### **Framing**

#### **Society will always have tension because the unique views of every person make the creation of us/them is inevitable.**

**Mouffe**, Chantal. *The democratic paradox*. verso, **2000**. recut //cohn

Once the theoretical terrain has been delineated in such a way, we can begin formulating an alternative to both the aggregative and the deliberative model, one that I propose to call 'agonistic pluralism'.30 A first distinction is needed in order to clarify the new perspective that I am putting forward, the distinction between 'politics' and 'the political'. By 'the political', I refer to the dimension of antagonism that is inherent in human relations, antagonism that can take many forms and emerge in different types of social relations. **'Politics'**, on the other side, **indicates the ensemble of practices, discourses and institutions which seek to establish a certain order** and organize human coexistence **in conditions that are always potentially conflictual** because they are affected by the dimension of 'the political'. I consider that it is only when we acknowledge the dimension of 'the political' and understand that **'politics' consists in domesticating hostility and in trying to defuse the potential antagonism that exists in human relations,** that we can pose what I take to be the central question for democratic politics. This question, pace the rationalists, is not how to arrive at a consensus without exclusion, since this would imply the eradication of the political**. Politics aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an 'us' by the determination of a 'them'. The novelty of democratic politics is not the overcoming of this us/them opposition - which is an impossibility - but the different way in which it is established.**The crucial issue is to establish this wIthem discrimination in a way that is compatible with pluralist democracy. Envisaged from the point of view of 'agonistic pluralism', **the aim of** democratic**politics is to construct the 'them' in such a way that it is no longer perceived as an enemy to be destroyed. but as an 'adversary', that is. somebody whose ideas we combat but whose right to defend those ideas we do not put into question. This is the real meaning** of liberal-democratic **tolerance,** which does not entail condoning ideas that we oppose or being indifferent to standpoints that we disagree with. but treating those who defend them as legitimate opponents. This category of the 'adversary' does not eliminate antagonism, though. and it should be distinguished from the liberal notion of the competitor with which it is sometimes identified. **An adversary is an enemy. but a legitimate enemy. one with whom we have some common ground because we have a shared adhesion to the ethico-political principles of liberal democracy:**liberty and equality.**But we disagree concerning the meaning and implementation of those principles**, and such a disagreement is not one that could be resolved through deliberation and rational discussion. Indeed, given the ineradicable pluralism of value. there is no rational resolution of the conflict. hence its antagonistic dimension. 3J This does not mean. of course, that adversaries can never cease to disagree, but that does not prove that antagonism has been eradicated. To accept the view of the adversary is to undergo a radical change in political identity. It is more a sort of conversion man a process of rational persuasion (in the same way as Thomas Kuhn has argued that adherence to a new scientific paradigm is a conversion). Compromises are, of course, also possible; they are part and parcel of politics; but they should be seen as temporary respites in an ongoing confrontation. **Introducing the category of** me **'adversary' requires complexifying the notion of antagonism and distinguishing two different forms in which it can emerge. antagonism properly speaking and agonism. Antagonism is struggle between enemies. while agonism is struggle between adversaries.** We can therefore reformulate our problem by saying that envisaged from the perspective of 'agonistic pluralism' the aim of democratic politics is to transform antagonism into agonism. This requires providing channels through which collective passions will be given ways to express themselves over issues which, while allowing enough possibility for identification, will not construct the opponent as an enemy but as an adversary. An important difference with the model of 'deliberative democracy' is that for 'agonistic pluralism', **the prime task of democratic politics is not to eliminate passions from the sphere of the public, in order to render a rational consensus possible, but to mobilize those passions towards democratic designs.**

#### **Prefer; a) Induction Fails - We cannot develop truth claims or causality based on past events because they are always subject to change in the future. b) Egocentric predicament - There is no one true understanding of reality because we each interpret reality slightly differently - this means we must reject truth and falsity all together because they are not universalizable concepts**

#### **The only way that we can reconcile this is via an agonistic model of democracy. This is a model that welcomes the inevitable clash of views and ensures that this clash remains civil. Any other moral theory starts from the flawed perspective that consensus can ever exist, and thus will always exclude some from their framework.**

