

Intertemporal Disagreement and Empirical Slippery Slope Arguments

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One prevalent type of slippery slope argument has the following form: (1) by doing some initial act now, we will bring it about that we subsequently do some more extreme version of this act, and (2) we should not bring it about that we do this further act, therefore (3) we should not do the initial act. Such arguments are frequently regarded as mistaken, often on the grounds that they rely on speculative or insufficiently strong empirical premises. In this article I point out another location at which these arguments may go wrong: I argue that, in their standard form, the truth of their empirical premises constitutes evidence for the falsity of their normative premises. If we will, as predicted, do the further act in the future, this gives us at least a *prima facie* reason to believe that the performance of this further act would be good, and thus something we should try to bring about. I end by briefly assessing the dialectic implications of my argument. I delineate a subset of slippery slope arguments against which my objection may be decisive, consider how the proponents of such arguments may evade my objection by adding further premises, and examine the likely plausibility of these additional premises.

I. INTRODUCTION

Slippery slope arguments assert that we should not φ because it will follow that we ψ , where ψ ing is an extended or more extreme version of φ ing.¹ Arguments of this form have been used to argue, for example, that we should not engage in voluntary euthanasia (because more problematic kinds of euthanasia will follow);² that we should not ban Nazi rallies (because similar prohibitions on less offensive groups will follow);³ and that we should not introduce gun registration (because gun confiscation will follow).⁴

¹ See, for similar but more inclusive definitions, W. van der Burg, 'The Slippery Slope Argument', *Ethics* 102.1 (1991), pp. 42–65 (p. 42); F. Schauer, 'Slippery Slopes', *Harvard Law Review* 99.2 (1985), pp. 361–3 (pp. 364–5). For a similar but narrower definition, see H. La Follette, 'Living on a Slippery Slope', *Journal of Ethics* 9.3–4 (2005), pp. 475–99 (pp. 475–82).

² Y. Kamisar, 'Some Non-Religious Views against Proposed "Mercy Killing" Legislation', *Minnesota Law Review* 42.6 (1958), pp. 969–1042 (pp. 975–7).

³ L. C. Bollinger, 'The Skokie Legacy: Reflections on an "Easy Case" and Free Speech Theory', *Michigan Law Review* 80.4 (1982), pp. 617–33; A. Neier, *Defending My Enemy: American Nazis, the Skokie Case, and the Risks of Freedom* (New York, 1979), esp. at. p. 124.

⁴ J. E. Olson and D. B. Kopel, 'All the Way down the Slippery Slope: Gun Prohibition in England and Some Lessons for Civil Liberties in America', *Hamline Law Review*, 22.2 (1999), pp. 399–465.

The term 'follow', as it appears in slippery slope arguments (SSAs), is open to different interpretations. In what have been called *logical* SSAs, the claim is that, by ϕ ing, we *logically commit* ourselves to ψ ing. But in another prevalent group of arguments – the causal or *empirical* SSAs – the claim is that our ϕ ing will, as a matter of fact, bring it about that we subsequently ψ . Thus, for example, it has been argued that doctors should not engage in voluntary euthanasia because this will alter their attitudes to death such that they will later engage in involuntary euthanasia.⁵ Similarly, it has been argued that we should not engage in seemingly innocuous forms of genetic testing since this will result in the 'widespread' and 'arbitrary' use of genetic tests in ways that will significantly restrict individual freedom.⁶ These empirical SSAs are straightforwardly consequence-based arguments – they claim that we should not ϕ on the ground that our ϕ ing would have at least one negative consequence.

Criticism of empirical SSAs most commonly focuses on their empirical premises, which are often alleged to be insufficiently strong or insufficiently supported by the available evidence.⁷ (Similarly, those who carefully defend such arguments often do so by marshalling evidence in support of their *empirical* premises.)⁸ But in this article I will point out another location at which empirical SSAs may go wrong. There is, I will argue, a tension between the empirical and normative premises of such arguments. For some empirical SSAs, this tension poses no significant problem. And for the rest, it may be resolved through the addition of further premises. However, these premises may themselves be implausible.

