

How Should One Live?
An Introduction to Ethics
and Moral Reasoning

Bradley Thames
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How Should One Live? An Introduction to Ethics and Moral Reasoning

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About the Author

Dr. Bradley J. Thames is an assistant professor in the Division of General Education at Ashford University. He earned his PhD in philosophy from the University of Notre Dame, and has taught at Notre Dame, the University of St. Thomas, and Bethel University. His research, writing, and teaching combine interests in ethics, especially the Aristotelian tradition and bioethics, with philosophical hermeneutics and phenomenology, particularly the thought of Martin Heidegger, Hans-Georg Gadamer, and Charles Taylor. Originally from scorching Arizona, he currently lives in freezing St. Paul, Minnesota, with his wife, two sons, and two cats, and he keeps an overly ambitious garden.



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1 Introduction



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Learning Objectives

After reading this chapter, you should be able to:

- Discuss why it is important to study ethics.
- Give examples of ethical questions.
- Explain what it means to describe ethical reasoning as dialectical.
- Describe what practical reasoning is and how ethical reasoning is a form of practical reasoning.
- Identify the basic distinctions between utilitarianism, deontology, and virtue ethics.

It is not a trivial question, Socrates said: what we are talking about is how one should live.

—Bernard Williams

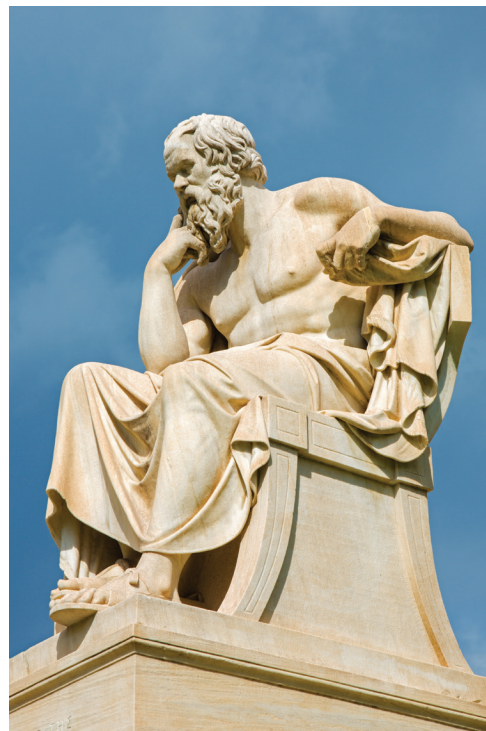
1.1 Socrates's Question

In 399 BC, more than 2,400 years ago, a Greek philosopher named Socrates is reported to have said that *ethics concerns no less than how one should live*. The philosopher Bernard Williams (1985) called this “Socrates’s question.” This might seem to be an odd way of defining ethics for a number of reasons.

First, the question is quite broad: “How one should live” seems to concern the whole of one’s life. Yet many of us think of ethics as limited to a set of standards or rules, such as those we are taught by our parents or in Sunday school. Second, “how one should live” seems to mean “how *anyone and everyone* ought to live.” How can anyone make claims about how others should live? Moreover, if Socrates and his followers were seeking answers to these types of questions thousands of years ago, why have we not settled on any answers? Does this mean that there *are* no answers or that the answers to such questions are best left up to individuals to determine on their own?

These are important concerns that we will examine in the pages ahead. But before getting into those details, it is worth considering whether the task of seeking general answers about how one should live is a useful endeavor. After all, we raise our children according to the presumption that certain ways of life are better than others. When politicians create laws, they do so because they think certain ways to live are better than others. Likewise, when we vote on such laws, we do so because we agree that certain ideas about how people should live are worth becoming part of the established code of our community or nation.

When we express outrage over certain situations—for example, when a politician takes bribes, a corporation hides illegal activities in order to pad the pockets of its leaders, a terrorist group beheads an innocent aid worker, or a friend lies to us—we presume that something has gone wrong in the choices these people have made regarding how to live their lives. Similarly, when we praise the bystander who risks his or her life to protect others from a gunman; admire the work of the nun who devotes her



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The Ancient Greek philosopher Socrates raised the question of how one should live, which became the central ethical question for all that followed.

life to caring for the poor, outcast, and diseased; honor the soldier who sacrifices his or her life to save a wounded comrade; or express gratitude to the family member who has cared for us unselfishly, we reflect the deep conviction that such actions embody something *good* and *right*.

In doing so, we affirm through our attitudes and responses that there *are* some things good and right and other things that are bad and wrong. This is true whether we are referring to particular actions or choices; general policies, rules, or laws; or values and character. We may acknowledge that there is widespread disagreement over many views concerning how one should live. However, it would be extremely difficult to live our lives without supposing that these questions are worth thinking about and that at least some answers are better than others.

Here is another way to think about it: Through each conscious, deliberate choice we make, we are living out an answer to Socrates's question. With every decision, each time we say "This would be better than that," we take a stand on what matters to us, whether we realize we are doing so or not. However, since our choices to do (or not do) certain things also impact other people and the world around us, we cannot avoid taking a stand on what matters in a more general sense. When we act selfishly, we imply that what matters most are our own needs or interests. When we act generously, we show that the needs and interests of others matter. Most of the time, we are not thinking about our choices from this perspective; we are just making the decisions that seem best to us. But as we will see in more detail later, we have the remarkable capacity to *question* our own or others' assumptions about how one should live.

This questioning, and the pursuit of answers, is what "ethics" (or "moral philosophy") is all about.

Why Study Ethics?

To sum up, ethics considers how one should live. The question of how one should live plays into our everyday choices; the general beliefs we hold about how people ought to live, think, and act; and the specific judgments that we make on the basis of such beliefs. Examining this broad question and more specific questions at a reflective and systematic level is what we mean by *philosophical ethics* or *moral philosophy*.

Going Deeper: Ethics Versus Morality

Can one define *ethics* or *morality*, and is there a difference between these terms? In this book, we will not provide a strict definition of either of these ideas, and we will use the terms interchangeably. Some philosophers have, however, drawn distinctions between them, and it can be illuminating to consider them. See *Going Deeper: Ethics Versus Morality* at the end of the chapter for more.

An Inescapable Question

Whether we realize it or not, our lives are driven by various ideas, values, and assumptions about what matters in life. We cannot escape Socrates's question. This text gives us a chance to consider it more deeply than we ever have before.

Pursuing answers to such questions can be confusing, tedious, and even distressing (see *Going Deeper: Socrates and the Philosophical Life*). However, persisting in the task—and taking its challenges seriously—is a way to live out those distinctively human possibilities of thinking, questioning, and inquiring. As such, it can help us live with more integrity, consistency, and candor, and it can be surprisingly enriching.

Going Deeper: Socrates and the Philosophical Life

According to Socrates and many others inspired by his example, philosophical ethics—and philosophy in general—is more than just an academic or intellectual exercise. Rather, in its most fundamental sense, it is a way of life open to all people. See *Going Deeper: Socrates and the Philosophical Life* at the end of the chapter for more.

We are continually confronted with ethical questions, whether we are, like Socrates, itinerant eccentrics wandering in togas around the marketplace of Athens, or students, parents, spouses, soldiers, mechanics, caregivers, billionaires, minimum-wage workers, food eaters, or technology users. Everything we do—from how we spend our money and relate to our friends to how we raise and teach children and the profession we choose—is ethically significant. We are confronted with issues, dilemmas, and debates that range from the very personal to the global, during which we encounter a seemingly endless number of opinions and claims.

Going Deeper: Ethics and Religion

Many readers have religious commitments that inform their ethical views. Is there a conflict between such religious commitments and the philosophical study of ethics? See *Going Deeper: Ethics and Religion* at the end of this chapter for more.

Studying ethics can give us the resources to evaluate these opinions and claims. It can help us recognize the kind of **argument** offered when someone makes an ethical claim. It can also help us discern the values that are being appealed to or the assumptions made about the nature and significance of human life. Perhaps most of all, we can learn how to reason about all of these matters and intelligently evaluate the relative merits of different views.

Ethics FYI

Argument

In philosophy, an *argument* is a set of claims. Some of these claims, called the *premises*, serve as support for another claim, called the *conclusion*. This is different than the ordinary meaning of an argument as a verbal quarrel or disagreement, often characterized by raised voices and flaring emotions. One can think of an argument in the philosophical sense as the methodical and well-researched defense of a position or point of view advanced in relation to a disputed issue.

In some cases we may find that certain claims are well supported, while others seem much less so, even if we are far from absolute certainty. In other cases we may find ourselves more perplexed than when we started, which calls us to keep the question open and continue to reflect and search. Either way, we will be less subject to the whims of popular opinion, the power of persuasion, and attractive personalities and be more capable of forming and defending our own answers to the question of how one should live.

1.2 Ethical Reasoning

What is ethical reasoning? There are many conflicting answers to this question that reflect different ethical theories, such as utilitarianism, deontology, and virtue ethics. We will examine each of these theories closely in the chapters to come. However, some features of ethical reasoning are common to all of the major theories.

The “Dialectic” Between the Abstract and Concrete

Ethical enquiry involves a **dialectic**. This term refers to the process of moving back and forth between *abstract* judgments—general considerations about values, rules, the purpose of things, and so on—and *concrete* judgments—those having to do with particular questions and problems, such as what’s right to do here and how. This process is undertaken in an attempt to find what philosopher John Rawls (1971) called “**reflective equilibrium**” (p. 18).

For example, we might start with a concrete ethical judgment with which most people would agree, such as that it is wrong to exploit a child to satisfy one’s sexual urges—a form of what we call child abuse. We would then consider *why* this act is wrong. Is it because it causes great suffering for the child, both at the time of the abuse and later in life? Is it because it violates a rule not to treat innocent children as objects of gratification? Is it because it is a corruption of the role we have of nurturing and caring for the next generation?

Our answer would then have implications for other, more disputed situations, such as whether it is right to spank a child or to use modern science to change a child’s genetic code. In other words, on these more disputed questions we are looking for *reasons* why certain behaviors or choices might be right or wrong or better or worse. We can sometimes try to find them by considering the *reasons* we have for other more commonly accepted judgments of right, wrong, better, or worse. These reasons are the abstract part of the dialectic, while the specific judgments are the concrete part.

Similarly, we might start with commonly accepted abstract ideas such as “be honest” or “thou shalt not kill.” We then consider whether and how “thou shalt not kill” applies to the concrete situation of soldiers in combat or when one person is threatening another’s life. Or we might consider whether those we are obliged not to kill include nonhuman animals, human fetuses, or the terminally ill. Similarly, does “be honest” mean that we must give Aunt Gertrude our honest opinion when she asks if we like her new dress (and we think it is hideous)? Or that we must honestly answer a psychopath’s question of where our friend is hiding when doing so will likely lead to our friend’s murder?

Such considerations of the *concrete application* of an abstract value, rule, or principle might compel us to revise or even reject it in favor of a more refined principle. On the other hand, if we are convinced that something is wrong and this is explained by some general principle, we may find that applying the same principle to a case we are less sure about ends up entailing that it, too, must also be wrong.

Why is this important? If we simply stick with abstract values, rules, and principles (such as be honest or thou shalt not kill) without looking carefully at how they apply to a variety of concrete cases, we can become lost in a sea of ideas that leave us confused with respect to particular questions and choices; or we might be unable to appreciate the challenging implications these ideas can have for our choices and judgments. On the other hand, if we simply consider concrete cases and rely on our gut instincts or what we have been accustomed to believe about them, we will be unable to adequately consider more abstract questions. Such questions include the following:

- Why do people disagree, and can their disagreements be resolved?
- What assumptions are people making when they express moral beliefs, and are they legitimate?
- What is valuable and worthwhile, and are there any objective answers to that question?

Moral theories like utilitarianism, deontology, and virtue ethics deal largely with the abstract side of this dialectic. They consider questions such as the following:

- What is the nature of morality?
- What principles should guide moral reasoning?
- What rights or obligations should we respect?
- What kind of life is most worth living, and what would be the characteristics of such a life?

Defending and justifying these abstract ideas will require a person to consider the concrete implications of one abstract theory compared to another. In other words, while we will examine the general claims a theory makes about how one should live, and the values and assumptions that underlie these claims, we will also consider what that means for our specific lives and choices.

We might find that while a theory seems plausible in the abstract and helps us make sense of certain concrete judgments that seem right, on further reflection we might decide that it also supports other concrete judgments that are questionable or seem wrong. When confronted with such concrete judgments, we must therefore back up and reexamine the theory's abstract ideas. If those ideas *still* seem right, then we might have to reconsider our concrete judgments. However, if we think there are problems with the theory itself, our task is then to examine what those might be and whether a different set of principles and values would better guide us.

This process should not be regarded as a matter of merely picking and choosing which theory to follow when confronted with a moral problem. For instance, after reading Chapters 3 (on utilitarianism) and 4 (on deontology), one might say, “The utilitarian would say that thus-and-such is morally right, while a Kantian would say that thus-and-such is morally wrong.” It may be tempting to add, “One must simply choose which theory to follow when considering a particular problem and form one’s beliefs and decisions accordingly.”

This will not do, however, because these theories aim for **consistency** between the abstract values, principles, and rules that define the theory and the plausibility of the concrete judgments that the theory entails. If utilitarianism, for instance, seems the best way to reason about one particular case, then it should likewise be the best way to reason about any other case. If utilitarianism seems to lead to a problem when applied to another case, it suggests there may be a problem with utilitarianism *itself*, and it becomes no longer clear that it was the best way to reason about the first case.

Ethics FYI

Consistency

When the general rules, principles, and values of an ethical theory seem right, and they support and explain judgments about particular cases that also seem right, there is consistency between the general and the particular (or the abstract and the concrete, to use other terms). Inconsistency arises when the general or abstract does not cohere with the particular or concrete.

For example, someone might hold to the general rule that killing is always wrong, but he or she may also support the death penalty. This would appear inconsistent because the death penalty involves killing, and so if one supports it, then one is *denying* the principle that killing is always wrong. Therefore, to be consistent, one would either need to reject the death penalty or revise the principle in such a way so that killing is justified in the case of those convicted of certain crimes.

If there is an inconsistency or disconnect between the theory and the conclusions it supports, then further explanation, revision, or rejection is in order. We may need to explain how the values, rules, and principles of the theory support the concrete judgment that seems most plausible; we may revise the theory’s principles so they are more consistently applicable to a range of cases; or we may need to either reject the theory or reject the concrete judgments that called the theory into question.

The bottom line is that no one who advocates for a certain abstract theory of moral reasoning believes that the theory will apply in some cases while another theory applies to other cases. But neither does anyone believe that our particular concrete moral judgments and choices

are arbitrary, without any reasoning behind them. We should strive for consistency and harmony between the particular judgments and choices that we make regarding concrete situations and the general *reasons* we have for making them.

Practical Reasoning in Everyday Life

Moral reasoning can seem complicated and daunting, and oftentimes it is. However, it is not that different from the way we reason about everyday choices—what we call **practical reasoning**, or reasoning about what to do. Consider being a student. How should one best live out the goals of a student? A student has certain concrete aims, such as passing a class, obtaining a degree, and learning. There are other considerations involved, such as the financial cost of pursuing these goals and the impacts these pursuits have on one's career and perhaps on one's family.

Concrete questions might include “What courses should I take?,” “How much time should I devote to my studies?,” and “Should I cheat on this assignment?” These questions might bump up against more abstract questions such as “Is it more worthwhile to study philosophy or to study computer science?,” “Does coaching my son's Little League Baseball team take priority over learning about the French Revolution?,” or “Is my goal simply to obtain a good grade, or does it include becoming educated in a certain subject?” Answering these questions would then lead to deeper questions about what is most important in life, as the words *worthwhile*, *priority*, and *goal* indicate.

Moral reasoning works in much the same way and overlaps with these kinds of real-life questions (note the question about cheating, for example). It may seem that many such questions pertaining to being a student are matters of personal choice that one must answer for oneself, as opposed to questions that have objectively right or wrong answers. Moral reasoning, on the other hand, is commonly thought to deal with a very particular set of concerns, such as those having to do with the impact of our choices on the lives of others. These are more than just matters of achieving our personal goals or following our individual desires. As such, is there a difference between moral reasoning and everyday practical reasoning?

This is a matter of heated debate, and many philosophers do indeed draw a sharp distinction between “moral” matters and matters of practical concern, often in terms of the degree of impact our actions have on others. However, this distinction becomes complicated when we recognize how interconnected our lives are and how many of the choices that we might be inclined to consider personal or nonmoral are in fact laden with moral significance due to this interconnectedness.

Dialectic

Ethical reasoning involves moving back and forth between *abstract* rules, principles, and values and *concrete* judgments. Click [here](#) to read three example dialogues that illustrate this process. As you read them, try to notice when someone is proposing a general principle. Also notice when someone is challenging a general principle by using a concrete example. Does the first person modify the principle? Does the person hold on to it but try to clarify it? Are there points at which one person accepts the other person's principle and has to rethink his or her views about a concrete case?

See your eBook for videos of these scenarios.



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Would you pay a higher price for your cotton to avoid supporting the institution of slavery?

find it important that your choices align with and reflect your values—that as a person of integrity, you want to put your money where your mouth is, so to speak. On the other hand, perhaps you may think that, although slavery is evil, it is a necessary evil when compared to the importance to you of being able to buy cheaper clothing. If clothing was more expensive, you may find it more difficult to provide adequate food for your children. Or you may not be able to have as many items of clothing or enjoy the latest fashions. Some reasons for wanting cheaper clothing produced by slaves may seem important (even if they don't outweigh the evils of slavery), some relatively trivial and selfish. The crucial point is that the choice of which shirt to buy, though an everyday choice and one you may have thought to be merely personal or morally neutral, is in fact a choice with moral significance.

We all face decisions like this in our contemporary lives—decisions we may be inclined to regard as a matter of personal choice, rather than morally significant, but that turn out to have moral significance after all.

Consider, for example, an everyday activity like eating or shopping for food. Eating at a restaurant or having a summer barbecue with friends can be either greatly enjoyable, boring and mundane, or stressful and hectic. Because of this, we easily overlook the many ways that our choices involve us in complex and intricate webs, the strands of which have recognizably moral dimensions.

For example, as we will discuss in a later chapter, the ways that farm animals are commonly raised would distress many people if they were aware of those conditions. Additionally, inexpensive produce is often the result of farmers and factories engaging in practices not too far removed from slave labor: employing undocumented immigrants at a fraction of the wages that would be paid to legal workers and forcing them to work long hours in dangerous, unregulated environments (there is even evidence that some industries still use actual slave labor; Estabrook, 2011). The crops we eat are often sprayed with chemicals that have detrimental impacts on the environment. These and other production methods make food

Consider the following hypothetical scenario: Imagine you live in the United States in the 1850s, prior to the Civil War and before the slaves were emancipated. You need a new shirt and can choose between a cotton one that is nice but a little expensive and another shirt that seems just as nice but is a fraction of the cost. However, you find out that the second shirt is less expensive because the cotton used to produce it was picked by slaves, whereas the more expensive shirt was made from cotton picked by free persons who earned a decent wage.

You strongly believe that slavery is a great evil and that Black people have every right to live as freely as White people. You may reason that by buying the less expensive shirt, you are using your money to help support this vile and evil industry. Perhaps you reason that even though your own individual choices won't significantly impact this industry, you

cheap, convenient, and enjoyable—but arguably in ways that, for many consumers, conflict with their moral values.

Without getting into these specific debates, the main point to consider is that the kinds of everyday choices we make about what to eat or buy—whether motivated by cost or desire for certain kinds of products or simply made without much thought at all—turn out to be morally significant because our in-store choices connect us (and our wallets) to larger webs.

Similar things can be said of other choices we may regard as morally insignificant or merely personal. What will my career choice mean for my family? If I look away when individuals are doing wrong, does this mean I believe that those individuals' right to do what they want is more important than the rights of the people they are harming? Do people's personal choices express a certain attitude about the nature and value of certain forms of human life, and what would be the implications if they applied that attitude to other circumstances? Would we think it is no longer a matter of personal choice?

Who's to Say?

We will examine many concrete examples of choices, policies, and judgments in the course of our study. As we do so, undoubtedly there will be times when you will think, "Who's to say what's right or wrong? We should just leave it up to each person to decide." This will be especially tempting regarding matters that are very complex or those that feature different and contentious ideas about what is most worthwhile in life, the nature of humans and the world, and similar issues. In the next chapter, we will examine philosophical positions that challenge the idea that moral reasoning can lead to judgments that are objective or true for everyone. Before looking at these challenges, however, there are a few things to consider that might help us think more critically about the "who's to say?" attitude, especially when it seems to release us from the burden of moral reasoning.

First, the mere fact that there are different opinions does not mean that each opinion is equally valid. To be sure, there are cases in which different opinions *are* equally valid. For example, if one person feels that cilantro is a fresh and bright addition to many dishes, and another person finds that it tastes revoltingly like dish soap, it would be silly to think that one person is "right" and the other is "wrong." This is a matter of taste (and perhaps genetics; McGee, 2010) and does not have any moral significance.

However, consider an example in the opposite extreme. Suppose Person 1 believes that Jewish people are a scourge on society and that we would be better off if they were eliminated, and Person 2 is of the opposite opinion. Clearly this is not like differing opinions on cilantro. Person 2 would, no doubt, insist that

Going Deeper: "Who Am I to Say?"

Sometimes people refrain from taking a stand on a moral issue because they do not think they are yet in a position to do so, and thus they remain undecided. Or they may think they cannot or should not take a stand and thus believe they have to remain neutral. Is there a difference? See *Going Deeper: "Who am I to Say?": Neutral vs. Undecided* at the end of this chapter for more.

Person 1's opinion isn't just *different*, but *wrong*. He or she might add that Person 1's opinion reveals something perverse or corrupt about his or her way of thinking and feeling.

Second, even if we question the possibility of a clear-cut right or wrong verdict on some moral questions, we can still maintain that certain opinions on those questions are *better* and others are *worse*. In fact, this is the view that most philosophers take. Few philosophers who work on moral issues think that every morally significant question can be given a clear yes or no answer. Many will argue that *some* questions are cut-and-dried (such as whether it is permissible to enslave people or to sexually abuse a child). However, there are other questions on which they might believe that one position is *better* than another, while acknowledging that the opposing view has some merit. In other words, they maintain that the *reasons* supporting one view are, overall, stronger than the *reasons* supporting another view.

Again, this isn't much different from the practical reasoning we employ in everyday life. For example, if I wish to lose weight, then I have a good reason to abstain from eating cake. However, if I'm celebrating my birthday, I might judge that the special circumstances of a birthday, plus the fact that one piece of cake won't impact my overall weight, means that the reasons to enjoy a piece of cake on my birthday outweigh the reasons against it. On the other hand, I might be the sort of person who is easily given over to bad habits by indulging even once; I might feel that my weight-loss goal will be compromised if I am allowed a treat even on one day. All things considered, it may not be the case that eating a piece of cake is completely right or completely wrong, but if I am a thoughtful, honest, and careful practical reasoner, I can come to a conclusion about what the *better* decision might be, even if it is not the *only* good decision.

Something similar can be said about many moral questions. A good moral reasoner will recognize and appreciate that different answers to ethical questions will be based on various reasons, some of which are strong and some of which are weak. He or she will strive to distinguish between those reasons, examine them, and form a judgment of which position has the *overall* strongest support. He or she may still admit that some reasons supporting his or her position are comparatively weak while others are quite strong. However, as we saw with everyday examples of practical reasoning, this need not prevent him or her from concluding that the *overall* strength of one position is greater than another, thus arriving at the judgment that this position represents the *morally right thing to do*.

We have seen that the existence of different opinions on ethical issues does not mean that some opinions cannot be right and others wrong. And even if we are unable to clearly identify right from wrong, we can still distinguish better judgments and opinions from worse ones. Moral reasoning helps us make such distinctions. We have seen how this is not much different than the process of reasoning about everyday practical matters, many of which have far more ethical significance than we usually realize. This process involves moving back and forth between particular judgments we might make about specific cases and the rules, principles, values, and conceptions that make sense of (or challenge) these judgments.

However, there are some deeper questions that persist. For one thing, how can we be sure that any process of reasoning leads to the right (or better) judgment about ethical issues? Even if we acknowledge that there *might* be some judgments or choices that are right or better compared to others, this does not yet mean that there really *are* such things. The existence

of widespread disagreement among people and cultures both now and in the past might trigger doubts as to whether moral reasoning leads us toward anything like truth. Finally, even if we suppose that it could, there is a familiar conflict between what morality says we should do and what we want or what seems best for us at the individual level, which might lead many of us to question why we as individuals should even care about moral demands.

Such questions open up a range of views that we will call **moral skepticism**, or doubts about whether the values, principles, and standards we normally associate with morality represent objective truths about the way we ought to live our lives. The theories of moral reasoning that we will focus on in Chapters 3, 4, and 5 try to show that there *are* objective moral truths, and in a moment we will provide a brief overview of those moral theories. Before we examine those theories in detail, Chapter 2 will pay special consideration to the reasons for skepticism about moral truth.