**Mouffe (2)**, Chantal. *The democratic paradox*. verso, 2000. recut //cohn

**A well-functioning democracy calls for a vibrant clash of democratic political positions. If this is missing there is the danger that this democratic confrontation will be replaced by a confrontation among other forms of collective identification,** as is the case with identity politics. Too much emphasis on consensus and the refusal of confrontation **lead to apathy and disaffection with political participation**. Worse still,**the result can be the crystallization of collective passions around issues which cannot be managed by the democratic process and an explosion of antagonisms that can tear up the very basis of civility.** It is for that reason that **the ideal of a pluralist democracy cannot be to reach a rational consensus in the public sphere. Such a consensus cannot exist. We have to accept that every consensus exists as a temporary result of a provisional hegemony, as a stabilization of power, and that it always entails some form of exclusion**. **The ideas that** power could be dissolved through a rational debate and that**legitimacy could be based on pure rationality are illusions which can endanger democratic institutions.** What the deliberative-democracy model is denying is the dimension of undecidability and the ineradicability of antagonism which are constitutive of the political. By postulating the availability of a non-exclusive public sphere of deliberation where a rational consensus could obtain. they negate the inherently conflictual nature of modern pluralism. **They are unable to recognize that bringing a deliberation to a close always results from a decision which excludes other possibilities** and for which one should never refuse to bear responsibility by invoking the commands of general rules or principles. This is why a perspective like**'agonistic pluralism', which reveals the impossibility of establishing a consensus without exclusion, is of fundamental importance for democratic politics.** By warning us against the illusion that a fully achieved democracy could ever be instantiated, it forces us to keep the democratic contestation alive. **To make room for dissent and to foster the institutions in which it can be manifested is vital for a pluralist democracy**, and one should abandon the very idea that there could ever be a time in which it would cease to be necessary because the society is now 'well-ordered'. An 'agonistic' approach acknowledges the real nature of its frontiers and the forms of exclusion that they entail. instead of trying to disguise them under the veil of rationality or morality. Coming to terms with the hegemonic nature of social relations and identities. it can contribute to subverting the everpresent temptation existing in democratic societies to naturalize its frontiers and essentialize its identities. For this reason it is much more receptive than the deliberative model to the multiplicity of voices that contemporary pluralist societies encompass and to the complexity of their power structure.

**Thus the standard is consistency with agonistic deliberation.**

#### **Resolved is defined as firmly determined, and I affirm, I’ll defend the whole resolution. My framework is a question of procedures, not consequences. It's not a question of if governments are more agonistic after the aff is passed but a question of if recognizing an unconditional right to strike is consistent with the procedures of an agnostic state.**(the aff is whole rez ask me things in cx if u need)

**Prefer it:**

#### **1. Performativity: a) The only way we can deliberate and have discussions is via agonism - by debating in the first place we concede to the jurisdiction of this model - its key to allowing any argument in the debate space so it comes first b) Rules are only valid when agreed to by all, otherwise, they allow for exclusion.**