II. A FORMAL ARGUMENT

I will focus, for the most part, on a formal empirical SSA which has the structure normally attributed to actually expressed empirical SSAs. In presenting this formal argument, it will be useful to have in mind a simple model. Let us say that time is divided into two discrete periods,

⁵ van der Burg, 'The Slippery Slope Argument', p. 59.

⁶ L. Schubert, 'Ethical Implications of Pharmacogenetics – Do Slippery Slope Arguments Matter?', *Bioethics* 18.4 (2004), pp. 361–77 (pp. 368–9).

⁷ See, for example, D. Walton, *Slippery Slope Arguments* (Oxford, 1992), pp. 101–2; H. Häyry, 'How to Assess the Consequences of Genetic Engineering', *Ethics and Biotechnology*, ed. J. Harris and A. Dyson (London, 1994), pp. 144–56; V. Launis, 'Human Gene Therapy and the Slippery Slope Argument', *Medicine, Health Care and Philosophy* 5 (2002), pp. 169–79; La Follette, 'Living on a Slippery Slope'.

⁸ See, for example, J. Keown, 'Euthanasia in The Netherlands: Sliding down the Slippery Slope', *Notre Dame Journal of Law, Ethics and Public Policy* 9 (1995), pp. 407–48; H. Jochemsen and J. Keown, 'Voluntary Euthanasia under Control? Further Empirical Evidence from The Netherlands', *Journal of Medical Ethics* 25.1 (1999), pp. 16–21.

t_0 and t_1 , where t_0 is the current period and t_1 lies in the future. Suppose that *we* – the members of some group (perhaps humanity as a whole) – must collectively decide in t_0 whether to do *Mild* in t_0 . Then, having observed whether we do *Mild* in t_0 , our descendants will decide, in t_1 , whether to do *Extreme* in t_1 (where *Extreme* is an extended or more extreme version of *Mild*). By ‘our descendants’, I mean simply those who will, in t_1 , be members of the group to which we, in t_0 , belong. With this basic model in mind, we can formulate our empirical SSA as follows:

[EP] (Empirical Premise) By doing *Mild* in t_0 we bring it about that our descendants will do *Extreme* in t_1 .⁹

[NP] (Normative Premise) We should not, in t_0 , bring it about that our descendants will do *Extreme* in t_1 .

[NC] (Normative Conclusion) We should not do *Mild* in t_0 .

Many empirical SSAs that appear in the literature appear to lack an equivalent of NP, inferring an NC-like conclusion from an EP-like premise. However, an NP-like premise is clearly necessary if such arguments are to be valid. Hence, we can assume that where such a premise is not made explicit, it is nevertheless implicit.

III. A PROBLEM FOR THE FORMAL ARGUMENT

Assume, for the sake of argument, that EP is true. It follows, I will argue, that we have some evidence for the falsity of the other premise, NP.

According to EP, if we do *Mild* in t_0 , then our descendants (our ‘post-*Mild*’ descendants) will do *Extreme* in t_1 . But it might be thought that this fact – if it is a fact – counts as evidence that we *should* bring it about that our descendants do *Extreme* in t_1 . After all, our descendants’ choice to do *Extreme* may well be based on a sincere belief that that is what they should do. And we often take the fact that other people sincerely believe some proposition as evidence for that proposition’s being true. So perhaps the fact that our *descendants* would believe some proposition constitutes evidence for *that* proposition being true. We would thus have evidence that our descendants should do *Extreme*. Moreover, perhaps if they should do *Extreme*, we can infer that doing *Extreme* is *objectively good* and thus something that people should, other things being equal, promote. We would then have at least some

⁹ EP is stronger than the empirical claim sometimes made by empirical SSAs, which may be of the form ‘our descendants *might* do *Extreme*’ or ‘our descendants *are likely to* do *Extreme*’. However, since I will later assume that EP is true, I adopt the strongest version here in order to be as charitable as possible to the proponents of empirical SSAs.

reason to believe that *we* should bring it about that our descendants do *Extreme*: in doing so, we would be promoting an objective good and thereby acting as we should, other things being equal, act.¹⁰

The thought I am entertaining here can be captured as follows:

(The Evidence Thesis) The fact reported by EP constitutes evidence that NP is false.