First, though, let's get a sense of the landscape of moral philosophy and the theories of moral reasoning.

1.3 The Landscape of Moral Philosophy

Chapters 3, 4, and 5 will each consider an important kind of approach to moral reasoning, represented by various moral theories. The theories will propose answers to questions like the following:

- What *is* morality?
- How does morality figure into a *good human life*?
- What *rules* or *principles* should guide our decisions?
- What *virtues* should we respect and cultivate?
- What are our moral *obligations* in certain kinds of circumstances?
- Can we have *knowledge* of our moral responsibilities?
- *Why* should we be moral?

The first question, “What is morality?” or broader questions like “What do we mean by *good* and *bad* or *right* and *wrong*?” as well as questions that deal with the possibility of *moral knowledge*, are usually regarded as questions for **metaethics**. *Meta*, a Greek word, can mean “behind” or “over and above.” Metaethics thus considers the concepts and questions that underlie ethical principles and judgments, such as whether values are real, whether moral beliefs can be true or false, and whether moral standards are universal or relative.

Such questions are often explored independently of the other questions we just listed. For instance, one might hold that the term *good* describes a type of *property*, like color and size. On the other hand, one might maintain that when we call something “good,” we aren't identifying a property but expressing an attitude. However, people who disagree on these metaethical claims might nevertheless agree on fundamental moral principles or what we ought to do in particular circumstances.

Theories that consider questions about rules, principles, virtues, and the good human life are all part of what we call **normative ethics**. This field is called normative ethics because it considers questions that involve “norms” (i.e., standards for how one should live and act). We all live by norms; it would be impossible not to, since they are part of how we make sense of our actions. Normative ethics examines norms to work out their details, consider their strength, and show why we should respect them.

The third branch of ethics examines the concrete moral problems faced in actual life. Because this task involves *applying* the more abstract ideas of the other two branches to concrete cases, we call this **applied ethics**. Arguments about abortion, whether we should eat animals, whether doctors should lie to their patients, or whether we should download copyrighted material to our computers all fall under the category of applied ethics, since they involve putting into place the forms of ethical reasoning defended by normative ethical theories.



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Arguments about the treatment and use of stock animals like these dairy cows would fall into applied ethics.

As we previously mentioned, Chapter 2 is devoted to some major metaethical challenges, though these kinds of questions will also arise as we examine the different normative theories in Chapters 3, 4, and 5.

Distinguishing the Major Ethical Theories

Historically, there have been three main approaches to normative ethics, which can be roughly distinguished along the following lines. Ethics obviously concerns human action. If we think about a typical human action, what are its main components? First, there is the person performing the action—the agent. Second, there is the action itself—what is being done. Third, there are certain results or consequences brought about by the action.

If we regard human actions as consisting of these three aspects, then the main difference between these moral theories has to do with which aspect the theory takes to be fundamental when it comes to moral reasoning and moral value.

The three parts of human action are as follows:

1. The *nature and character of the person* performing the action
2. The nature of the *action itself*
3. The *consequences* of the action

The three major moral theories can be distinguished in the following way:

1. **Virtue ethics** focuses on the *nature and character of the person* performing the action.
2. **Deontological ethics** focuses on the *action itself*.
3. **Consequentialist ethics** focuses on the *consequences* of the action.

When moral philosophers examine and debate these theories, they ask certain questions. Among these are the following:

- Do these theories, when applied to concrete cases, give us good answers to ethical questions?
- Do these theories reflect and do justice to our best understanding of what it means to be human and to live a good life?
- Do these theories justify the sense of morality as authoritative or binding (i.e., do they prescribe how we ought to act regardless of our own interests and desires)? In other words, do they adequately show why we ought to respect the moral standards they defend?

By asking such questions, we engage in a dialectic process in which we try to make sense of the more abstract ideas the theories are defending but do so by considering their concrete implications. As discussed earlier, a theory that seems right in the abstract or when applied to some cases might be much more questionable when other concrete implications are considered. On the other hand, a theory that seems right in the abstract might force us to reconsider our concrete moral judgments when they conflict. We might also feel compelled to be skeptical about ethics in some way, which is a possibility that we will examine in detail in Chapter 2.

As we proceed through this study, many readers will undoubtedly feel skeptical and frustrated from time to time. After all, brilliant minds have been applying themselves to these questions for millennia, and yet we seem as far from any kind of consensus or resolution as we ever were. Moreover, philosophical thinking can be hard, and many of us are not used to it. In today's world, we can find it difficult to focus our attention long enough to process arguments and ideas, especially when we have jobs and chores to attend to, mouths to feed, social media to check, papers to write, and various forms of entertainment in which we would rather indulge.

However, the *persistence* of these questions, and the fact that people have been engaging in this enterprise for thousands of years despite so much disagreement, is something we cannot ignore, and it might give us hope that there really is something to be gained from it. More important is the fact that we stressed at the outset: These are questions we cannot avoid, since all of us are, each day, living out an answer to them.

The aim of this book is to help these questions come alive to you—to compel you to turn off the TV, close out the Internet pages, remove yourself from the chores and kids, and spend some time reflecting on the importance of these questions, and the implications of the various answers, to your own life and the world around us.

However, this task need not—and *should* not—be solitary. Bring up these ideas at the dinner table with family or over a beer or coffee with friends. Ask coworkers what they think during

downtime at work. Immerse yourself in a classroom discussion. After all, the history and current developments of philosophical ethics are best seen as an ongoing conversation about how to live. Conversation is one of the primary ways through which ideas are understood, our own personal views are formed and solidified, and our distinctive human capacity to question and enquire is put into practice.

Our Procedure

The following is an outline of the rest of the book.

Chapter 2: Skepticism About Ethics

When we make claims about how one should live, what kinds of actions are right or wrong, what kinds of outcomes are good or bad, or what it means to be a good person, are these the kinds of claims that can be true or false? Are moral values real? Do they represent facts about the world or our lives, or are they something else, like expressions of feeling or attitude? Are values objective, in the sense that certain things are right or good independent of culture, history, or individual preference? Or are they relative to such factors, such that something might be right for one culture but wrong for another? Is a moral life truly the best way for anyone to live, or can we imagine cases in which we would be better off ignoring such standards?

Such questions confront us with possible reasons to be *skeptical* of the assumption people generally make about morality; that is, to doubt whether there are such things as reality, truth, or objectivity when it comes to answering ethical questions. We will also consider responses to such skeptical doubts, which will then open up the possibility that the theories and positions we will consider in subsequent chapters might be capable of rational justification.

Chapters 3–5: Normative Ethics

The next three chapters focus on the three most familiar and influential accounts of how to reason about moral questions and what justifies answers to them. The chapters give an account of the norms that should inform our thinking and choices; hence, they are called *normative* ethical theories. We will proceed backward from the most recent and perhaps most familiar theory to the most ancient. By proceeding this way, we can examine any weaknesses in the older theories that the newer ones have overcome, or conversely, whether there are important strengths in the older approaches that the newer ones have lost sight of.

Chapter 3: Utilitarianism: Making the World a Better Place

In this chapter, we will examine the first of the three major ethical theories: utilitarianism. Utilitarianism is an approach to moral questions that distinguishes morally right or wrong actions in terms of their *consequences*. In particular, utilitarianism holds that *moral actions are those that lead to the greatest amount of happiness and least amount of suffering for all those affected*. We will spend some time reading and thinking about the defense of this principle by the 18th-century British philosopher John Stuart Mill.

Chapter 4: Deontology: Doing One's Duty

This chapter looks at the second major ethical theory: deontology. This theory argues that we have certain **moral duties** that we must respect regardless of our situation, who we are, or the consequences of doing so. These duties might be central to a culture or religious tradition, taken to derive from human nature or the nature of the world itself, or regarded as integral to what it means to make free, rational choices. This last idea is what we will spend the most time examining by looking carefully at the ideas of the 18th-century German philosopher Immanuel Kant.

Chapter 5: Virtue Ethics: Being a Good Person

The third major ethical theory that we will examine is virtue ethics. This view holds that the primary ethical concern has to do with *the sorts of people we ought to be* and the *character traits (or virtues) needed to be good people*. This ancient view has taken many forms, the most influential of which was inspired by the Ancient Greek philosopher Aristotle, who gave us an account of what it means to flourish and the kind of character necessary for flourishing.

Chapters 6–10: Ethical Issues

While we will examine concrete examples from time to time as we attempt to understand and evaluate the normative theories, the last section of the book will examine some of the most important and challenging ethical issues in our contemporary lives. Chapters 6–9 discuss some of the most hotly contested debates in detail, while Chapter 10 provides a brief introduction to many other moral issues, along with a bibliography of readings that explore them in depth.

Chapter 6: Abortion

Ever since *Roe v. Wade* legalized elective abortion in 1973, few issues have been as consistently divisive or incendiary. A consequence is that the reasoned arguments for different positions often get lost in the sea of passionate rhetoric. This chapter will attempt to present and examine those arguments in such a way that readers will be able to respect and appreciate differing views, even while maintaining belief in the overriding strength of their own position.

Chapter 7: Assisted Dying

Unlike abortion, on which public opinion has tended to remain evenly divided, the past decade has witnessed rapid changes in law as well as public opinion on euthanasia and assisted suicide, which are both ways in which medical practice assists with the process of dying, along with palliative care. Is this trend positive or negative? Should physicians and other medical personnel directly end the lives of patients or assist patients who choose to end their own lives? Or should their practice be limited to the activity of healing and providing relief from pain without crossing over into the provision of life-ending treatments? These questions raise deeper issues such as the meaning of medicine, human dignity and autonomy, and the significance of pain and suffering that impact many other issues beyond assisted dying.

Chapter 8: Biotechnology

Many of the most challenging contemporary ethical issues we face have emerged as a result of the rapid growth in our capacity to control and manipulate the biological world, including but not limited to the human body. Are there limits to the ways that biotechnology should be used to treat diseases and enhance human lives? For instance, should we clone human beings? Should we modify the human genetic code in ways that make us smarter or less prone to disease? Should parents be able to choose certain characteristics of their children such as sex or eye color? Is it morally permissible to experiment on humans and/or other animals? We will consider how ethicists have defended various positions on these kinds of questions, which can serve as a model for how one might approach the many other issues that continually arise.

Chapter 9: Animals and Eating

Ethics isn't simply concerned with major hot-button issues like abortion and assisted dying. It also concerns the kinds of choices we make every day, such as our eating choices. This is especially so when it comes to eating meat and other animal products. Do humans have ethical responsibilities toward animals, and are those responsibilities respected or violated by the ways animals are raised and slaughtered for food? How do these responsibilities extend toward us as consumers of animal products? We will consider arguments for a range of positions having to do with the raising and treatment of animals and our ethical responsibilities as consumers, views that are often at odds with one another on the specific details but agree that these are matters of profound ethical importance.

Chapter 10: Other Issues in Applied Ethics

The discussions in Chapters 6–9 demonstrate the process of considering arguments on multiple sides of ethical topics, representing them as faithfully as possible, and evaluating their strengths and weaknesses, all of which are essential parts of forming a reasoned position on the questions at issue. This chapter will present brief introductions to a range of other broad ethical topics, followed by a bibliography with readings that represent a diversity of positions when possible. This will give you the chance to examine the arguments for yourself. Topics include our ethical responsibilities toward the environment; the ethics of war, torture, and terrorism; capital punishment; same-sex marriage; and global poverty.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out these features at the end of the chapter.

[Ethics Versus Morality](#)

[Socrates and the Philosophical Life](#)

[Ethics and Religion](#)

[Dialectic Scenarios](#)

[“Who Am I to Say?”: Neutral Versus Undecided](#)

Conclusion & Summary

As we have seen, moral philosophy is a reflective and systematic attempt to provide justified answers to questions concerning the choices we ought to make, the ends that are worth pursuing, how we ought to treat each other, what kinds of people we ought to be, and many other issues that fall under the general question of *how one should live*. These questions have been pursued by people at every level of society since time immemorial, which suggests that the pursuit of answers to these questions is a fundamental characteristic of human life itself.

Addressing ethical questions philosophically involves considering abstract principles, rules, and values, as well as concrete cases, in an attempt to find reflective equilibrium—a process called dialectic. Moral theories like utilitarianism, deontology, and virtue ethics articulate and defend accounts of the abstract principles, rules, and values and invite us to evaluate those accounts by considering their implications for our own lives and our relation to the world around us.

According to Socrates and many others inspired by his example, philosophical ethics—and philosophy in general—is more than just an academic or intellectual exercise; more than a set of abstract theories, facts, or definitions; more than a method of solving problems; and certainly more than a skill that allows one to win arguments. Rather, in its most fundamental sense, it is a way of life open to all people (Hadot, 1995). What is this way of life?

- It is a way of life in which we refuse to simply take for granted what we think we know.
- It is a way of life in which we refuse to be content with the way things seem or feel.
- It is a way of life in which we refuse to unreflectively follow the crowds, do what others do, or do what we have always done.
- It is a way of life that prizes honesty, authenticity, and above all, truth.

In short, Socrates considered philosophy to be a kind of life that embodies exactly what the word *philosophy* means: the “love of wisdom.” A life that loves and pursues wisdom, truth, and authenticity can be tedious, uncomfortable, and distressing, but it also provides us with a depth, richness, and freedom that cannot otherwise be obtained. This text invites you into that kind of life.

Key Terms

applied ethics The area of ethics that focuses on concrete moral problems.

consequentialist ethics Ethical systems that maintain that the moral value of actions or policies depends on their consequences.

deontological ethics Ethical systems that maintain that the moral value of actions depends on some feature of the action itself.

dialectic A process of reasoning that involves moving back and forth between abstract and concrete judgments.

metaethics The area of ethics focused on the underlying status of ethical concepts, such as whether values are real, whether moral beliefs can be true or false, and whether moral standards are universal or relative.

moral duties Obligations that one must respect regardless of the situation, one's identity, or the consequences.

moral skepticism Doubts about whether the values, principles, and standards normally associated with morality represent objective truths.

normative ethics The area of ethics focused on the kinds of actions that are right and wrong, the rules and principles we ought to follow, the virtues we ought to cultivate, and the character of a good human life.

practical reasoning Reasoning about what to do. This is contrasted with moral reasoning, which is concerned with the way things are.

reflective equilibrium A state of balance between the general principles we affirm and the particular, concrete judgments we make.

virtue ethics Ethical systems that focus on identifying and describing the kinds of character traits or virtues that are integral to living a good human life.

Additional Resources

AskPhilosophers (<http://www.askphilosophers.org/>). A forum in which people can submit questions, and trained philosophers do their best to respond to them. To date, it has answered thousands of questions on dozens of topics.

Ethics Matters (<http://ethicsmatterstvseries.com/>). An Australian youth-oriented television show that has 12-minute episodes (available online) on some aspect of ethical theory or a contemporary moral or political problem.

Hi-Phi Nation (<https://hiphination.org/>). A podcast about philosophy that "turns stories into ideas."

Internet Encyclopedia of Philosophy (<http://www.iep.utm.edu/>). An excellent scholarly resource for introductions to many philosophical topics.

Open Culture (http://www.openculture.com/philosophy_free_courses). Links to free philosophy courses that you can watch or listen to.

Philosophical Installations (<https://philinstall.uoregon.edu/>). A comprehensive collection of videos on all sorts of philosophical topics.

Philosophy Bites (<http://philosophybites.com/>). Podcasts featuring short, accessible interviews with philosophers on a variety of topics.

Philosophy Talk (<https://www.philosophytalk.org/>). A radio program, listenable online, featuring philosophers Ken Taylor and John Perry discussing a wide range of topics with various guests.

PhilPapers (<https://philpapers.org/>). A massive database of philosophical articles and books. While its size can be daunting, many topics provide brief overviews of the literature, including suggestions for starting points.

Stanford Encyclopedia of Philosophy (<https://plato.stanford.edu/>). Scholarly yet accessible articles on almost every major philosophical topic and figure, written and peer reviewed by experts in the fields. The best philosophical resource available online.

The Stone (<https://www.nytimes.com/column/the-stone>). A regular blog on the *New York Times* website that features contemporary philosophers writing on a wide variety of topics.

1000-Word Philosophy (<https://1000wordphilosophy.wordpress.com/>). Very short (5–10 minute) introductions to various philosophical topics, including bibliographies. Useful as a starting point for deeper inquiries.

Wi-Phi (<http://www.wi-phi.com/>). Short, animated videos on a variety of philosophical topics.

Primary Source

Plato's *Myth of the Cave*

514 Next, I said, compare the effect of education and of the lack of it on our nature to an experience like this: Imagine human beings living in an underground, cavelike dwelling, with an entrance a long way up, which is both open to the light and as wide as the cave itself. They've been there since childhood, fixed in the same place, with their necks and legs fettered, able to see only in front of them, because their bonds prevent them from turning their heads around. Light is provided by a fire

b burning far above and behind them. Also behind them, but on higher ground, there is a path stretching between them and the fire. Imagine that along this path a low wall has been built, like the screen in front of puppeteers above which they show their puppets. I'm imagining it. Then also imagine that there are people along the wall, carrying all kinds of artifacts that project above it—statues of people and

c other animals, made out of stone, wood, and every material. And, as you'd expect,

515 some of the carriers are talking, and some are silent.

It's a strange image you're describing, and strange prisoners.

They're like us. Do you suppose, first of all, that these prisoners see anything of themselves and one another besides the shadows that the fire casts on the wall in front of them?

How could they, if they have to keep their heads motionless through-out life?

b What about the things being carried along the wall? Isn't the same true of them?

Of course.

And if they could talk to one another, don't you think they'd suppose that the names they used applied to the things they see passing before them?

They'd have to.

And what if their prison also had an echo from the wall facing them? Don't you think they'd believe that the shadows passing in front of them were talking whenever one of the carriers passing along the wall was doing so?

I certainly do.

- c Then the prisoners would in every way believe that the truth is nothing other than the shadows of those artifacts.

They must surely believe that.

Consider, then, what being released from their bonds and cured of their ignorance would naturally be like, if something like this came to pass. When one of them was freed and suddenly compelled to stand up, turn his head, walk, and look up toward the light, he'd be pained and dazzled and unable to see the things whose shadows he'd seen before. What do you think he'd say, if we told him that what he'd seen

- d before was inconsequential, but that now—because he is a bit closer to the things that are and is turned towards things that are more—he sees more correctly? Or, to put it another way, if we pointed to each of the things passing by, asked him what each of them is, and compelled him to answer, don't you think he'd be at a loss and that he'd believe that the things he saw earlier were truer than the ones he was now being shown?

Much truer.

And if someone compelled him to look at the light itself, wouldn't his eyes hurt, and

- e wouldn't he turn around and flee towards the things he's able to see, believing that they're really clearer than the ones he's being shown?

He would.

And if someone dragged him away from there by force, up the rough, steep path, and didn't let him go until he had dragged him into the sunlight, wouldn't he be pained and irritated at being treated that way? And when he came into the light,

- 516 with the sun filling his eyes, wouldn't he be unable to see a single one of the things now said to be true?

He would be unable to see them, at least at first.

I suppose, then, that he'd need time to get adjusted before he could see things in the world above. At first, he'd see shadows most easily, then images of men and other things in water, then the things themselves. Of these, he'd be able to study

- b the things in the sky and the sky itself more easily at night, looking at the light of the stars and the moon, than during the day, looking at the sun and the light of the sun.

Of course.

Finally, I suppose, he'd be able to see the sun, not images of it in water or some alien place, but the sun itself, in its own place, and be able to study it.

Necessarily so.

And at this point he would infer and conclude that the sun provides the seasons and

- c the years, governs everything in the visible world, and is in some way the cause of all the things that he used to see. It's clear that would be his next step. What about when he reminds himself of his first dwelling place, his fellow prisoners, and what passed for wisdom there? Don't you think that he'd count himself happy for the change and pity the others? Certainly. And if there had been any honors, praises, or prizes among them for the one who was sharpest at identifying the shadows as they passed by and who best remembered which usually came earlier, which later, and
- d which simultaneously, and who could thus best divine the future, do you think that our man would desire these rewards or envy those among the prisoners who were honored and held power? Instead, wouldn't he feel, with Homer, that he'd much prefer to "work the earth as a serf to another, one without possessions," and go through any sufferings, rather than share their opinions and live as they do?
- e I suppose he would rather suffer anything than live like that.

Consider this too. If this man went down into the cave again and sat down in his same seat, wouldn't his eyes—coming suddenly out of the sun like that—be filled with darkness?

They certainly would.

And before his eyes had recovered—and the adjustment would not be quick—while

- 517 his vision was still dim, if he had to compete again with the perpetual prisoners in recognizing the shadows, wouldn't he invite ridicule? Wouldn't it be said of him that he'd returned from his upward journey with his eyesight ruined and that it isn't worthwhile even to try to travel upward? And, as for anyone who tried to free them and lead them upward, if they could somehow get their hands on him, wouldn't they kill him?

They certainly would.

Source: "Myth of the Cave" from Plato, Republic, translated by G.M.A. Grube, revised by C.D.C. Reeve (Hackett Publishing Company, 1992). Reprinted with permission from Hackett Publishing Company. All rights reserved.

Going Deeper

Ethics Versus Morality

In this book, we will use the terms *ethics* and *morality* interchangeably, as if they mean the same thing. This is for simplicity's sake and reflects the fact that most of our ordinary uses of the terms do not draw any significant distinctions. It is also because philosophers generally do not agree on definitions for either of these terms, and there is not a way to distinguish them that would be standard or uncontroversial. Nevertheless, if we were to survey in detail the various ways that philosophers have used these terms throughout history, we would find some notable distinctions. Such a survey cannot be undertaken here, but we can briefly indicate some of the more prominent ways in which such a distinction has been drawn.

First, the terms have different historical origins. The term *ethics* derives from the Ancient Greek word *êthos*, which originally meant something like “character” or “manner of life.” *Morality* derives from a Latin word, *mores*, meaning “custom” or “habit,” which is similar to what the Greeks meant by *êthos* but not quite identical. Moreover, the Christian and Jewish traditions had a strong influence on the Latin language during the Middle Ages, and since these traditions placed a greater emphasis on notions of law and duty than the Greeks did, the term *morality* came to have a much stronger *legalistic* sense than the original notion of *êthos* (Williams, 1985).

We thus find philosophers distinguishing between the notions of *ethics* and *morality* by associating *morality* with a set of rules, duties, or obligations, and *ethics* with a broader sense of the good at which our lives aim. For instance, we might identify a moral system with God's commands, the natural order, the rights and duties we must respect as human beings, or the best consequences. The duties and obligations are generally regarded as *inescapable* and *overriding*. They are inescapable in the sense that I have these duties regardless of whether I want to, and they override any other reason I might have for doing something (for instance, if I have a moral duty not to lie, then this reasoning will override any possible reason I might have to lie).

On the other hand, *ethics* might be associated with the aims and virtues of a flourishing human life, as it was for the Greeks. Or it may refer to the aims and values characteristically pursued within a certain area of human life like business or medicine, or those associated with a particular religious or cultural tradition. Hence, we have terms like *medical ethics*, *Jewish ethics*, or *Greek ethics*. While this may involve certain rules or obligations, it will generally be much broader, encompassing understandings of meaning, virtue, value, and good behavior that are often richer but also less clear and determinate than rules or obligations.

In short, one way to draw such a distinction is to associate *morality* with what one should *do* and *ethics* with how one should *be*.

Again, however, neither this nor any other way of distinguishing the terms is definitive or absolutely correct, when considering all of the ways that philosophers have used them.

Socrates and the Philosophical Life

When we study ethics formally or simply engage in ethical reflection, we examine our ideas about right, wrong, good, and bad—the kinds of ideas that lie behind our judgments that some answers to Socrates’s question might be better than others. Examining these questions leads us even deeper into questions about who or what we are as human beings; how we ought to understand the world within which we act; whether there is a God, and what, if anything, this God might have to do with us; whether and how we can have knowledge of any of these things; what good reasoning involves; and other deep questions concerning human life, meaning, and truth. In short, pursuing ethical questions involves many other areas of philosophical inquiry, such as the philosophy of mind, the philosophy of religion, and logic.

Naturally, we cannot pursue any of these other topics in detail, but they will surface from time to time. When they do, and indeed throughout the journey of this text, there will undoubtedly be parts that are confusing, tedious, and just flat-out unintelligible, not to mention parts that will be maddening, give offense, or seem plain stupid. Not only can philosophy be difficult, it can challenge and unsettle us by exposing weaknesses in our convictions. For these reasons, philosophy has often been regarded with indifference, contempt, and even hostility—at best a pastime that may be interesting for some people but certainly not for everyone, and at worst a source of potential confusion and corruption that distracts from more important practical affairs.