**Mouffe (3)**, Chantal. *The democratic paradox*. verso, 2000.

only those norms, i.e. general **rules of action and institutional arrangements, can be said to be valid** which would be **agreed to by all those affected by their consequences, if such agreement were reached as a consequence of a process of deliberation which has** the following features: (a) **participation in such deliberation**is governed by the norms of equality and symmetry; **all have the same chance to initiate speech acts, to question, interrogate. and to open debate**: (b)**all have the right to question the** assigned **topics of conversation**; (c) **all have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out. There is no prima facie rule limiting the agenda or the conversation. nor the identity of the participants, as long as each excluded person or group can justifiably show that they are relevantly affected by the proposed norm under question.** Let us examine this model of deliberative democracy closely. In their attempt to ground legitimacy on rationality, these theorists have to distinguish between mere agreement and rational consensus. That is why they assert that the process of public discussion must realize the conditions of ideal discourse. This sets the values of the procedure. which are impartiality and equality, openness and lack of coercion, and unanimity. The combination of those values in the discussion guarantees that its outcome will be legitimate, since it will produce generalizable interests on which all participants can agree. Habermasians do not deny that there will, of course, be obstacles to the realization of the ideal discourse, but these obstacles are conceived of as empirical. They are due to the fact that it is unlikely. given the practical and empirical limitations of social life. that we will ever be completely able to leave all our panicular interests aside in order to coincide with our universal rational self. This is why the ideal speech situation is presented as a regulative idea. However,**if we accept Schmitt's insight about the relations of inclusion-exclusion which are necessarily inscribed in the political constitution** of 'the people' - which is required by the exercise of democracy - **we have to acknowledge that the obstacles to the realization of the ideal speech situation - and to the consensus without exclusion that it would bring about**- are inscribed in the democratic logic itself. Indeed. The free and unconstrained public deliberation of all on matters of common concern goes against the democratic requisite of drawing a frontier betWeen 'us' and 'them'. We could say - this time using Derridean terminology - that the very conditions of possibility of the exercise of democracy constitute simultaneously the conditions of impossibility of democratic legitimacy as envisaged by deliberative democracy. **Consensus** in a liberal-democratic society **is - and will always be - the expression of a hegemony and the crystallization of power relations. The frontier that it establishes between what is and what is not legitimate is a political one. and for that reason it should remain contestable.** To deny the existence of such a moment of closure, or to present the frontier as dictated by rationality or morality, is to naturalize what should be perceived as a contingent and temporary hegemonic articulation of 'the people' through a panicular regime of inclusion. The result of such an operation is to reify the identity of the people by reducing it to one of its many possible forms of identification.

#### **2. Flexibility: Moral criteria are ever-changing which undermines the conclusions of any other moral theory. The conclusion is not the rejection of other frameworks but rather the understanding that we must continue to debate in order to use the best parts of each theory to improve our future judgments.**

#### **LaFollete 2K:**

"Pragmatic Ethics" [Hugh LaFollette](http://www.hughlafollette.com/index.htm) In [Blackwell Guide to Ethical Theory](http://www.hughlafollette.com/papers/b-guide.htm) 2000. Hugh LaFollette is Marie E. and Leslie Cole Professor in Ethics at the University of South Florida St. Petersburg. He is editor-in-chief of The International Encyclopedia of Ethics modified //cohn

Employs criteria, but is not criterial The previous discussions enable us to say more precisely why pragmatists reject a criterial view of morality. Pragmatism's core contention that **practice** is primary in philosophy **rules out** the hope of logically prior **criteria**. Any meaningful criteria evolve from our attempt to live morally – in deciding what is the best action in the circumstances. **Criteria** are not discovered by pure reason, and they **are not fixed**. As ends of action, they are always revisable. **As we obtain new evidence** about ourselves and our world, and as our worlds changes, **we find** that **what was appropriate** for the old environment **may not be conducive to** survival in **the new** one. A style of teaching that might have been ideal for one kind institution (a progressive liberal arts college) at one time (the 60s) may be wholly ineffective in another institution (a regional state university) at another time (the 80s). But that is exactly what we would expect of an evolutionary ethic. Neither could criteria be complete. **The moral world is complex and changeable. No** set of **criteria could give us universal answers about how we should behave in all circumstances.** If we cannot develop an algorithm for winning at chess, where there are only eighteen first moves, there is no way to develop an algorithm for living, which has a finitely large number of "first moves." Moreover, while the chess environment (the rules) stays constant, our natural and moral environments do not. **We must adapt or fail.** While there is always one end of chess -- the game ends when one player wins – the ends of life change as we grow, and **as** our **environments change**. Finally, we cannot resolve practical moral questions simply by applying criteria. We do not make personal or profession decisions by applying fixed, complete criteria. Why should we assume we should make moral decisions that way? Appropriates insights from other ethical theories Nonetheless, there is a perfectly good sense in which a pragmatic ethic employs what we might call criteria, but their nature and role dramatically differ from that in a criterial morality (Dewey 1985/1932) . **Pragmatic criteria** are not external rules we apply, but **are tools we use in making informed judgements**. They embody learning from previous action, they express our tentative efforts to isolate morally relevant features of those actions. These **emergent criteria can become integrated into our habits,** thereby **informing** the **ways** that **we react to**, think about, and imagine **our worlds** and our relations to others. This explains why pragmatists think other theories can provide guidance on how to live morally. Standard moral theories err not because they offer silly moral advice, but because they misunderstand that advice. **Other** moral **theories can** help us **isolate** (and habitually focus on) **morally relevant features** of action. And pragmatists take help wherever they can get it. **Utilitarianism does not provide an algorithm for deciding how to act, but it shapes habits to help us "naturally" attend to the ways that our actions impact others. Deontology does not provide a list of general rules to follow, but it sensitizes us to ways our actions might promote or undermine respect for others. Contractarianism does not resolve all moral issues, but it sensitizes us to the need for broad consensus**. That is why it is mistaken to suppose that the pragmatist makes specific moral judgements oblivious to rules, principles, virtues, and the collective wisdom of human experience. **The pragmatist absorbs these insights into her habits, and thereby shapes how she habitually responds, and how she habitually deliberates when deliberation is required.** This also explains why criterial moralities tend to be minimalistic. They specify minimal sets of rules to follow in order to be moral. Pragmatism, on the other hand, like virtue theories, is more concerned to emphasize exemplary behavior – to use morally relevant features of action to determine the best way to behave, not the minimally tolerable way.

