higher that B is better than A, it still seems like I ought to do A instead, since A’s “normative upside” is so much higher than B’s, and its “normative downside” not nearly as low. // Here, then, is a more promising answer: **[Thus,] I should perform the action with the highest expected value. We get the expected value of an action by multiplying the subjective probability that some practical comparative is true by the value of that action if it is true**, doing the same for all of the other practical comparatives, and adding up the results. This strategy is sensitive not only to my credences in the various normative propositions, but also to the sizes of the upsides and downsides of actions to which the “highest credence” strategy was insensitive.

Maximizing expected value therefore constructs a moral imperative to choose actions that maximize good consequences. But, ordinary people don’t deliberate in relation to ethical theories like utilitarianism. A rule-based structure resolves normative uncertainty by allowing individuals to abdicate the responsibility of moral judgment to a system based on internalized rules. This generates a system of rule-utilitarianism. John **Rawls[[4]](#footnote-4)** clarifies:

The other conception of rules I will call the practice conception. On this view rules are pictured as defining a practice. Practices are set up for various reasons, but one of them is that in many areas of conduct each person’s **deciding what to do on utilitarian grounds case by case leads to confusion, and** that **the attempt to coordinate behavior by trying to foresee how others will act is bound to fail. As an alternative** one realizes that **what is required is the establishment of a practice**, the specification of a new form of activity; and from this one sees that a practice necessarily **[which] involves the abdication of full liberty to act on utilitarian** and prudential **grounds.** It is the mark of a practice that being taught how to engage in it involves being instructed in the rules which define it, and that appeal is made to those rules to correct the behavior of those engaged in it. Those engaged in a practice recognize the rules as defining it. The rules cannot be taken as simply describing how those engaged in the practice in fact behave: it is not simply that they act as if they were obeying the rules. Thus it is essential to the notion of a practice that the rules are publicly known and understood as definitive; and it is essential also that the rules of a practice can be taught and can be acted upon to yield a coherent practice. On this conception, then, **rules are not generalizations from the decisions of individuals applying the utilitarian principle directly** and independently to recurrent particular cases. **On the contrary, rules define a practice and are themselves the subject of the utilitarian principle.**

Hence, we ought to act on those rules which are expected to produce the maximum utilitarian benefit. This is distinct from deciding case-by-case how to maximize utility. Brad **Hooker[[5]](#footnote-5)** clarifies rule-utilitarianism:

**An act is wrong if** and only if **it is forbidden by the code of rules whose internalization by the overwhelming majority of everyone** everywhere in each new generation **has maximum expected value in terms of well-being (with some priority for the worst off).** The calculation of a code’s **expected value includes all costs of getting the code internalized.** If in terms of expected value two or more codes are better than the rest but equal to one another, the one closest to conventional morality determines what acts are wrong.

Thus, the criterion is **rule-utilitarianism**. This means that if everybody’s feeling free to perform a certain action would bring about good consequences, acting by that rule is morally permissible. Prefer this standard also because a necessary test of any moral theory is that it coheres with our moral convictions. **Hooker 2:**

