### Fw util

#### 1. pleasure and pain intrinsic

#### [2] Actor specificity – state actors can only use util – outweighs since different actors have different obligations.

#### a. Aggregation – all policies benefit some and hurts others – only util can resolve these cuz it gives a clear weighing mechanism

#### b. Collectivism – States are composed of many actors who inevitably disagree about intent means they can only use consequentialism because they don’t have to agree

#### c. Bureaucrats aren’t philosophers – policymakers do not have experience with dense frameworks so they don’t understand how to apply them to specific instances but they do understand that pain is bad and pleasure is good because it’s intrinsic to existing.

#### [3] Extinction first –

#### a. Wager – if there is any chance of goodness existing, we ought to preserve our existence to maximize it.

#### b. Sequencing – if their framework is true, people dying is bad because it means those people can’t use their framework

#### c. Repugnance – if their framework cannot explain why people dying is bad – you should reject it because it cannot disavow of atrocities. You shouldn’t vote for a framework that can’t say the holocaust was a bad thing.

#### d. Performativity – us having a moral debate proves moral uncertainty because it means we are not certain about which framework is true - means we should preserve our ability to find the true framework

#### [4] TJFs

#### Weighability – only util allows for equal weighing and more accessible weighing, novices are taught magnitude and probability not perfect vs imperfect duties.

#### Resolvability – only util allows for easy resolution between two equal arguments – a DA and an advantage can be weighed but two equal Kant offense can’t be weighed.

#### Topic Literature – authors assume pain and pleasure because it’s the most intuitive which means most if not all of the authors in the literature are writing under util

#### [5] No Act-Omission Distinction for states – empirics – states are held accountable for not acting i.e massive protests because of a lack of police reform after the murder of George Floyd.

#### [6] No Intent-Foresight Distinction for states – every agent within the state has a different intent so there can’t be a unified intent behind implementation

#### [7] Only evaluate consequences

#### Verifiability – you can verify consequences with empirical data but you can’t verify someone’s intent since they could be lying

#### Intrinsicness – Only consequences have a direct effect on agents

#### Degrees of wrongness – breaking a promise to take a dying person to the hospital is worse than breaking a promise to show up to a birthday party – that difference can only be explained through the consequences

#### [8] Evaluate consequences through Hedonism

#### Accessibility – everyone feels pleasure or pain but not everyone has access to a priori information or specific information important for deontological theories

#### Everything else collapses – i.e freedom is good because it allows agents to choose actions that give them the most pleasure

### DA: Third Person

#### Link Story

#### Best research proves that media has no harmful effect on others, rather it is explained by our assumption about others in what is called third person hypothesis

Clay Calvert, Mr. Calvert is Assistant Professor of Communications and law and Associate Director of the Pennsylvania Center for the First Amendment at the Pennsylvania State University. The First Amendment And The Third Person: Perceptual Biases Of Media Harms & Cries For Government Censorship, CommLaw Conspectus, Vol. 165 1998 – 1 Email [mavsdebate@gmail.com](mailto:mavsdebate@gmail.com) if you want a full copy of the article

As a society, we fear the harmful effects **of** these and other media-propagated images. But what if our beliefs and perceptions about alleged media harms are systematically wrong? What if we, in fact, typically overestimate the harm caused bymass media messages? What if we unnecessarily censor speech?  
There is a strong and growing body of empirical social science research from the field of communication that suggests that much of our First Amendment jurisprudence and efforts to censor speech may be radically off base. Specifically, the research supports what has been called the third-person effect hypothesis**.**

Calvert Continues…

The hypothesis "predicts that people will tend to overestimate the influence that mass communications have on the attitudes and behavior of others." Parsed differently, the hypothesis, as originally articulated in 1983 by W. Phillips Davison, holds that "[i] n the view of those trying to evaluate the effects of a communication, its greatest impact will not be on 'me' or 'you,' but on 'them'-the third persons.""'

Now, 15 years and many empirical experiments and studieslater, evidencesupports this hypothesis. **That evidence has disturbing ramifications for extant and future First Amendment jurisprudence.** It suggests the government may be unnecessarily censoring **speech** based on a perceptual bias **about its effects on others.**

#### 75 years of research has produced no evidence the media influences people

Brian Winston & is the Lincoln Professor at the University of Lincoln (UK). He is the author of A Right to Offend, The Rushdie Fatwa and After and also writes on documentary film and media technology. He was the founding director of the Glasgow University Media Group. Matthew Winston is the author of Gonzo Text: Disentangling Meaning in Hunter S. Thompson’s Journalism. He teaches in the School of Media, Communication and Sociology at the University of Leicester, THE ROOTS OF FAKE NEWS: Obecting to Objective Journalism, September 2020- Book – pdf available upon request – mavsdebate@gmail.com

