# Framework

*To negate* means ‘to deny the existence, evidence, or truth of’[[1]](#footnote-1) so presume neg. *Ought* implies a moral obligation[[2]](#footnote-2), so I value morality.

***[Presume neg:******A)*** *only one part of a statement has to be false for it to be false but all parts have to be true for it to be true, so it’s more likely it’s false, and* ***B)*** *norms have to be justified otherwise they’re presumed false. If I say unicorns exist the statement is false until I provide evidence to the contrary.****]***

Evolution determines morality. **Ruse[[3]](#footnote-3):**

This is a powerful response, but today’s evolutionary ethicist argues that it misses entirely the full force of what biology tells us. It is indeed true that you cannot *deduce* moral claims from factual claims (about origins). However, using **factual claims about origins**, you can **give moral claims the only foundational *explanation***that they might possibly have. In particular, the evolutionist argues that, **thanks to our science**, we see that **[ought] claims** like “You ought to maximize personal liberty” **are** no more than **subjective expressions,** impressed upon our thinking **because of their adaptive value.** In other words, we see that **morality has no philosophically objective foundation. It is just an illusion**, fobbed off on us **to promote biological “altruism.”** This is a strong claim, so let us understand it fully. The evolutionist is no longer attempting to derive morality from factual foundations. His/her claim now is that there are no foundations of any sort from which to derive morality-be these foundations evolution, Gods will, or whatever. Since, clearly, ethics is not nonexistent, the **evolution**ist **locates** our **moral feelings** simply **in** the subjective nature of **human psychology.** At this level, **morality has no more** (and no less) **status than** that of the terror we feel at the unknown-another emotion which undoubtedly has **good biological adaptive value.**

Natural selection is epistemic. **Ruse[[4]](#footnote-4) 2:**

I will not go into further details about scientific methodology. These can be gleaned from virtually any elementary textbook in the philosophy of science. The point I want to make is clear. Science is not a random subjective phenomenon or activity, but is rather governed and evaluated by certain commonly accepted rules and criteria. And I am sure that you can guess now what move I am about to make. I argue that these **rules** and criteria used by the scientist are not subjectively decided on by the individual scientist, nor even by a group of scientists. Neither are they reflections of absolute reality or some such thing. They **are** rather the **principles** of reasoning and understanding **that** we **humans use because they proved of value to** our **ancestors in the struggle for existence.** In other words, what I argue is that the **principles** of science (and I include here mathematics and logic) **are** reflections of the **innate dispositions**, or epigenetic rules, **which are burned into the thinking processes of every** mature normal **human being. We believe that 2+2=4, not because it is a reflection of absolute reality**, or because some of our ancestors made a pact to believe in it, **but because** those **proto-humans who believed in 2+2=4**, rather than 2 +2=5, **survived** and reproduced, and those who did not, did not. Today, it is these same selectively produced techniques and rules which govern the production of science.