I use 'evidence' in a weak sense whereby *A* is evidence for *B* just in case *A* provides a prima facie epistemic reason to believe *B*. This reason may be outweighed (it need not be a *conclusive* reason) and may also turn out to have no force whatsoever (it need not be a *pro tanto* reason).

The Evidence Thesis might, if true, throw some light on where the proponents of mistaken empirical SSAs have gone wrong. Consider the following argument advanced by a Protestant preacher in the United States prior to the abolition of slavery: we should not grant 'colored men' freedom from slavery, because this might cause us to grant them all sorts of other freedoms such that 'a colored man might be the next governor; and colored men might constitute their Legislature, and sit on the bench as judges in their courts'.¹¹ The implicit normative premise of this argument – that the further freedoms should not be brought about – is clearly false, and the proponent of the argument could presumably have accessed evidence for its falsity. According to the Evidence Thesis, one piece of evidence that he could have accessed was the fact (if it was a fact) reported by the empirical premise of his own argument: that abolishing slavery would lead future persons to grant African Americans those further freedoms. With the benefit of hindsight, it is clear that the granting of those further freedoms was the result of *correct* judgements.

The Evidence Thesis might also, if true, give us reason to doubt empirical SSAs that are not otherwise clearly mistaken. Thus, consider the empirical SSA in which 'do *Mild*' denotes 'engage in gene therapy' (that is, use genetic interventions to treat disease) and 'do *Extreme*' denotes 'engage in genetic enhancement' (that is, use genetic interventions to augment the capacities of disease-free humans). This is an argument against using gene therapy: EP claims that by engaging in gene therapy we will bring it about that our descendants engage in genetic enhancement, NP claims that we should not bring this result about, and NC concludes that we should not engage in gene therapy.¹²

¹⁰ For a related objection, see M. J. Rizzo and D. G. Whitman, 'The Camel's Nose Is in the Tent: Rules, Theories, and Slippery Slopes', *UCLA Law Review* 51 (2003), pp. 539–92 (pp. 543, 572–3).

¹¹ N. L. Rice, *A Debate on Slavery* (New York, 1846), p. 33.

¹² See, for this argument, J. Rifkin, *Algeny: A New Word – A New World* (Harmondsworth, 1984), pp. 219–44, esp. pp. 231–3, 237, 244; T. Tännsjö, 'Should We

The Evidence Thesis will then introduce the following doubt: if it is true that engaging in gene therapy would lead our descendants to genetically enhance themselves, then perhaps we have some reason to believe that they *should* engage in genetic enhancement, and, indirectly, that we should *bring it about that* they engage in genetic enhancement. And since it was not in any case obvious that we should *not* bring about genetic enhancement, this evidence may give us a decisive reason to drop the normative premise of the argument.

Of course, the Evidence Thesis will serve these diagnostic and critical purposes only if it is true, and I have hardly established that yet. We should consider the case for that thesis in more detail. That case, as I introduced it above, can be captured by the following three propositions:

(Proposition One) The fact that our post-*Mild* descendants would choose to do *Extreme* constitutes evidence that they would sincerely believe that they *should do Extreme*.

(Proposition Two) The fact that our post-*Mild* descendants would sincerely believe that they should do *Extreme* constitutes evidence that they actually should do *Extreme*.

(Proposition Three) The fact that our post-*Mild* descendants should do *Extreme* constitutes evidence that we should bring it about that our descendants do *Extreme*.

Assuming that evidence is transitive (so that if *A* is evidence for *B*, which is evidence for *C*, then *A* is evidence for *C*), these three propositions jointly entail the Evidence Thesis. Thus, we can assess the truth of the Evidence Thesis by assessing the truth of each of these propositions. It is to this task that I now turn.