#### **3. The affirmative is the best way to reconcile the existence of a state, by ensuring that power structures are always subject to investigation and change. There is no third option, where we just remove everything bad and don’t worry about how we get there, this would individually produce exclusions, meaning that agonism must exist in the post-alternative world.**

**Mouffe (4)**, Chantal. *The democratic paradox*. verso, 2000.

On the political level a similar phenomenon is to be found in the case of the 'third way' discussed in Chapter 5. I argue that it is a**'politics without adversary' which pretends that all interests can be reconciled and that everybody** - provided, of course, that they identify with 'the project' -**can be part of 'the people'.** In order to justify acceptance of the current neo-liberal hegemony while pretending to remain radical - **the 'third way' mobilizes a view of politics which has evacuated the dimension of antagonism and postulates the existence of a 'general interest of the people' whose implementation overcomes the winners/losers form of resolution of conflicts.** The sociological background of such a thesis is that the cycle of confrontational politics that has been dominant in the West since the French Revolution has come to an end. The left/right distinction is now irrelevant, since it was anchored in a social bipolarity that has ceased to exist. For theorists like Anthony Giddens, the left/right divide which he identifies with old-style social democracy versus market fundamentalism - is an inheritance of simple modernization' and has to be transcended. In a globalized world marked by the development of a new individualism, democracy must become 'dialogic'. **What we need is a 'life politics' able to reach the various areas of personal life, creating a 'democracy of the emotions'.** What is missing in such a perspective is any grasp of the power relations which structure contemporary post-industrial societies. There is no denying that capitalism has been radically transformed, but this does not mean that its effects have become more benign; far from it. **We might have given up the idea of a radical alternative to the capitalist system, but even a renewed and modernized social democracy - which the third way claims to be - will need to challenge the entrenched wealth and power of the new class of managers if it wants to bring about a fairer and more accountable society.** The kind of social unanimity which is the trademark of Blairism is only conducive to the maintenance of existing hierarchies. **No amount of dialogue or moral preaching will ever convince the ruling class to give up its power. The state cannot limit itself to dealing with the social consequences of market failures.** To be sure, **there are many new issues that an emancipatory politics has to tackle**. In order to envisage the making of a new hegemony the traditional understanding of left and right needs to be redefined; but whatever the content we give to those categories, one thing is sure: there comes a time when one needs to decide on which side to stand in their agonistic confrontation. **What is specific and valuable about modern liberal democracy is that, when properly understood, it creates a space in which this confrontation is kept open, power relations are always being put into question and no victory can be final. However, such an 'agonistic' democracy requires accepting that conflict and division are inherent to politics and that there is no place where reconciliation could be definitively achieved as the full actualization of the unity of 'the people'.**To imagine that pluralist democracy could ever be perfectly instantiated is to transform it into a self-refuting ideal, since the condition of possibility of a pluralist democracy is at the same time the condition of impossibility of its perfect implementation. Hence the importance of acknowledging its paradoxical nature.