# Contention

Strong evolutionary tendencies favor retribution. **Mackie[[5]](#footnote-5):**

Suppose that **an animal**, human or nonhuman, **[that] is injured by another**, either of the same species or of some other, where the first is able to do some harm to the second which the second can associate with its aggression and perhaps recognize as a reaction to it. Then such retaliation **will** tend to **benefit** the **[from] retaliate[ion]** or, **since the aggressor will be discouraged from repeating the attack**. This **mechanism[s]** can **operate either at the psychological level**, **by negative reinforcement in an** individual **aggressor, or at a genetic level,** where there will be some **[with] selective pressure against** a kind of **aggression that[s]** commonly proves **harmful to the aggressor.** For both reasons there will then be selective pressure in favor of the tendency to retaliate. This need not be, and originally will certainly **not** be, **the result of** calculation and **deliberate choice** by the retaliator; it is **[but] rather** that **the mechanism of natural selection** mimics calculated, purposive, action. **Spontaneous retaliation** will thus **develop[s]** because it is often beneficial, either immediately or in a longer term, **but it will be spontaneous, not chosen by the retaliator for the sake of the benefit.** Of course, we need not assume that retaliation is always beneficial, as it clearly is not, and we can well admit that **what is thus biologically developed is** likely to be a “mixed strategy,” **a combination of retaliatory tendencies with** tendencies, say, to **flight** or, at least among members of the same species, to conciliation. All that we need is that there should be a retaliatory component in whatever mixed strategy is developed, and it is easy to see why this should be so. And the spontaneous repaying of benefit with benefit may be developed in a corresponding way. Initially **what is thus explained is retributive behavior**, but in creatures that have the capacity for emotion this will naturally be **accompanied by the development of retributive emotions directed towards the sources of injury** or help. However, these are still only the nonmoral retributive emotions. In order to account for their moral counterparts, we must, as Westermarck says, turn to society as the birthplace of moral consciousness. **Among animals that live in social groups, it is easy to explain cooperation in the resentment of injuries.** The helping, in this as in other ways, of individuals closely related to an agent will be of direct genetic advantage, of a sort that results in selection in its favor, insofar as close relatives will tend to share the agent’s genes. There can also be selective pressures in favor of reciprocal altruism, the tendency to help those who help the agent in return. But what may be most important, especially among human beings, is that cooperative social practices or conventions can grow up by social interaction. A simple model will illustrate this possibility. If two agents will do better in some way if they cooperate, they may begin to do so gradually and tentatively, each making his further cooperative moves conditional upon a favorable response from the other. Such a tentative development of a cooperative practice is easy to describe in terms of a series of conscious choices; but it could equally well grow up more automatically, through agents coming habitually to adopt ways of behaving in relation to one another that tend to help each in whatever pursuits are already established as part of his behavior. **Reciprocal sanctioning**, the fact that each will be less cooperative if the other is less cooperative, **can generate and maintain cooperative conventions even without** any series of **conscious choice**s. Since cooperation in general is thus explicable, **cooperation in resentment can be understood in social animals and particularly in human beings** once **resentment is more likely to be useful to those who develop it than cooperation in gratitude**: the repelling of injuries will often require greater concentrations of force than are needed in order to make a worthwhile return for benefit.

**And,** weighing – this is the way organisms operate empirically to spread their genes. **Greene[[6]](#footnote-6):**

In other words, the **emotions that drive us to punish are blunt biological instruments**. **They evolved because they drive us to punish in ways that lead to (biologically) good consequences**. But, as a by-product of their simple and efﬁcient design, they also lead us to punish in situations in which no (biologically) good consequences can be expected. Thus, it seems that **as an evolutionary matter of fact, we have a taste for retribution**, not because wrongdoers truly deserve to be punished regardless of the costs and beneﬁts, but **because retributive dispositions are an efﬁcient way of inducing behavior that allows individuals living in social groups to more effectively spread their genes.**

**So,** I negate.

# Frontlines

## AT Forgiveness

## AT Proportionality

**1.** Prefer my evidence about empirical claims – if this were true then these tendencies wouldn’t have developed in the first place so there’s no reason why it would be true. At the least, prefer neg offense because I have scientific evidence indicating this is directly linked to evolution.

**2.** Proportionality isn’t evolutionally advantageous. It’s a long and deliberated process whereas my Mackie evidence contextualizes evolutionary impulses and indicates that animals only want to work reciprocal sanctioning into retributive emotions.

**3.** It’s advantageous to some animals to disproportionately punish because it allows them to gain an advantage over victims. If victims are imprisoned for longer they can’t pass on their genes.

**4.** Evolution underpins any argument about why punishment is disproportionate. People who are poor or genetically predisposed to commit crimes are that way because evolution has made them that way. So evolution endorses that behavior.

**5.** Mackie indicates that reciprocal sanctioning by animals makes sense even without any conscious choice to commit an act. Even if somebody isn’t culpable Mackie says that animals will unconsciously evolve to sanction others regardless of their culpability.

## AT Util Turns

**1.** Evolutionary ethics is only concerned with intent. **Richards[[7]](#footnote-7):**

Though some varieties of utilitarianism denominate behavior morally good if it has certain consequences, the **evolutionary ethics** that I am advocating **regards an action good if it is intentionally performed from a certain kind of motive and can be justified by that motive**. I will assume as an empirical postulate **that** the **motive has been established by** community or **kin selection**. The altruistic motive encourages the agent to attended to the needs of others, such needs as either biology or culture (or both) interpret for the agent. Aristotelian-Thomistic ethics, as well as the very different Kantian moral philosophy, holds that **action from appropriate motives, not action having desirable consequences, is necessary to render an act moral.** The **common-sense moral tradition sanctions the same distinction**; that tradition prompts us, for example, to **[we] judge** those **Hippocratic physicians who risked their lives during the Athenian plague as moral heroes - even though their therapies just as often hastened the deaths of their patients.** The Hippocratics acted from altruistic motives ultimately to advance the community good (i.e., the health and welfare of the group), proximately to do so through certain actions directed, unfortunately, by invincibly defective medical knowledge.