IV. PROPOSITION ONE

Proposition One is not obviously true. People often perform actions without also sincerely believing that they should perform those actions. We often act without even considering what we should do, and we sometimes act contrary to our normative beliefs (perhaps because we are weak willed, or the victims of coercion).

Nevertheless, acquiring the sincere belief that one should ϕ will generally increase a person's probability of ϕ ing. Thus, ϕ ing and sincerely believing that one should ϕ are to some extent positively correlated with one another. And it follows that, if our descendants

Change the Human Genome?', *Theoretical Medicine and Bioethics* 14.3 (1993), pp. 231–47; G. J. Annas, 'Genism, Racism, and the Prospect of Genetic Genocide', paper presented at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban (2001).

would do *Extreme*, then we have a prima facie reason to attribute to them the belief that they should do *Extreme*. The fact that they would do *Extreme* constitutes evidence – though not necessarily decisive evidence – for their sincerely believing that they should do *Extreme*.

V. PROPOSITION TWO

Proposition Two maintains that the fact that our descendants would sincerely believe that they should do *Extreme* constitutes evidence that they indeed should do *Extreme*. There is some intuitive basis for this proposition. We often think that the beliefs of others constitute evidence for the truth of those beliefs. Adam Elga gives a nice example: you might well take the belief of a meteorologist that there is a 50 per cent chance of rain tomorrow as evidence for the truth of that belief.¹³ Plausibly, we could extend the same line of thinking to future people with whom we would disagree.¹⁴ But Proposition Two does not straightforwardly follow since there are also cases in which the sincere beliefs of others do not, intuitively, constitute evidence. For example, we would perhaps not take the sincere belief of a clairvoyant that the world will end in 2020 as providing any evidence for the proposition that the world *will* end in 2020. It would, however, be widely accepted that *A* should take *B*'s belief that *P* as evidence for the truth of *P* where *A* is *epistemically superior* to *B* with regard to *P*. (I assume that a person's epistemic status is a function of her informational situation and her information-processing ability.) Arguably, Proposition Two will come out true if our post-*Mild* descendants would be our epistemic superiors on the question whether they should do *Extreme*. Whether Proposition Two would also come out true if our descendants were our epistemic *equals* is an interesting question, but not one that I can adequately address here.¹⁵

In assessing the epistemic status of our post-*Mild* descendants, we have little information to go on. Some empirical SSAs may include premises according to which our post-*Mild* descendants will be our epistemic *inferiors*. It may be posited, for example, that their experience with *Mild* will corrupt them in some way (more on this in §VIII below). However, taken at face value, our formal argument – like most

¹³ A. Elga, 'Reflection and Disagreement', *Noûs* 41.3 (2007), pp. 478–502 (p. 479).

¹⁴ We should perhaps extend this line of thinking to *all* possible people. See T. Kelly, 'The Epistemic Significance of Disagreement', *Oxford Studies in Epistemology*, vol. 1, ed. T. Szabo Gendler and J. Hawthorne (Oxford, 2005), pp. 167–96.

¹⁵ Whether we should take disagreement from an epistemic peer as evidence for the falsity of our beliefs has been a topic of much recent discussion. See, for example, D. Christensen, 'Epistemology of Disagreement: The Good News', *Philosophical Review* 116 (2004), pp. 187–217; Kelly, 'The Epistemic Significance of Disagreement'; Elga, 'Reflection and Disagreement'.

actually-expressed empirical SSAs – makes no such claim. The premises of that argument provide only the following information about our post-*Mild* descendants:

- (a) They will, due to our doing *Mild*, do *Extreme* (from EP).
- (b) With some non-zero probability, they will sincerely believe that they should do *Extreme* (from EP and Proposition One).
- (c) They will live in a post-*Mild* world.

Fact (a) does not bear on the question whether our post-*Mild* descendants will be our epistemic superiors since it is consistent with their having either very high or very low epistemic status. We could try to explain (a) by supposing that our post-*Mild* descendants will be our epistemic inferiors. We could say, for example, that they will choose to do *Extreme* because their judgements will be clouded by an irrational attachment to *Mild*- and *Extreme*-like practices, born of their experience with *Mild*. However, we could equally explain (a) by supposing that our post-*Mild* descendants will be our epistemic superiors. Perhaps, for example, they will be in a better informational position than us to assess the risks associated with doing *Extreme*, and perhaps, from that superior position, they will judge that doing *Extreme* would be safe, and, all things considered, a good thing to do.