Psychologists interested, for example, in the impact of media look to all ‘emerging research in fields such as neuroscience’ because of a belief that these give the researcher looking ‘for indications of how, why and when media messages trigger individual and social change’ -- insights beyond those to be gleaned, for example, from ‘marketing and box office metrics’.20 They do no such thing, of course. They are what they are:  statistics  – and their causation remains a black-box. Threequarters of a century of attaching electrodes have yielded little evidence, say, to convincingly condition social policy. We can plot brain activity and stimulations but, in reality, we do not know what is being thought. This does not, however, deter the search for empirical, quantitative data as a key to understanding the mentality underlying human behaviour. Reporting of such experimental data has, however, fuelled media panics (e.g. approaches to social media platform ‘use’ which, essentially, assume all ‘clicks’ are meaningful, condition received current understanding of new media impact). Journalists, anyway, do not use EEG, fMRI, or PET as newsgathering tools. For all that the press, too often entirely uncritically, reports the findings of those who do, some might think it is rather to journalism’s credit that this is obviously not like the work of journalists. It is no wonder that the protocols of ‘hard’ (or harder) science, even when dealing with humans, in general have little to do with the daily practices of the news media.

#### Impact Story

#### Empirically, the third person hypothesis proves media’s impact are non-existent and encourages us to accept censorship to protect others from *nothing*

Clay Calvert, Mr. Calvert is Assistant Professor of Communications and law and Associate Director of the Pennsylvania Center for the First Amendment at the Pennsylvania State University. The First Amendment And The Third Person: Perceptual Biases Of Media Harms & Cries For Government Censorship, CommLaw Conspectus, Vol. 165 1998 - 2

An example**-censorship of sexually explicit speech-makes the danger clear.** Empirical re- search suggests that people systematically judge others to be more negatively influenced by pornography than themselves. In turn, people "favor restrictions on pornography in line with their perceptions of effects on others**." This is important because some experimental research also suggests that people systematically overestimate media effects on others.** The ramifications**,** communication researcher Albert C. Gunther of the University of Wisconsin-Madison notes, are profound - "if people are systematically overestimating the negative social-level effects of pornography, then the third-person effect may be inflating opinion in favor of censorship.”

#### And, Censorship is an impact filter – multiple impacts triggers

D’Souza**, PhD Phil @Oxford,** 1996(Frances, Prof. Anthropology Oxford, http://www.europarl.europa.eu/hearings/19960425/droi/freedom\_en.htm?textMode=on)