**2.** Not-beneficial – for example some utilitarian calculi would lead to some species being sacrificed for the sake of others, which renders their evolutionary threat destroyed. You don’t link.

**3.** Reasons util is nonsensical mean it’s not adaptively valuable because it can’t guide action.

**a.** Util is impossible because we can’t predict consequences. The system relies upon a foundation of normative truth but there isn’t actual truth because there’s never a way to unconditionally know something. That means util collapses in on itself and just resorts to a guessing game.

**b.** Util is impossible because we can’t aggregate utility. Even if we always knew the consequences of our actions there is no way to calculate the utility of everyone in the world or the universe. That means we can never know if something is a net-good or bad.

**c.** Util is impossible because consequences are infinitely regressive. While I might be able to calculate and the net good of an action that doesn’t account for the consequences of the consequences and so on. That means an action can never be good or bad under util because it can’t be associated with a single value of utility.

**d.** Utility is subjective and varies between persons. A masochist might like pain while a normal person would like pleasure, which means there is no general way to conceive of utility – it isn’t a single thing that can be maximized.

**e.** Util can’t guide action – I can’t know whether devoting my life to music and enriching the world would be a better way to maximize utility than giving to the needy. There is no single way that util can tell us to behave, it’s nebulous nature means it can’t tell us what to do.

**4.** Prefer my evidence about empirical claims – if this were true then these tendencies wouldn’t have developed in the first place so there’s no reason why it would be true. At the least, prefer neg offense because I have scientific evidence indicating this is directly linked to evolution.

**5.** They’re misunderstanding my framework – it’s not about maximizing evolutionary success. I just make the claim that evolutionary impulses dictate morality, not that they are intrinsically, good, and that impulses themselves go neg.

**6.** The whole point of evolution is that some organisms have to die – death isn’t an intrinsic bad under my framework but rather just a part of the process as a whole.

## AT Naturalistic Fallacy

**1.** Factual premises don’t create a fallacy. **Richards[[8]](#footnote-8):**

The logical structure of **every argument has**, implicitly at least, **three** distinguishable **parts:** (1) one or more premises; (2) a conclusion; and (3) a rule or rules that permit the assertion of the conclusion on the basis of the premises. The inference rule, however, is not 'from which' a conclusion is drawn, but 'by which' it is drawn. **If rules were rather to be regarded as among the premises from which the conclusion was drawn, there would be no principle authorizing the move from premises to conclusion and the argument would grind to a halt** (as Lewis Carroll's tortoise knew). Hence, the first prong of the objection may be bent aside. The second prong may also be diverted. An inference principle logically only endorses a conclusion on the basis of the premises - i.e., it enjoins not a moral act (e.g., shunning abortion) but an epistemological act (e.g., accepting the proposition "Abortion should be shunned"). **Once we are convinced of the truth of a proposition, we might, of course, act in light of it; but that is an entirely different matter - at least logically**. These two considerations, I believe, take the bite out of the objection. We have just seen how **normative conclusions may be drawn from factual premises.**

**2.** Morality can only be justified by the empirical. **Richards 2:**

This brief discussion of justification of ethical principles indicates how the concept of justification must, I believe, be employed. "To justify" means "**to demonstrate that a proposition** or system of propositions **conforms to a set of** acceptable **rules**, a set of acceptable factual propositions, or a set of acceptable practices. The order of justification is from rules to empirical propositions about beliefs and practices. That is, if **rules serving as** inference principles or the rules serving **as premises** (e.g., the Golden Rule) **of a justifying argument are themselves put to the test, then they must** be shown to **conform [to]** either to still **more general rules or** to **empirical propositions** about common beliefs and practices. **Barring an infinite regress, this procedure must end in** what are regarded as acceptable beliefs or **practices**. Aristotle, for instance, justified the forms of syllogistic reasoning by showing that they made explicit the patterns employed in argument by rational men. Kant justified the categorical imperative and the postulates of practical reason by demonstrating, to his satisfaction, that they were the necessary conditions of common moral experience: that is, he justified normative principles by showing that their application to particular cases reproduced the common moral conclusions of 18th century German burgers and Pietists. If this is an accurate rendering of the concept of justification, then the justification of first moral principles and inference rules must ultimately lead to an appeal to the beliefs and practices of [people], **which** of course **is an empirical appeal.** So **moral principles** ultimately **can be justified only by facts.**

