Deontological Argumentation Schemes

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Abstract

In this short paper we present work in progress on some argumentation schemes for analysis of arguments that are based upon deontological ethics. Deontological approaches view the rightness of an action based upon its accordance with duty, rights, or justice regardless of its consequences. The goal of this work is to provide semantic templates for recognizing implicit or explicit premises and conclusions of naturally occurring, "everyday" arguments in applied ethics, e.g., on topics such as vegetarianism and social justice.

Keywords

Deontology, Applied Ethics, Argumentation Schemes

1. Introduction

In [7] we presented some argumentation schemes for descriptive modeling of utilitarian ethical arguments. Here we present some argumentation schemes for analysis of arguments that are based upon an alternative to utilitarianism, deontological ethics. The goal of this work is to provide semantic templates for recognizing implicit or explicit premises and conclusions of naturally occurring, "everyday" arguments in applied ethics, e.g., on topics such as vegetarianism and social justice. Also, the argumentation schemes are provided with lists of critical questions [11] that can be used to recognize (or generate) challenges to the arguments.

Deontological approaches view the rightness of an action based upon its accordance with duty or rights, regardless of its consequences [1,4,8]. "Deontology is commonly used in moral philosophy to refer to nonconsequentialist moral conceptions. The most distinctive feature of deontological moral conceptions is that they define fundamental principles of right and justice in terms other than taking the most effective means to promote maximum good" [4]. Deontology is a moral theory about which actions are morally required, forbidden, or permitted [1].

2. Argumentation schemes

Various reasons given in support of vegetarian diets may be classified as environmental, health-related, or ethical [2,3,5,10]. Environmental arguments, such as *factory farming of animals for meat is harmful to the environment*, or health-related arguments, such as *a vegetarian diet is better for your health*, can be modeled using practical reasoning or argument from consequences [11]. The conclusions of those argumentation schemes are that an agent should (or should not) do a certain action, in order to bring about the agent's goal or to bring about or avoid certain consequences. The intended sense of 'should' is the "prudential" sense [11]. Here we present some argumentation schemes for representing certain arguments

about vegetarianism and other topics based on deontological ethics. The conclusions of these schemes specify an ethical constraint, i.e., that an action is ethically required (obligatory), ethically prohibited (forbidden), or ethically permitted (permissible). The premises of the schemes involve concepts of duty, rights and justice.

The Argument from Duty has three versions, reflecting whether the conclusion is that an action is forbidden, obligatory, or permissible. For example, some would argue that an agent has a moral duty to not harm animals and eating meat is tantamount to doing harm to animals; therefore, it is *forbidden* for the agent to eat meat. Alternatively, some would say that an agent has a moral duty to prevent animal suffering and following a vegetarian diet is tantamount to preventing animal suffering; therefore, it is *obligatory* for the agent to follow a vegetarian diet. The *permissible* version of Argument from Duty is required for the case where an action is neither obligatory nor forbidden, e.g., if eating fruit is neither obligatory nor forbidden then eating fruit is permissible.

Argument from Duty-forbidden (obligatory)
Premises:
1. Agent has duty D to not do (to do) Action.
2. Doing X is tantamount to doing Action in the current situation S.
Conclusion: It is forbidden (obligatory) for Agent to do X in S.

Argument from Duty-permissible
Premises:
1. Doing X in current situation S is neither obligatory nor forbidden.
Conclusion: It is permissible for Agent to do X in S.

One may challenge these arguments with critical questions CQ1 and CQ2. To illustrate CQ1, someone in favor of vegetarianism may argue that eating meat is permissible in certain situations, e.g., to avoid starvation. The problem of conflicting duties or rights is a well-known issue in deontological ethics [1,4,8,12]. To illustrate CQ2, one may argue that it is permissible to eat meat because one has a right to choose what to eat, overriding the duty to not harm animals.

CQ1. Is the current situation an exceptional circumstance?
CQ2. Is there a higher precedence duty or right?

Whereas duties constrain actions, rights license them. "Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states" [12]. The following Right to Do scheme describes when it is permissible to do something, based upon a right. For example, an agent's right to choose what to eat may license the agent's action of eating meat. In addition to having rights to do things, an agent may have a right to be (or not to be) in a certain state, as reflected in the following Argument from Right to Be. For example, if an agent has a right to not be hungry and eating meat prevents their hunger then it is permissible for them to eat meat.