Fact (b) is also unhelpful. What we are faced with here is a case of intertemporal disagreement: we are supposing that we believe that our descendants should not do *Extreme* and that *they* believe that they should do *Extreme*. Is the fact of this disagreement evidence for the epistemic superiority of our descendants, or for our own epistemic superiority? Let us rule out, for simplicity, the unlikely scenario in which we and our descendants have precisely the same epistemic status. Thus, there are only two possibilities:

- (1) We are epistemically superior to our descendants on the question whether they should do *Extreme*.
- (2) Our descendants are epistemically superior to us on the question whether they should do *Extreme*.

It is clear that (1) and (2) are equally able to explain the observation that we and our descendants disagree. The fact of our disagreement does not favour one possibility over the other.

This brings us to fact (c): our post-*Mild* descendants will, by definition, live in a world in which *Mild* has already been done. Here, at last, we appear to have a fact that gives some clue as to the epistemic status of our descendants. Having experience with *Mild*, our post-*Mild* descendants will presumably be somewhat informed on the risks and benefits associated with doing *Mild*, and thus with extended

or more extreme versions of *Mild*, such as *Extreme*. They will also, presumably, be aware of a greater range of arguments for and against both doing *Mild* and doing *Extreme* than we are, since our doing *Mild* is likely to stimulate debate about the ethics of these practices. Our descendants will thus almost certainly be in a superior informational situation to us regarding whether they should do *Mild* and this gives us prima facie reason to believe that they will be our epistemic superiors. This, in turn, gives us some reason to concur with their belief that they should do *Mild*, supposing that they indeed have such a belief.

VI. PROPOSITION THREE

If Propositions One and Two are true, then the fact that our post-*Mild* descendants would do *Extreme* constitutes evidence that they should do *Extreme*. I now turn to Proposition Three, which claims that the fact that our post-*Mild* descendants should do *Extreme* constitutes evidence that we should bring it about that they do *Extreme*. The thought underpinning this proposition was that, if our descendants should do *Extreme*, that must be because doing *Extreme* is objectively good, so that people should, other things being equal, promote it. It would follow that we should, other things being equal, bring it about that our descendants do *Extreme*. However, this assumes that if one should do some action, that action must be objectively good. But there are other ways of accounting for why one should do an action. Consider, for example, the following normative theory – a variant on what Derek Parfit calls the present aim theory:

[PA] Agent *S* should, at time *t*, φ if and only if *S*'s φ ing would satisfy some aim (perhaps of a certain kind) that *S* has at *t*.¹⁶

Or alternatively, consider the following version of cultural relativism:

[CR] Agent *S* should, at time *t*, φ if and only if *S*'s φ ing complies with a certain kind of norm which *S*'s cultural group endorses at *t*.

Both of these theories are what we might call 'present relative': they maintain that the contingent facts about what an agent should do at *t* are determined by facts about the world at *t*. Because they are present relative, they provide no support for Proposition Three. If we accept PA, then we cannot necessarily take facts about what our descendants

¹⁶ PA is a variant of what Derek Parfit calls the instrumental version of the Present Aim Theory. See D. Parfit, *Reasons and Persons* (Oxford, 1984), p. 117. Though Parfit does not defend this view, others have defended something close to it. See, for example, B. Williams, 'Internal and External Reasons', in his *Moral Luck* (Cambridge, 1981), pp. 101–13.

should do as evidence for what we should do. According to PA, what our descendants should do in t_1 will be determined by their t_1 aims. But these t_1 aims will not determine what we should do. PA implies that only our t_0 aims can give rise to t_0 'shoulds', and these aims may obviously be different from the t_1 aims of our descendants. Similar thoughts apply to CR. According to that theory, what our descendants should do will be determined by the norms that they endorse, and what we should do will be determined by the norms that we endorse. But since these norms could be different, there could be a gap between what they should do and what we should promote; it could be that they should do *Extreme* though we should not bring it about that they do this.