## AT Deterministic

**1.** Evolution isn’t deterministic. Four warrants. **Richards[[9]](#footnote-9):**

In addition to these several objections to specific features of the internal logic and coherence of RV (and other similar systems of evolutionary ethics), one important objection attempts to indict the whole framework by pointing out that the logic of moral discourse implies the agent can act freely. But if evolutionary processes have stampted higher organisms with the need to serve the community good, this suggests that ethical decisions are coerced by irrational forces - that men, like helpless puppets, are jerked about by strands of their DNA. There are, however, four considerations that should defuse the charge that an evolutionary construction of behavior implies the denial of authentic moral choice. **First, we may simply observe that the problem of compatibility of moral discourse and scientific discourse** (which presumes, generally, that every event, at least at the macroscopic level, has a cause) **is hardly unique to evolutionary ethics.** Most **every ethical system explicitly or implicitly recognizes the validity of causal explanations of human behavior** (which explanatory efforts imply the principle that every event has a cause). Hence, this charge is not really a challenge to an evolutionary ethics, but to the possibility of meaningful ethical discourse quite generally. Nonetheless, let us accept the challenge and move to a **second** consideration. **Though evolutionary processes may have resulted in sets of instinctual urges** (e.g., to nurture children, alleviate obvious distress, etc.) that promote the welfare of the community, **is this not a goal at which careful ethical deliberation might also arrive**? Certainly many moral philosophers have thought so. Moreover, an evolutionary account of why men generally act according to the community good does not invalidate a logically autonomous argument which concludes that this same standard is the ultimate moral standard. The similar case of mathematical reasoning is instructive. Undoubtedly we have been naturally selected for an ability to recognize the quantitative aspects of our environment. Those protomen who failed to perform simple quantitative computations (such as determining the closest tree when the saber-tooth charged) have founded lines of extinct descendants. A mathematician who concedes that this brain has been designed, in part at least, to make quantitative evaluations need not discard his mathematical proofs as invalid, based on a judgment coerced by an irrational force. Nor need the moralist (Fried 1978). **Third,** the standard of community good must be intelligently applied. **Rational deliberation must discover** what **actions in contingent circumstances** lead to enhancing the community welfare. Such **choices are not automatic but the result of improvable reason. Finally, the evolutionary perspective indicates that external forces do not conspire to wrench moral acts from a person. Rather, man is ineluctably a moral being.** Aristotle believed that men where by nature moral creatures. Darwin demonstrated it.

## AT Evolution is False

**1.** All qualified scientists confirm my argument. **Coyne[[10]](#footnote-10):**

The tenets of evolutionary theory are simple: **Life evolved, largely under the influence of natural selection; this evolution took a rather long time; and species alive and dead can be organized on the basis of shared similarities into a tree whose branching pattern implies that every pair of living species has a common ancestor Among genuine scientists., there is not the slightest doubt about the truth of these ideas**. In contrast to Egnor's claim, **the evidence for all of them is not only strong but copious--so much so that evolution has graduated from a scientific theory to a scientific fact.** My recent book, [Why Evolution Is True](http://whyevolutionistrue.com/), gives 230 pages of evidence for evolution--evidence from many areas of biology, including the fossil record, anatomy, biogeography and molecular biology. **My main problem in writing [a book to argue for it]** the book **was not deciding what to present, but what to leave out; I could easily have made it three times longer without even beginning to exhaust the data. There is so much evidence and so many kinds of evidence that one would have to be either willfully ignorant or blinded by faith to think otherwise**. (I leave it to the reader to judge to which category Egnor belongs.)

**[AT Second Law/Energy]**

**1.** This argument is dumb – it misunderstands what entropy means. The earth isn’t a closed system – the universe is, so evolution is possible because the decrease in energy occurs elsewhere in the universe.

**2.** The earth has a continued source of energy from the sun; your argument assumes that it would run out but that energy is sufficient to sponsor the complexity of evolution.