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#### **4. Rule following is infinitely regressive because everyone interprets rules differently. Only my framework can solve this, anything else leads to skepticism because morality requires us to understand rules.**

**Mouffe (5)**, Chantal. *The democratic paradox*. verso, 2000.

I submit that this is a crucial insight which undermines the very objective that those who advocate the 'deliberative' approach present as the aim of democracy: the establishment of a rational consensus on universal principles. They believe that through rational deliberation an impartial standpoint could be reached where decisions would be taken that are equally in the interests of alt.l :! Wittgenstein, on the contrary. suggests another view. If we follow his lead. we should acknowledge and valorize the diversity of ways in which the 'democratic game' can be played, instead of trying to reduce this diversity to a uniform model of citizenship. This would mean fostering a plurality of forms of being a democratic citizen and creating the institutions that would make it possible to follow the democratic rules in a plurality of ways. What Wittgenstein teaches us is that **there cannot be one single best**, more **'rational' way to obey** those **rules**and that it is precisely such a recognition that is constitutive of a pluralist democracy. **'Following a rule',** says Wittgenstein, **'is analogous to obeying an order. We are trained to do so; we react to an order in a particular way. But what if one person reacts in one way and another in another** to the order and the training? Which one is right?'23 This is indeed a crucial question for democratic theory. And **it cannot be resolved**, pace the rationalists, **by claiming** that**there is a correct understanding of the rule** that every rational person should accept. To be sure, we need to be able to distinguish between 'obeying the rule' and 'going against it'. But **space needs to be provided for the many different practices in which obedience to the democratic rules can be inscribed.** And this should not be envisaged as a temporary accommodation, as a stage in the process leading to the  realization of the rational consensus, but as a constitutive feature of a democratic society**. Democratic citizenship can take many diverse forms** and such a diversity, far from being a danger for democracy, is in fact its very condition of existence. This will, of course, create conflict and it would be a mistake to expect all those different understandings to coexist without dashing. But**this struggle will not be one between 'enemies' but among 'adversaries', since all participants will recognize the positions of the others in the contest as legitimate ones.**Such an understanding of democratic politics, which is precisely what I call 'agonistic pluralism', is unthinkable within a rationalistic problematic which, by necessity. tends to erase diversity. A perspective inspired by Wittgenstein. on the contrary, can contribute to its formulation, and this is why his contribution to democratic thinking is invaluable. 

#### **5. Justifying everything false or true is impossible because that would allow for an infinite number of contradictions which means we must always deliberate**

**Camus** [Albert Camus (existentialist). “The Myth of Sisyphus.” Penguin Books. 1975(originally published 1942). Accessed 12/11/19. Pg 22.. Houston Memorial DX]

**The mind’s first step is to distinguish what is true from what is false. However, as soon as thought reflects on itself, what it first discovers is a contradiction.** Useless to strive to be convincing in this case. Over the centuries no one has furnished a clearer and more elegant demonstration of the business than Aristotle: “The often ridiculed consequence of these opinions is that they destroy themselves. **For by asserting that all is true we assert the truth of the contrary assertion and consequently** the falsity of our own thesis (for the contrary assertion does not admit that it can be true). **And if one says that all is false, that assertion is itself false. If we declare that solely the assertion opposed to ours is false or else that solely ours is not false, we are nevertheless forced to admit an infinite number of true or false judgments.** For the one who expresses a true assertion proclaims simultaneously that it is true, and so on ad infinitum.”

6. Actor spec- just governments use agonism, ie. voting congresses etc. to make conclusions about policy actions

#### **7] Negating affirms because it assumes that the 1ac is a statement that is worthy of contestation which means our arguments are legitimate.**

8] aff winning one layer comes first because neg can infinitely uplayer in the 1nc and dodge clash so the aff needs highest layer to incentivize clash with AC positions

#### **Contention 1: Recognizing the right to strike is consistent with an Agonistic state because it turns the antagonistic violence of an illegal strike into an agonistic act of defiance by turning the workers from enemies into adversaries under the law.**

**Crépon,**Marc, **and** Micol **Bez**. "The Right to Strike and Legal War in Walter Benjamin's “Toward the Critique of Violence”." *Critical Times* 2.2 (2019): 252-260.   modified //cohn