**We should evaluate rival moral theories in terms of their ability to cohere with the convictions in which we have the most confidence** after due reflection. How a moral view would look from the perspective of evaluative beliefs in which we have little or no confidence could not matter as much to us as whether the moral view is consistent with the moral beliefs in which we have the most confidence after due reflection. As Frank Jackson writes, ‘[W]e must start from somewhere in current folk morality, otherwise we start from somewhere unintuitive, and that can hardly be a good place to start.’ // If we are to start somewhere intuitive as opposed to unintuitive, **we** shall have to **start with beliefs that come with independent credibility,** by which I mean beliefs **that seem correct even before we consider how they fit with our other beliefs.** W. D. Ross focused on what he called self-evident propositions. A self-evident proposition is ‘evident without any need of proof, or of evidence beyond itself’. In Ross’s terminology, it is part of the definition of self-evidence that self-evident propositions must be true, though we could be mistaken about which propositions have self-evidence. I believe clarity is served by talking instead in terms of independent credibility. Like a self-evident proposition, an independently credible one is ‘evident without any need of proof, or of evidence beyond itself ‘. Unlike a self-evident proposition, an independently credible one might turn out to be mistaken. // A belief can seem correct to us independently of how (or whether) it fits with our other beliefs, and yet this belief may not be compelling on first look. We may have to think very carefully before we start thinking that a belief is independently credible. Furthermore, independently credible beliefs need not be certain, or beyond all challenge or revision. // **Of course, moral beliefs can draw support from** their **relation to other** moral **beliefs. For example, if two** different moral **beliefs are each** non-inferentially **credible, and one explains the other, this adds to the credibility of both** these beliefs. For example, one initially credible belief is that behaving in some way is wrong if the consequences would be bad if everyone felt free to behave in that way. Another is that being a ‘free rider’ on the sacrifices (or contributions or restraint) of others is wrong. The first belief seems to explain the second, and this lends further credibility to each of these beliefs. // In short, we search for a coherent set of moral beliefs and are willing to make many revisions so as to reach coherence. But we should start[ing] with moral beliefs that are attractive in their own right, that is, independently of how they mesh with our other moral beliefs. // While coherence is a good thing, and can supply some justification for beliefs, doesn’t coherence have its limits? Consider, for example, the following passage from Jonathan Dancy: “We might try . . . distinguishing between two sorts of security that beliefs can have, antecedent and subsequent. Antecedent security is security which a belief brings with it, which it has prior to any consideration of how well it fits with others or of the coherence of the set [of beliefs]. We could hold that sensory beliefs have a degree of antecedent security in being prima facie reliable or justified; there will be greater degrees of antecedent security up to infallibility. Subsequent security is security which a belief acquires as a result of its contribution to the coherence of the set. All justified beliefs, on a coherence account, have a degree of subsequent security.” // But is the coherence theory correct that a necessary condition of a belief’s being justified is that it contributes to the coherence of the agent’s overall set of beliefs? Apparently not, since a belief can persistently seem justified even though it conflicts painfully with our other beliefs. Likewise, coherence does not seem to be a sufficient condition for full justification. In any event, coherence is certainly not a sufficient condition for truth. Admittedly, coherentism is a resourceful approach. Furthermore, **non-coherentist approaches run into the problem that anything we can recognize as an improvement in our present beliefs must find something in our present beliefs to recommend it.** Nevertheless, a great deal of **[However,] moral theorizing** rightly **consists in the attempt to find principles consistent with certain firm convictions**, the ones that seem credible **even before we consider what could support them** or what they entail.

Moral norms must be intuitively justified because as moral agents, we only consider ourselves bound by those principles that hold intuitive weight. The only ethical theory that meets the entirety of our moral convictions is rule-utilitarianism, as it’s fundamentally impartial but still allows for preference towards those we care about. **Hooker 3** continues:

Does rule-consequentialism accord with the convictions we share about moral permissibility and requirement? **Rule-consequentialism selects rules on the basis of expected value, impartially calculated.** Thus the theory is clearly impartial at the level of rule selection. As I shall argue later, the impartial assessment of rules **[But this] will favour rules that** (a) **allow partiality**, within limits, **towards self and** (b) require partiality, within limits, towards **family**, friends, etc. **This partiality** towards self and loved ones **will** then be allowed to **guide** a great number of people’s **day to day decisions** (not all, of course). **Therefore, while rule-consequentialism is purely impartial at the foundational level** where a code is selected, **the code thus selected makes demands on action that are** moderate and **intuitively plausible.** Rule-consequentialism is fundamentally impartial, but not implausibly demanding. // Rule-consequentialism **[It] also accords with common moral beliefs** about what we are prohibited from doing to others. As I observed, most of us believe **morality prohibits** physically **attacking innocent people,** taking or harming the possessions of others, **breaking our promises,** telling lies, **and so on. Rule-consequentialism endorses prohibitions** on these kinds of act, since on the whole **the consequences**, considered impartially, **will be far better if such prohibitions are widely accepted.** (In Chapter 6, I argue that rule-consequentialism’s implications concerning prohibitions and special duties are plausible.)

Thus, rule-utilitarianism retains the valuable aspects of deontology by demanding protections of individuals’ moral worth, except in extreme circumstances where overriding societal interests outweigh.