**3.** Scientific consensus proves this argument is false. **Oerter[[11]](#footnote-11):**

The second law of thermodynamics (the law of increase of entropy) is sometimes used as an argument against evolution. Evolution, the argument goes, is a decrease of entropy, because it involves things getting more organized over time, while the second law says that things get more disordered over time. So evolution violates the second law. **There are many things wrong with this argument**, and it has been discussed *ad infinitum*. A summary of the arguments on both sides can be found on the links at [link]. These discussions never seem to involve any numerical calculations. This is unfortunate, since a **very simple calculation shows that it is physically impossible for evolution to violate the second law of thermodynamics**. It is important to note that **the earth is not an isolated system: it receives energy from the sun, and radiates energy back into space**. The second law doesn't claim that the entropy of *any part* of a system increases: if it did, ice would never form and vapor would never condense, since both of those processes involve a decrease of entropy. Rather, the **second law says that the *total* entropy of the *whole system*must increase. Any decrease of entropy** (like the water freezing into ice cubes in your freezer) must be compensated by an increase in entropy elsewhere (the heat released into your kitchen by the refrigerator). A slightly more sophisticated form of the anti-evolution argument recognizes that the earth is not an isolated system; it receives energy from the sun. But, the argument goes on, the sun's energy only *increases* disorder. It speeds the processes of breakdown and decay. Therefore, even with an energy source, evolution still violates the second law.   For the earth, though, we have to take into account the change of entropy involved with *both* the absorption of energy from the sun *and* the radiation of energy into space. Think of the sun as a heat reservoir that maintains a constant temperature T1 = 6000 K. (I am using the absolute, or Kelvin, temperature scale.) That's the temperature of the radiating surface of the sun, and so it's the effective temperature of the energy we receive from the sun. When the earth absorbs some amount of heat, *Q*, from this reservoir, the reservoir loses entropy: [equation] On average, the earth's temperature is neither increasing nor decreasing. Therefore, in the same time that it absorbs heat energy *Q* from the sun's radiation, it must radiate the same amount of heat into space. This energy is radiated at a much lower temperature that is approximately equal to the average surface temperature of the earth, *T*2 = 280 K. We can think of space as a second heat reservoir that absorbs the heat *Q* and consequently undergoes an entropy increase. Since *T*1 is much larger than *T*2, it is clear that the net entropy of the two reservoirs increases: [equation] Even if it is true that the processes of life on earth result in an entropy decrease of the earth, the second law of thermodynamics will not be violated unless that decrease is larger than the entropy increase of the two heat reservoirs. Any astronomy textbook will tell you that the earth absorbs 1.1 x 1017 Joules per second of power from the sun, so in one year we get (1.1 x 1017 J/sec)x(365 days/year)x(24 hours/day)x(60 min/hr)x(60 sec/min) = 3.5 x 1024 Joules of energy from the sun. This corresponds to an entropy increase in the heat reservoirs of [equation] Just how big is this increase? For comparison, let's calculate the entropy change needed to freeze the earth's oceans solid. The heat energy involved is   *Q*= (latent heat of fusion)x(mass of ocean water) = [equation] Water freezes at 273 K on the absolute scale, so the corresponding entropy change is [equation] Comparing with the entropy increase of the two heat reservoirs, we see that this is a factor of (1.6x1024 J/K)/(1.2x1022 J/K) = 140 larger. Remember, though, that the number for the heat reservoirs was for one year. Each year, more entropy is generated. The second law will only be violated if all the oceans freeze over in about 140 years or less. **Now, the mass of all the living organisms on earth, known as the *biomass*, is considerably less than the mass of the oceans** (by a very generous estimate, about 1016 kilograms. **If we perform a similar calculation using the earth's biomass, instead of the mass of the oceans, we find that the second law of thermodynamics will only be violated if the entire biomass is somehow converted from a highly disorganized state** (say, a gas at 10,000 K) **to a highly organized state** (say, absolute zero) **in about a month or less. Evolutionary processes take place over millions of years; clearly they cannot cause a violation of the second law.**

# Card File

**Byron[[12]](#footnote-12):**

The term ‘evolutionary ethics’ denotes an approach to naturalistic moral philosophy which seeks to explain how moral traits and behavior evolved. Sophisticated versions of evolutionary ethics do not argue that the moral judgments of each and every individual can be predicted given only the tenets of evolutionary theory. Rather the aim is usually to show that human beings possess moral traits because such traits confer a selective advantage. The motivation for this kind of view lies in a broader naturalism: if moral philosophy is to be founded on a naturalistic understanding of human beings and their place in the world, and if evolutionary theory gives us the best (kind of) account of the natural history of human beings, then moral philosophy will need to be brought in line with (some version of) evolutionary theory. Shaping moral theory so that it is possible to explain the selective advantage of moral traits and behavior is thus the vocation of evolutionary ethics.