Argument from Right to Do-permissible
Premises:
1. Agent has right R to do Action.
2. Doing X is tantamount to doing Action in the current situation S.
Conclusion: It is permissible for Agent to do X in S.

Argument from Right to Be-permissible

Premises:
1. Agent has right R to (not) be in state Z.
2. Doing X brings about (prevents) state Z in the current situation S.

Conclusion: It is permissible for Agent to do X in S.

   One may challenge the above arguments with CQ1 and CQ2. For example, one might challenge an argument that it is permissible to eat meat with the criticism that someone's right to choose what to eat would infringe on a higher precedence right, an animal's right to live without being used as human food. (The rights of others also are involved in schemes related to distributive justice, below.)

   The following schemes distinguish the concepts of negative rights (e.g., the right to not be enslaved) and positive rights (e.g., the right to access to healthcare). "The holder of a negative right is entitled to non-interference, while the holder of a positive right is entitled to provision of some good or service" [12]. The roles specified in the following schemes are that of (1) Grantor, one who has the obligation to refrain from interfering or to provide a certain benefit, and (2) Grantee, one who will experience the interference or benefit, respectively.

Argument from Negative Right-forbidden

Premises:
1. Grantee has negative right R to be free of burden B.
2. Grantor has obligation to ensure Grantee is free of B.
3. Grantor doing X would bring about Grantee's experience of B in the current situation S.

Conclusion: It is forbidden for Grantor to do X in S

Argument from Positive Right-obligatory

Premises:
1. Grantee has positive right R to receive benefit B.
2. Grantor has obligation to ensure Grantee receives B.
3. Grantor doing X would bring about Grantee's receipt of B in the current situation S.

Conclusion: It is obligatory for Grantor to do X in S.

   For example, one might argue that it is forbidden for a government to pass or enforce slave-owning laws because people have a negative right to not be enslaved and the government has an obligation to ensure that people are not enslaved. Similarly, one might argue that it is obligatory for a government to pass and enforce anti-pollution laws because people have a positive right to live and work in a healthy environment. Again, CQ1 and CQ2 may be used to challenge these arguments.

   Lastly, the following schemes are derived from two distinct notions of justice: "justice as a principle for assigning distributable goods of various kinds to individual people, and justice as a remedial principle" [9]. Distributive justice "assumes a distributing agent, and a number of persons who have claims on what is being distributed … according to some relevant criterion, such as equality …" [9]. For example, some in the U.K. have argued that it is unjust for bankers to receive disproportionly higher salaries than most other people in the U.K. [6].

Argument from Distributive Justice-forbidden (obligatory)

Premises:
1. Others have right R to be treated the same as Grantee with respect to B.
2. Grantee receiving (not receiving) B in the current situation S is not consistent with R.

Conclusion: It is forbidden (obligatory) for Grantee to receive B in S.

   Corrective and compensatory justice involves the fair allocation of rewards and retribution (e.g., punishment or victim compensation). For example, some in the U.K. have argued that bankers' extremely

high pay is justified as a reward for their hard work [6]. Also, it is a commonly voiced sentiment today that political figures should receive the same punishments for crimes as ordinary citizens ("no one is above the law"). CQ1 and CQ2 also may be used to challenge the Justice arguments.

Argument from Corrective/Compensatory Justice-obligatory (forbidden)
Premises:
1. Grantee has right to reward/retribution B if earned.
2. Grantee has earned (has not earned) B in the current situation S.
3. Grantor has obligation to ensure Grantee will receive (will not receive) B when (if not) merited.
4. Grantor doing X will bring about B in S.

Conclusion: It is obligatory (forbidden) for Grantor to do X in S.