Before we get to the contentions, I want to clarify what the AC’s advocacy is. I defend a world in which individuals have internalized a moral rule permitting the use of deadly force, and will argue that this world has overall better consequences than one in which a converse rule is internalized. Within the affirmative world, moral permissibility would logically entail legal permissibility – **first**, law is simply the manifestation of society’s moral beliefs. Mary **Wimberly[[6]](#footnote-6)** writes:

The **criminal justice** system **is an articulation of the basic moral code of our society.** In the words of Justice White, the law is “constantly based on notions of morality. . . .” As such, **the conduct that we punish and the conduct that we excuse is an expression of our moral understanding of right and wrong. The morals that guide the criminal law also give the law a normative function.** As Professor Paul H. Robinson has argued, **the criminal justice system relies on normative pressures** to control crime. He explained that the “‘normative’ crime control mechanism . . . works through unofficial avenues **to bring the potential offender to see the prohibited conduct as unattractive because it is inconsistent with the norms of family or friends and, even better, with the person’s own internalized sense of what is acceptable**.” Robinson recognizes that the moralistic and normative aspects of the law are intertwined, in that “**[e]ffective normative crime control requires a criminal law that has moral credibility within the community it governs.**” This moralistic-normative theory of the law explains “[p]eople come to hold the moral standards of the cultures in which they are raised; **internal moral standards and external norms generally label the same actions as right or as wrong**.” Thus, the combination of internal morals and external norms shape and give substance to our laws.

(S)he’s going to make the argument that laws like the Nuremburg Laws aren’t always moral, but that’s non-responsive because my position is simply that law *should* be brought in line with morality. **Second**, any other interpretation forces me to defend the legal status quo, when that is simply not what the topic literature understands to be a world in which deadly force is morally permissible. Equal access to topic literature ensures both sides can make arguments that appeal to judges’ preference of cards to analytics.

Now, on to the contentions. **Contention 1**: Currently, domestic violence occurs because of archaic social norms and a misguided belief in the separation between public and private life. These attitudes are reflected in the legal system’s failure to meaningfully enforce laws banning domestic violence. Gena **Durham[[7]](#footnote-7)** writes:

However, **even though people** can **agree** in the abstract **that domestic violence is a very bad thing, society has held certain attitudes** about the crime, and about the victims, **that have made** previous **responses to the crime ineffective** at best **and inflammatory** at worst. Without knowing the details of a crime, a person can look at a picture of a badly battered victim and say “that poor woman,” imputing, as we do, innocence to the victim and absolute evil to the criminal actor. However, often **the closer we get to a true story of what happened, the more willing we are to accept the defendant’s claims of** mutual combat or **provocation by the victim. This tendency to impute some complicity by the victim** in her own abuse **reflects** some of the **pernicious** underlying **societal attitudes** regarding domestic violence. // S**[s]temming from a time when women were considered chattel and spousal abuse was an acceptable way for a husband to keep his wife in line**, the following attitudes persist, to differing degrees, throughout our society: (1) Domestic disputes are private matters that do not concern the public—the state has no business getting involved (implying that domestic violence is not truly a criminal act). (2) Even if domestic violence can be considered a criminal act, this particular victim has implicitly consented to any domestic behavior short of homicide. (3) Even if domestic violence can be considered a criminal act, this particular victim must have contributed to the problem, by somehow provoking the attack. (4) Even if domestic violence is a criminal act, it is not as serious as crimes by strangers. And (5) even if domestic violence is a horrible crime, some women will claim abuse that never happened in order to “use the system” against their husbands or boyfriends for revenge. // **These attitudes**, which tend to be interdependent, **have caused domestic violence to be treated as** something of **a noncrime** in the past. **Even where laws prohibited** spousal **abuse,** law enforcement officials (including prosecutors) had such a difficult time distinguishing in their own minds between private behavior and public crime that the laws went largely unenforced. Police officers were trained to respond to domestic violence calls by mediating the dispute, perhaps by separating the parties briefly to let the parties cool off. They were trained to arrest only in the most extreme cases, usually those involving serious physical trauma. When the police did make arrests, prosecutors would frequently drop domestic violence cases, sometimes because of their own ambivalence about domestic violence and sometimes because of their acknowledgment that juries, which reflect society’s attitudes about domestic violence, might be reluctant to convict. // The problem with this **failure to *enforce* the law** is **[means] that the prohibition becomes meaningless and the abusers get** some sense of **validation for their behavior.** Part of the purpose of identifying crimes is to communicate to everyone that society does not condone a particular behavior, but this stigmatizing function is undercut when the law is not enforced. **Consequently,** the attitudes about the crime persist, and **the crime** itself **continues to flourish unchecked.**

A world in which it’s morally and legally permissible to use deadly force increases victim’s security against abuse and provokes a societal response to domestic violence. Benjamin **Zipursky[[8]](#footnote-8)** writes:

Assessing “relations of domination” in all three of these senses is necessary for resolving the issue Fletcher’s paper presents: whether a rational person would reserve the right to use force in objective no-access situations. Let us begin with pure physical domination through beating, raping, stabbing, shooting, burning, and numerous other forms of inflicting physical injury. Defense lawyers in the field, and those who work in shelters for women victimized by domestic violence, undoubtedly recognize this absolutely straightforward sense of domination to be extremely forceful and daunting, whatever one might ultimately add with regard to domination in the second and third senses. These episodes often do end in the man’s murder of the woman. And when they do not end in murder, they often end in grievous bodily harm, hospitalization, broken bones, and severe beatings. A woman’s home is a common place for her to be seriously injured or killed, and her husband or partner is a common assailant. Arguably, **a woman’s security against** such **injuries is enhanced if she is permitted to use force** to prevent them from happening in a wide range of cases: **first, because** in a certain number of occasions, **she may** actually use the force and **avert loss of life or** grievous **injury, and second, because** even if the force is not used, **well-informed assailants will no longer [think]** be able to rely on the likelihood that **their law-abiding** wives or **partners will feel compelled to refrain from using deadly force.** // 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. If use of deadly force in no-access situations were permitted, then it would arguably be the case that: (1) she would increase her ability to avert death or injury in the sort of “no-access” case that does frequently arise in these scenarios; (2) to the extent that her sense of lack of liberty and helplessness were based on her actual condition, she 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 [legal] 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. **If the cost to society of no-access scenarios were** 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. // Finally, some feminists have argued that the forms of psychological and physical domination described above are both pervasive and fundamental, and that they form a backdrop for the power relations between men and women in society more generally; this backdrop permits the dominance of men over women to be replicated in many fora that do not involve obvious physical or sexual abuse, but nevertheless incorporate a form of female subordination. Bluntly, an argument might be phrased as follows: where women depend on domestic relationships with men and such relationships are fraught with domination, **women in every forum are expected to be**, and in some sense are, **at the mercy of men. If women are permitted to defend themselves** in such relationships, dominance in that forum may be diminished, **and that may affect more generally the degree to which women feel themselves at the mercy of men** (and men feel that women are at their mercy).

By bringing domestic violence out of the private domain and making deadly force as a response costly to society, the aff motivates the government to provide relief to victims of abuse. Additionally, spillover from domestic violence cases motivates broader social change outside domestic relationships, tearing down the stereotypes of women as weaker than men that contribute to domestic violence in the first place.

**Contention 2**: The “internalization costs” of the resolution’s converse make it a net negative to internalize an absolute prohibition on deadly force. **Hooker 4**[[9]](#footnote-9)clarifies the link to the standard:

An even broader perspective would take into consideration not only the consequences of compliance plus the consequences of acceptance that do not come from compliance but also the **“transition” costs [are the costs] of getting rules deeply embedded** in people’s characters **so that people** are very strongly motivated to **comply** with the rules and to judge others by them. **Suppose the benefits of** people’s **accepting** and complying with a certain **rule R** would greatly **outweigh the costs** of their accepting and complying with it. **Nevertheless, the costs incurred during the period of getting people to accept R may outweigh whatever** eventual **benefits result** from their coming to accept R.

Thus, if internalizing a rule forbidding deadly force is inconsistent with our present mental states, then it should not become a moral rule. However, our instinctive reaction to physical threats means that there can never be a rule forbidding self-defense, because people wouldn’t follow it anyway. Whitley **Kaufman[[10]](#footnote-10)** writes:

The most intuitive theory of self-defense holds that **self-defense is grounded in a powerful** and inescapable human urge or **instinct**, that **of protecting one’s life.** Morality could no more eradicate this instinct than it could the sexual instinct but can attempt at best only to control it. Thus, **even if society wanted to prohibit self-defense, any such law would be in practice unenforceable**; no reasonable person (except perhaps a martyr or saint) could be required to allow himself to be killed by an attacker rather than resist. **Even the strictest of penalties would be insufficient** to enforce such a law, at least **where one’s life was at stake.** As the history of English law demonstrates, the punishment of those who exercise their right to self-defense is not workable in the long run. On this account, the overwhelming power of the natural instinct of self-preservation is a reason to accept it as morally legitimate, if not exactly morally praiseworthy. // **The most famous philosophical exponent of the natural instinct theory** of self-defense **is** Thomas **Hobbes**, who makes the instinct of self-preservation the cornerstone of his theory of the origin of civil society. For Hobbes: “[E]very man is desirous of what is good for him, and shuns what is evill, but chiefly the chiefest of naturall evils, which is Death; and this he doth, by a certain impulsion of nature, no lesse than that whereby a Stone moves downward: It is therefore neither absurd, nor reprehensible; neither against the dictates of true reason for a man to use all his endeavours to preserve and defend his Body, and the Members thereof from death and sorrowes; but that which is not contrary to right reason, that all men account to be done justly, and with right; Neither by the word Right is anything else signified, then that liberty which every man hath to make use of his naturall faculties according to right reason: Therefore the first foundation of naturall Right is this, That every man as much as in him lies endeavor to protect his life and members.” **For Hobbes, the right of self-protection entails that one may use all necessary means:** “**But because it is in vaine for a man to have a Right to the end, if the right to the necessary meanes be deny’d him; it followes, that since every man hath a Right to preserve himself, he must also be allowed a Right to use all the means**, and do all the actions, **without which He cannot Preserve himself**” (ibid. at I.viii). Moreover, Hobbes says, it would be futile to try to limit this right; where a man is threatened with death or bodily harm, “we cannot expect but he will provide for himself either by flight, or fight” since “no man is tyed to impossibilities” (ibid. at II.xviii). Thus, for Hobbes, acts taken in one’s own preservation are to be excused: “If a man by terrour of present death, be compelled to doe a fact against the Law, he is totally Excused; because no Law can oblige a man to abandon his own preservation” (ibid.). // **The natural instinct theory [is]** persists today, **reinforced by the rise of Darwinian** accounts of human nature grounded in the **instinct to survival** and reproduction. The right of self-defense is “rooted in the instinct of survival,” declares George Fletcher. Steven Pinker also suggests that the legal rationale for excusing killing in self-defense has a Darwinian foundation: “The common law recognizes three circumstances that reduce murder to manslaughter: self-defense, the defense of close relatives, and sexual contact with the man’s wife,” and observes that these are the “three main threats to Darwinian fitness.” This theory might also seem to explain the puzzle we identified at the beginning of this book – why it is that the right of self-defense is so universally accepted but so lacking in any articulable justification. The answer might just be this: **self-defense is** an instinctive reaction, **not a calculated decision governed by reason** or morality. We have an ineradicable survival instinct, and beyond that not much more can be said. In this view, self-defense is a mere “involuntary response,” as George Fletcher characterizes it, and it is not a matter for moral justification or legal deliberation at all, any more than breathing or eating is. **It is a given of human nature, which law and morality may restrict around the edges, but which is fundamentally derived from nature, not culture.** We cannot and need not in this view provide a further moral or legal justification for self-defense.

Given that our instincts cause us to react, and exist on a level above rational moral cognition, our intuitive presumption should be towards a moral rule permitting self-defense, because any other moral rule would not be followed and therefore have no utilitarian benefit. Thus, even if there are positive advantages to the negative world, the costs of changing people’s instincts outweigh the benefits of approaching that world.

Finally, death isn’t a quantifiable harm under a utilitarian calculus because we can’t accurately evaluate its magnitude. Humans have no knowledge of the infinite because it cannot be experienced. **Epicurus[[11]](#footnote-11)** writes:

Get used to believing that **death is nothing to us.** For **all good and bad consists in sense-experience, and death is the privation of sense-experience.** Hence, a correct knowledge of the fact that death is nothing to us makes the mortality of life a matter for contentment, not by adding a limitless time but by removing the longing for immortality For there is nothing fearful in life for one who has grasped that there is nothing fearful in the absence of life. **Thus, he is a fool who says that he fears death not because it will be painful when present but because it is painful when it is still to come. For that which while present causes no distress causes unnecessary pain when merely anticipated. So death, the most frightening of bad things, is nothing to us; since when we exist, death is not yet present, and when death is present, then we do not exist.** Therefore, it is relevant neither to the living nor to the dead, since it does not affect the former, and the latter do not exist. But the many sometimes flee death as the greatest of bad things. And sometimes choose it as a relief from the bad things in life. But the wise man neither rejects life nor fears death. For living does not offend him, nor does he believe not living to be something bad.

Thus, prefer impacts that can actually be conceptualized and understood. Even if death still is some form of moral harm, it’s nonunique because (a) death is only bad because it is the denial of agency, but domestic violence results in an equal denial of a victim’s agency, and (b) my interpretation establishes that repeated domestic violence is equivalent to slow homicide. Because everybody’s internalizing the resolution as a moral rule is a good thing, I affirm.

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