Present relative normative theories, such as PA and CR, are, however, controversial, and the premises of the formal argument give us no reason to accept them. (Indeed, the proponents of most empirical SSAs give no sign of accepting such theories.) At best, we could say that some present relative theory *may* be true. But an objective good theory, according to which the objective goodness of an act determines whether one should do it, might also be true.

Moreover, even if a present relative theory were true, the fact that our descendants should do *Extreme* would not constitute evidence *against* the view that we should bring it about that they do this. That our descendants should do *Extreme* would simply provide no evidence either way on what we should do, since the 'shoulds' are relative to different contingent facts.¹⁷ Our situation, then, appears to be this. If a present relative theory were true, then the fact that our descendants should do *Extreme* would constitute no evidence either way on whether we should bring it about that they do *Extreme*. On the other hand, if an objective good theory were true, then the fact that our descendants should do *Extreme* would constitute evidence *for* the view that we should bring about their doing *Extreme*. But, in fact, we do not know which (or whether either) of these theories is true: we know only that either *could* be true and both have some plausibility. The question thus arises: *given this uncertainty about which normative theory is true*, which way does the evidence point? It seems clear that it supports the view that we should bring it about that our descendants do *Extreme*; we have identified one plausible theory according to which we have evidence for this view, and we have not identified any plausible alternative theory according to which we have contrary evidence. Proposition Three thus appears to be true.

¹⁷ It will provide some evidence if there is evidence of either a negative or positive correlation between these contingent facts.

VII. A FINAL OBJECTION TO THE EVIDENCE THESIS

Notwithstanding my arguments for Propositions One, Two and Three, it might be thought that one of these must be false since the Evidence Thesis is itself clearly false. One reason for thinking this is that the Evidence Thesis appears to focus illicitly on the t_1 world that will come about *if*, in t_0 , we do *Mild*. The Thesis holds that what our descendants should do in the post-*Mild* t_1 world constitutes evidence for what we should do in t_0 . But surely there is another possible t_1 world that we need to consider: the t_1 world that will come about if we do *not* do *Mild* in t_0 . In that world (the ‘no-*Mild*’ t_1 world), our descendants might not do *Extreme*. To be consistent, then, we must surely take *this* fact as evidence that we should *not* bring it about that our descendants do *Extreme*. And this evidence would precisely offset the contrary evidence cited by Evidence Thesis.

Two things can be said in response to this objection. First, we need not assume that our *no-Mild* descendants would, with a probability of one, refrain from doing *Extreme*. The formal argument does not claim this. It is perhaps implicit in the argument that our post-*Mild* descendants will be more likely to do *Extreme* than our *no-Mild* descendants. But it remains possible, for example, that our *no-Mild* descendants would be as likely to do *Extreme* as not. And whether they do *Extreme* would then provide no evidence either way on whether they should do *Extreme*, nor on whether we should bring it about that they do so. We would thus have no evidence to offset the evidence cited by the Evidence Thesis.

Second, even if our *no-Mild* descendants would choose *not* to do *Extreme*, this might not provide any evidence for what they or we should do. This is because our *no-Mild* descendants might not be our epistemic superiors on the question of whether they should do *Extreme*. I said above that our post-*Mild* descendants would, plausibly, be our epistemic superiors on this question, but that assessment was based on the assumption that they would have some experience with *Mild*. Our *no-Mild* descendants would have no such experience, and we therefore have little or no reason to believe that their informational situation would be any better than our own. The analogue of Proposition Two may thus not hold for our *no-Mild* descendants.

VIII. IMPLICATIONS

I have argued that,

(The Evidence Thesis) The fact reported by EP constitutes evidence that NP is false.

That is, the fact reported by EP provides a *prima facie* reason to believe that NP is false. We should now consider the implications of this thesis for some actual empirical SSAs.