These attitudes toward philosophy are far from new, and to see this, let’s revisit Socrates for a moment. He sought to engage the people of Athens, his home city, in philosophical argument and urged them toward ethical reflection. The Athenians found Socrates such a nuisance that they put him on trial on exaggerated charges and ultimately sentenced him to death. In his defense during his trial, recorded by his greatest student, Plato (1997a), in a text called the *Apology* (which meant “defense” rather than “I’m sorry”), Socrates offers a vision of what philosophy is, why it matters, and why it is so easy to be dismissive or antagonistic toward it.

For Socrates, philosophy (and philosophical ethics) is not a set of abstract theories, facts, or definitions; it is not a method of solving problems; and it is not simply a skill that allows one to win arguments. Rather, for Socrates, philosophy is at its heart a way of life (Hadot, 1995). What is this way of life?

- It is a way of life in which we refuse to simply take for granted what we think we know.
- It is a way of life in which we refuse to be content with the way things seem or feel.
- It is a way of life in which we refuse to unreflectively follow the crowds, do what others do, or do what we have always done.
- It is a way of life that prizes honesty, authenticity, and above all, truth.

In short, Socrates considered philosophy to be a kind of life that embodies exactly what the word *philosophy* means: the “love of wisdom,” as opposed to the mere love of winning an argument, the love of making simple things complicated or complicated things simple, or the love of that which feels familiar and safe.

A life that loves and pursues wisdom, truth, and authenticity can be tedious, uncomfortable, and distressing, especially when it leads us to question what we thought we knew, what makes the most sense to us, or the things we enjoy and with which we are comfortable. It can alienate us from other people, from our culture and society, and even, in a sense, from our own selves. However, many of us know that when we love something, we are willing to endure almost any measure of tedium, discomfort, and distress for the sake of that which we love.

Such was the case with Socrates: The love of wisdom and truth was far more important to him than any level of ease or comfort and even his own life. This kind of commitment is reflected in the lives of those of any culture or class, ancient or modern, great or small, who stand for what is ethically good and right, even when doing so is unpopular or involves great sacrifice. And it is a commitment any one of us today can embrace, no matter who we are.

In a book called the *Republic* (Plato, 1997c), Socrates's student Plato (ca. 429–347 BCE) presents a dialogue that features Socrates as the main character. Socrates describes this process of taking up a philosophical life with a myth. In this myth, he describes the unreflective life—a life that is easiest and most comfortable—in terms of living in a cave wherein we only understand bits and pieces of the way things are but often can't or don't want to probe beyond that and seek “truth,” represented by the sun. Take a few moments to read this myth or watch an animated rendition of it, narrated by Orson Welles (search “Plato's Cave” on YouTube).

See the Primary Source section of the chapter for the text of *The Myth of the Cave*

When we think about the “life inside the cave” and its real-life counterpart—the life that rests content with the way things seem or feel to us or with what we have always taken for granted—that life is often easier and more comfortable. However, many of us have experienced being challenged and pulled toward new ways of believing and acting, particularly on ethical matters. Think for a moment of an example from your own life in which your ethical beliefs have changed or in which you have come to question the choices you are accustomed to making. Perhaps this was based on some new information or an experience you had that challenged you to reconsider your decisions. When we “emerge from the darkness to light” and begin to question things, it can be difficult, disorienting, and even painful. It can be tempting to return to the cave and live the way that seems most comfortable, rather than continue on the journey in pursuit of the light of truth of how one should live.

But as anyone whose life has changed can attest, as we adjust to that light, we find that our own lives, the lives of others, and the world itself take on new meanings. Sometimes these new meanings are clear, and we know exactly why our beliefs or choices have changed; but often they are quite subtle and hardly noticeable, at least for a while. Either way, when our beliefs and choices change, it is frequently the case that we can no longer be content with the way things were before, and the “comfort” certain beliefs or ways of life once had are no longer so comfortable. In this way Plato's image of the cave represents both the promise and the peril that come when we reflect on ourselves, our ways of life, and the many related questions that will inevitably come up.

Ethics and Religion

Religion, in some form or another, has been around as long, if not longer, than people have been discussing ethical questions from a philosophical perspective. Therefore, religion has played a major role in shaping the ethical norms and values of all cultures. Many readers likely have religious commitments, some quite strong and deep. When confronted with ethical questions, people with such commitments often express one or more of the following kinds of ideas:

- “One’s life should be lived according to God’s will.”
- “All of the answers to moral questions can be found in the Bible.”
- “Because I am a Christian, I believe thus-and-such is wrong.”

The philosophical study of ethics is not necessarily meant to contradict any of those beliefs. In fact, many of the great moral philosophers have also been devoutly religious people, rejecting the idea that there was any contradiction between religious commitment and philosophical investigation, and instead maintaining that philosophy can supplement, expand, and deepen religious views.

Consider that while religious texts like the Bible offer a great deal of moral guidance, ancient scriptures alone cannot answer all of the moral questions we face today. The Bible was written 2,000 years ago (and most of it is quite a bit older than that), long before modern technology, contemporary forms of government, cutting-edge scientific discoveries, and so forth. So while it might offer important guidelines for how to live life, it does not directly address many of the specific issues we face today.

For instance, the Bible does not mention abortion, euthanasia, factory farming, nuclear warfare, or genetic engineering. In fact, the Bible at times supports slavery, polygamy, killing those caught in adultery, slaughtering women and children in times of war, and other things most of us do not consider morally just. Few people today even attempt to follow all of the commands of the Bible, especially those contained in the laws of the Hebrew Bible (what Christians call the Old Testament). Think of the dietary restrictions (no pork, shellfish, etc.), for example. Similar remarks could be made about the limitations of other religious scriptures when it comes to providing moral guidance.

Again, this is not to suggest that a religious text like the Bible is not God’s word or that it contains errors. Rather, it is to emphasize that *everyone*, even the most devout believer, looks beyond religious texts when considering ethical questions and uses reason to evaluate ethical questions. This book will explore how to do that.

As a final point, there are reasons to suppose that the religious scriptures and traditions themselves support philosophical study of this sort. For example, here are a few things to consider from the Christian Bible:

The philosophical study of ethics involves the use of reason, critical thinking, and logic to examine ethical questions. Jesus himself (whom scripture calls the “Logos” in John 1:1, which

is the root of the word *logic*) often used reasoning and logic to show why the Pharisees were wrong about certain matters, why it was important to be righteous and to love God, and so on. The Apostle Paul, whose letters make up many of the books of the New Testament, constantly used philosophical reasoning, and the book of Acts talks of his dialogues with philosophers (see especially Acts 17). The Apostle Peter said at one point, “Always be prepared to give an answer to everyone who asks you to give the *reason* for the hope that you have” (1 Peter 3:15).

Moreover, many religious philosophers have maintained that reason is a *gift* that God has given us. Those who believe that God created humans “in the image and likeness of God” (Genesis 1:27) often take this to mean that God gave humans an ability to reason so that we can have knowledge of God and God’s will, something other creatures cannot enjoy. Specifically, religious philosophers have argued the following:

- God created the world and everything in it, which means that it has a rational order to it that can be grasped (at least in part) by a rational mind.
- God gave humans a rational mind so that they can come to know and appreciate the world and thereby know and appreciate God’s handiwork.
- God gave humans the responsibility not just to love each other and love God but to use God’s gift of reason to come to a deeper understanding of *what such love consists of*.
- God is supremely *good*, and the rational inquiry into the good is thus part of understanding God, God’s will, and God’s purposes. Accordingly, the use of ethical reason to gain insight into what is good can be regarded as an important part of coming to understand God’s purposes and will, rather than conflicting with that aim.

Finally, there is no denying that it can be risky to use logic and reason to examine our beliefs, be they religious or moral; we may end up feeling compelled to change them or give them up. But if you are coming from a religious perspective, you likely believe that God wants people to know and love him “with all their mind” (Matthew 22:37; Mark 12:30; Luke 10:27). Do you think that God would want us to know him with all of our mind and yet not want us to use the capacity for reason that he has given us?

If you are religious, consider this study as a chance to develop and apply your God-given capacity for rational thought, specifically in working out the reasons and arguments for those ethical views that you might, from another angle, think of as God’s will for humanity today.

Dialectic Scenarios

Please see your eBook for video versions of these scenarios.

Carly and Allison

Carly and her sister Allison are having coffee, when Carly confesses that she recently had a one-night-stand with an old boyfriend. She also reveals that her husband, Grady, had asked if

anything had happened that night, and she lied and said no. Allison thinks that Carly should tell him the truth.

Carly: I don't see why I have to tell Grady. It was just one night; it's not like it's an ongoing thing.

Allison: But you cheated on him, then you lied to him.

Carly: Hey, you know what? I needed that. It was fun, it felt great, and sometimes I just have to do something for myself. There's nothing wrong with enjoying yourself, right?

Allison: But don't you care about your marriage? About Grady?

Carly: Of course I do, and that's a big reason why I'm not going to tell him anything. I guess I should have said that there's nothing wrong with enjoying yourself when it doesn't hurt anyone else. Grady can't be hurt by what he doesn't know, and if I tell him, it's only going to cause him unnecessary pain. Besides, our relationship has been a bit rocky lately, and if he knew about this it would only make things worse. So I was able to have some fun without hurting anyone else. What's wrong with that?

Allison: What's wrong is that you lied.

Carly: So?

Allison: Well, how would you feel if he lied to you? Or if I lied to you? When you ask my opinion on something like a new haircut, you always say that you want the truth, even if it hurts.

Carly: That's a good point. Still, though, if you lied to me and I didn't know about it, I wouldn't be hurt by that, right? And if nothing bad came out of that lie, like me being embarrassed by a bad haircut, then I guess it wouldn't be all that bad.

Allison: What if he finds out? Or what if you got pregnant or caught an STD?

Carly: Trust me, that won't happen. I'm on the pill and we used protection. The only people who know about this are you, me, and my ex, and he swore he wouldn't tell anyone 'cause he's got a wife and kids. And you won't say anything, right?

Allison: No, I won't say anything, though I still think you should. Let's suppose he never finds out unless you tell him. Even if you haven't hurt him by lying, it seems to me that you've wronged him.

Carly: How do you mean?

Allison: Well, we can do wrong to someone even if they don't suffer from it. You're acting as if he doesn't deserve to be told the truth. But everyone deserves the truth.

Carly: That's another good point. Our parents did raise us to believe that. But do you remember the time that Aunt Gertrude showed up to Ricki's wedding with that new dress, and you leaned over to me and told me how awful you thought it looked? Are you saying you should have just gone up to her and told her that? That just seems cruel.

Allison: That's different, since that's just my opinion, and she didn't ask for it. If someone asks you a direct question, then it's always wrong to lie.

Carly: So what if she had asked you what you think? Would you have told her the truth about her dress?

Allison: Hmm . . . I'm not sure that I would; actually, I think I probably wouldn't. Maybe that makes me dishonest; I don't know. Maybe I could answer in a roundabout way that avoids lying but also avoids the truth. It does seem like the cruelty of telling her the truth would somehow override the need for honesty.

Carly: That's exactly my point! I feel that telling Grady the truth about my fling would be cruel in the same way that you telling Aunt Gertrude what you really think about her dress would be cruel.

Allison: I see your point. But it's different when we're talking about an aunt we hardly ever see versus your relationship with your husband. Marriages are built on a foundation of trust and faithfulness. Lying to Grady seems to go totally against what your relationship is all about in a way that lying to Aunt Gertrude doesn't.

Carly: Now I think I see your point. Though I'm still not sure if something is wrong if it makes me happy and doesn't hurt anyone else.

Allison: And I'm not sure if lying is always wrong, or if it depends on the circumstance. It still feels as if we can wrong someone even if it doesn't cause them pain, especially when it goes against our commitments to a person.

Carly: Well, at least this conversation has given me a lot to think about.

Allison: Me too.

Emily and Jeff

It's Comic-Con in San Diego. Emily and Jeff, aficionados of all things fantasy and sci-fi, are drinking a beer after a delightful day meeting the actors from the *Star Wars* movies.

Emily: You know, as much as I love *Star Wars*, the Jedi mind trick has always bothered me.

Jeff: Blasphemy! Explain yourself.

Emily: Well, the Jedi have this ability to use the Force to make weak-minded people do what they want.

Jeff: Right.

Emily: Obi-Wan Kenobi used it to convince a Stormtrooper that R2-D2 and C-3PO weren't the droids he was looking for. Luke Skywalker used it to convince Jabba the Hutt's man Bib Fortuna to let him speak with Jabba, but when he tried to use it to convince Jabba to release Han Solo and Chewbacca from captivity, it didn't work. And Qui-Gon Jinn wasn't able to convince Watto, that flying giant insect thing, to sell Anakin to him, but he was able to convince some guy to stop selling "death sticks," which I guess were supposed to be space-cigarettes or something.

Jeff: Yeah, the Jedi mind trick probably saved the galaxy from the evil Empire, got Han and Chewie rescued, and set that space-cigarette dealer on the right path. Is your problem the fact that it has limited effectiveness, since it doesn't work on the strong-minded?

Emily: No! You're missing the point. There's something that bothers me about the idea that someone can just go and manipulate another person, and that's supposed to be okay.

Jeff: But these are Jedi. They only use their powers for good.

Emily: That shouldn't matter. Just because the Stormtrooper, Bib Fortuna, and the cigarette dealer were mentally weaker than Jabba and Watto doesn't mean it was okay for them to be manipulated.

Jeff: That misses my point. It was good that the Jedi were able to use it on the weaker people, and it would have been even better if they had been able to use it on Jabba and Watto as well. I still don't understand the problem here.

Emily: My worry is, what if using that power is wrong in the first place? If it is, then the fact that they could use it against the weak-minded doesn't make it okay; in fact, it makes it worse, since it means that those people were being exploited due to their weakness.

Jeff: Whoa, wait a second. Are you saying the Jedi are evil?

Emily: That's a bit too strong. I know they had good intentions. What I question is whether the methods they used were right. Someone can have good intentions but use bad methods to achieve them. That doesn't make them evil, but it also doesn't make what they do right.

Jeff: But think about what I said before. If Obi-Wan hadn't used that trick to escape the Stormtrooper, the droids would have been captured, Obi-Wan and Luke would probably have been killed, and they would have never been able to defeat the Empire. If Luke hadn't used it on Bib Fortuna, he might not have been able to rescue Han, Chewie, and Leia. It's worth being able to influence people if the outcome is good enough.

Emily: But this isn't influencing people. It's more like brainwashing. When you're trying to influence someone, they still have a choice. Brainwashing forces people, or aliens or whatever, to believe or act a certain way. It takes away their power of rational decision-making. It's like the Imperious Curse from *Harry Potter*, but in *Harry Potter* it's viewed on the same level as murder and torture.

Jeff: I'm starting to see your point. But when someone is completely bent on doing bad things, why shouldn't we use every available means to stop them? I highly doubt that Obi-Wan would have been able to just reason with the Stormtrooper to allow the droids through. Rational persuasion only gets you so far. Sometimes, when the stakes are high, you have to use more extreme methods.

Emily: Ahh, but isn't that exactly how the Dark Side thinks?

Jeff: Excuse me??

Emily: You say that sometimes we should "use every available means" to achieve something, even if that means using the Force to exercise power over people and take away their freedom. The Dark Side is all about power and control. It thinks that only by using the Force and whatever else to manipulate and control people can order be achieved. See the connection?

Jeff: Okay, I think I see what you're saying. You are arguing that using power to manipulate and control people is wrong.

Emily: Yes.

Jeff: The Empire uses the superior forces of weapons and intimidation to control the galaxy, because they know that most people are too weak to withstand them.

Emily: Right . . .

Jeff: . . . and this is no different than the Jedi using the Force to manipulate people's minds, especially when the targets are too weak to withstand them.

Emily: I'm not saying it's no different. But there are some disturbing similarities, yes.

Jeff: . . . and so using superior means to subdue an inferior enemy is always wrong.

Emily: Right. Wait, no. If that were the case, then it would be wrong for the U.S. to try to stop terrorist groups, or in fact for a parent to punish a child! I'm not trying to say that if one person thinks another person is doing something wrong they shouldn't use superior means to try to stop that person. I'm just saying there are lines that shouldn't be crossed. Brainwashing someone and completely taking away their freedom of choice seems like one of those lines.

Jeff: I get it. That kind of power is scary, and there's something disconcerting about brainwashing people for your own purposes. But I'm just not sure it's never okay, especially when

the stakes are so high. Like I said before, if Obi-Wan hadn't used it to save those droids, the whole galaxy would have been at risk. You think that respecting the freedom of that one Stormtrooper is more important than the freedom of everyone else in the galaxy?

Emily: I just wonder how someone can stand up for the freedom of all while deliberately taking away someone else's freedom. But it is also strange to think that respecting the freedom of one enemy soldier is more important than saving the galaxy. But what about when Qui-Gon Jinn used the mind trick on the cigarette dealer? That was just one guy living a lifestyle Qui-Gon didn't approve of.

Jeff: So? It was for his own good.

Emily: So if we think that someone isn't living their life the right way it's okay to manipulate them into changing, even if we don't know the person?

Jeff: Well when you put it that way, it does seem a bit authoritarian.

Emily: Well, then, maybe we can at least agree that some uses of the Jedi mind trick weren't right. It's not right for powerful people to control people's minds and choices in order to get them to do what the powerful people want.

Jeff: But you agree that this principle isn't necessarily watertight when the stakes are really high.

Emily: Yes, but then the question is, when are the stakes high enough to justify bending this principle?

Jeff: I don't know; that's a tough question. Maybe we should save that for another time.

Steve and Juan

Two U.S. Army soldiers, Steve and Juan, are stationed in Afghanistan. They are having a conversation over dinner one day.

Steve: So did you hear about what happened to Dan Quinn?

Juan: You mean that Green Beret who was disciplined for beating up that Afghan police commander? Yeah, but he had it coming.

Steve: Who, Quinn?

Juan: No, the Afghan police commander. I heard he was keeping a local boy as a sex slave.

Steve: I know, but Quinn had orders to look the other way when he saw stuff like that. He disobeyed his orders.

Juan: I know we're supposed to obey orders. Heck, if one of my guys disobeyed my orders he'd be scrubbing the latrines with his own toothbrush. But this is different. We're talking about the sexual abuse of a child. You can't just let that slide.

Steve: But orders are orders. If the Army couldn't depend on soldiers following orders, even if they disagreed with them, it would be chaos. There's no time on the battlefield for questioning – lives would be lost.

Juan: But this isn't the battlefield. This is stuff that's happening on our bases and in the villages we control. And we know it's happening, but we just turn a blind eye. Quinn was just trying to do something about a situation that was utterly wrong, no matter how one tries to spin it.

Steve: But as I understand it, Afghan culture doesn't see things the same way we do. I heard that it's normal for men in positions of power to take young boys and girls as sex slaves. It's like a way of showing their dominance or something. People around here just accept it.

Juan: I'm not sure how normal it is at all; maybe that's a stereotype. And it definitely doesn't seem like everyone accepts it: Apparently Quinn was getting a lot of complaints about this guy from local leaders. But I don't care if it's the local custom or not. It's just wrong, flat out. We shouldn't have to stand for this.

Steve: But who are we to judge? What's right or wrong for us isn't the same for everyone else.

Juan: Then what are we fighting for?

Steve: We're fighting to keep Americans safe. These people want to destroy us, so we're defending ourselves.

Juan: That's true, but I thought we were also fighting for freedom and justice, that al-Qaeda, the Taliban, and groups like them are enemies of humanity, and that we're standing up for all people, not just Americans. That involves a lot of judging—we're judging that the way they oppress people and force others to adhere to their religious and cultural practices is wrong.

Steve: Fair enough. But where do we draw the line? Are we going to start demanding that they dress the way we do, eat the way we do?

Juan: I admit I don't know where we should draw the line. But if anything crosses that line, sexually abusing children does.

Steve: I agree that we're talking about something awful, and maybe it would be good to try to put a stop to this practice if we can someday. But even though these child abusers are horrible people doing awful things, we need them to defeat the enemy. And we can't change their customs overnight. So if we're going to form alliances with the people of this area, we might have to put up with some of their ways, even though they go against what we're used to.

Juan: Not just what we're used to, but what we know to be right.

Steve: Fine. What we know to be right. But sometimes we just have to tolerate it if we're going to achieve peace and freedom.

Juan: Now it's my turn to ask where we draw the line. You're saying that we have to put up with people doing things that are horribly wrong in order to defeat those who are . . . doing things that are horribly wrong? What makes what the Taliban does worse than what these pedophile police commanders do?

Steve: I'll have to think about that one. But I'm not sure it matters at the end of the day, because like I said before, an order is an order, and Quinn violated his orders.

Juan: I suspect he felt that he had a duty to do what's right that went beyond his duty to obey orders.

Steve: Well, if that's the case I suppose I can admire him, even if I don't necessarily agree with him. I'd hate to see an army in which soldiers can just disobey orders whenever they disagree with them.

Juan: And I'm not sure I want to see an army where a soldier gets in trouble for stopping a guy from using a child as a sex slave.

Steve: Well, I guess no one said being in the Army would be easy.

“Who Am I to Say?”: Neutral Versus Undecided

Think about any of the most hotly contested issues of the past few decades, such as racial justice, abortion, same-sex marriage, gender equality, animal rights, environmental responsibility, and so on. The difficulty and complexity of these issues may leave individuals unsure of their own position, and thus they might admit that they are undecided on the moral questions. They might recognize that there are compelling arguments on multiple sides of a debate, but they don't yet feel confident about whether one position is stronger than others, all things considered. There is nothing wrong with being undecided; in fact, often it can be a sign of honesty, open-mindedness, and humility.

Sometimes it can be tempting to take a position of *neutrality* instead. This would be an attempt to avoid taking a stand on the issues altogether. It's not simply remaining undecided or withholding judgment, because one can do so while maintaining that there are better and worse positions to be sought. Rather, in taking a position of neutrality on a moral issue, one assumes that one cannot or should not take a side. This attitude is often expressed by the phrase “Who am I to say?”

However, on many issues it is not clear that one can genuinely hold a position of neutrality, for at least two reasons. One has to do with the way that arguments for and against certain

positions are framed. Many are framed in such a way that certain *practical demands* follow from *theoretical commitments*. In other words, they claim that if I hold to certain *beliefs*, then it follows that people ought to act in certain ways, that certain laws are just or unjust, and so on. And if one denies these practical demands, then one must either be denying the theoretical beliefs that support them or denying that these beliefs entail the practical demands.

For example, some philosophers have argued that we have certain moral responsibilities toward other animals (Regan, 1985) or toward the needy (Singer, 1972) that most people find extremely demanding; yet according to their arguments, these responsibilities follow from basic commitments that nearly everyone shares, such as the commitment that one should never cause unnecessary harm or that one should prevent bad things from happening when one can do so without a comparatively significant sacrifice. Accordingly, if someone were to claim to be neutral on the question of whether eating meat is moral or whether we ought to give to the needy, regarding those as mere personal choices that no one else can judge, one would be implicitly rejecting the moral arguments of the philosophers who claim otherwise. In other words, one must either reject these basic commitments or reject the argument that these commitments mean that we *must* be vegetarians or that we *must* give away certain portions of our income. To be supposedly neutral is, in fact, to deny that we *must* do these things, which is *not* a stance of neutrality after all. Most (or perhaps all) moral arguments have a similar form whereby taking a position of supposed neutrality is, in fact, to reject the claim that we have certain obligations, and by rejecting this claim, the position is not neutral.

A second reason why neutrality might be dubious has to do with the fact that our lives are always interconnected with others. We began this study by describing ethics as the endeavor to answer the question “How should one live?” If our lives are interconnected, then it is never enough to merely consider one’s *own* feelings, beliefs, or actions; one has to also consider how those affect one’s friendships, family, community, fellow citizens, the human race, other animals, the environment, the Divine, and so on. A position of supposed neutrality may, in fact, neglect obligations that one has to others in this wide spectrum.

Consider, for example, someone from the 1960s who took a position of neutrality or passivity on the issue of segregation. In his “Letter From Birmingham Jail,” Martin Luther King Jr. scolded such people, especially religious leaders in the Birmingham area who remained passive within “the most thoroughly segregated city in the United States” (King, 1963, para. 6). To be sure, many of them opposed segregation in principle and thus were not neutral in a theoretical sense, but they were advocating a much more restrained response that avoided conflict and social unrest. King’s letter (written from jail after he had been arrested for non-violent protest) powerfully describes the conditions that Blacks in that city and around the United States had to face on a daily basis. The inaction of the religious leaders in that community, he argued, was the equivalent of allowing these atrocities to continue.

If someone were to have remarked, “Who am I to say whether Blacks should be given the same rights as Whites?,” we can imagine King responding similarly to how he responded to the religious leaders. By remaining neutral on such a significant question, a person would, in fact, be an “archdefender of the status quo” (King, 1963, para. 32). Given that, in his words, “we are caught in an inescapable network of mutuality, tied in a single garment of destiny”

(King, 1963, para. 4), the decision to remain neutral on the matter is to have a role in allowing the system to persist and thus to be complicit in its evils.