If we wish to understand how the question of the right to strike arises for WalterBenjamin in the seventh paragraph of his essay “Zur Kritik der Gewalt,” it is important to first analyze the previous paragraph, which concerns the state’s monopoly on violence. It is here that Benjamin questions the argument that such**a monopoly derives from the impossibility of a system of legal ends to preserve itself as long as the pursuit of natural ends through violent means remains.**Benjamin responds to this dogmatic thesis with the following hypothesis, arguably one of his most important reflections: “To counter it, one would perhaps have to consider the surprising possibility that**law’s interest in monopolizing violence visàvis the individual is explained by the intention not of preserving legal ends, but rather of preserving law itself.**[This is the possibility] that **violence, when it does not lie in the hands of law, poses a danger to law,**not by virtue of the ends that it may pursue but **by virtue of its mere existence outside of law.” In other words, nothing would endanger the law more than the possibility of its authority being contested by a violence over which it has no control. The function of the law would therefore be, first and foremost, to contain violence within its own boundaries.**It is in this context that, to demonstrate this surprising hypothesis, Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war. Let us return to the place that **the right to strike occupies within class strugle**.To begin with, **the very idea of such a struggle implies certain forms of violence. The strike could then be understood as one of the**recognizable**forms**that **this violence can take.**However,**this analytical framework is undermined as soon as this form of violence becomes regulated by a “right to strike,” such as the one recognized by law in France in 1864. What this recognition engages is,** in fact,**the will of the state to control the possible “violence” of the strike.**Thus,**the “right” of the right to strike appears as the best, if not the only, way for the state to circumscribe within**(and via)**the law the relative violence of class struggles.**We might consider this to be the perfect illustration of the aforementioned hypothesis. Yet, there are two lines of questioning that destabilize this hypothesis that we would do well to consider.  In other words,**nothing would endanger the law more than the possibility of its authority being contested by a violence over which it has no control.**The function of the law would therefore be, first and foremost, to contain violence within its own boundaries. It is in this context that, to demonstrate this surprising hypothesis, Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war

#### **Contention 2: Recognizing the right to strike is consistent with an Agonistic state because strikes are intrinsically tied to public forums that provide opportunities for deliberation. Simms 18**

#### **Melanie Simms, 3-23-2018, "Why workers go on strike," Conversation, https://theconversation.com/why-workers-go-on-strike-93815**

#### **Both of these demonstrate how a strike around a fairly technical employment issue can develop a momentum of its own and become a catalyst for a much wider expression of dissatisfaction about the changing bargains being made. As with the concerns raised by junior doctors about** [**the management of the NHS**](https://www.theguardian.com/society/2016/sep/01/what-you-need-to-know-about-the-junior-doctors-strike)**, the higher education pension dispute has rapidly become a space in which to question the** [**broader direction of the sector**](https://theconversation.com/university-lecturer-explains-why-academics-are-striking-over-pension-cuts-93039)**. In this context, emotions can run high. Many relationships are strengthened, but some inevitably become strained. By definition, strikes are not business as usual. What then becomes important, is how the parties can explicitly negotiate compromises that smooth the way back to work – even if that means negotiating a new normal.**

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### **Underview:**

#### **Yes 1ar theory, 1ar theory is no RVI, DTD, yes CIs, no 2NR paradigm issues - 6 minute 2NR and 2ar reclarification burden means they can brute force me every time. a) allows me to contest if I have been excluded from discussion by the neg which is intrinsic to agonism b) would allow infinite abuse in the 1nc**

#### **1] Utilitarianism creates a moral obligation to oppress people, when their suffering would cause a greater amount of happiness for the majority.**

Jeffrey **Gold**, Utilitarian and Deontological Approaches to Criminal Justice Ethics, <https://books.google.com/books?hl=en&lr=&id=z6y8DwAAQBAJ&oi=fnd&pg=PT20&dq=Utilitarian+and+Deontological+Approaches+to+Criminal+Justice+Ethics&ots=toy6-B_9Ti&sig=Ei19zcmj8kiZNXwxwaegnj1Cl-M#v=onepage&q=Utilitarian%20and%20Deontological%20Approaches%20to%20Criminal%20Justice%20Ethics&f=false>