It should be noted at the outset that some empirical SSAs are immune to the Evidence Thesis. These are the arguments whose normative premises are so well supported that our justification for accepting them could not be undermined by the sort of counter-evidence cited by the Evidence Thesis. An example of such an argument might be the empirical SSA in which ‘do *Mild*’ denotes ‘engage in voluntary euthanasia’ and ‘do *Extreme*’ denotes ‘engage in involuntary euthanasia’. The normative premise of this argument is that we should not bring it about that our descendants engage in involuntary euthanasia. Arguably, we have such strong reasons to believe this premise that the countervailing reason captured by the Evidence Thesis could not be decisive.

Indeed, it is doubtful whether the Evidence Thesis would have any dialectic impact at all in discussion of the euthanasia SSA. I imagine that the Evidence Thesis might be cited by someone who accepted the empirical premise of an empirical SSA but nevertheless wanted to resist that argument’s conclusion. But arguably, no-one would accept the empirical premise of the euthanasia SSA without already taking the Evidence Thesis to be false. This is because the *normative* premise of that argument is so plausible that both proponents and opponents of the argument are likely to take it as common ground: it will simply be granted that we should not bring about involuntary euthanasia. Once this is granted, it is difficult to see how one could come to accept the *empirical* premise of the argument – that our engaging in voluntary euthanasia will bring it about that our descendants engage in involuntary euthanasia – without already accepting that our engaging in voluntary euthanasia will somehow *corrupt* our descendants (either rendering them our epistemic inferiors, or preventing them from regulating their behaviour on the basis of sincere moral judgements). How could we bring it about that our descendants engage in voluntary euthanasia *except* by corrupting them in one of these ways? It seems, then, that to accept the empirical premise of this SSA, one must accept that our descendants will be corrupted. But this undermines the Evidence Thesis, since if our descendants will be corrupted, then we probably have no reason to take the fact that they would engage in voluntary euthanasia as evidence for what we should do.

Note, however, that when empirical SSAs contain *obviously* true normative premises – as in the euthanasia SSA – they are often particularly susceptible to traditional critiques which target their empirical premises. If it is obvious that we should not bring about some practice, this will often be because that practice is obviously objectively immoral. But if that is so, we have grounds to hope that our descendants will recognize its objective immorality and abstain from it. The empirical premises of empirical SSAs are frequently most plausible when the feared practice is plausibly but not obviously immoral, and

when the normative premise of the argument is thus not obviously true. But it is in precisely these arguments that the Evidence Thesis comes into its own. Consider, for example, the argument against gene therapy mentioned earlier. In this argument, 'do *Mild*' denotes 'engage in gene therapy' and do *Extreme* denotes 'engage in genetic enhancement'. The normative premise asserts that we should not bring it about that our descendants engage in genetic enhancement. But this is a controversial claim. It is not obviously true, and it therefore seems quite likely that evidence of the sort cited by the Evidence Thesis could give us decisive reason to drop that premise.

Moreover, in the gene therapy SSA, the Evidence Thesis is not dialectically impotent as it was in the euthanasia SSA. Since the normative premise of the gene therapy argument is uncertain, it may not be granted from the outset by all discussants. (Indeed, proponents and opponents of the argument may be more likely to agree on the empirical premise.) It therefore remains open to opponents of the argument to accept the *empirical* premise of the argument without rejecting the Evidence Thesis: one could accept that our engaging in gene therapy will cause our descendants to engage in genetic enhancement without believing that it would corrupt them. The opponent could then adduce the empirical premise of the argument and the Evidence Thesis *against* the normative premise.

It thus seems that, when directed against empirical SSAs with uncertain normative premises, appeals to the evidence thesis might be both decisive and dialectically potent. Aside from the gene therapy SSA, other empirical SSAs in this category might include the following:

- We should not introduce gun registration, since this would lead our descendants to engage in gun confiscation.
- We should not permit pharmaco-genetic testing, since this would lead our descendants to engage in widespread genetic testing for many conditions.
- The state should not provide parents with school vouchers that can be redeemed at private secular schools since this would lead its descendant-state to provide vouchers that can be redeemed at private religious schools.¹⁸
- We should not engage in research using human embryonic stem cells, since this would lead our descendants to engage in reproductive cloning.¹⁹

¹⁸ E. Volokh, 'The Mechanisms of the Slippery Slope', *Harvard Law Review* 116.4 (2003), pp. 1026–1137 (pp. 1056–8).