This does not mean that we must have an opinion or take a strong stand on every issue; indeed, that would likely mean that one has not given sufficient thought to many of them. But unlike a position of neutrality, implicit in a position of *indecision* is the willingness to continue pursuing the answers to difficult ethical questions.

Read the full text of Martin Luther King Jr.'s letter here: https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html

2

Skepticism About Ethics



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Learning Objectives

After reading this chapter, you should be able to:

- Explain what it means to be a moral skeptic.
- Explain the notion of moral relativism and how it differs from moral objectivity.
- Discuss challenges to relativism.
- Explain the notion of egoism and how it differs from the notion that moral standards are unconditional.
- Discuss Glaukon's challenge from Plato's *Republic* and identify the main claims made in the story.

2.1 Introduction to Skepticism

In contemporary usage, **skepticism** means a doubt that a belief or claim is true. We often use this word to refer to general doubts about all claims of a particular sort. For example, a religious skeptic might have doubts about claims pertaining to the existence of God, the possibility of knowing anything about God, and so on. A global warming skeptic might doubt claims that human activity is the main cause of average global temperature rise, or a 9/11 “truther” might be skeptical about claims that the terrorist attacks in New York City and Washington, D.C., were exclusively the doings of al-Qaida (as opposed to being supported by the U.S. government). Likewise, many people regard the claims of politicians, salespersons, and media personalities with doubt and suspicion.

Similarly, a moral skeptic—in the way we will be using this term here—will doubt common beliefs about morality itself. It is important to note that we are not referring to people who doubt specific moral claims, such as the claim that eating animals is wrong or that abortion is morally justified. Nor are we referring to those who doubt the truth of certain general moral theories or principles, such as utilitarianism or deontology. If we recall the discussion of the landscape of moral philosophy from Chapter 1, claims about concrete moral problems like eating animals or abortion fall under applied ethics, while claims about the general rules, principles, and values that should inform our judgments and choices fall under normative ethics. The kind of skepticism we are discussing in this chapter involves the more basic kinds of claims that fall under the scope of metaethics.

Specifically, we will consider the reasons one might hold doubts about two commonly assumed features of morality itself:

1. Moral standards are objective.
2. Moral standards are unconditional.

The forms of moral skepticism we will consider in this chapter raise doubts about those two features.

1. Relativism doubts whether moral standards are objective, instead maintaining that they are only true or false relative to a culture or individual.
2. Egoism doubts whether moral standards are unconditional, instead maintaining that they are only good if they serve an individual’s self-interest, which in turn implies that it may be better for individuals to act contrary to moral standards if they can.

We will focus a section of this chapter on each of these. First, however, it is important to note three features common to each form of skepticism.

First, skepticism is not mere doubting or contradicting. One can doubt a claim without having any basis for doing so, and one can contradict any claim by merely saying the opposite of what another person says. Neither of these are worth taking seriously by themselves, because there is no good *reason* for those doubts or contradictions.

The kinds of moral skepticism we will examine aim to provide such **reasons**. Indeed, the word *skepticism* itself comes from the Greek word *skeptesthai*, meaning “to examine” or “to consider.” Since the skeptic uses reason to undermine certain assumptions about morality,

we have every right to test the strength of his or her reasons. Perhaps doing so will lead us to question whether the reasons to doubt morality are *good* reasons (we might even become skeptical of the skeptics, so to speak). In other words, being skeptical about morality does not mean that one has abandoned the use of reason in thinking about what morality is, why it matters, and related issues. We should therefore approach skeptical views with as much critical thought as a skeptic approaches the views he or she calls into question.

Second, the general features of morality that skeptics question—such as its objectivity and unconditionality—are ones that most moral systems take for granted. Accordingly, skeptics of morality generally provide an alternative *explanation* for why most people take these features for granted. A skeptic will have to explain why certain assumptions about morality have such a grip on us, despite the fact that we are deeply misguided (as they would claim). In addition, just as we can test the strength of the skeptic's reasons for doubt, we can test the strength of his or her alternative explanation.

Third, we mentioned previously that the kind of skepticism we consider in this chapter is not primarily concerned with applied ethical issues like abortion or eating animals; nor does it focus on the general principles, rules, and values with which normative ethics is primarily concerned. Rather, it questions metaethical ideas like moral objectivity or unconditionality. However, questioning these ideas can have significant *implications* with respect to normative and applied ethics.

The relation between metaethics, normative ethics, and applied ethics is comparable to the way we might think of a house. The strength of the roof depends on the strength of the house's framework—the walls, support beams, and so on. But the framework needs a strong foundation if it is to support the roof. If the foundation has serious problems (e.g., the concrete has major cracks, the ground is giving way), then the support system will be unstable. If the support system is unstable, then the roof is weak and liable to give way. We can think of concrete moral judgments as the "roof," normative theories as the "framework," and metaethics as the "foundation." Moral skepticism questions the strength of the foundation, and, by implication, the strength of the framework and roof.

As we examine the different forms of skepticism, we should ask ourselves if the skeptic has provided good *reasons* to be skeptical of our common beliefs and assumptions about ethics. Has he or she provided a satisfactory alternative *explanation* for why we have these common beliefs and assumptions that adequately accounts for the role that ethics plays in our individual lives? And what would be the broader *implications* of accepting his or her skeptical claims about ethics?

With these thoughts in mind, we will examine skepticism about moral objectivity.

2.2 The Relativist Challenge

American restaurant goers know that when a waiter or waitress provides good service, he or she deserves a decent tip; withholding a tip when good service has been provided is usually regarded as disrespectful. In Japan, however, the opposite is the case: Providing a tip is often a sign of disrespect. Similarly, consider that most Westerners believe that the way to show

respect to the deceased is to cremate or bury their bodies, while leaving a body out in the open is the epitome of disrespect. However, in Himalayan cultures—partly because there is not much wood for burning and the hard ground makes it difficult to dig graves—it is customary to leave the bodies of the dead out in the open to be consumed by animals and the elements, which is regarded as dignifying.

Countless other examples can be raised about behaviors that one culture regards as ethical but another regards as unethical, and vice versa. Over the past century or two, as contact with other cultures has become increasingly common, many people have come to doubt whether their way of behaving and judging is the only “right” way.

Even within contemporary Western culture, there has been increased emphasis placed on individual self-determination of the values and principles that guide one’s life, which leads to doubts about whether any single set of values and principles should be authoritative for all. Indeed, bitter and sometimes violent conflicts often arise when one person or group is perceived as imposing its moral views on others. Instead, people commonly preface their expressions of moral commitment with phrases like “in my opinion” or “in my personal view”—the implication being that they have no right to suppose that others should agree.



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Different attitudes toward giving and receiving gifts represent one example of how cultures can have different ethical standards.

These factors have contributed to a sense that moral judgments are not true or false in any objective sense but are instead relative to a culture or individual. Moral **objectivity** is the view that at least some moral truths are independent of the beliefs and values of any particular culture or individual. By contrast, **relativism** rejects moral objectivity. Instead, relativism holds that the truth of moral standards depends entirely on the beliefs and values that a culture or individual subject happens to hold. This means that if a culture or individual believes or values certain ideas, the associated moral judgments are relatively true (i.e., true *for them*); if they lack those beliefs and values, any conflicting moral judgments are relatively false (i.e., false *for them*).

Before examining this more closely, it is important to note that most people who think carefully about what relativism means ultimately conclude that it has limits and cannot be entirely correct. Most people hold many deep beliefs that conflict with the relativist position, and there are significant ways in which the position itself may be incoherent. Moreover, relativism is not a normative ethical theory like utilitarianism or deontology; that is, one cannot invoke relativism as a reason to affirm or deny a particular moral judgment, as if it were an alternative to, say, the principle of utility or the Categorical Imperative. For instance, one cannot say something like “According to utilitarianism, stealing this item would be wrong, but according to relativism it would not be wrong.” Before going into detail, we will look more closely at the general claims of relativism itself.

Two Types of Relativism

Thinking back to the examples above, when an American claims that not tipping a waitress, leaving a dead body to rot in the open, or stoning a woman to death are wrong, one might suppose it is only wrong according to modern American culture; according to another culture, these behaviors may in fact be right. Such a view would be considered **cultural relativism**, since it acknowledges that *within* a particular culture, given a set of characteristic beliefs, values, and customs, certain behaviors might be right or wrong; it denies, however, that the same judgment can be applied to similar behaviors in another culture with a different set of characteristic beliefs, values, and customs. In other words, it denies that there are any judgments of right and wrong that extend across all cultures regardless of whether their beliefs, values, and customs support those judgments. One might also subscribe to **subjectivism**, which is the view that matters of right and wrong are ultimately relative to the values that each individual subject recognizes and affirms.

In either form, relativism can have great appeal. It can be taken as a sign of respect for other cultures or individuals by refusing to deny or denounce what they find important and meaningful or by refraining from imposing oneself on others. It can help us avoid the conflicts that can result from disagreeing over ethical matters. It can be an expression of honesty and humility, in that it helps us presume to know more than we really do about ethical questions. Finally, it can be a way to acknowledge that much of what we believe and how we think people should act has been shaped by our own culture and upbringing.

Challenges to Relativism

One can appreciate the appeal of relativism without being a relativist about everything of ethical significance; as we mentioned above, most people are relativists about *some* ethical matters but not *all* of them. The limits of both cultural relativism and subjectivism become clear when one considers *personal experiences*, the *implications* that relativism has, the *consistency* and *coherence* of the relativist position, and the interconnectedness of cultures and personal lives.

Personal Experience

To understand the problems with the relativist position, think about your own experiences for a moment. Each one of us has a story to tell about how we came to be where we are, which includes elements such as community, society, religion, family, friends, and many other factors that influenced and shaped who we are and what we believe. Each of these elements is quite diverse in and of itself, incorporating many different beliefs and forms of life (think of the diversity within American society, for instance). To come out of a culture is thus to have been exposed to a range of different and often conflicting perspectives out of which we have to form our own identity, values, and moral beliefs. Moreover, none of us has all of the same beliefs and values that our parents did or that we ourselves had when we were younger, and these beliefs and values continue to change throughout our lives in profound or subtle ways.

At least some of the ways we arrived at the beliefs and values we have is the result of reflection and experiences that lead us to affirm, reject, or modify aspects of our own prior perspectives, the perspectives with which we were raised, and those of our surrounding culture. That is, our own development was not wholly determined for us by some outside factor like family or culture, nor was it arbitrary or accidental. Rather, we had some reason independent of our culture to accept or reject certain elements of it. Likewise, we had some reason independent of how we were raised to accept or reject certain elements of our upbringing, and some reason independent of our subjective perspective would have led us to change that perspective. In short, our own experiences point to reasons for or against moral convictions that are independent of culture, upbringing, and personal values and thus not merely relative to those factors.

We can strengthen this observation, though, by looking more closely at what holding a relativist position would involve and whether it would have implications that conflict with much of what we otherwise believe about morality.

Implications of Relativism

First, what are the *implications* of relativism? When we become aware that different cultures have different views on whether it is respectful to tip a restaurant server, we may come to think that there is no objective truth about tipping that applies to all cultures. Let's assume this is correct. We might then be tempted to think that *all* matters of respect or disrespect—or any other matter of ethical importance—are relative to one's culture. But do we really think this? What would such a view imply about other matters of moral significance?

For example, consider an issue such as whether certain kinds of people should be enslaved or exterminated. During the 1930s and 1940s, German Nazis engaged in the mass extermination of those they regarded as unworthy and unfit, such as Jews, Gypsies, homosexuals, and people with certain disabilities—we call this event the Holocaust. *Relative* to the beliefs, values, and customs characteristic of German Nazis, Jews and others deserve no respect, and thus it may have been true (for that culture) that the atrocities of the Holocaust were not wrong but necessary, even noble. Similarly, *relative* to the beliefs, values, and customs characteristic of southern White culture in America prior to the freeing of the slaves in the 19th century, it was true (for that culture) that people with dark skin did not deserve the basic freedoms owed to Whites and thus that slavery was not wrong; in fact, many in that culture regarded slavery as good and right.

If we accept the cultural relativist position, two important implications follow. First, cultural relativism implies that ***we would have to abandon the judgments most of us make about the absolute rightness or wrongness of certain kinds of actions***. For example, since exterminating Jewish people, enslaving Blacks, or persecuting and killing those of different faiths are morally justified *relative* to the beliefs, values, and customs of cultures that engage in those actions, we cannot legitimately say that they are *wrong*, even if our culture disapproves of them. Likewise, our own rejection of such things cannot legitimately be called *right*, since this judgment is merely relative to our culture. However, hardly anyone accepts this: Most people maintain that *regardless* of the beliefs, values, and customs of the cultures that engage or engaged in such actions, their behavior is or was despicable and wrong, *period*. In that case one is *not* a relativist about such matters.

The *Bacha Bāzī*

Recent military activity by American and other Western forces in Iraq and Afghanistan has embroiled them in some challenging cultural conflicts. One of the most challenging and contentious conflicts concerns the practice in Afghanistan of *bacha bāzī*, which those in the West would call pederasty or pedophilia. In short, *bacha bāzī* involves powerful warlords and other prominent men taking prepubescent and adolescent boys as their sexual slaves. This practice seems to have been present in some Asian cultures for centuries, and though it was officially outlawed by the Taliban, the ouster of that regime by Western forces in 2002 removed the penalties for participating in this practice. Thus, it became more commonplace among the Afghan warlords and police commanders that the U.S. and allied forces depended on to secure the nation (Londoño, 2012).

Is the practice of using vulnerable boys as sexual slaves merely wrong relative to our own culture, or is it wrong no matter the cultural traditions, beliefs, or practices?

One way to frame this question is to ask whether a child has a set of basic human rights that would be violated by this practice. This is certainly the view taken by the United Nations and the 196 countries that have signed its Convention on the Rights of the Child, among which is a provision that protects children from sexual abuse (UN News Center, 2015; United Nations, 1989). These provisions are based on the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family” (United Nations, 1989, para. 1), which is to say that it recognizes that all people have certain rights above and beyond particular cultural beliefs and practices, among which is the right of a child not to be sexually abused.

Now, denying the relativist position and acknowledging such rights does not settle all of the ethical issues, for there is still the question of how one should respond when confronted with practices like *bacha bāzī*. The U.S. military’s policy has been to look the other way so as to maintain good relationships with the Afghan leaders who perpetrate this abuse (Goldstein, 2015). However, there have been several cases of soldiers disobeying such orders and attempting to prevent the abuse (Goldstein, 2015). Whether they were right to do so is a question we cannot address here, but surely we can presume that they would not have done so unless they regarded the actions of the abusers as a violation of objective standards—that no one should abuse children *regardless* of whether such abuse is accepted by a culture.

The second implication of cultural relativism is that ***we must reject any notions of cultural progress and decline***. In addition to no longer permitting slavery, American society no longer allows the segregation of Blacks and Whites in schools, restaurants, buses, and many other contexts, as it did long after the end of slavery. American society also once refused women the right to vote and allowed children to work long hours in mines and factories, but none of these practices are legal or generally accepted nowadays. Recently, homosexuals have been given the right to marry and serve openly in the military, more women are being given equal pay for equal work, and increased efforts are being made to ensure that children and those with disabilities are protected. There may be controversy regarding whether certain specific cultural changes represent progress or decline, but in either case, in the words of the philosopher James Rachels (2003), “that is just the sort of transcultural judgment that, according to cultural relativism, is impossible” (p. 22). In other words, if one were to judge that American

culture has *progressed* by outlawing slavery and segregation and by granting women the right to vote, one must deny cultural relativism. Likewise, if one were to judge that American culture has *declined* in certain ways, one must deny cultural relativism. Why?

The reason is that any notion of a culture's *progress* or *decline* must refer to standards that are *independent* of the culture as it happens to be. If increased racial or gender equality is to count as progress, it is because we think that racial or gender equality is *good*, and so a culture that has more equality is *better* than one that has less. Or if we think that a culture has *declined* in certain ways, it would be because we regard certain norms as *good* and judge that the culture has veered from those norms. Either way, we are judging a culture by standards that are independent of the beliefs, values, and customs they happen to have. This is contrary to the relativistic view that there are no such independent standards. If we accept relativism, then we have no basis on which to hold that cultural changes like the elimination of slavery or granting women the right to vote is *progress* or that any changes could represent *decline*.

Similar problems arise for subjectivism. While we can appreciate that individuals within a culture have a wide variety of lifestyles and conceptions of what is good and worthwhile and that a "one-size-fits-all" perspective is often unjustified, most people recognize limits to this relativistic attitude. For instance, Omar Mateen, who killed 49 people at a gay nightclub in Orlando, Florida, in 2016, may have acted consistently with his beliefs, as do others who perpetrate terrible atrocities. But few of us would be content to suppose that the wrongness of such actions is merely relative to our own personal values. Moreover, as we previously discussed, many of us have changed our moral views and behavior as we have matured, and we experience this change as one of personal growth or progress. Just as the notion of cultural progress is difficult to square with a belief in cultural relativism, the experience of personal growth in one's moral convictions and choices is inconsistent with the view that moral truth is only relative to the beliefs and values that an individual happens to have. The best we can say is that we had certain beliefs and made certain choices at one point in our lives and simply changed at a later point. Again, however, most of us experience that kind of change not as arbitrary, but as one of genuine development. All of this implies that one is *not* a relativist about moral matters.

In short, the implications of relativism are that we can no longer sustain judgments that things such as slavery, genocide, terrorist attacks, rape, child molestation, and others are truly wrong; nor can we do adequate justice to the notion of cultural progress and the experience of personal moral development. Thus, we find that while most people are relativists about *some* matters of cultural or personal difference, very few people are relativists about *all* such matters.

Consistency and Coherence of Relativism

The second set of challenges to relativism has to do with the *consistency and coherence* of the relativist position. Think back to the appealing aspects of relativism: It may seem to show respect for other persons or cultures, can help us avoid conflicts, and can be an expression of honesty and humility. Notice that each appealing aspect refers to some *value* that the relativist position seems to affirm or embody: respect, peace, honesty, humility, and so on. All of these are adduced as *good reasons* to adopt a relativist position.

However, respect for other cultures or for individual choices has a particular value that many of us affirm *but some others may not*. Peace is also something that many, *but not all*, value. Honesty and humility are generally regarded as virtues, but *not everyone agrees*. If the value of respect, peace, honesty, and humility are to count as reasons in favor of relativism, this value must be independent of whether others recognize it; in other words, they must have *objective* value. But if this is the case, then relativism must be false. Thus, what we thought were reasons in favor of relativism turn out, upon examination, to be reasons to reject it.

To see how defenses of relativism undermine relativism by appealing to nonrelative values and principles, think about the consistency and coherence of a few common expressions one might hear in support of relativism:

- “We should not pass judgment on other cultures.”
In other words, passing judgment on other cultures *is wrong*. What should we say about a culture that passes judgments on other cultures? Are we not saying that what they do is wrong? By saying that what they do is wrong, are we not still *passing judgment*?
- “Who am I to say that what someone else does is wrong?”
This saying means that no one has a right to say that what someone else does is wrong. But what if someone *does* say that what someone else does is wrong? Doesn't that mean that they have *done something wrong*?
- The Bible says, “Judge not, lest ye be judged” (Matthew 7:1).
The Bible seems to indicate that we should not pass judgment on another. But the Bible also contains a great many ethical teachings that seem to be presented as objectively true. Many of those teachings challenged the prevailing culture and its leaders to whom Jesus was speaking in this verse. Does this suggest that this verse should be understood as a warning against the objective wrong of hypocrisy rather than as a support of relativism?

One can see the inconsistency that arises when phrases like these are used to express or support a relativist view. There may be contexts in which the sentiment they express is appropriate, but the bottom line is that these expressions endorse values or principles that other cultures or persons may not share or ones that apply in some contexts but not all. In doing so, they do not support a position of moral relativism but rather one of *nonrelativism*.

Respect for Others

Not only does the relativist's endorsement of respect, honesty, and humility imply these ideas' objective value, but their value may even be undermined if we were to adopt a consistently relativist position. Take *respect*, for example. As we noted before, a relativist position is often taken to express respect for other persons or cultures by refusing to pass negative judgment on their beliefs and practices. However, what does respect really mean? Generally, it means that we recognize some kind of value or merit in whatever we respect. We are making a judgment that a person or culture is *worthy* of respect.

Moreover, as the philosopher Mary Midgley (1981) notes, “To respect someone [or some culture], we have to know enough about [the person or culture] to make a *favourable* judgment” (p. 69). In other words, to show respect requires a certain level of *understanding* of a person’s or a culture’s beliefs and practices that allows us to recognize their potential value and merit. However, the level of understanding that would justify respect and praise has to allow for the possibility of negative judgments as well. “It is hardly possible that we could praise them effectively,” Midgley observes, “if we could not, in principle, criticize them” (p. 71). What does she mean by this?

The popular radio show *A Prairie Home Companion* includes a regular segment about the fictional town of Lake Wobegon, Minnesota, where “all the children are above average.” The joke behind this description of the community is that it is impossible: No child can be above average except in comparison to other children who are average and still others who are below average. In other words, describing a child as above average requires us to have a standard for “average” according to which a child can be judged to be at, above, or below. By declaring that *all* children are above average, one is essentially saying that *no* child is above average, since all are at the same level. Thus, the praise and esteem implied by the term *above average* is meaningless.

Just as being above average constitutes a positive judgment about a child, being worthy of respect is a *positive judgment* about a person’s or culture’s beliefs and practices. But for the positive judgment to be meaningful, there has to be the possibility of a negative judgment as well. Just like the positive judgment that a child is above average must entail that some children are average or below average, the positive judgment that cultural beliefs and practices are worthy of respect must entail that some cultural beliefs and practices are *not* worthy of respect. If we declare that all cultural beliefs and practices are worthy of respect, that is just as vacuous as declaring that all children in a community are above average.

To put it another way, if we refuse to judge other cultures at all, we “are not taking the other culture seriously” (Midgley, 1981, p. 73), a point that can be applied to judging other persons as well. It is a powerful idea: Would a positive judgment like “worthy of respect” be meaningful or significant if there wasn’t the possibility of negative judgments, that some things are *not* worthy of respect?

Consider this same idea as it pertains to a value like honesty. Imagine you were seeking a friend’s honest opinion on your new outfit. Would you trust her thoughts if you knew that she would never say anything negative? If you suspected that she would say you look good no matter what, would you turn to her if you *really* wanted to know if the outfit looked good? Probably not. Genuine honesty, like genuine respect, depends on the possibility of a *negative* judgment; otherwise, any positive remark would be empty and meaningless.

In short, by insisting that all value judgments are merely relative, a stance of relativism entails that we cannot make positive judgments about another culture or individual, including the judgment that they are worthy of respect. Thus, relativism does not, in fact, show respect for others, as some defenders maintain.

Intellectual Humility

Perhaps the most common and familiar way to defend relativist attitudes is by using phrases like “Who am I to say what’s right or wrong for someone else?” Such phrases seem to call us to intellectual humility: How can we pass judgment on others when we know so little of their circumstances or when we cannot be sure our judgments are well grounded? This is important, but we can only account for its importance if we reject relativism and accept there are certain standards by which we can, at least in principle, judge others and ourselves. Why is this?

As we saw in Chapter 1, acting on the basis of reasons—which is fundamental to human life—depends on the capacity to judge that certain choices are better than others. It is easy to see that in many everyday situations, such as deciding on the best car to buy or how to treat an illness, our own knowledge is limited; we may not have better judgment than someone else, and we can probably learn a lot from others if we open ourselves up to their judgment and perspective. Because of these limitations, humility and a willingness to learn from others seems to be in order.

But this only makes sense if there are, in fact, better or worse judgments on such matters. Why suppose that we may be limited in our knowledge of how to treat an illness or buy a car if there were no such thing as better and worse judgments about them? If humility and being open to learning from others is important, we must suppose that there are some judgments that are good and others that are not.

In most everyday situations, this is not hard to see: If a doctor recommends a certain treatment for an illness, it would be absurd to suppose that the effectiveness of this treatment is relative to one’s beliefs and values. Likewise, if humility and an openness to learning from others are important regarding *ethical* matters, then we would have to presuppose that there are some *ethical* judgments that are good and others that are not. To put it another way, if we think we might have something to *learn* from another people or cultures, we have to suppose that their ethical judgment might be *better* than ours, but this logically entails that their ethical judgment might also be *worse* than ours in certain respects. Both of these possibilities, however, imply that relativism is false, and phrases like “Who am I to judge?” actually *deny* relativism rather than support it.

Thinking About Relativism

Relativism is more than the acknowledgment of differences in beliefs; it is the claim that we have no way of comparing the merits of different ethical beliefs and values.

