The Problem of a Perpetual Constitution

Víctor M. Muñiz-Fraticelli

in Intergenerational Justice

This chapter critically assesses the argument that it is unjust for one generation to bind subsequent ones to a certain political structure through a perpetual constitution, that is, one intended to govern a society for an indefinite period of time, without requiring periodic re-enactment or ratification. In the context of Thomas Jefferson's protest against constitutional perpetuity, and James Madison reply, it argues that the Madisonian position provides better reasons of both prudence and justice in favour of a perpetual constitution. Against Michael Otsuka's more recent objections, it defends a perpetual constitution on a combination of instrumental, consensual, and ontological grounds. Finally, it discusses the implications of interpretation and amendment on constitutional perpetuity, and the instances in which there might be good reasons to abandon perpetuity and reconstitute political society.

Aggregation and Two Moral Methods

F. M. Kamm

in Intricate Ethics: Rights, Responsibilities, and Permissible Harm

This chapter explores whether the number of people we can help counts morally in deciding what to do in conflict situations when we cannot help everyone. It begins by reconsidering the arguments of John Taurek and Elizabeth Anscombe as to whether the number of people we can help counts morally. It then examines arguments that numbers should count which has been give by Thomas Scanlon and criticism of them by Michael
Otsuka. It discusses how different conceptions of the moral method known as pairwise comparison are at work in these different arguments and what the ideas of balancing and tiebreaking signify for decision making in various types of cases. It contrasts two subcategories of pairwise comparison—confrontation and substitution—by which conflicts might be resolved in a nonconsequentialist theory, and argues that substitution is permissible. The chapter concludes by considering how another moral method, known as “virtual divisibility,” functions and what it helps to reveal about an argument by Otsuka against those who do not think that numbers count.

Blame and Avoidability
Neal A. Tognazzini

in Deep Control: Essays on Free Will and Value
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This chapter presents a critical analysis of Michael Otsuka's “Principle of Avoidable Blame” (PAB). Otsuka argues that Frankfurt-type examples are indeed counterexamples to the Principle of Alternative Possibilities, they do not impugn PAB. The PAB states that one is blameworthy for performing an act of a given type only if one could instead have behaved in a manner for which one would have been entirely blameless. The chapter also discusses the key points of Otsuka's argument, especially the claim that PAB cannot be refuted by Harry Frankfurt's cases. It concludes that adding an alternative possibility, in which an agent “accidentally” avoids blame, cannot explain the agent's measure of blameworthiness.

Prioritarianism and Its Problems
Ingmar Persson

in Inclusive Ethics
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Many philosophers prefer the prioritarian or priority view that benefits to beings have a greater moral weight the worse off they are, absolutely speaking, to the egalitarian view that this weight is determined by their worseness relative to others, because this difference is thought to make
prioritarianism escape Derek Parfit’s levelling down objection. However, it is here argued that prioritarianism is exposed to a much worse form of this objection, since it implies that there is always something good about a reduction of someone’s benefits, because it always increases their average moral weight. It is also suggested that prioritarianism is vulnerable to a development of an objection advanced by Michael Otsuka and Alex Voorhoeve.

Property and the Creation of Value
Dan Moller

in Governing Least: A New England Libertarianism

Philosophers have tended to see property through the lens of natural resource acquisition. Discussions often focus on agrarian models inherited from Locke in which income and wealth derive from land use. But these models no longer make sense in a service-sector economy. In advanced societies, wealth overwhelmingly derives from the activities of lawyers, chefs, designers, coders, or teachers providing services to others. And once we recognize that in modern economies services are at the core of wealth creation, it becomes more difficult to reject (traditional) libertarian claims about redistribution. In particular, so-called left-libertarian views that attempt to defend redistribution on natural resource grounds become much harder to defend.