**In the absence of freedom of expression** **which includes a free and independent media**, **it is impossible to protect other rights, including** the right to **life**. **Once governments** are able to **draw a cloak of secrecy over their actions** and to remain unaccountable for their actions then **massive human rights violations can, and do, take place**. **For this reason alone** the right to **freedom of expression**, specifically protected in the major international human rights treaties, **must be considered** to be **a primary right**. It is significant that one of **the first indication**s **of a government's intent**ion **to depart from democratic principles is** the ever increasing **control of information** by means of gagging the media, and preventing the freeflow of information from abroad. At one end of the spectrum there are supposedly minor infringements of this fundamental right which occur daily in Western democracies and would include abuse of national security laws to prevent the publication of information which might be embarrassing to a given government: at the other end of the scale are the regimes of terror which employ the most brutal moves to suppress opposition, information and even the freedom to exercise religious beliefs. It has been argued, and will undoubtedly be discussed at this Hearing, that **in the absence of free speech** and an independent media, **it is** relatively **easy for governments to capture**, as it were, **the media** and to fashion them into instruments of propaganda, **for the promotion of ethnic conflict, war and genocide.** 2. Enshrining the right to freedom of expression The right to freedom of expression is formally protected in the major international treaties including the United Nations Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 10 of the European Convention on Human Rights. In addition, it is enshrined in many national constitutions throughout the world, although this does not always guarantee its protection. Furthermore, freedom of expression is, amongst other human rights, upheld, even for those countries which are not signatories to the above international treaties through the concept of customary law which essentially requires that all states respect the human rights set out in the Universal Declaration of Human Rights by virtue of the widespread or customary respect which has been built up in the post World War II years. 3. Is free speech absolute? While it is generally accepted that freedom of expression is, and remains the cornerstone of democracy, there are permitted restrictions encoded within the international treaties which in turn allow for a degree of interpretation of how free free speech should be. Thus, **unlike the American First Amendment** Rights **which allow few, if any, checks on free speech** or on the independence of the media, the **international treaties are concerned that there should be a balance** between competing rights: for example, limiting free speech or media freedom where it impinges on the individual's right to privacy; where free speech causes insult or injury to the rights and reputation of another; where speech is construed as incitement to violence or hatred, or where free speech would create a public disturbance. Given that these permitted restrictions are necessarily broad, the limits of free speech are consistently tested in national law courts and, perhaps even more importantly, in the regional courts such as the European Commission and Court of Human Rights. In recent years several landmark cases have helped to define more closely what restrictions may be imposed by government and under what circumstances. In particular, it has been emphasised by the European Court that any restriction must comply with a three-part test which requires that any such restriction should first of all be prescribed by law, and thus not arbitrarily imposed: proportionate to the legitimate aims pursued, and demonstrably necessary in a democratic society in order to protect the individual and/or the state. 4. Who censors what? Despite the rather strict rules which apply to restrictions on free speech that governments may wish to impose, **many justifications are** nevertheless **sought by governments to suppress information** which is inimical to their policies or their interests. **These** justifications **include arguments in defence of** national and/or state **security**, **the public interst,** including the need to protect public morals and public order **and perfectly understandable attempts to prevent racism, violence, sexism**, religious intolerance and damage to the indi-vidual's reputation or privacy. The mechanisms employed by governments to restrict the freeflow of information are almost endless and range from subtle economic pressures and devious methods of undermining political opponents and the independent media to the enactment of restrictive press laws and an insist-ence on licensing journalists and eventually to the illegal detention, torture and disappearances of journalists and others associated with the expression of independent views. 5. Examples of censorship **To some** the right to **free speech may appear** to be one of the **fringe** human rights, especially **when compared to** such violations as **torture** and extra-judicial killings. It is also sometimes difficult **to dissuade the** general **public that censorship**, generally assumed to be something to do with banning obscene books or magazines, **is** no **bad** thing! It **requires a recognition of** some of the **fundamental principles of democracy** **to understand why censorship is** so **immensely dangerous**. **The conditon of democracy is** that **people are able to make choices** about a wide variety of issues which affect their lives, including what they wish to see, read, hear or discuss. While this may seem a somewhat luxurious distinction preoccupying, perhaps, wealthy Western democracies, **it is a comparatively short distance between government censorship** of an offensive book **to the silencing of political dissidents**. **And** the distance **between such silencing and the use of violence** to suppress a growing political philosophy which a government finds inconvenient **is even shorter**. **Censorship tends to have small beginnings and to grow rapidly**. **Allowing a government to** have the power to **deny people information**, **however trivial**, **not only sets in place laws** and procedures **which can and will be used by those in authority against those with less authority, but** **it** also **denies people the information which they must have in order to monitor their governments actions and to ensure accountability**. **There have been** dramatic and **terrible examples of** the role that **censorship** has played **in international politics** in the last few years: to name but a few, the extent to which the media in the republics of former **Yugoslavia** were manipulated by government for purposes of propaganda; the violent role played by the government associated radio in **Rwanda** which incited citizens to kill each other in the name of ethnic purity and the continuing threat of murder issued by the Islamic Republic of **Iran** against a citizen of another country for having written a book which displeased them. 6. The **link** between poverty, war and denial of free speech **There are undoubted connections between access to information**, or rather the lack of it, **and war**, **as indeed there are between poverty**, the right to freedom of expression and development. One can argue that **democracy aims to increase participation** in political and other decision-making at all levels. In this sense **democracy empowers** people. **The poor are denied access to information on decisions which deeply affect their lives**, are thus powerless and have no voice; the poor are not able to have influence over their own lives, let alone other aspect of society. **Because of this** essential **powerlessness, the poor are unable to influence the ruling elite** **in whose interests it may be to initiate conflict and wars in order to consolidate their own power and position.** Of the 126 developing countries listed in the 1993 Human Development Report, war was ongoing in 30 countries and severe civil conflict in a further 33 countries. **Of the total 63 countries in conflict, 55 are towards the bottom scale of the human development index** which is an indicator of poverty. There seems to be no doubt that **there is a clear association between poverty and war**. It is reasonably safe to assume that the vast majority of **people do not ever welcome war**. **They are** normally **coerced,** **more often than not by propaganda**, **into fear, extreme nationalist sentiments and war by their governments**. **If the majority** of people **had a democratic voice they would undoubtedly object** to war. But voices are silenced. Thus, **the freedom to express one's views** and to challenge government decisions and **to insist upon political rather than violent solutions, are necessary aspects of democracy which can, and do, avert war.** Government sponsored propaganda in Rwanda, as in former Yugoslavia, succeeded because there weren't the means to challenge it. **One** **has** therefore **to conclude that it is impossible for** a particular **government to wage war in the absence of a compliant media** willing to indulge in government propaganda. This is because **the government needs civilians to fight wars for them and also because the media is needed to re-inforce government policies and intentions at every turn.**

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