According to utilitarianism, an action is moral when it produces the great-est amount of happiness for the greatest number of people. A problem arises, however, when the greatest happiness is achieved at the expense of a few. For example, **if a large group were to enslave a very small group, the large group would gain certain comforts and luxuries (and the pleasure that accompanies those comforts) as a result of the servitude of the few**. **If we were to follow the utilitarian calculus** strictly, **the suffering of a few (even intense suffering) would be outweighed by the pleasure of a large enough majority**. A thousand people’s modest pleasure would outweigh the suffer-ing of 10 others. Hence, utilitarianism would seem to endorse slavery when it produces the greatest total amount of happiness for the greatest number of people. This is obviously a problem for utilitarianism. **Slavery and oppression are wrong regardless of the amount of pleasure accumulated by the oppressing class. In fact, when one person’s pleasure results from the suf-fering of another, the pleasure seems all the more abhorrent.** The preceding case points to a weakness in utilitarianism, namely, the weak-ness in dealing with certain cases of injustice. Sometimes it is simply unjust to treat people in a certain way regardless of the pleasurable consequences for others. A gang rape is wrong even if 50 people enjoy it and only one suffers. It is wrong because it is unjust. To use Kant’s formulation, it is always wrong to treat anyone as a mere means to one’s own ends. When we enslave, rape, and oppress, we are always treating the victim as a means to our own ends.

#### **2] Utilitarianism falls into an inevitable logical tautology that renders it incoherent. Hurka:**

Hurka, Thomas, "Moore’s Moral Philosophy", *The Stanford Encyclopedia of Philosophy* (Summer 2021 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2021/entries/moore-moral/>.

Especially in *Principia Ethica*, Moore spent much more time defending his other non-naturalist thesis, of the autonomy of ethics, which he expressed by saying the property of goodness is simple and unanalyzable, and in particular is unanalyzable in non-moral terms. This meant the property is “non-natural,” which means that it is distinct from any of the natural properties studied by science. Views that denied this committed what he dubbed “the naturalistic fallacy,” which he found in hedonists such as Jeremy Bentham, evolutionary ethicists such as Herbert Spencer, and metaphysical ethicists such as T.H. Green. Moore's main argument against their view was what has come to be known as the “open-question argument.” **Consider** a particular naturalist claim, such as that **“x is good” is** **equivalent to “x is pleasure.” If this** claim **were true,** Moore said, the judgement **“Pleasure is good” would be equivalent to “Pleasure is pleasure,” yet** surely **someone who asserts the former means to express more than that** uninformative **tautology**. The same argument can be mounted against any other naturalist proposal: even if we have determined that something is what we desire to desire or is more evolved, the question **whether it is good** remains “open,” in the sense that it **is not settled by the meaning of the word “good.”** We can ask whether what we desire to desire is good, and likewise for what is more evolved, more unified, or whatever (*Principia Ethica* 62–69). Sidgwick had used the same argument against Bentham and Spencer, but only in passing; Moore made it central to his metaethics.

#### **Our framework solves – instead of a single thing like pleasure being good, we argue that each person has different conceptions of the good that they should have the capacity to argue about**

#### **3] Calculative regress**

**Bales 71**

<Bales, R. E. (1971) “Act-Utilitarianism: Account of Right-making Characteristics or Decision-Making Procedure”, American Philosophical Quarterly 8, 1971. Quoted in: “Applying utilitarianism: the problem of practical action-guidance” by Jonas Gren. 2004.

https://gupea.ub.gu.se/bitstream/2077/4565/1/gupea\_2077\_4565\_1.pdf >

For the sake of simplicity, we begin by supposing that two acts, A and B, are open to the agent. Which should he perform? If the agent is a consistent act-utilitarian, the argument goes, he will estimate and compare the probable consequences of A and B and perform the one with the better probable consequences. In brief, he will calculate. **But the act of calculating is itself an act** which the agent may or may not choose to perform. Thus, a third act, C, the act of calculating, has entered the picture. Shall the agent, then, simply perform A, or shall he perform B, or shall he perform C? If the agent is a consistent act-utilitarian, these alternatives, too, provide an occasion for calculating, and a fourth alternative presents itself, D, which is the act of calculating the probable consequences of A, B, and C. But of course D is an alternative itself subject to calculation, and **the agent is caught in a** vicious **regress.**