**Street[[13]](#footnote-13):**

To begin, **note the** potentially phenomenal **costs and benefits**, as measured in the Darwinian currency of reproductive success, **of** accepting some **evaluative judgements** rather than others. It is clear, **for instance, how fatal** to reproductive success **it would be to** judge that the fact that something would **endanger one's survival** is a reason to do it, **or** that **the fact** **that someone is kin is a reason to harm that individual. A creature who accepted such** evaluative **judgements would run itself off cliffs, seek out its predators, and assail its offspring, resulting in** the speedy **elimination** of it and its evaluative tendencies from the world. In contrast, it is clear how beneficial (in terms of reproductive success) it would be **to** judge that the fact that something would **promote one's survival is a reason in favor of it**, or that the fact that something would assist one's offspring is a reason to do it. **Different evaluative tendencies**, then, can **have extremely different effects on a creature's chances of survival** and reproduction. In light of this, it is only reasonable to expect **there [has been]** to have been, over the course of our evolutionary history, **relentless selective pressure on** the content of our **evaluative judgements**, or rather (as I discuss below) "proto" versions thereof. In particular, we can expect there to have been overwhelming pressure in the direction of making those evaluative judgements which tended to promote reproductive success (such as the judgement that one's life is valuable), and against making those evaluative judgements which tended to decrease reproductive success (such as the judgement that one should attack one's offspring) A **further** piece of **evidence** in favor of this view **is the striking continuity** that we observe **between** many of **our own** widely held **evaluative judgements and the** more basic **evaluative tendencies of other animals**, especially those most closely related to us. It does not seem much of a stretch, **for example**, to say that **chimp[s]**anzees, in some primitive, non-linguistic sort of fashion, experience certain things in the world as calling for or counting in **favor** of **certain reactions on their part.** Moreover, the content of **these evaluative experiences** seems to **overlap** significantly **with** the content of many of **our own** evaluative tendencies. Like us, individual **chimp[s]**anzees seem to experience - at some basic motivational level - actions that would **promote their survival or help their offspring** as in some way "called for." More strikingly, and again at some basic motivational level, **chimp[s]**anzees seem to experience the fact that another chimpanzee has helped them, whether by **shar[e]**ing **food**, grooming them, **or suppor**ting **their position within the group** hierarchy, as "counting in favor of' assisting that other individual in similar ways. While more work is needed to make such claims precise and subject them to thorough scientific testing, they have a strong basic plausibility, such that the conspicuous continuities between **the** basic **evaluative tendencies of our** close **animal relatives and our own evaluative judgements** lend further **support** to the view that **evolutionary forces** have played a large role in **shaping** the content of **our evaluative judgements**. We may view many of our evaluative judgements as conscious, reflective endorsements of more basic evaluative tendencies that we share with other animals.

**Gaus[[14]](#footnote-14):**

In this chapter, I provide an analysis of why the game that Mill and Baier observe, that the practice of justice includes the idea of “retributive punishment”— the idea that the guilty should have hardships inflicted on them just because they are guilty—is one that solves the problem of stable human cooperation in ways that theories of “telishment” or forward-looking enforcement, cannot.18 In the case of telishment, the institution of enforcing rules via sanctions is not retributive: telishment explicitly aims at a “telos,” or an end, and so is forward looking in its decision whether harm or costs are to be inflicted as a way to enforce conformity to our rules of social cooperation. The idea that the shallow conception of retributivism is uninteresting because it simply identifies retributivism with punishment overlooks the really interesting question: why do we have a game of justice in which rules are enforced via the backward-looking idea of retributive punishment rather than some forward-looking strategy? On the face of it, there would seem strong reasons why we should enforce in a forward-looking way— that we should “telish” rather than punish. As Mill stressed, justice is crucial to utility19: if the aim of a system of justice is to allow humans to cooperate on mutually beneficial terms, it would seem that when applying sanctions, such a system should have an eye toward promoting cooperation rather than turning our back on the effects of our sanctioning and crying over spilled milk. If we conceive of humans as being devoted to pursuing their own ends and reasonably believe that the game of justice is conducive to this, why are we (or at least most of us) shallow retributivists? Why, pace the good bishop, is a culture of justice a culture of retribution?