¹⁹ G. de Wert and C. Mummery, 'Human Embryonic Stem Cells: Research, Ethics and Policy', *Human Reproduction* 18.4 (2003), pp. 672–82 (p. 675).

- We should not permit the police to install video cameras on street lamps since this would lead our descendants to permit the permanent archiving of tapes from these cameras.²⁰

As far as I can see, proponents of such arguments can avoid my critique altogether only by inserting into their arguments a further premise according to which our descendants *will* be corrupted by our action.²¹ In some cases, there may be good reasons to accept this premise. Consider, for example, the following empirical SSA: I should not smoke one packet of cigarettes, since doing so would lead to my becoming a regular smoker and I should not bring it about that I am regular smoker. Assuming that the empirical premise contained in this argument is true, it seems that I have some reason to believe that my future self will be my epistemic inferior, or that he will be incapable of guiding his smoking behaviour on the basis of sincere normative beliefs. This is because, as it happens, the best explanation for the truth of the empirical premise of this argument in this case is that tobacco is addictive. And addiction is, arguably, a paradigmatic example of a corrupting process (that is, a process which reduces epistemic status or overrides sincere normative beliefs).²²

However, there are many empirical SSAs for which this additional premise may be less plausible. Consider again the gene therapy SSA. Arguably, the best explanation for the truth of the empirical premise of this argument would simply be that, as a matter of empirical fact, technologies used for therapeutic ends tend, after a time, to be adapted for use as enhancements. But this explanation has no bearing on the question whether our descendants will be corrupted or not, since it makes no assumption about *why* therapy tends to develop into enhancement. Consider alternatively the argument that we should not permit the police to install video cameras on street lamps since this would lead our descendants to permit the permanent archiving of tapes from these cameras. Perhaps the best explanation for the truth of the empirical premise of this argument would be that, having experience with the use of video cameras, our descendants will come to recognize the advantages of archiving the tapes from those cameras. This explanation would undermine, rather than support, the new premise that our descendants will be corrupted.

²⁰ Volokh, 'Mechanisms', pp. 1041–3.

²¹ For examples of arguments where such a premise is made explicit, see M. Clark, 'Euthanasia and the Slippery Slope', *Journal of Applied Philosophy* 15.3 (1998), pp. 251–7; D. Enoch, 'Once You Start Using Slippery Slope Arguments, You're on a Very Slippery Slope', *Oxford Journal of Legal Studies* 21.4 (2001), pp. 629–47.

²² Though see, for doubts about the corruptingness of addiction, G. S. Becker and K. M. Murphy, 'A Theory of Rational Addiction', *Journal of Political Economy* 96.4 (1988), pp. 675–700; B. Foddy and J. Savulescu, 'Addiction and Autonomy: Can Addicted People Consent to the Prescription of their Drug of Addiction?', *Bioethics* 20.1 (2006), pp. 1–15.

We appear to have identified, then, a group of empirical SSAs that may be susceptible to criticisms based on the Evidence Thesis: namely, those which have uncertain normative premises. To the extent that we have reason to accept the empirical premises of those arguments, we have potentially decisive *prima facie* reason to reject their normative premises. And to avoid this difficulty, we need to add further premises – asserting that our descendants will be corrupted – which are sometimes implausible.

Thus, in order to assess comprehensively any empirical SSA, we should, in addition to assessing its empirical premise, consider (1) whether the argument is susceptible to the Evidence Thesis by determining whether the normative premise is uncertain. If it is susceptible, we should consider (2) whether the argument can be rescued from the Evidence Thesis by inserting a plausible premise to the effect that our doing *Mild* is likely to corrupt our descendants.²³

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