At this point you might be thinking, “Relativists don’t have to suppose that there aren’t better and worse ethical judgments *at all*. They simply maintain that what’s ‘ethically better or worse’ for one person, culture, or society *might not be the same* for another.” As a factual matter, this is true—individuals and cultures have many different ethical beliefs. But remember that relativists do not simply point out that different people or

cultures happen to have different ethical beliefs and values; they maintain that we have no way of comparing the merits of these different beliefs and values. What critics of relativism argue, however, is that the sense many people have—that we should not be quick to judge and that we should exercise humility in the face of such differences—is based on the assumption that there are nonrelative truths on ethical matters about which we may have only limited understanding. But this seems to call for an honest and open *consideration* of the different beliefs and values rather than simply refusing to pass any form of judgment whatsoever.

Cultural and Interpersonal Differences

There is one final challenge to relativism, which is perhaps the most powerful of all. Cultural relativism seems to rest on the idea that cultures are completely isolated from each other, such that one culture would be so disconnected from another that they could not understand each other enough to judge each other's beliefs or practices. Subjectivism would seem to presuppose something similar about our inability to understand, and thus judge, the values and beliefs of another person. But is it plausible to suppose that we are disconnected from each other to such a radical degree?

To suppose so would be to suppose that the beliefs and values of different cultures or individuals developed and were shaped in isolation, but this is clearly not the case. With very few exceptions (such as isolated tribes in the Amazon rain forest), all cultures, along with their beliefs and values, have been shaped and formed by their encounters with others; as Midgley (1981) puts it, “all cultures are formed out of many streams” (p. 74).

Early human societies had to overcome similar obstacles and challenges in the face of a hostile natural world, despite differences in conditions such as climate and resources. Migrations, wars, and trade brought different cultures into contact, and they had to find ways to relate to each other. Modern societies are even more interconnected than previous societies due to technological advances. The notion of a culture that is radically disconnected from others is difficult to imagine, and the idea that an individual can be so disconnected as to rule out judgment on others' values and beliefs is even more implausible. Thus, there is good reason to suppose that we may find common, rationally justified grounds for many moral values and principles, and that a relativist stance is not justified on the grounds of cultural or interpersonal differences.

Limited Relativism

We have presented relativism as a form of skepticism about whether values, principles, and norms are objectively true—that is, true for all cultures and individuals. Relativism maintains instead that their truth is only in relation to a particular culture or individual, such that whatever is true for one culture or individual is not necessarily true for another. It is important to note that we have been considering a somewhat extreme form of relativism that maintains that one culture or individual cannot pass judgment on the moral standards of another. Rejecting this form of relativism does not necessarily mean that all moral standards *are* objectively true; there may be good reasons to suppose that at least some moral standards are relative. Distinguishing between those that are merely relative, objective, or somewhere in between

requires critical thought, open-mindedness, and a willingness to engage in dialogue with the other. By the same token, immediately declaring a different moral view as *simply wrong* on the one hand, or *merely different* (i.e., *neither right nor wrong*) on the other would be too hasty in most cases and would fail to demonstrate respect and intellectual humility or acknowledge the interrelatedness of cultures and individuals.

Moreover, rejecting relativism and accepting that there may be objective moral truths does not mean we would necessarily expect all people to accept or acknowledge those truths. Similarly, we may have good reason to pass judgment on other cultures' or individuals' *beliefs and practices*, but that should be distinguished from a judgment about the specific culture or individual. That is, I may believe that a certain cultural practice is wrong (perhaps because it demeans women, for example), but that does not necessarily entitle me to declare that members of that culture or the culture as a whole are bad.

Having concluded this discussion of the relativist's challenge to morality, we now turn to skepticism about the other assumption we identified—skepticism about the unconditionality of moral standards.

Going Deeper: Are Ethical Standards Merely Expressions of Attitude?

In addition to relativism and egoism, some philosophers have questioned the assumption that there are such things as moral properties or moral facts at all. Instead, they maintain that moral statements are expressions of feeling or attitude that are neither true nor false. One such theory is called "emotivism," which you can read more about in *Are Ethical Standards Merely Expressions of Attitude?* in the Going Deeper section at the end of the chapter.

2.3 The Egoist Challenge

We all know the feeling: you really *want* to do something, but you know that it goes against the moral rules. Sometimes, though, you're pretty sure you could do it and not get caught. What holds you back?

We have been taught to regard certain kinds of behavior as good and other kinds as bad, and often these rules stand in contrast to what we feel inclined to do. These claims about good and bad might come from our parents or teachers, religious authorities, media personalities, and many others trying to tell us how we ought to live. Are these claims unconditional in the sense of describing standards for how one ought to live regardless of whether they directly benefit us as individuals? Or are their rationality and force conditional on this benefit?

One reason for supposing that such behaviors are merely conditional is to regard them as nothing more than social conventions or sets of rules that society imposes on its members whose primary purpose is to constrain them from doing what they would otherwise want to do. Why might we have such conventions? Lots of possibilities spring to mind. Such conventions help maintain social order, for instance. If there was no prohibition on stealing, we could not be secure in holding on to the things we need to live our lives. Prohibitions on murder

ensure that our lives are relatively safe, while prohibitions on lying ensure that we can trust other people, which is vital to most social interactions. These conventions also protect weaker members from being taken advantage of by stronger ones, and moral values such as generosity and beneficence compel those who have more to share with those who have less. We can also imagine how certain groups of people might use such conventions to exercise power over others, in terms of keeping them in line and making them easier to control.

Whatever explanation we might have for why we have these conventions, one thing to notice is that they are all consistent with the assumption that each individual is and/or ought to be primarily concerned with his or her own interests and benefit. We call this kind of view **egoism**. If egoism were true, we could understand moral standards as social conventions designed to ensure a certain level of cooperation and to keep us from seeking our own advantage at the expense of others. However, if morality is nothing more, and each of us is completely self-interested, why should we respect those conventions?

Most social conventions—especially those codified as formal rules or laws—come with sanctions or punishments for breaking them. Therefore, one obvious reason to respect them is that we do not want to be punished. But what if you could avoid punishment? What if you had the ability to transgress these moral conventions and not get caught? Would there be any reason to be moral? Therefore, the questions at the heart of the egoist challenge are, do we only have reason to be moral if doing so benefits us, and would we be better off acting immorally if doing so had greater self-benefit?

Glaukon's Challenge

This is not a new question; in fact, humans have been wrestling with the question of “Why be moral?” for ages. Twenty-five hundred years ago, the great philosopher Plato raised this issue in his most famous text, the *Republic*. Plato explored philosophical ideas mostly through fictional dialogues, many of which featured Plato's real-life teacher Socrates as a main character. Prior to the passage we will examine, Socrates had proposed that the person who lives a just life (similar to what we would call a moral life) is better off than the person who lives unjustly (or, roughly, immorally). Acting justly isn't good simply because it happens to fulfill one's interests or because it helps maintain social order, Socrates claimed. Rather, he maintained that the life of justice is good in itself. In other words, those who act justly live the truly best kind of life, and so justice is worth choosing even when it might seem that acting unjustly would be advantageous. This is a familiar idea to us: We often hear about the value of integrity, or doing the right thing even when no one is looking. However, it is this very idea that is called into question in Glaukon's challenge.

In the passage, Socrates's friend (and Plato's own real-life brother) Glaukon is challenging him on the concept of integrity. He does so by offering a story designed to question Socrates's claim that justice is truly best. It is important to note that Glaukon is most likely playing devil's advocate; there is no reason to suppose that Glaukon actually disagreed with Socrates. In offering his story, Glaukon can be considered part of a dialectical movement. He is suggesting a concrete case (though fictional and far-fetched) that forces Socrates to clarify his account

of why justice is truly good and injustice is truly bad, despite the fact that we are often inclined toward injustice.

As you read the text, try to identify Glaukon's primary claims and how the story he tells helps him argue for those claims. Read "The Ring of Gyges" in the Primary Source section of the chapter, then return to this point in the book.

In Glaukon's speech, he puts forth three primary claims:

1. No one is willingly just.
2. Justice is a social convention that benefits the weak.
3. The best sort of life is that of the unjust person who seems just.

How does Glaukon argue for these claims?

Claim 1: No One Is Willingly Just

Imagine a situation in which you can do anything you choose and not incur punishment or social condemnation. This is the scenario Glaukon invokes when he tells the story of the Ring of Gyges. In this story, a poor shepherd finds a ring that can make him invisible by turning it a certain direction. With this newfound tool, the shepherd realizes that he can get away with many things that would be considered unjust, now that he no longer risks being caught and punished. If Socrates is right, finding the ring should make no difference as to whether the shepherd respects principles of justice. Since justice is good in itself, Socrates claims, the possibility that one can get away with injustice is irrelevant. In Glaukon's story, of course, the shepherd decidedly does not see things the same way and instead engages in murder, seduction, and other illicit activities.

Dialectical Reasoning

Recall that dialectical reasoning involves moving back and forth between abstract principles and concrete cases in such a way that the concrete cases challenge us to revise and refine the abstract principles, leading us to form more refined judgments about the concrete cases.

Ethics FYI

Symbolism in the Ring

Notice that when the ring is facing outward toward others, the wearer is visible to others and thus must be concerned with how society views him. By turning the ring inward toward himself, he becomes invisible to society, and thus his true inner condition becomes manifest. It is this inner condition with which both Socrates and Glaukon are ultimately concerned. (Author's note: This interpretation is indebted to one of my students, David Plunkett.)

Ancient and Modern Fantasy Stories

The Ring of Gyges story contains themes that may be familiar to some readers from literature and film.

Those who are familiar with *The Lord of the Rings* by J. R. R. Tolkien will no doubt recognize the similarity of that story and Plato's (indeed, the idea of a magic ring of invisibility is present in the myths of many cultures). In each myth, there is a ring that grants its wearer the power of invisibility, but it also corrupts its wearer in some sense. Glaukon would say that the only corruption is in terms of the standards of society, but that in reality the person who uses the ring to his advantage is living better than before. Tolkien's account presents a different picture, one of not just external but *internal* corruption.

A similar scenario is presented in the 1993 film *Groundhog Day*. In the movie, Phil Connors (played by Bill Murray) wakes up to the same day over and over. No matter what he does, the day is reset and there are no negative consequences—to himself or anyone else—from his actions.

When Phil realizes this, he is elated. "It's the same thing your whole life," he says. "Clean up your room. Stand up straight. Pick up your feet. Take it like a man. Be nice to your sister. Don't mix beer and wine, ever. And, oh yeah, don't drive on the railroad tracks" (Albert, Erikson, White, & Ramis, 1993), after which he proceeds straight onto a railroad track. He spends the next part of the movie doing things that he would never be able to do because of society's rules. Here is a man who, like Glaukon's shepherd, felt like he had to obey those rules to remain respectable and avoid condemnation, while deep down he wished that he could blow them off and have fun. Once the negative consequences are no longer a factor, he sees no point to the rules anymore, and he can just let loose: "I'm not gonna play by their rules anymore!" (Albert et al., 1993). As one of Phil's drunk companions put it when asked what he would do in such a situation, "I'd just spend all my time drivin' fast, gettin' loaded and gettin' laid" (Rubin & Ramis, 1992, p. 45).

However, *Groundhog Day* takes a significantly different turn than Glaukon's story. After indulging himself for a while, Phil finds himself in a state of such depression and misery that he attempts to kill himself over and over, only emerging from that state once he no longer concerns himself merely with satisfying his own interests and desires. Instead, he pursues artistic excellence, helps others in need, and finds himself caring for others for their own sake, not simply for what he can get out of it.

Can *The Lord of the Rings* and *Groundhog Day* provide a clue as to how one might respond to Glaukon's challenge?

Glaukon suggests that when the shepherd respected and abided by principles of justice before he found the ring, he never did so willingly. He knew that if he engaged in murder, seduction, and the like, he would likely be caught and punished and would lose his reputation. The risks outweighed any benefits of unjust behavior, and so the shepherd acquiesced to the system of justice in place. We know that he did so unwillingly by the simple fact that once he acquired the means to avoid such negative repercussions, the standards of justice went out the window.

Glaukon thinks that if we are honest, we will agree that even if a person we would normally regard as just or moral were to acquire the means to act unjustly without consequence, his

or her actions would be no different from those of an unjust person; both the just and the unjust would follow the same path. If this is true, it shows that no one is just willingly, but only because they are compelled to be. Glaukon seems to be saying that we are interested only in ourselves—satisfying our own wants and desires and securing our own advantages—which brings us back to egoism. According to the egoist view, everyone is ultimately self-centered, which implies that no one is truly just, there are no truly selfless actions, and we only have reason to respect justice and morality or care about the needs of others when doing so benefits us.

Is Glaukon right? Are even the most ethical of people only acting that way to build a good reputation, avoid condemnation and punishment, and so forth? Naturally, there are people (perhaps you are one of them) who would insist that they would continue acting ethically even if they could act otherwise and get away with it. What would someone defending Glaukon's claim say about such persons? Perhaps they are deluding themselves because they are so used to the idea that acting unethically would be too risky. Perhaps they would feel a strong sense of internal guilt at pursuing their own advantages at the expense of others.

Notice, however, that the feeling of guilt is itself a form of punishment, albeit one that is imposed on ourselves rather than by an outside force. If ethical standards are simply constraints on what we *really* want to do, as Glaukon's account maintains, then a powerful way to ensure that people abide by them would be to condition them in such a way that they would punish *themselves* for breaking those standards. Feelings of guilt would be one such form of punishment. However, the presence of these feelings does not necessarily mean that the behaviors one would feel guilty about are wrong. It may only mean that one has been conditioned by society to feel bad about certain behaviors.

Huck Finn and the Guilty Conscience

In Mark Twain's classic novel *Huckleberry Finn*, set in the days of slavery, the title character befriends a runaway slave named Jim. Even though Huck recognizes Jim's humanity and regards him as a friend, he is plagued by feelings of guilt over the fact that he isn't fulfilling his supposed duty to turn in a runaway slave. At one point, he contemplates turning in his friend but ultimately decides against it.

Thinking that the decision to *not* turn in Jim was wrong, morally speaking, Huck says:

I got aboard the raft, feeling bad and low, because I knowed very well I had done wrong, and I see it warn't no use for me to try to learn to do right; a body that don't get STARTED right when he's little ain't got no show—when the pinch comes there ain't nothing to back him up and keep him to his work, and so he gets beat. Then I thought a minute, and says to myself, hold on; s'pose you'd a done right and give Jim up, would you felt better than what you do now? No, says I, I'd feel bad—I'd feel just the same way I do now. Well, then, says I, what's the use you learning to do right, when it's troublesome to do right and ain't no trouble to do wrong, and the wages is just the same? (Twain, 1885/2001, pp. 87–88)

(continued on next page)

Huck Finn and the Guilty Conscience (*continued*)

Huck feels a sense of guilt at not turning in a runaway slave. Yet he recognizes that he would have felt guilty if he *had* turned Jim in as well, since Jim is his friend. Thus torn, he decides that if he's going to feel guilty either way, he might as well do what he *wants* to do, rather than what he's "supposed" to do, given the standards of his society. After all, he figures, he's a bad kid anyway, so there's no point to trying to do what's "right."

Later, still wrestling with this decision, Huck composes a letter to Jim's owner telling her where her runaway slave is. Just before sending it, he reflects:

I took it up, and held it [the letter betraying Jim] in my hand. I was a trembling, because I'd got to decide, forever, betwixt two things, and I knowed it. I studied a minute, sort of holding my breath, and then says to myself: "All right, then, I'll go to hell"—and tore it up. It was awful thoughts and awful words, but they was said. And I let them stay said; and never thought no more about reforming. (Twain, 1885/2001, p. 192)

Huck was brought up in a society that held to the view that Black people could be the property of Whites, and if a White person's property escaped, it was the moral responsibility of other Whites to return that property to its rightful owner. He regarded his reluctance to do so as a sign of moral depravity and experienced feelings of guilt at that failure. These days, we would not consider Huck's reluctance to betray Jim to be a failure at all. However, it goes to show that feelings of guilt do not, by themselves, indicate that one's actions are truly wrong.

In similar fashion, someone defending Glaukon's claims might acknowledge that people may feel guilt at the thought of acting immorally even when they would not be punished or condemned. However, these feelings would be considered a sign that someone has been conditioned to regard such actions as wrong. In reality, says someone defending Glaukon's claims, the person would be better off overcoming such feelings and pursuing the personal advantages that come with possessing the ring.

If egoism is right, moral standards constrain the basic motivation we all have to pursue our individual interests above all else. This implies that we would rather avoid such constraints if we could, and thus we are not willingly just; rather, we are just only because we fear punishment, whether internal or external. If this is the case, why are moral standards such a powerful force in society?

We considered a few possibilities earlier: These constraints help maintain social order, ensure safety and security, and protect weaker members of society. Notice, however, that these are good reasons for us to want *others* to respect these constraints; they aren't necessarily reasons why we *as individuals* should respect them. What if we could get away with injustice while *everyone else* respected the constraints that maintained social order? If we would ultimately prefer that situation, that indicates that we don't willingly do what is just, but rather we do it because we cannot get away with acting otherwise.

In the real world, of course, rings of invisibility do not exist; but we can think of it as representing the real power some people may have to act unjustly without the risk of punishment.

All real societies have stronger and weaker members. The stronger members have the means to obtain more of what they want; they can find ways to secure what they desire through force, persuasion, or money. They also have the means to prevent others from trying to take advantage of them, and they have less need for the generosity of others. Weaker members of society, on the other hand, are those who lack such means. They are thus the ones who would benefit most when the rest of society complies with standards of ethics and justice. Hence, we arrive at Glaukon's second claim.

Claim 2: Justice Is a Social Convention That Benefits the Weak

If Glaukon's egoistic view is correct, no one *really* wants to act morally. However, we recognize these standards because they seem to be good for society—it is good for us if people are not murdering others and stealing things. But who *most* benefits from this?

To see Glaukon's answer, imagine two people: Big Jim and Tiny Tim. Big Jim is strong, well connected, wealthy, and charismatic. Tiny Tim is weak, a bit of a loner, poor, and socially awkward. Both Big Jim and Tiny Tim are self-centered and want as many personal advantages as possible, regardless of how that might harm others. For obvious reasons, Big Jim is much better at getting what he wants than Tiny Tim. In fact, when Big Jim goes after something, it often ends up harming Tiny Tim in some way.



Ryzhi/iStock/Thinkstock

Glaukon claims that justice is a social convention that helps the disadvantaged compete with those with more wealth and strength.

Is there anything people like Tiny Tim can do to prevent people like Big Jim from doing whatever they feel like, gaining all the advantages for themselves, and stepping all over the Tiny Tims?

What if we established a system of rules that constrained people's capacity to pursue whatever they want for themselves?

People like Tiny Tim are already constrained by their own weakness, especially when competing against people like Big Jim. Such a system of rules would level the playing field a bit more, which benefits the Tiny Tims when it comes to their capacity to pursue what they want and avoid harm from the Big Jims. But it hinders the Big Jims, since they wouldn't be able to use their superior means as freely as before.

This is what Glaukon seemed to have in mind when he claimed that justice is a convention that benefits the weak. The 19th-century German philosopher Friedrich Nietzsche (1844–1900) conveyed a similar idea by using the image of a bird of prey (like a hawk or eagle) and a lamb (Nietzsche, 1994). Birds of prey, by their very nature, love to feast on little lambs, and the lambs cannot do anything to prevent it. But imagine if the lambs and birds of prey were

rational creatures. We might imagine a world in which lambs established a system of standards whereby the predatory actions of the birds of prey were considered *evil* and *wrong* and lamb-like behavior was *right* and *good*. The lambs, which are naturally weaker and more vulnerable when it comes to physical capacities, would thereby gain an advantage over the birds of prey, which are physically stronger by nature.

This image is intended to suggest that the moral standards we take for granted as prescribing the way that *everyone* should live are really ways that weaker members of society are able to reign in the natural tendency of stronger members to assert their dominance. It is not the case that these moral standards are *really* the best ways to live, on Glaukon's critique. Rather, they are the ways that weaker people would *want* everyone to live, given their inability to use their natural powers to gain their own advantage. Therefore, the implicit claim that we are all ultimately interested in our own advantages still stands.

If we buy the account so far, then a further claim follows.

Claim 3: The Best Sort of Life Is That of the Unjust Person Who Seems Just

We have a system of rules that tells us we have to refrain from seeking our own advantages when doing so would harm others and that we need to look out for the needs of others, especially weaker and more vulnerable people. Even if we do not willingly respect these standards, we can probably all agree that it is good for society *as a whole* if we have these rules in place. So wouldn't it be a great thing if everyone lived by these moral codes?

Everyone *else*, at least.

Think about it: If everyone *else* feels compelled to help others (like you, when you need it), avoid seeking their own advantages (more for you!), and avoid harming others (like you, when you're vulnerable), then that's great for you. If we recognize this, we can recognize that it is good for society as a whole when people abide by these moral rules.

But the fact that something is good for society doesn't change the fact that sometimes, *for the individual person*, lying, stealing, and so on would be a good way to gain more of what is desirable (so long as society as a whole maintains these standards). As we discussed before, Glaukon is proposing that no one really wants to be just; we simply want whatever gives us advantages and satisfies our desires, which are often the types of things that morality constrains. If we can somehow gain these personal advantages while enjoying all the benefits of appearing to be good, upstanding people (that is, those who appear to abide by the standards set for society as a whole), then that would be the best life of all. Of course, this view completely undermines the idea that morality and justice are good in themselves; in fact, the view seems to imply that if we had the power to act unjustly but did not take advantage of it, we would be making a bad choice from the point of view of what is really best for us.

Hypocrites and Liars

Even though this dialogue is ancient and the story Glaukon uses is fanciful, it still resonates with us. There is no shortage of figures that present themselves in a certain way in public while behaving differently behind closed doors. We call them hypocrites and liars.

Politicians and business leaders constitute some of the most notorious examples, given that so much of their role involves presenting themselves as attractively as possible to the public but using any means necessary to further their own agenda. We also think of religious leaders who vocally condemn what they regard as immoral behavior while secretly abusing children, stealing from church funds, and engaging in other types of behavior they publicly condemn. Some athletes go to extraordinary lengths to convince us that their success is the result of hard work and talent, while engaging in elaborate cheating schemes that involve performance-enhancing drugs. Finally, we probably all have had friends and family members who have taken advantage of our trust and generosity for their own personal gain.

While such cases infuriate us, Glaukon's challenge forces us to consider whether their mistake lies in what they *do* or in the fact that *they let themselves get caught*. In other words, is what they did *wrong*, or were they just not savvy enough to avoid detection? If *you* could get away with using backhanded means to gain power and influence, become incredibly wealthy, and so on, would you?

Responding to Glaukon's Challenge

If you are like most people, you might find something both compelling and disturbing in these ideas. You might find yourself thinking, "If I had the ring, I would do all sorts of things I can't do now—rob a bank to get tons of money, spy on people, hop on airplanes and travel the world for free. . . ." But you may also feel the tug of your conscience, whispering that you should use this newfound ability not just for yourself, but to help others as well—your family, your friends and community, or the broader world. Still others might feel repulsed by the thought of using this ring to their own advantage, particularly at the expense of others.

These kinds of thoughts point to what we often call **moral intuitions**—the deep-down sense we have of something being good or right and another thing being bad or wrong.

As we noted previously (such as with the example of Huckleberry Finn), a person defending Glaukon's idea could maintain that these kinds of intuitions have been *conditioned* in us by society, since it is good for society as a whole when each of its members has such intuitions. But if we regard them only as something conditioned in us, such a person would add, these intuitions have no necessary force or authority over what choices we make as individuals; they are just feelings or emotions that we should get over if we want to have the best life possible.

Still, some of us have the persistent sense that there is something more to these intuitions than simply social conditioning. We sense there is something about human life *itself* that supports them, something that calls into question egoism's claim that we are ultimately just self-interested beings. Perhaps there is something about what it means to be human that can only be fulfilled by abiding by certain standards of conduct regardless of whether they confer merely egoistic benefits, and if we dismiss or reject them we are living a lesser kind of life, even if on the surface it seems pretty good.

For the rest of the text, we will consider some of the most prominent and influential attempts to make sense of these intuitions, to test them, provide justification for them, and often to challenge them. These are philosophers who, like Socrates, believed that living and acting ethically is good *in itself* (not simply because it can benefit you or help you avoid punishment) and tried to explain and defend that through philosophical argument.

Our task will be to understand and examine those arguments. Have they succeeded in responding to Glaukon's challenge? What might someone like Glaukon say in response? Whose arguments best make sense of what humans recognize as valuable? And, most importantly, how might a serious engagement with these ideas and arguments challenge and enhance our response to Socrates's question of how one should live?

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out this feature at the end of the chapter.