**Gaus:**

This discussion has been rather complex, but the core point is straightforward. The evolutionary model we have been examining shows how individuals who possess Mill’s two sentiments of punishment—a desire to retaliate on the basis of past wrongs and sympathy with wronged others, resulting in a desire to seek revenge against wrongdoers—are more apt to form social groups in which the population’s goals are satisfied than are groups of agents who only see enforcement in instrumental terms and which are resistant to invasion by nasty types. The groups populated by such individuals do much better than groups without them (they are bad news for Defectors), and within these groups, the Rule-Following Punishers may be nearly as fit as the cooperative free riders, and they also keep Defectors from invading the group. Plus, they can pretty much eliminate Easygoing Rule Followers by punishing those who fail to punish Defectors. To be a member of a society dominated by Rule-Following Punishers is the most effective way to advance one’s ends. Our punishers are genuinely “altruistic” agents in the sense that they engage in activities that do not best maximize their own goals but are advantageous for the group. Purely instrumental agents could never reason themselves into being strictly altruistic—performing acts that, all things considered, set back their own values, goals, and ends.45 We thus have a powerful model for one of the most perplexing of evolutionary phenomena: the selection of altruistic traits which, by definition, reduce the individual fitness of those who possess them. Punishing violators is a public good; because the Easygoing Rule Followers share the benefits of such punishment but do not incur the costs of contributing, they do better. And, of course, an agent solely devoted to her own goals will defect if she is not punished; Rule-Following Punishers will not. Thus, if we focus on simply instrumental rationality in terms of promoting one’s goals narrowly understood (that is, apart from a taste for retribution), Rule-Following Punishers are not instrumentally rational. Under some configurations of payoffs, models of the evolution of social cooperation show a mixed equilibrium of populations split between punishing and easygoing cooperative strategies (perhaps with some Defectors as well).46 I began by noting the conflicting views of the bishop and John Stuart Mill: for one retaliation is distinct from, and often opposed to, justice; and for the other, retributive punishment and its accompanying sentiments are part and parcel of the very idea of justice. It has long been the case that people are divided in this way. Evidence indicates a majority with retributivist views about justice, almost always with a spirited dissent by some. The interesting possibility arises that this is our evolutionary stable outcome: a mixed population whose members have different views of the relation of justice and retribution. It is easy for intellectuals to dismiss the shallow retributivism of the hoi polloi. It is not based on the deep philosophical justifications to which intellectuals are so drawn and which they love to construct (and destroy); it is a competency about the “game” of justice on which our cooperative order is based. If asked, “why this conception of a just order?” rather than one based on boycotts, deterrence, or Icelandic private enforcement, the hoi polloi will be unable to answer. Like so much of our social world, this system was not the product of philosophic construction but of social and biological coevolution: it is a crucial element in solving the absolutely fundamental problem of stabilizing social cooperation. If we did not have a “culture of vengeance,” the good bishop probably would not be in the position to insist on compassion (a society of easygoing types can be invaded easily by nasty types). Yet, as Mill so clearly recognized, shallow retributivism needs to be moralized. We have a taste for punishment and, like all tastes, we may indulge it excessively. We need critics like the bishop to remind us that punishment imposes hardships for what is already done and in the past. A just and humane society seeks to stay fit and trim in satisfying such tastes.

1. http://www.thefreedictionary.com/negate [↑](#footnote-ref-1)
2. http://dictionary.reference.com/browse/ought [↑](#footnote-ref-2)
3. Michael Ruse, [University of Guelph, Ontario], “Evolutionary Ethics: A Phoenix Arisen,” Joint Publication Board of Zygon, 1986. SM [↑](#footnote-ref-3)
4. Michael Ruse, *Evolutionary Naturalism*, Routledge, London, 1995. SM [↑](#footnote-ref-4)
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