3. Example

Figure 1 illustrates the application of the Argument from Duty forbidden/obligatory schemes to analysis of an excerpt from "Letter from a Birmingham Jail," written by Dr. Martin Luther King, Jr.[2] In this excerpt, King gives a moral argument that one should obey just laws (e.g. pro desegregation of schools), and a parallel argument that one should not obey unjust laws (e.g. pro segregation).
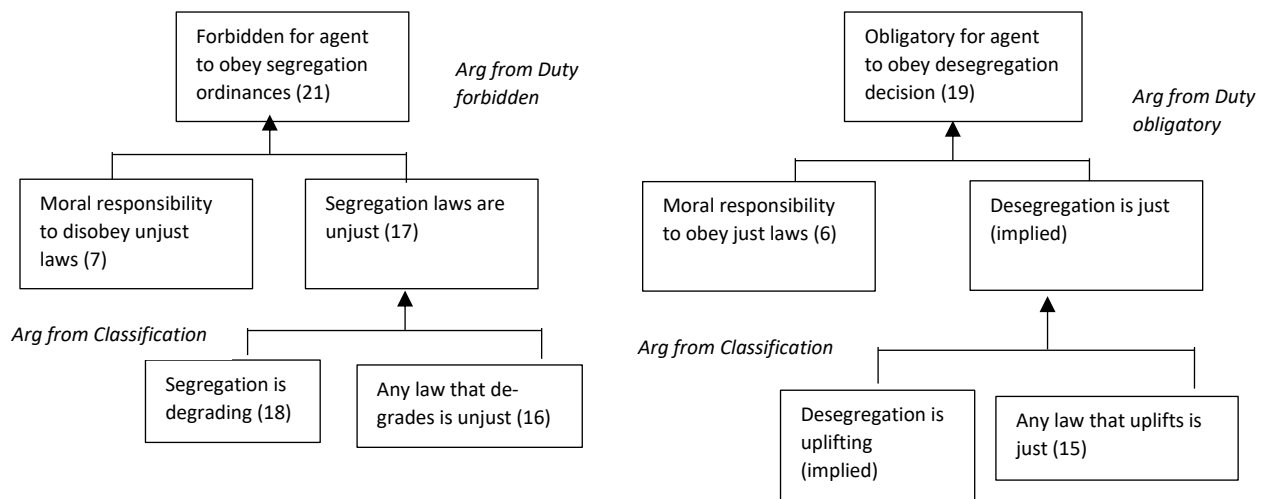

Figure 1. Two arguments in Letters from a Birmingham Jail

Excerpt from "Letter from a Birmingham Jail":
1 Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools,
2 at first glance it may seem rather paradoxical for us to consciously break laws.
3 One may well ask: "How can you advocate breaking some laws and obeying others?"
4 The answer lies in the fact that there are two types of laws: just and unjust.
5 I would be the first to advocate obeying just laws.
6 One has not only a legal but a moral responsibility to obey just laws.
7 Conversely, one has a moral responsibility to disobey unjust laws.
8 I would agree with St. Augustine that
9 "an unjust law is no law at all."

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[2] Full letter is available at https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html (accessed 11/14/2023) and numerous other sources.

10 Now, what is the difference between the two? How does one determine whether a law is just or unjust?

11 A just law is a man made code that squares with the moral law or the law of God.

12 An unjust law is a code that is out of harmony with the moral law.

13 To put in the terms of St. Thomas Aquinas:

14 An unjust law is a human law that is not rooted in eternal law and natural law.

15 Any law that uplifts human personality is just.

16 Any law that degrades human personality is unjust.

17 All segregation statutes are unjust

18 because segregation distorts the soul and damages the personality.

   [skipped several lines here]

19 Thus it is that I can urge men to obey the 1954 decision of the Supreme Court,

20 for it is morally right;

21 and I can urge them to disobey segregation ordinances,

22 for they are morally wrong.

4. Conclusion

In [7] we presented some argumentation schemes for descriptive modeling of utilitarian ethical arguments as an alternative to use of more general argumentation schemes such as practical reasoning and argument from consequences. We showed that our approach makes it possible to specify the intended, ethical, sense of 'should' in the schemes' conclusions, and to tailor the premises and critical questions for utilitarianism. In this paper we have extended that approach to the descriptive modelling of "everyday" arguments based upon deontological ethics.[3] Recognition of the argumentation scheme from which an argument was derived supports inference of missing premises, or even inference of the conclusion if it was not explicitly given in a text. Also, recognition of the ethical basis of an argument, deontological or utilitarian, provides a deeper understanding of it.

5. Acknowledgements

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[3] In future work we plan to compare deontological schemes to certain schemes in [11] and to justify use of deontological schemes in place of them for analysis of ethical argumentation.

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