[Are Ethical Standards Merely Expressions of Attitude?](#)

Conclusion & Summary

In this chapter, we identified two common assumptions about morality: Moral standards are objective, and moral standards are unconditional. We examined reasons to doubt or be skeptical about each. Relativism doubts whether moral standards are objective, proposing instead that their truth is merely relative to particular cultures (cultural relativism) or particular subjects (subjectivism). Egoism of the sort expressed by Glaukon's challenge called into doubt the assumption that moral standards are unconditional by arguing that we only have reason to respect them when doing so benefits us in some way. Our examination revealed weaknesses in each form of skepticism, but that alone does not show that the common assumptions are well supported. To show this, we would need a positive account of what ethics is and how best to answer Socrates's question of how one should live. Fortunately, many great thinkers have offered such accounts, and the following chapters will closely examine three of the strongest and most influential ones: utilitarianism, deontology, and virtue ethics.

Key Terms

cultural relativism A belief system that denies there are any judgments of right and wrong that extend across cultures with different beliefs, values, and customs.

egoism The assumption that each individual is primarily concerned with his or her own benefit.

emotivism The theory that we use moral expressions such as *wrong* or *right* to express our attitudes and feelings about certain actions, rather than to convey a belief about the way things really are.

error theory The claim that people are systematically in error about moral values being real.

moral intuitions The deep-down sense we have of some things being good or right and other things being bad or wrong.

objectivity The view that a belief can be justified independently of the beliefs and values of a culture or individual.

relativism A belief system that is dependent on the beliefs and values of a culture or individual.

skepticism Holding doubts that some belief or claim is true.

subjectivism The view that right and wrong are ultimately relative to the values of each individual.

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Primary Source

Plato's *The Ring of Gyges*

357 When I said this, I thought I had done with the discussion, but it turned out to have been only a prelude. Glaucon showed his characteristic courage on this occasion too and refused to accept Thrasymachus' abandonment of the argument. Socrates, he said, do you want to seem to have persuaded us that it is better in every way to be just than

b unjust, or do you want truly to convince us of this?

I want truly to convince you, I said, if I can.

Well, then, you certainly aren't doing what you want. Tell me, do you think there is a kind of good we welcome, not because we desire what comes from it, but because we welcome it for its own sake—joy, for example, and all the harmless pleasures that have no results beyond the joy of having them?

Certainly, I think there are such things.

And is there a kind of good we like for its own sake and also for the sake of what comes

c from it—knowing, for example, and seeing and being healthy? We welcome such things, I suppose, on both counts.

Yes.

And do you also see a third kind of good, such as physical training, medical treatment when sick, medicine itself, and the other ways of making money? We'd say that these are onerous but beneficial to us, and we wouldn't choose them for their own sakes, but for

d the sake of the rewards and other things that come from them.

There is also this third kind. But what of it?

Where do you put justice?

358 I myself put it among the finest goods, as something to be valued by anyone who is going to be blessed with happiness, both because of itself and because of what comes from it. That isn't most people's opinion. They'd say that justice belongs to the onerous kind, and is to be practiced for the sake of the rewards and popularity that come from a reputation for justice, but is to be avoided because of itself as something burdensome.

I know that's the general opinion. Thrasymachus faulted justice on these grounds a moment ago and praised injustice, but it seems that I'm a slow learner.

b Come, then, and listen to me as well, and see whether you still have that problem, for I think that Thrasymachus gave up before he had to, charmed by you as if he were a snake. But I'm not yet satisfied by the argument on either side. I want to know what justice and injustice are and what power each itself has when it's by itself in the soul. I want to leave out of account their rewards and what comes from each of them. So, if you agree, I'll renew the argument of Thrasymachus.

c First, I'll state what kind of thing people consider justice to be and what its origins are. Second, I'll argue that all who practice it do so unwillingly, as something necessary, not as something good. Third, I'll argue that they have good reason to act as they do, for the life of an unjust person is, they say, much better than that of a just one.

It isn't, Socrates, that I believe any of that myself. I'm perplexed, indeed, and my ears are deafened listening to Thrasymachus and countless others. But I've yet to hear anyone

d defend justice in the way I want, proving that it is better than injustice. I want to hear it praised by itself, and I think that I'm most likely to hear this from you. Therefore, I'm going to speak at length in praise of the unjust life, and in doing so I'll show you the way I want to hear you praising justice and denouncing injustice. But see whether you want me to do that or not.

I want that most of all. Indeed, what subject could someone with any understanding enjoy discussing more often?

e Excellent. Then let's discuss the first subject I mentioned—what justice is and what its origins are. They say that to do injustice is naturally good and to suffer injustice bad, but that the badness of suffering it so far exceeds the goodness of doing it that those who have done and suffered injustice and tasted both, but who lack the power to do it and

359 avoid suffering it, decide that it is profitable to come to an agreement with each other neither to do injustice nor to suffer it. As a result, they begin to make laws and covenants, and what the law commands they call lawful and just. This, they say, is the origin and essence of justice. It is intermediate between the best and the worst. The best is to do injustice without paying the penalty; the worst is to suffer it without being able to take

b revenge. Justice is a mean between these two extremes. People value it not as a good but because they are too weak to do injustice with impunity. Someone who has the power to do this, however, and is a true man wouldn't make an agreement with anyone not to do injustice in order not to suffer it. For him that would be madness. This is the nature of justice, according to the argument, Socrates, and these are its natural origins. We can see

- c most clearly that those who practice justice do it unwillingly and because they lack the power to do injustice, if in our thoughts we grant to a just and an unjust person the freedom to do whatever they like. We can then follow both of them and see where their desires would lead. And we'll catch the just person red-handed travelling the same road as the unjust. The reason for this is the desire to outdo others and get more and more. This is what anyone's nature naturally pursues as good, but nature is forced by law into the perversion of treating fairness with respect.

The freedom I mentioned would be most easily realized if both people had the power

- d they say the ancestor of Gyges of Lydia possessed. The story goes that he was a shepherd in the service of the ruler of Lydia. There was a violent thunderstorm, and an earthquake broke open the ground and created a chasm at the place where he was tending his sheep. Seeing this, he was filled with amazement and went down into it. And there, in addition to many other wonders of which we're told, he saw a hollow bronze horse. There were windowlike openings in it, and, peeping in, he saw a corpse, which seemed to be of

- e more than human size, wearing nothing but a gold ring on its finger. He took the ring and came out of the chasm. He wore the ring at the usual monthly meeting that reported to the king on the state of the flocks. And as he was sitting among the others, he happened to turn the setting of the ring towards himself to the inside of his hand.

- 360 When he did this, he became invisible to those sitting near him, and they went on talking as if he had gone. He wondered at this, and, fingering the ring, he turned the setting outwards again and became visible. So he experimented with the ring to test whether it indeed had this power—and it did. If he turned the setting inward, he became invisible; if he turned it outward, he became visible again. When he realized this, he at once arranged

- b to become one of the messengers sent to report to the king. And when he arrived there, he seduced the king's wife, attacked the king with her help, killed him, and took over the kingdom.

Let's suppose, then, that there were two such rings, one worn by a just and the other by an unjust person. Now, no one, it seems, would be so incorruptible that he would stay on the path of justice or stay away from other people's property, when he could take whatever he wanted from the marketplace with impunity, go into people's houses and

- c have sex with anyone he wished, kill or release from prison anyone he wished, and do all the other things that would make him like a god among humans. Rather his actions would be in no way different from those of an unjust person, and both would follow the same path. This, some would say, is a great proof that one is never just willingly but only when compelled to be. No one believes justice to be a good when it is kept private, since, wherever either person thinks he can do injustice with impunity, he does it.

Indeed, every man believes that injustice is far more profitable to himself than justice. And any

- d exponent of this argument will say he's right, for someone who didn't want to do injustice, given this sort of opportunity, and who didn't touch other people's property would be thought wretched and stupid by everyone aware of the situation, though, of course, they'd praise him in public, deceiving each other for fear of suffering injustice. So much for my second topic.

As for the choice between the lives we're discussing, we'll be able to make a correct

- e judgment about that only if we separate the most just and the most unjust. Otherwise we won't be able to do it. Here's the separation I have in mind. We'll subtract nothing from the injustice of an unjust person and nothing from the justice of a just one, but we'll take each to be complete in his own way of life. First, therefore, we must suppose that an unjust person will act as clever craftsmen do: A first-rate captain or doctor, for example, knows the difference between what his craft can and can't do. He attempts the first but

- 361 lets the second go by, and if he happens to slip, he can put things right. In the same way, an unjust person's successful attempts at injustice must remain undetected, if he is to be fully unjust. Anyone who is caught should be thought inept, for the extreme of injustice is to be believed to be just without being just. And our completely unjust person must be given complete injustice; nothing may be subtracted from it. We must allow that, while doing the greatest injustice, he has nonetheless provided himself with the greatest

- b reputation for justice. If he happens to make a slip, he must be able to put it right. If any of his unjust activities should be discovered, he must be able to speak persuasively or to use force. And if force is needed, he must have the help of courage and strength and of the substantial wealth and friends with which he has provided himself.

Having hypothesized such a person, let's now in our argument put beside him a just man, who is simple and noble and who, as Aeschylus says, doesn't want to be believed to be

- c good but to be so. We must take away his reputation, for a reputation for justice would bring him honor and rewards, so that it wouldn't be clear whether he is just for the sake of justice itself or for the sake of those honors and rewards. We must strip him of everything except justice and make his situation the opposite of an unjust person's. Though he does no injustice, he must have the greatest reputation for it, so that he can be
- d tested as regards justice unsoftened by his bad reputation and its effects. Let him stay like that unchanged until he dies—just, but all his life believed to be unjust. In this way, both will reach the extremes, the one of justice and the other of injustice, and we'll be able to judge which of them is happier.

Whew! Glaucon, I said, how vigorously you've scoured each of the men for our competition, just as you would a pair of statues for an art competition.

I do the best I can, he replied. Since the two are as I've described, in any case, it shouldn't be difficult to complete the account of the kind of life that awaits each of them, but it must be done.

- e And if what I say sounds crude, Socrates, remember that it isn't I who speak but those who praise injustice at the expense of justice. They'll say that a just person in such circumstances will be whipped, stretched on a rack, chained, blinded with fire, and, at the end, when he has suffered every kind of evil, he'll be impaled, and will realize then that
- 362 one shouldn't want to be just but to be believed to be just. Indeed, Aeschylus' words are far more correctly applied to unjust people than to just ones, for the supporters of injustice will say that a really unjust person, having a way of life based on the truth about things and not living in accordance with opinion, doesn't want simply to be believed to be unjust but actually to be so—

Harvesting a deep furrow in his mind,

- b *Where wise counsels propagate.*

He rules his city because of his reputation for justice; he marries into any family he wishes; he gives his children in marriage to anyone he wishes; he has contracts and partnerships with anyone he wants; and besides benefiting himself in all these ways, he profits because he has no scruples about doing injustice. In any contest, public or private, he's the winner and outdoes his enemies. And by outdoing them, he becomes wealthy,

- c benefiting his friends and harming his enemies. He makes adequate sacrifices to the gods and sets up magnificent offerings to them. He takes better care of the gods, therefore, (and, indeed, of the human beings he's fond of) than a just person does. Hence it's likely that the gods, in turn, will take better care of him than of a just person. That's what they say, Socrates, that gods and humans provide a better life for unjust people than for just ones.
- d When Glaucon had said this, I had it in mind to respond, but his brother Adeimantus intervened: You surely don't think that the position has been adequately stated?

Source: "Glaucon's Challenge" from Plato, Republic, translated by G.M.A. Grube, revised by C.D.C. Reeve (Hackett Publishing Company, 1992). Reprinted with permission from Hackett Publishing Company. All rights reserved.

Going Deeper

Are Ethical Standards Merely Expressions of Attitude?

In the first part of the chapter, we considered the view that certain actions might be true but only in a way that is *relative*, such that other cultures or individuals cannot pass judgment on another culture's or individual's ethical standards. However, a further form of skepticism about morality disputes the idea that moral values and beliefs—or more precisely, *claims* that people make about morality—can be true or false *at all*. Instead, emotivism maintains that moral expressions like *right*, *wrong*, *good*, and *bad* are not claims about what is actually true but expressions of personal attitude.

Emotivism

Think of when you might have been really annoyed by something, when someone did something you really didn't like, or when you were overjoyed or impressed by something. There are many expressions we might use to convey these feelings: words such as *wow*, *dude*, *OMG*, or any number of more potent swear words. When we utter such words or phrases, we are not conveying information or making a claim; rather, we are “emoting,” or expressing an attitude or feeling.

There are other phrases that might seem to be claims or statements of belief—and in some contexts may actually be just that—but which are frequently emotive expressions as well. Think of a sports fan who says, “The Chicago Cubs are the best.” Sometimes, the person uttering that phrase may believe that the team *is* the best in the league and is willing to support that claim. However, people often say such things knowing that their favorite team isn't *really* the best team; they may even admit that the team is pretty lousy. This doesn't prevent people from using a phrase like “The Cubs are the best” to convey that this is their favorite team. In this sense, they are using the phrase “The Cubs are the best” *emotively* to express their feeling about the team, rather than to assert a factual claim.

To take another example, consider a statement like “Anchovies are really good.” Someone who really likes the taste of anchovies may use that statement to convey this, knowing that many people hate the taste of anchovies and would disagree with that sentiment. Thus, what the anchovy lover *means* by his statement may be nothing more than an expression of his taste preferences. Of course, “Anchovies are good” *could* be meant to express something true, if one is talking about health benefits, for instance. In this sense, even someone who hates anchovies might be compelled to acknowledge the truth of that statement. But insofar as it expresses taste or attitude, there is no “truth” to that statement at all; “Anchovies are good” is essentially no different than saying “Anchovies . . . yum!”

Some philosophers have maintained that when we use moral expressions such as *wrong* or *right* or *good* or *bad*, we are using them *emotively* to express our attitudes and feelings about those kinds of actions, rather than to convey a belief about the way things really are. This view

of the meaning of moral expressions is called **emotivism** (Ayer, 1952; Stevenson, 1937). For example, when we say something like “Murder is wrong,” emotivist theory suggests that what we really mean is “I don’t like murder” or “Murder makes me sick.” Most people share these sentiments. However, many people would maintain they mean more than this when they declare murder is wrong—they would insist there is something *true* about that statement and that someone who believes murder is okay is *wrong*. This is what the emotivist denies.

It is important to note that the emotivist is not suggesting that the statement “Murder is wrong” might be *false*. Nor is she proposing a relativist position according to which “Murder is wrong” or “Murder is okay” might both be true relative to one’s beliefs or commitments. Rather, the emotivist maintains that such statements are expressions of attitude, equivalent to expressions such as “Murder . . . ugh!” or “Murder . . . yeah!” There isn’t any *truth* to such expressions at all. They are merely indications of one’s attitude on such matters.

Is this really the best account of what we mean when we use terms such as *right* or *wrong* in the moral sense? It would no doubt strike many people as incorrect, or at least strange, to be told that statements about murder are no different than statements about anchovies or their favorite sports team. However, the emotivist has a ready defense.

When we make statements such as “Anchovies are healthy” or “The Cubs’ record makes them the best team in the league,” these are *factual* statements that can be verified or refuted. We might be able to show that anchovies contribute to a healthy diet or that the Cubs have won more games than any other team this season. But one could admit this while continuing to maintain that “anchovies are bad” as a matter of taste or “the Cubs suck” as a matter of loyalty and allegiance to a rival team. The key difference, according to emotivist theory, is that statements of fact can be supported with empirical evidence, while moral statements—and any statements having to do with value—cannot. This refers to what some philosophers call the fact/value distinction.

The fact/value distinction was forcefully defended by the 18th-century Scottish philosopher David Hume (1711–1776). Hume was a champion of empiricism, the view that the only things we can be said to “know” are things that we can discern simply by using our reason—mathematics and other “relations of ideas”—and things that we can observe with our senses. We can observe things like glass shattering after being hit with a hammer and use reason to conclude that, as a matter of fact, the hammer caused the glass to break.

What we cannot do, Hume claimed, is use observation or reason to discern values, such as whether a certain outcome is *good*. For example, when we make a claim like “Eating anchovies will help Bill’s heart function properly” or “Lying to his friend will likely damage Bill’s relationship,” we can support such claims by appealing to observations and reasoning about the effects that eating anchovies or lying are likely to have. However, when we bring in a value term such as *ought*, as in the claims “Bill ought to eat more anchovies” or “Bill ought not lie to his friend,” Hume argued that we are introducing something that cannot be observed directly, nor can we reason to such conclusions from observations. Thus, these claims cannot be matters of fact.

Hume famously pointed out that moral arguments typically appeal to factual claims, such as how certain actions are likely to affect other people and other observations concerning human affairs. But nothing in that string of factual claims by itself can lead to a conclusion about what one *ought* or *ought not* to do. For example, we can rattle off all the health benefits of eating anchovies, but unless someone *cares* about those health benefits or *wants* to be healthy, there is no way to show him he *ought* to eat anchovies. Similarly, we can identify the effects of lying to one's friends based on observation and reason. But unless one *values* friendships, such facts will leave a person cold and unmoved, and it is not compelling to say that one *ought not* lie to friends.

Thus, Hume's crucial claim is that morality concerns how one ought to live, and claims about how one ought to live appeal to values. Values, in turn, depend on one's feelings, attitudes, or in Hume's terms, sentiments. One does not perceive values, Hume insisted; one *feels* them. Since facts have to do with what we can perceive, values—such as moral values—and claims about how one ought to live are not matters of fact but matters of sentiment or feeling.

This was a revolutionary argument at the time that Hume made it, and it has proved to be enormously influential ever since. It has also been met with a generous amount of criticism, but for now let us consider how it helps make sense of the emotivist position that moral statements are expressions of feeling and attitude rather than true/false statements. Recall that a statement like "Murder is wrong" is essentially the same as "Murder . . . ugh!" We balk at that idea, because we recognize that if someone does not share the same attitude or feeling about murder, we can't really say they are mistaken.

The emotivist would respond by asking how we would support the claim that she is mistaken, as if she doesn't have the facts straight. How could we do this? Perhaps we could appeal to facts about how murder ends a person's life. Or we might claim that it makes society less secure, causes pain to the victim's loved ones, or erases any contributions that the victim may have otherwise made to the world. These are all factual claims. However, it is only when we bring in attitudes such as "A person's life and contributions are *valuable*" or "Pain and social insecurity are *bad*" that we can support the claim that "one ought not murder" or "murder is wrong." Considering something valuable or worthy is an *attitude*, the emotivist would claim, not the result of observation with the five senses. Therefore, a moral claim like "murder is wrong" is ultimately an expression of an attitude about murder itself and associated things like life and pain, rather than a factual claim.

In backing away from technical arguments of this sort, however reasonable they might seem, it becomes apparent that there is still something amiss about the emotivist's claim that when we utter phrases like "Murder is wrong," we *mean* "Murder . . . ugh!" We seem to mean something much stronger, like "I don't care how anyone feels about murder, it's a truly horrific crime!" Emotivist theorists try to account for this by adding that moral claims are not only expressions of attitude, but also attempts to get others to share our attitude. By asserting "Murder is truly awful" or "Helping others is truly great," we invoke terms like *truly*, which have a powerful effect on people's attitudes. After all, statements that purport to be factual are supposed to be independent of feelings and attitudes, and so invoking these terms provides the assertions with a sense of weight or authority that might sway someone else's feelings

and motivate them to act in certain ways. But this line of thought still supposes that when we say “Murder is truly awful,” we are merely expressing an attitude like “Murder is awful, and I want you to feel the same way” or perhaps “Don’t murder!” While we might mean this to a certain extent, this usually isn’t *all* that we mean. Rather, we generally mean that this assertion, and the desire that others share the attitude it expresses, is based in a conviction that the attitude we have corresponds to the *truth*. Accordingly, critics of emotivism worry that this account undermines the practice of moral reasoning and argumentation, reducing it from what appears to be a rational enterprise to little more than acts of manipulation (MacIntyre, 1984).

Finally, there are other uses of value terms that the emotivist doesn’t seem to be able to account for, since they clearly are not merely assertions expressing one’s attitude (Geach, 1965). For example, one might say, “If killing animals is wrong, you should stick to a vegetarian diet.” This would be a perfectly intelligible use of the word *wrong* even if the person uttering this sentence was perfectly fine with killing animals; thus, the use of *wrong* is meaningful without being an expression of attitude. Instead, *wrong* refers to something that may or may not be *true* of killing animals.

The general term for the view that there cannot be any such things as objective moral facts is “antirealism,” and some later antirealists have tried to address these kinds of objections. Some defend a position called **error theory** (Mackie, 1977), which holds that we talk about moral values as if they were real when in truth they are not, and in so doing we are committing an error. Others agree that moral statements are expressions of attitude and thus not statements that can be true or false, but try to explain why it still makes sense to treat them as factual statements rather than regarding that treatment as a mere error. These theories often go by labels such as “prescriptivism” (Hare, 1952), “quasi-realism” (Blackburn, 1998), and “expressivism” (Gibbard, 1990), and along with *emotivism* fall under the more general term *noncognitivism* (Van Roojen, 2013).

Whether one takes an emotivist view or that of its noncognitivist successors, one rejects the notion that ethical values are part of the fabric of reality such that we can be factually correct or incorrect about whether certain things are good, bad, right, or wrong. This raises deep philosophical questions not simply about morality itself but about what it would mean to consider something “real” or “true” and how we might learn of such realities and truths if they exist. For some critics of noncognitivism, their mistake lies partly in their assumption that the only things that can be real or true, aside from abstract truths like those of mathematics, are those that can be empirically observed, measured, or tested. Are there realities that fall outside of these categories, and could moral values be among them?

3

Utilitarianism: Making the World a Better Place



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Learning Objectives

After reading this chapter, you should be able to:

- Explain the basic idea of the principle of utility or the greatest happiness principle.
- Explain consequentialist moral theory and what makes utilitarianism a form of consequentialism.
- Identify utilitarian moral arguments.
- Construct a utilitarian moral argument that applies to a concrete moral problem.
- Identify common misconceptions about utilitarianism and explain why they are incorrect.
- Explain the notions of impartiality, objectivity, and adaptability as they relate to utilitarianism.
- Explain the general objections to utilitarianism.
- Describe rule utilitarianism and explain how it differs from act utilitarianism.

Create all the happiness you are able to create; remove all the misery you are able to remove. Every day will allow you,—will invite you to add something to the pleasure of others,—or to diminish something of their pains. And for every grain of enjoyment you sow in the bosom of another, you shall find a harvest in your own bosom,—while every sorrow which you pluck out from the thoughts and feelings of a fellow creature shall be replaced by beautiful flowers of peace and joy in the sanctuary of your soul.

—Jeremy Bentham

3.1 Introduction to Utilitarianism

In Chapter 1, we discussed what morality is in a general sense and how to approach moral problems. In Chapter 2, we examined some challenges to the idea that our common moral values and beliefs are objective and unconditional. We considered whether they are simply a reflection of the beliefs of a certain culture or individuals. Or maybe they are mere conventions designed to maintain social order and prevent people—especially society’s stronger members—from pursuing their own interests at the expense of others, but which we would be better off defying if possible. Each of these views is quite common, yet we questioned whether they are as plausible as they might appear to be. There are a number of reasons to doubt that they can adequately make sense of the role morality plays in our individual and collective lives or whether they are rationally consistent views.

This does not mean that these views are necessarily wrong, of course. However, it gives us a compelling reason to closely examine the ways that philosophers have tried to provide an objective account of what morality is and how we should distinguish right from wrong. One of the most common and familiar of these theories is **utilitarianism**. In its most general sense, utilitarianism is the theory that morally right actions, laws, or policies are those whose consequences have the greatest positive value and least negative value compared to available alternatives.

Example Scenarios

Before exploring utilitarianism in detail, consider the following moral scenarios:

1. Amber is in a long-term relationship that lately has not been going well. She has struck up a friendship with an attractive, funny, and caring coworker, and one day he tells her that he would like to start seeing her outside of work. She knows that if she starts seeing him she would be cheating on her boyfriend, but she is tempted by the proposition and wonders whether it would be wrong to do so.
2. Charlie and Davy, 8-year-old and 5-year-old brothers, were out shopping with their mother. Shopping trips almost inevitably involve them begging for a toy, but their mother always says no. On this trip, however, they were particularly well behaved and didn’t say a word when they passed the toy aisle. Impressed and pleased, their mother, on a whim, decided to buy them a small toy to share. When they got home,

Charlie didn't want share the toy with his brother. His mother wonders how she can explain to Charlie that sharing is the right thing to do.

