

Deontology

SE Robinson

Outline

What is
Deontology?

Deontology in
LD

Examples of
Deontology
Pt. I

Examples of
Deontology
Pt. II

Examples of
Deontology
Pt. III

Deontology in
LD theory

In Defense of Deontology

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1 What is Deontology?

2 Deontology in LD

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6 Deontology in LD theory

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- Some things are simply *wrong*

- Defining the scope of what is *wrong* is the job of deontology

- Examples
 - 1 Violating limits on political authority (“government can’t do that”)
 - 2 Violating human rights (“we can’t let that happen / do that to people”)
 - 3 Violating principles of judicial interpretation (“we ought to interpret laws this way”)

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- Grammatical justifications
 - 1 “ought”
 - 2 “is justified” / “is (un)just”

- Theoretical and metaphysical justifications
 - 1 There must be a source of value “at the bottom”
 - 2 Information demands on human decision makers
 - 3 Temporality

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- Kant / Gewirth
 - 1 Kant - the categorical imperative
 - 2 Gewirth - the principle of generic consistency

- Social contract positions
 - 1 Binding limitations on political authority
 - 2 Examples: non-arbitrary authority, protect specific rights, etc.
 - 3 Hobbes, Locke, Rousseau - but also Kant, Rawls, and Nozick

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■ Distributive justice

- 1 What do we owe others in society?
- 2 Examples: wealth redistribution, protection of specific civil liberties, etc.
- 3 Rawls, Nozick, Sandel

■ Biopolitics and Statism Ks

- 1 Evaluation of how we think about the individual and society
- 2 Examples: public health regulations, protection from internal terrorist threats, etc.
- 3 Foucault, Nozick (in terms of anti-statism), Agamben

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- Jurisprudence
 - 1 Original intent
 - 2 Progressive or “spirit of the law” approaches
 - 3 Critical theories of interpretation (CLS)

- Criminal justice
 - 1 Retributive justice
 - 2 Rehabilitative justice

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- Deontology asks for judges to evaluate the resolution pre-fiat
- Deontological claims make weighing difficult
- The controversy over “turns” of deontological claims
- Side advantage for deontological claims