3. Rachel leads the marketing team for a children's clothing company. Her bosses want to pursue a new, edgier marketing strategy that involves putting their female child models into more sexually suggestive outfits and poses. Rachel worries that this borders on exploitation of the models, promotes an inappropriate sexualization of children, and could be demeaning to women in general. Her bosses dismiss these concerns and make it clear that if she refuses to pursue the strategy, she will be let go and replaced with someone who will. The job market has been unforgiving lately, and Rachel is a single mother raising three kids, so she wonders whether the proposed marketing strategy is wrong after all—and even if it is, whether she has a responsibility to refuse to go along with it.
4. For 3 years Bill and Jodi have been saving up for a vacation to Tahiti. They both work hard, rarely take time off, and desperately need an extended time of rest and relaxation. They have finally saved enough to take time off work, fly to Tahiti, and spend several weeks relaxing on the beach. However, as they are booking their vacation, they learn that a devastating tornado has swept through Oklahoma, wrecking several towns and leaving their inhabitants homeless and desperate. They consider the amount of money they have saved up for their vacation and wonder whether they ought to use it to help the tornado victims instead.

In each of these cases, there is the question of which choice would be moral, but there is also the question of *why* one choice would be morally better than another. In other words, different people might agree that a certain response is morally right or wrong, but they may have different *reasons* for coming to that conclusion.

Let's consider a few possible answers, along with their reasons:

Case 1:

- Amber shouldn't cheat on her boyfriend because he is bound to find out, and when he does, it will really hurt him.
- Amber shouldn't cheat on her boyfriend because he is bound to find out, and when he does, he might become angry and physically harm her.
- Amber should start dating this new guy because it will make her much happier than she is now.

Case 2:

- Charlie should share the toy with Davy because it will make Davy happy, and there will be two happy kids rather than just one.
- Charlie should share the toy with Davy so that when Davy has something Charlie wants, he'll be more likely to share it.
- Charlie should share the toy with Davy because if he does not, he will be punished.

Case 3:

- Rachel should refuse to pursue the marketing strategy because it is harmful to the models, other children, and women.

- Rachel should accept the marketing strategy because it will allow her to continue to provide for her children.
- Rachel should accept the marketing strategy because it will likely lead to increased profits for the company as well as a raise and promotion for herself.

Case 4:

- Bill and Jodi should spend their time and money helping the tornado victims rather than going to Tahiti, because the good they could do for the ravaged communities is much greater than the pleasure they would receive from basking in the sun for a few weeks.
- Bill and Jodi should spend their time and money helping the tornado victims rather than going to Tahiti, because if they don't, they will be plagued with guilt throughout their vacation.
- Bill and Jodi should spend their time and money going to Tahiti, because in doing so they will be able to work more efficiently when they return, which will result in greater income and thus greater resources to help future victims of natural disasters.

One thing to notice about each of the reasons provided for the best decision is that it appeals to the *results* of one choice or another. What will be the *outcome* of pursuing a relationship, sharing a toy, pursuing a certain marketing strategy, or spending one's time and money in a certain way? In other words, what are the *consequences* of the different available options?

You might be thinking that there are a number of choices that *don't* simply appeal to consequences, such as the idea that it is simply wrong to betray someone's trust, that we should not be selfish or greedy, that we should never sexually objectify children, that we should maintain our integrity, or that we should always strive to be compassionate toward people in need. These reasons appeal to considerations that are independent of the results of different actions—considerations such as our rights and duties or important virtues that we ought to cultivate and exercise.

Utilitarians will usually recognize the importance of most of these other reasons. But for the utilitarian, what is most *fundamental and essential* to morality are the consequences of our actions and, in particular, whether the overall positive consequences outweigh the negative ones.

Elements of a Utilitarian Theory

To flesh out this idea, let's review an important point from Chapter 1.

If we regard human actions as consisting of three aspects, then the main difference between the major moral theories has to do with which aspect the theory takes to be fundamental when it comes to moral reasoning and moral value. The three aspects of human action are:

1. The *nature and character of the person* performing the action.
2. The nature of the *action itself*.
3. The *consequences* of the action.

The three moral theories can be distinguished in this way:

1. Virtue ethics focuses on the *nature and character of the person* performing the action.
2. Deontological ethics focuses on the *action itself*.
3. Consequentialist ethics focuses on the *consequences* of the action.

When we think about the reasons mentioned above for considering certain actions or policies as right or wrong, we note that they appeal to the positive or negative consequences, outcomes, or results of each case. The form of moral reasoning that appeals to *consequences*, results, or outcomes in determining whether something is right or wrong is called consequentialist ethics (or consequentialism), and utilitarianism is a consequentialist theory.

Naturally, there are many different consequences to our actions, and not all of them will be valuable or morally significant. A consequentialist view will specify *which of the consequences are most important* when it comes to morality. For instance, someone might be fond of polka dots and favor actions or policies that bring more polka dots into our world, but that would be an absurd basis on which to judge the moral value of someone's actions. Or more realistically, someone might favor people with lighter skin tones and hold that actions or policies that favor those with lighter skin over those with darker skin are best, which most people today also regard as an absurd principle even if it once had defenders.

To avoid these kinds of problems, the consequentialist must isolate from among the various outcomes those that will serve as the standard for moral evaluation. Polka dots and skin color cannot serve as this kind of standard—but what can? Whatever it is will have to be, like polka dots and skin color, *identifiable*. That is, we must be able to recognize and indicate it in a way that others can recognize as well. But unlike polka dots and skin color, it also has to be *intrinsically valuable* (more on this in a moment).

The Basic Features of Utilitarianism

Utilitarianism is a *consequentialist* approach to moral reasoning. This approach holds that actions are morally right if they *result in the best consequences* relative to other possible actions. If an action results in *worse consequences* than another available action, then it is *morally wrong*.

The utilitarian theory identifies the best consequences as those with the greatest overall utility.

Utility: Happiness or Well-Being

When we talk about utility, we mean some measure of well-being. This is usually happiness, which is often also defined in terms of pleasure and the absence of suffering.

Utilitarianism: The Greatest Happiness for the Greatest Number

Right actions: actions that result in the greatest overall happiness when compared with the results of alternative actions.

Wrong actions: actions that are performed when another action would have resulted in a greater overall balance of happiness and unhappiness.

Moreover, if we think back to the earlier scenarios and consider the reasons given for the different responses, they all compared results in terms of *how much* good or bad each action would produce. If we are going to distinguish between more or less of something, whatever we are comparing has to be *measurable*. So when we are distinguishing between “more of something good” or “less of something good,” we have to be able to quantify and compare different amounts of “something good.”

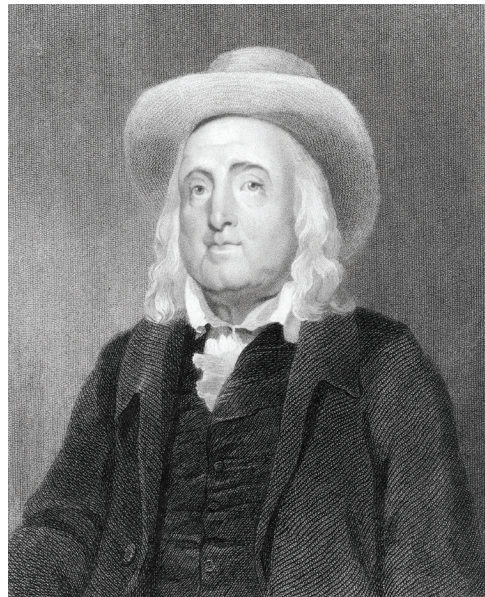
Finally, there are countless things that people find “good” or “bad,” and comparing them might seem like comparing apples to oranges. It’s not enough to quantify the results of our actions; we must be able to reduce good or bad things to a *common intrinsic value*. **Intrinsic value** is the value that something has *in itself*, as opposed to **instrumental value**, which is value that something has because it brings about something good or prevents something bad. And this intrinsic value must be a *common feature* of the outcomes we wish to compare so as to provide a standard for the comparison.

Can we identify a standard for comparing consequences that meets these criteria? Utilitarians identify this standard to be something called **utility** (hence the name utilitarianism). On this basis, the utilitarian maintains that we should act in ways that result in the most utility compared to the alternatives. But what, exactly, is utility, and does it satisfy the characteristics just described? To see how utilitarians have tried to answer this question, let’s turn to a bit of history; in particular, Jeremy Bentham’s and John Stuart Mill’s claims that utility—the ultimate value by which we compare the outcomes of actions—is happiness or, more specifically, pleasure and the absence of pain.

Bentham’s Utilitarianism

Jeremy Bentham (1748–1832), a British philosopher and the founder of utilitarianism, offered a view of value known as **hedonism**, which means that we whittle down all value to happiness or unhappiness, all happiness to pleasure (good) and the absence of pain (bad), and unhappiness to pain and the absence of pleasure. Doing so, he maintained, would give us the needed basis for distinguishing good from bad consequences. Every action or policy produces a certain amount of pleasure and pain among the various individuals affected by it, so pleasure and pain would serve as the *common value*. If all values reduce to pleasure and pain, and if there are no more basic goods than pleasure and no more basic bads than pain, then pleasure is *intrinsically good* and pain is *intrinsically bad*.

Pleasure and pain, Bentham thought, can be identified and measured (like we measure flour for baking). Thus, if we add up all the pleasure that’s



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Jeremy Bentham was the founder of utilitarianism.

Common Standards

We have said that to meaningfully compare the value of different consequences, we have to find some kind of standard or unit of measurement common to all of the outcomes.

There is an old fairy tale that illustrates this principle:

A man and his wife have one possession, an old milking cow. Times are hard, and they decide that they have no choice but to sell the cow so they can have some money for food. As the man is leading the cow toward the market to sell, he passes by a peasant carrying a pair of chickens. "Say, that's a fine cow you have there," says the peasant. "I don't suppose you would like to trade your one cow for two whole chickens." The man thinks to himself, "Two is more than one, as everyone knows. This is a deal that can't be passed up!" He quickly agrees and leaves the cow with the peasant, taking the two chickens instead. By and by he meets a woman selling loaves of bread, who offers him three loaves of bread in exchange for the two chickens. Again the man reasons, "Three is more than two, as everyone knows. This woman must not be very clever to be willing to take only two chickens in exchange for three loaves of bread!" So he makes the exchange and continues on his way. A while later, he comes across an old beggar with four beans spread on a blanket. "What say you exchange those three loaves of bread for these four beans?" suggests the beggar. The man thinks to himself, "It's no wonder that he's a beggar if he doesn't even realize that four is more than three! I have never had such luck!" Just before he arrives home with his beans, he passes by a young boy playing with some rocks. The young boy spots the beans and offers the man five pebbles in exchange for the four beans. Quickly agreeing, the man runs home and excitedly proclaims to his wife, "I set off with just a single cow, and instead of selling it in the market, I traded that for *two* chickens, which then fetched me *three* loaves of bread, for which I then got *four* beans, and now I have *five* pebbles! You have, indeed, the cleverest husband in the world."

(A particularly amusing version of this tale is the poem "Smart" from Shel Silverstein's 1974 book, *Where the Sidewalk Ends*, which can be found here: <https://www.marketplace.org/2009/04/27/life/poetry-project/poem-smart-shel-silverstein>).

What is wrong with this person's reasoning? Clearly, he failed to realize that quantity isn't everything: just because a decision will result in a larger quantity of things doesn't make that decision a good one. How should he have compared, say, four beans with three loaves of bread? Some common standard would have to be invoked according to which the four beans would be considered more, less, or equal to the three loaves. Without that common standard, the decision comes down to a matter of sheer numbers, which in this case proved to be ridiculously foolish, no matter how clever the man took himself to be.

Similarly, when people disagree about whether certain actions or policies would have better results than the alternatives, is there a common standard of moral value according to which such disagreements could be resolved? If there are not, what implications might this have for a utilitarian approach to these kinds of decisions?

produced by an action and subtract the pain, we can calculate a certain value for every situation that would result from the available choices. The action that produces the greatest overall value is the morally right action. This form of moral reasoning is called **hedonistic utilitarianism**.

Many moral disputes involve dilemmas over how we should balance the positive and negative results of actions or policies. The ability to resolve them in an objective way, if we are to follow Bentham's procedure, depends on how well we're able to identify and measure the overall pain and pleasure that are produced, assuming that pain and pleasure are to serve as our basic standard, as Bentham proposed. As we will see later, utilitarians following Bentham came to question this assumption about pain and pleasure, but the core idea underlying utilitarianism remains the same:

Determine how much pleasure (or other positive value) minus pain (or other negative value) will result from the available actions spread across all the people affected by the actions and do that which produces the greatest overall good.

Mill's Utilitarianism

While Bentham was the founder of utilitarianism and set out its basic form, those who followed in his footsteps would modify and refine the theory. Perhaps the most well-known and influential of these was another 19th-century Englishman, John Stuart Mill. In his 1861 text, *Utilitarianism*, Mill adopted Bentham's ideas and tried to communicate and defend them in a way that was simple and straightforward and addressed the most common criticisms made of utilitarianism.



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Read the sections "The Definition of Utilitarianism," "The Greatest Happiness Principle," and "Summary of the Utilitarian View" and come back to this point.

John Stuart Mill, utilitarian philosopher.

Mill begins with a definition of morality that clearly sets out the utilitarian account of the difference between right and wrong actions.

The creed which accepts as the foundation of morals "utility" or the "greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure. (Mill, 1861/2001, p. 7)

The first question we should consider when we read this definition is "Why suppose that happiness, defined in terms of pleasure and the absence of pain, should be the standard of value when distinguishing right from wrong?" Mill answers this by offering a general theory of life, which is his primary justification for the utilitarian theory of morality. It reads: "Pleasure and freedom from pain are the only things desirable as ends; and . . . all desirable things . . . are desirable either for pleasure inherent in themselves or as means to the promotion of pleasure and the prevention of pain" (Mill, 1861/2001, p. 7).

In other words, Mill argues that when we consider what we value, desire, or aim at, we find that it is either *pleasurable in itself* or it *leads to pleasure or to the prevention of pain*. Gaining pleasure and avoiding pain is the ultimate purpose of everything we do, according to Mill. You are reading this text, ultimately, because of pleasure or pain. Reading this text may not bring you pleasure immediately, the way that reading a gripping novel, an amusing comic strip, or a friend's birth announcement might do. And it may even be painful at times, perhaps because you find it confusing, boring, or problematic. Still, you're doing so for a certain reason, such as to fulfill a course requirement.

In turn, there may be many reasons why you are taking the course, and if we go far enough along the road of considering why you're doing so, eventually it's the prospect of pleasure and relief from pain that drives you (so Mill says). The same goes for when you go to church, get married, raise your kids, help a neighbor, vote for a certain candidate, or tie your shoes. Basically, when we ask the question "Why did you do that?," the answer always comes down to gaining pleasure or avoiding pain. So ultimately, on Mill's account, that's what happiness is: The more pleasure and less pain we have in our lives, the happier we are, and we all want happiness more than anything else.

If this is true, then it may seem that we have that common, intrinsically valuable feature of the consequences of our actions that we need to measure different outcomes and distinguish between right and wrong. As we have discussed in the previous chapters, there are countless ideas about what is good and worthwhile, what happiness is, and so on. But according to Mill, despite the differences we might have on such matters, everything comes down to pleasure and pain, and we don't pursue pleasure and avoid pain for the sake of anything else. Thus, it follows that by determining the amount of overall happiness (pleasure minus pain) that results from our actions, we can determine which consequences are best, and thus which actions are objectively moral. To put it another way, Mill thinks that the pursuit of pleasure and the avoidance of pain unites us in spite of our differences and can serve as the basis of a general, objective morality that can apply to all people.

On reading this account, many readers will no doubt protest, "Sure, a lot of what I do is for the sake of pleasure or avoiding pain, but not *everything*. Often I *sacrifice* my own pleasure or willingly *take on* pain for the sake of others." For instance, parents often sacrifice personal pleasures for the sake of their kids without a single thought given to the pleasure they might gain later. Great historical figures like Martin Luther King Jr., Gandhi, or Jesus are known for having willingly endured tremendous suffering for the sake of a greater cause. Does this undermine the utilitarian account of moral action by challenging Mill's claim that happiness is the ultimate aim of our actions?

Perhaps this is so if we suppose that it's only our *own* happiness that matters to us, but this isn't what Mill means. Mill recognizes that we can often be motivated by the prospect of greater happiness (i.e., greater pleasure or less pain) *overall*. In other words, he argues that happiness *itself* can motivate our choices. This can be our own happiness, but it can just as well be the happiness of *others*. Indeed, this is exactly what we would expect if the utilitarian account of morality were true.

Remember that utilitarianism holds that if we are to live morally, we should be choosing the actions with the best *overall* outcomes. If the “best outcomes” means those that contain greatest *overall* happiness compared with the outcomes of alternative actions, then we would expect that the kinds of actions that we call noble or praiseworthy are motivated by this aspiration toward the happiness of all, even when that requires the sacrifice of one’s personal happiness.

Therefore, Mill thinks that the example of self-sacrifice supports his account, rather than undermines it. Happiness—*whether our own or that of others*—is the ultimate end of our actions, and thus it is the feature of consequences by which we compare the moral value of actions. This leads us to the original version of the utilitarian principle of morality:

Do that which results in the greatest happiness for the greatest number.

Going Deeper: Higher and Lower Pleasures

Jeremy Bentham maintained that all pleasures and pains were equal in value and the only question is *how much* pleasure and pain is produced from each action. This led some critics to complain that, on the utilitarian view, a world with more pleasure is superior to a world with less pleasure, regardless of where that pleasure comes from. Does this entail that utilitarianism promotes a life of animalistic indulgence as superior to one that pursues more noble and distinctively human endeavors? John Stuart Mill did not think so, defending his position by drawing a distinction between “higher” and “lower” pleasures. See *Going Deeper: Higher and Lower Pleasures* at the end of this chapter for more.

Ethics FYI

John Stuart Mill

John Stuart Mill was born in 1806 into a philosophical family. His father, James Mill, was a philosopher and a friend and disciple of Jeremy Bentham. James Mill and Bentham were dissatisfied with the educational system of the time and wanted to reform it so that children were raised and educated according to strict utilitarian principles.

John Stuart became a kind of experiment in such an education, and he became a child prodigy: He was helping his father edit a history of India at age 3; had read half of Plato by age 6; was fluent in several languages; and knew advanced mathematics, science, and history by the time he was a teenager.

But at age 20, as he was editing one of Bentham’s works, he had a nervous breakdown from working so hard on it. By his own account, John Stuart emerged from this condition partly by reading the poetry of William Wordsworth, and this experience led him to depart in an important way from Bentham’s theory, as described in *Going Deeper: Higher and Lower Pleasures*. Afterward, Mill became notable not just as a philosopher but as an educator and politician, and he was an influential early advocate for women’s rights.

You can read more of his own compelling and illuminating autobiography here: <https://www.utilitarianism.com/millauto>.

3.2 Putting Utilitarianism Into Practice

To review, utilitarianism maintains that morality is a matter of striving to make the world a better place by making choices that bring about the greatest overall happiness. This is a common and familiar form of reasoning in everyday life. For example, if a child shares a toy with his brother, two children will enjoy playing with it rather than just one, resulting in more overall enjoyment (and avoiding the unhappiness of the child who wouldn't get to play with it), and so we teach children to share with others. We are often compelled to help those in need even if it means a sacrifice on our part, because we recognize that our sacrifice pales in comparison to the benefits to those in need. This might involve donating time and money, but it might be something as simple as giving up one's seat on the bus to an elderly or disabled person.

Moreover, we find this kind of reasoning invoked in politics, business, and science. Think about how many political arguments appeal to the prosperity and well-being of the majority of citizens as the reason to be for or against certain policies. Much of science and medicine

proceeds with the aim of bettering our lives and the world, and we find people questioning the value of scientific research when its utility isn't as apparent. In economics, especially in capitalist societies, utilitarian approaches often assume that individuals and businesses will pursue their own success and profit and that we need certain rules and regulations to ensure that this will benefit society as a whole.

Going Deeper: The Trolley Problem

What if you could save five lives in a way that results in the death of a single person? If the overall consequences were the same, would it matter if you were intentionally harming that person or not? This problem is raised by the philosopher Philippa Foot (2002c) in her famous "trolley problem." See *Going Deeper: The Trolley Problem* at the end of this chapter for more.

As we will see shortly, the familiarity of utilitarian reasoning and its conformity to many of our intuitions of what morality is ultimately all about are among its greatest

strengths. Still, it's not the only form of moral reasoning we encounter or employ (which will become apparent in later chapters), so it's helpful to clarify more precisely what distinguishes a utilitarian moral argument and correct some common misconceptions.

How Can I Recognize or Construct a Utilitarian Moral Argument?

Typically, an argument that says "*This is the right thing to do because it will lead to good results*" is a utilitarian argument. So is one that says "*This is wrong because it will bring about bad results.*" This isn't always the case, since other ways of thinking about ethics often appeal to the value of the consequences. The difference is that for the utilitarian, the appeal to the good or bad results is *the primary or overriding reason* for regarding some action, law, or policy as right or wrong. Moreover, we should consider whether the argument is taking into consideration the good or bad results *overall* among all those affected (rather than the good or bad results for an individual or a particular group). This involves *comparing the positive and negative utility of alternative actions* and determining what the overall balance is among those alternatives.

When we encounter these arguments in real life, people will usually appeal to positive and/or negative consequences as the reason for or against an action or policy, but often they won't carefully compare the positive consequences with the negative ones, or vice versa. This is what we, as people who care about the reasons for certain actions and policies, might have to fill in.

Examples From Political Debates

In the following examples, we can see utilitarian reasoning at work in justifying a certain action or policy (in red) by appealing to the overall balance of good or bad consequences (in blue).

“Same-sex couples should be allowed to marry because it makes them happy and doesn't hurt anyone else.”

This argument looks first at the happiness gained by same-sex couples if they are allowed to marry and assumes that the only reason they should not be allowed to marry is if the negative consequences outweigh that happiness. If they don't, then according to the utilitarian, there is no reason not to allow them to marry.

“All nations need to work together to combat climate change; otherwise, the devastation will be severe and far-reaching.”

In this example, the argument does not appeal directly to any *particular* consequences like happiness or pleasure; we need to fill in those details. The implication is that according to *some* standard that we all share, climate change will have severely negative consequences, so nations have an obligation to minimize those negative consequences.

Examples From Everyday Life

“I should make sure that the lights are turned off before I leave my home to conserve energy.”

Someone reasoning in this way might only be concerned with her electric bill, but she might also be thinking of the impact that her actions have on the community, nation, or planet. Either way, the reasoning behind turning off the lights is similar: If I turn off the lights, I'm contributing to the overall reduction of my electrical bill, even if this particular instance won't make much of an impact on my monthly statement. Likewise, if I turn off the lights, I'm contributing to the overall reduction of climate change, even if this particular instance won't make much of an impact.

In both cases the idea is that *if I'm to contribute to the best overall consequences, I should do X*. Utilitarianism maintains that we have an obligation to choose those actions that contribute to the best world overall, so if turning off the lights contributes to the reduction of global warming (even if the contribution is minimal), then I have an obligation to do so (unless leaving the lights on has positive consequences that outweigh this contribution).

“Don’t cheat on your boyfriend, because it will really hurt him if he finds out.”

The reasoning might be that the potential pain the boyfriend might experience if he finds out outweighs the pleasures gained through cheating.

“Share that toy with your brother so that when he has something you want, he’ll share with you.”

We might give this instruction to encourage a child to look beyond the immediate satisfaction he could enjoy by hogging a toy and consider the fact that, in the long run, both children will be happier if they share their toys.

Examples From Science, Medicine, the Military, and Business

The following statements offer a sampling of reasons frequently given for or against various actions and policies in other areas of life that, when considered as the primary, overriding argument, would characteristically represent utilitarian moral reasoning. It’s important to note that there are many other considerations regarding the consequences of various possible actions that may need to be examined, and including them might lead some utilitarians to disagree with these conclusions. Therefore, these statements do not necessarily represent what *all* utilitarians would think, and a full utilitarian defense of certain actions or policies would need to be more drawn out.

Moreover, as we said before, those who are not utilitarians will often use reasoning that appeals to the best outcomes, the difference being that these reasons aren’t *decisive* as they are for the utilitarian; as you read these, you may think about nonutilitarian reasons and considerations that seem important. With that in mind, think about how the kinds of arguments offered here embody the sort of moral reasoning defended by Bentham, Mill, and other utilitarians.

“Genetically modifying crops and animals will allow farmers to produce more food on less land, with less expense, and using fewer toxic pesticides, fertilizers, and antibiotics.”

“Genetically modifying crops and animals will introduce more problems into the food system than it would alleviate.”

“If we perform medical experiments on animals, it can lead to medical breakthroughs that would benefit millions of people.”

“The suffering caused to animals as a result of cosmetic testing outweighs the pleasure that people will gain from wearing those cosmetics, especially when there are alternative means of testing that have similar benefits with less suffering.”

“Using drones to take out the families of terrorists will demoralize the terrorists and force them to surrender more quickly, thereby saving many more lives.”

“Using drones to take out the families of terrorists will inspire others to join the terrorists’ cause, thereby prolonging the conflict even further.”

“By outsourcing labor to other countries, a business can earn a greater profit and provide jobs to people in countries that are much poorer than we are in America.”

“Outsourcing labor to other countries results in loss of jobs and tax revenue at home and tends to provide significant benefits only to those who are already wealthy.”

3.3 Common Misconceptions

Now that we have a better sense of how utilitarian reasoning works, let’s address two common misconceptions about utilitarianism.

Misconception 1: The Good of the Individual Doesn’t Matter

Does utilitarianism maintain that an individual’s good is less important than that of the majority? Not quite. First, a crucial feature of utilitarianism is an emphasis on **equal consideration**: Any particular person’s happiness or suffering is no more important or less important than that of anyone else; both are to be counted equally. Everyone experiences happiness and suffering, so the crucial question is how much there is overall, not whose it is.

However, when we are considering all the people affected by an action and how they are affected, we might find that the experiences of a particular individual are *outweighed* by those of others, whether another individual or a larger group. Again, it’s not that the others *matter* more; rather, when everyone’s experiences are counted equally and added up, the numbers often work out in favor of the majority.

It’s similar to the way we think of money. All dollar bills have equal value, but if one action results in 10 dollar bills gained and 1 lost, and another action results in 1 dollar bill gained but 10 lost, then that first action is better from a financial standpoint. But we don’t believe that the dollar bill we lost is “less valuable” than any of the others.

In similar fashion, if Action A results in happiness for 10 people and unhappiness for 1 person, and Action B results in happiness for 1 person and unhappiness for 10 people, then Action A will usually be the right choice.

But is this always the case? This brings us to the second misconception.

Misconception 2: The Majority Always Rules

Does utilitarianism always require that we sacrifice the good of the individual or minority for that of the majority? No. While it’s true that this is sometimes the case (and can be a source of worry about utilitarianism), moral choices are not always a “majority rules” kind of matter.



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A common misconception regarding utilitarianism is that the majority always rules, but this is not the case. For instance, even though the majority might benefit slightly from cheaper berries, that does not necessarily justify the larger amount of suffering experienced by mistreated or underpaid laborers.

Remember that we're concerned with the greatest happiness (and least suffering) overall. There might be situations in which an action brings a relatively trivial amount of pleasure to a large number of people but a great deal of suffering to a few. It might be the case that the suffering of the individual or minority is so great that it outweighs the value of the happiness gained by the majority.

For example, the practice of slavery might have been advantageous to the White majority, but overall the tremendous suffering experienced by Black people outweighed those advantages, even though Black people were in the minority. The only way to justify slavery, then, would have been to accord less weight or no weight at all to the experiences of Black people, violating the principle of equal consideration.

In modern times, farm laborers and factory workers in America and other countries often have to work in wretched conditions for little pay so that the majority of others can obtain cheaper food and merchandise. This raises the question of whether the pleasure the majority might experience from inexpensive food, gadgets, toys, and so on outweighs the suffering experienced by those on whose labor these items depend. Or, to take a positive example, members of a community may sacrifice a portion of their time, money, and possessions to help a family devastated by illness or a disaster, recognizing that the small sacrifice of many is far outweighed by the great benefit to that one family.

As we will see in later chapters, some would argue that the reasons to oppose slavery, pay a little extra for products produced in humane conditions, or help a neighbor in need are not primarily utilitarian but reflect other forms of ethical reasoning. Be that as it may, the important point here is that when utilitarians say we ought to aim at the greatest happiness, they insist that the interests and experiences of all should be counted equally, which may lead to the judgment that the happiness or suffering of the minority outweighs the happiness or suffering of the majority.

3.4 Strengths of Utilitarianism

Few people would object to Jeremy Bentham's admonition at the beginning of the chapter to strive to bring about as much happiness and remove as much misery as we can. Moreover, since the earliest days of recorded human history, philosophers, cultures, and religions have accorded a central place to human happiness and well-being. It's hard to deny the

corresponding idea that a world with *more* happiness is better than a world with less. Three other features of the utilitarian approach to moral reasoning are often touted as important strengths of this approach; namely, its impartiality, its affinity with scientific objectivity, and its adaptability.

Impartiality

As we have already discussed, there are many accounts of what happiness and well-being actually mean, and these differences have led to discord, oppression, and violence. More generally, cultures and societies have clashed for ages over ideas about how people should live, what kinds of things are required or prohibited, and so on. This brings us to a notable strength of utilitarianism: its **impartiality**. That is, utilitarianism offers us an account of morality that does not give preference to the beliefs, values, or interests of any particular individual or group when it comes to moral judgments or decisions; rather, these judgments and decisions are based on something common to all.



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One of the strengths of utilitarianism is that it is impartial; it attempts to be independent of individual or cultural beliefs.

Mill (1861/2001), for instance, attempts to reconcile religious views of morality with secular ones by proposing that “if it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other” (p. 22). Mill’s thought is that utilitarian theory expresses a standard of conduct that is common to all religions as well as to those without religious convictions and that is common to all cultures and societies more generally; namely, that we should do what we can to increase happiness and minimize suffering in the world.

This holds particular attraction to us today. We live in a world that is increasingly globalized, in which confrontation between cultures around the world, diversity within particular societies, and awareness of different belief systems is greater than ever before. It is ever more incumbent on us to seek a way to reconcile these differences and find solutions to problems that appeal to all. Or, more modestly, we should strive to find ways forward that, even if they don’t appeal to everyone, are not simply attempts to foist the ideals of one culture or belief system on another but can be justified independently of particular customs, belief systems, or points of view.

As we saw in Chapter 2, a stance of relativism about moral value cannot adequately address the dilemmas that arise in a world in which increasing contact between different value systems call for concrete decisions about which ends and values should prevail when regulating our common life. Utilitarianism endeavors to articulate a standard by which we can distinguish right from wrong and just from unjust without favoring one set of religious or cultural convictions over another.

Objectivity

This endeavor aligns utilitarianism with another common contemporary ideal; namely, its objectivity, or more specifically, its conformity to scientific rationality. As we know from debates over evolution, climate change, genetically modified foods, and similar controversial issues, not everyone agrees with the conclusions of mainstream scientific research. But even those who contest the findings of the majority of the scientific community on such issues typically try to defend their views in conformity with scientific standards, suggesting that such standards have a special kind of authority when it comes to justifying claims about what is or is not the case. This is partially because modern science employs certain procedures of investigation that are aimed at eliminating bias and prejudice.

Utilitarianism aims to mirror scientific objectivity by offering a theory of morality grounded in empirical observation (e.g., how much happiness and suffering is produced or eliminated by an action) and governed by an objective procedure (e.g., maximize happiness or minimize suffering). This can ground claims that a moral judgment is *objectively* true or false regardless of what others believe. For example, in a utilitarian view an action may be *objectively right* if that action *in fact* results in the greatest overall good, even if someone makes a different judgment. Following such a procedure can be an important way to ensure that our ethical judgments are based on evidence and good critical thinking, rather than merely expressing personal attitudes, cultural biases, and the like.

The attractiveness of this possibility is not hard to appreciate. When we consider the conflicts that cause the most strife in our contemporary world (as well as those throughout history that have led to suffering, death, destruction, and impeded progress), we can see how biases toward one's own kind (race, religion, gender, social status, etc.) and prejudices in favor of one's own form of life (including the rules and standards by which it is governed) play a central role. A theory of moral judgment that aims to reduce or eliminate such biases and prejudices would hold great attraction in our contemporary world, and by basing its approach to moral questions on the approach of the natural sciences, utilitarianism makes a strong claim to be an effective way of achieving that aim.

Moreover, biases and prejudices toward one's own kind aren't restricted to differences among humans: Utilitarians are especially noteworthy for extending the scope of our ethical concern to other animals, as we will see in detail in a later chapter. Animals experience pleasure and pain, form relationships, and are capable of flourishing or suffering. If (as the utilitarian would say) the standard for how we ought to live involves maximizing positive experiences and minimizing negative ones *regardless of who experiences them*, then we have reason to care about the experiences of nonhuman animals and accord them equal weight to our own when determining the optimal action.

Adaptability

One final attraction to note is utilitarianism's **adaptability**: Utilitarianism seems to allow us to adapt our moral judgments to particular circumstances in a way that a more rigid system of moral rules would not. For example, most of us recognize a general moral duty not to lie. However, there are circumstances in which lying may seem to some people to be the morally right thing to do.

Suppose, for instance, that you are a Christian living in Europe during the time of Nazi activity and knew that the Nazis were rounding up Jewish people for torture and extermination in concentration camps. Your Jewish friend and his family are hiding in a secret room in your house, and some Nazi soldiers knock on your door asking if you know where any Jews might be hiding. If you told them the truth, your friends would be sent off to one of those barbaric concentration camps.

Most people would say that the right thing to do in such a circumstance is to tell the soldiers no to protect your friends from such horrors, even though it would involve lying. The utilitarian can say that even though lying *normally* leads to bad consequences, in this case it would lead to *better* consequences than telling the truth and thus would be the right thing to do. In more general terms, the utilitarian can say that no two circumstances are exactly the same, and thus no rule or moral standard will necessarily apply in all cases. Basing morality on the *consequences* of an action allows us to judge each circumstance on a case-by-case basis.

In short, utilitarianism holds strong appeal, especially in the contemporary world in which we have to make decisions and set policies that affect people with different religious and cultural views; place trust in the standards of empirical, scientific rationality; and are often forced to make difficult choices that require flexibility in how we judge particular circumstances.

Does this show that utilitarianism provides the best account of how we ought to live and the decisions we should be making, whether as individuals or as a society? Many philosophers have said no, and we now turn to examine a few of their main reasons.

3.5 Objections to Utilitarianism

For all the strengths of the utilitarian approach to moral reasoning, there are several significant objections that need to be considered before determining whether it is the best way to approach or justify responses to moral problems.

General Objections

We can start by looking back at the conditions a consequentialist theory like utilitarianism must satisfy that we introduced at the beginning of the chapter. If we're going to distinguish right and wrong actions in terms of their consequences in the way utilitarianism does, we will need to *identify* what it is about the consequences of our actions that matter morally. Whatever this is must be *measurable* so as to allow for meaningful comparison, must be a *common* feature of the different outcomes we're comparing, and must be *intrinsically valuable*. Many critics of utilitarianism object that it does not or cannot satisfy one or more of these conditions. Let's look at a few examples.

Start with the most familiar form of utilitarianism—that morally right actions produce the most happiness and least suffering relative to the alternatives. The questions that need to be addressed include the following:

1. What are happiness and suffering?
2. Can we objectively identify and measure happiness and suffering?
3. Why are these the most important things? Are they intrinsically valuable, and if so, are they the only things that are intrinsically valuable?

The difficulty with question 1 is that people provide very different answers to it, if they can provide an answer at all (many people are unsure of what these terms actually mean). As we remember from a previous discussion, when we're considering the amount of happiness that results from an action, especially one that affects many people, we need to be able to make meaningful comparisons with the amount of happiness that results from alternative actions—which means the comparison has to be about the *same thing* in multiple cases. But if happiness means one thing to one person and another thing to another person, are we capable of making that kind of comparison? Let's call this the *problem of pluralism about happiness*.

If we can provide an account of happiness that is based on something common to all of the different views, this could be seen as a strength of the utilitarian theory. This is why Bentham and Mill defined *happiness* as “pleasure and the absence of pain.” If we are to suppose that for all the variation in people's views about happiness, everyone ultimately desires pleasure and the absence of pain for its own sake rather than for the sake of anything else, then we can solve the problem of pluralism about happiness. But were Bentham and Mill right?

We might worry that the same problem of pluralism that pertains to happiness pertains to pleasure as well. Even Mill believed that there were different *kinds* of pleasure, some of them inherently higher than others. What's more, some would argue that pleasure is always connected with a particular kind of activity, and it's not clear that we can isolate from those activities some common feeling or experience that is the same no matter where we find it. Is the pleasure associated with sexual activity the same kind of experience as the pleasure associated with watching a disturbing but well-made movie, and is either of these the same as the pleasure some people associate with mowing the lawn, watching their child's piano recital, or figuring out a solution to a difficult problem at work? Even though we might associate the term *pleasure* with such a diversity of experiences, it's not clear that this term refers to a feeling or emotion that is common to all of them.

Even less clear is how we should measure the quantity of pleasure. Is it measured in terms of how intense it is, how long it lasts, or some other factor? How do we determine what these quantities will be among all of the people affected by an action?

Even if we could isolate some common feeling or emotion to determine how pleasure should be measured, it's not clear that this would represent the intrinsically valuable feature of consequences that the utilitarian needs. Intuitively, the mere fact that someone *finds* a certain kind of pleasure good does not mean it *actually is* good. We need only consider the pleasure of a rapist or pedophile or the pleasure that someone gets from torturing animals to question whether pleasure is always good, or we may even, with Mill, suppose that simple or “swine-like” pleasures are not as valuable as those associated with our higher faculties.

We may express this by saying that “desired doesn't mean desirable.” In other words, the fact that someone happens to desire something does not make it *worthy* of desire; that is, *good*.

Indeed, many have argued that when we consider the values and goods that we recognize as deeply important to human life, it would be a mistake to reduce them to *any* single quality or characteristic, much less to pleasure and pain.

For reasons like this, many philosophers (including some utilitarians) have concluded that “happiness” is too varied or pluralistic to allow for meaningful comparison of the value of different consequences. Defining happiness as pleasure and the absence of pain does not solve this problem; indeed, it makes the problem more difficult. Now, you might be thinking, *Why not just leave it up to the individual to determine what happiness means and compare how much happiness—however each person defines it—is brought about by the action?* This is an attractive option that some utilitarian philosophers have favored, choosing to use the term *preferences* rather than *happiness* to identify what should be maximized by our actions (for which reason such a view is often called **preference utilitarianism**; Singer, 2011).

However, preference utilitarianism is open to the kind of worry just described: The mere fact that people have certain preferences does not make those preferences *good*. If the majority of people in a community *prefer* the subjugation of a certain race or religion, would that be enough to justify laws that enforced this subjugation? Or should those preferences be disregarded or accorded less weight? If so, on what basis do we make this judgment, if the ultimate standard for moral judgment is people’s preferences themselves?

Moreover, critics might say that basing our standard of conduct on preferences excludes from consideration the good of those who cannot have preferences. Consider young babies; people with severe mental impairments; and most animals, plants, and nonliving things—none of these can be said to have preferences in the way intended by preference utilitarianism, but we frequently speak of them as having dignity or value in themselves, independent of anyone’s feelings or preferences.

Going Deeper: Desired Versus Desirable

Is the fact that people desire something enough to show that it is desirable, as Mill claimed about happiness? Or to put it differently, do some things have value in themselves independent of whether people happen to value them? This is an ancient question, and one of the earliest and most famous versions was raised by the Ancient Greek philosopher Plato in a dialogue called the *Euthyphro*. See *Going Deeper: Desired Versus Desirable* at the end of the chapter for more.

Preference Utilitarianism

Recall that Jeremy Bentham initially proposed that *utility* meant *happiness*, which he further defined as pleasure and the absence of pain. John Stuart Mill accepted this basic idea but distinguished between higher and lower pleasures on the basis of what most people would *prefer* if they had experience of both kinds of pleasure. Some utilitarians have taken this further by maintaining that *people’s preferences themselves* should be what moral actions ought to bring about as much as possible. The result is a view called preference utilitarianism. This is the idea that morally right actions are those that allow as many preferences to be satisfied as possible.

If we ought to be maximizing preferences, what should we say when people's preferences involve the degradation or destruction of beings that don't have preferences? What if a person would prefer to use a work of art as a doormat, a group of people's preference for a shopping mall requires the destruction of an ancient forest, or a person would prefer not to have the burden of an unwanted baby or an incapacitated parent? Since works of art, ancient forests, babies, and incapacitated adults cannot have preferences (or at least preferences like those of normal human adults), it may seem that preference utilitarianism commits us to the view that their good is less worthy of consideration, a conclusion that strikes some critics as disturbing and wrong.



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Some critics of preference utilitarianism object that it fails to consider the good of entities that don't have preferences, such as the environment.

We've considered the objection that there is no single, unitary feature by which we can evaluate the relative value of different consequences because the proposed candidates either cannot be objectively identified and measured (as in the case of pleasure or happiness) or are not obviously valuable in themselves (as in the case of mere preferences or personal conceptions of happiness). Utilitarians and other consequentialists have offered a wide variety of alternative ways to characterize the best consequences of our actions, and indeed few contemporary philosophers follow Mill and Bentham in maintaining that pleasure, or even happiness, is the exclusive good that we should seek to bring about. However, if there is no well-defined and justified account of the best consequences, reasoning that proceeds along the lines of maximizing utility may lead to conclusions about our moral responsibilities that appear, intuitively, to be wrong. In particular, this approach may seem to neglect or undermine certain core features of our moral lives; namely, respect for persons and the irreducible plurality of values.

Respect for Persons

Earlier in the chapter, we noted that an attractive feature of utilitarianism is that it doesn't designate certain specific actions as always right or always wrong but allows for some flexibility, depending on the outcomes of the actions. Thus, an action like lying, which is normally wrong, might be right when it's done to save someone from much greater suffering, as in the case of lying to a Nazi soldier in order to save your Jewish friend.

However, while this flexibility can be an attraction, it can also be a possible weakness. Consider a case in which following utilitarian reasoning may justify something that, to many people, would seem wrong.

Suppose five people are brought to a hospital with a life-threatening condition, and each requires an immediate transplant of a different organ to survive (one needs a kidney, another needs a lung, etc.). If they don't receive their transplant soon, they will die. There's not enough time to wait for any donated organs to come in, and the hospital doesn't have anything on hand, so if the hospital doesn't locate five healthy replacement organs in the next few hours, five people will die.

It just so happens that Sally has come in to have a broken arm fixed. The doctor knows of the situation with the five people, and after running Sally's vitals, he concludes that Sally's organs would serve perfectly to save the lives of the five people. If he harvests Sally's organs, he could save the five lives, but Sally would die. But suppose the doctor is a committed utilitarian and reasons that "five lives saved and one life lost is a better outcome than one life saved and five lives lost." In other words, he reasons that the best overall happiness would result from killing Sally, taking her organs, and saving the lives of the five people.

If it's true that killing Sally to save the five lives results in more overall happiness than not killing Sally and allowing them to die, does this mean that the doctor's actions are morally right? Most people would say no. However, if we are to simply consider which outcome contains the greatest happiness for the greatest number, then what would stop us from saying yes?

This particular scenario might seem far-fetched, but the general sort of dilemma it describes is not. Many ethical dilemmas involve choices between ordinary moral standards and the greater good, including cases in which achieving the greater good requires us to harm or even end someone's life. If this raises a problem for utilitarianism, how might we specify what that problem is?

One response might be to say that while killing Sally to harvest her organs would save lives, it goes against morality. The thought might be that *morality* involves respecting certain rules like "don't kill an innocent person," and since killing Sally would violate that rule, doing so is wrong even if leads to a greater overall outcome.

However, we must remember that utilitarianism is an account of what morality and moral reasoning *actually is*. One cannot simply object that utilitarianism fails to respect moral rules, because utilitarians claim that an account of morality centered on consequences is superior to one centered on rules. Rather, we might indicate what is troubling about a case like Sally's by suggesting that *utilitarianism fails to respect the value of individual persons*.

Earlier in the chapter, we considered the worry that by making happiness the standard of moral action, we undermine the *sacrifice* of happiness displayed by many people we admire, such as Gandhi or Jesus. The utilitarian response emphasized that it's not any particular *individual's* happiness that matters but the happiness *overall*, which is why we admire the sacrifice of figures like Gandhi and Jesus.

However, when we consider the difference between Sally, on the one hand, and Gandhi and Jesus on the other, an important distinction emerges: The sacrifice of people like Gandhi and Jesus was *voluntary*, whereas Sally's sacrifice was not. Some critics of utilitarianism maintain that morality requires us to always respect the dignity and autonomy of individual persons and that this overrides the value of good consequences when the two come in conflict.

To take another example, suppose that a military unit is in a battle and a grenade lands in the middle of a group of soldiers. Jesse sees the grenade and immediately throws himself on top of it, shielding the other soldiers from the blast while sacrificing his own life. We would consider this to be an act of the highest valor and honor, and Jesse would be remembered and esteemed long after. Suppose, however, that Jesse is standing next to Drew. Jesse has a wife and four kids, while Drew has no family. Drew is also a bit of a liability at times—clumsy, not terribly bright, and rather unreliable—while Jesse is a model soldier with great prospects in the military. When the grenade lands, Jesse reaches over and throws Drew on top of the grenade, which again shields the other soldiers but kills Drew. Would we honor Jesse for this act the same way we would if he had thrown himself on the grenade? After all, the *outcome* was the same in both cases—one person died, and the rest survived. Indeed, it was probably *better* in the case where Jesse sacrificed Drew instead of himself, given the broader circumstances.

Most people would not honor Jesse for this deed but instead maintain that he did something terribly wrong or cowardly. But if it's not the consequences that account for this difference in judgment, what does account for it? Again, many would suppose that Jesse fails to respect the value of Drew as an individual person, particularly Drew's right to choose for himself whether to sacrifice his life in this way. In similar fashion, some have argued that by fixating on the consequences alone, utilitarianism does not adequately respect the rights, dignity, and value of individual persons themselves.

The worry, in other words, is that in the utilitarian view, moral value has to do with something *about* a person—how much happiness or suffering he or she experiences, how many preferences he or she is able to satisfy, and so on. The person *himself or herself* does not have value except as a source of these experiences and qualities, either as the one experiencing them or the one producing them. This stands in contrast to systems of morality, like the one we will consider in Chapter 4, that consider the individual to have a special value or dignity independent of any characteristics, experiences, or potential to contribute to the overall good.

Irreducible Plurality of Values

One way of expressing the objection to the utilitarian view that we just considered is by claiming that the value of human life itself is *incommensurable* with the value of pleasure, happiness, or whatever other basic unit of utility that we identify. That is, the value of human life cannot be measured in a way that's comparable to some quantity of overall pleasure or happiness, because they are irreducibly different *kinds* of value. In similar fashion, some critics of utilitarianism have maintained that there are many sources of value that humans recognize that provide meaning and purpose to our lives and place moral demands on us (Taylor, 1985). None of these can be reduced to any of the others for the purposes of objective measurement or calculation, and respecting these values isn't simply a matter of trying to bring about as much or as little of something as one can.

Some of these values may include relationships like friendships, families, and communal ties; arenas of human excellence like crafts, the arts, knowledge, invention, and discovery; personal qualities like virtue, honor, and integrity; aesthetic values like beauty; and the many values related to religion and spirituality. While it's true that many of these provide pleasure

and happiness, for most people that's not the *source* of their value, as if they would no longer be valuable if they no longer gave pleasure or made people happy. Similarly, according to many people, the value these things have doesn't lie in the fact that people happen to find them valuable; rather, they would insist that people find them valuable *because* they have value. Therefore, to reduce them to one *common* value in a way that would allow for objective calculation and comparison of consequences would be to greatly misconstrue how we understand the value of these features of our lives and the world.

To be sure, we frequently have to weigh these values against each other and against pleasure, suffering, and the like. These are often agonizing decisions that bring in questions of identity, purpose, meaning, authority, and many others—questions to which we often lack clear answers and in some cases suspect there are no absolute, objective answers. Therefore, such questions stand in contrast to the kinds of questions and dilemmas that are faced in science and mathematics, where we assume that with enough effort and ingenuity, we can find an objective answer.

If we recall from our earlier discussion, a strength of utilitarianism is that it aims to bring to morality a similar kind of objectivity and neutrality of judgment that characterizes the natural sciences, where certain procedures help eliminate and overcome bias and prejudice. And surely some of the values and goods that we have been identifying as supposedly irreducible, like one's ties to a community or those associated with religious and cultural traditions, have been and continue to be sources of bias and prejudice, not to mention oppression and subjugation.

This presents us with some difficult questions that cut to the heart of the basic question of ethics: *How should one live?* To see how this might make a difference to our moral decision making, consider an ordinary case in which someone must decide what to do with a sudden increase in income (perhaps she has been given a substantial raise or received a significant inheritance). Suppose she had been living comfortably before this windfall. What would be the moral thing to do with the extra money?

One option might be to consider only one's own needs and desires. One might use the money to pay off debts, buy a bigger house and nicer cars, go on vacation, throw a lavish party, and so on. Another option would be to benefit people and causes one cares about: Establish a fund for one's kids' college educations; donate to one's church or a local homeless shelter or clinic; or donate to an art museum or college, a favored political candidate, or an organization that supports causes one believes in like the National Rifle Association, Planned Parenthood, or Doctors Without Borders. Or one might do extensive research to determine how this money might best be used to eliminate poverty, cure diseases, or promote justice and spend the money to support that goal regardless of whether it benefits oneself or someone one knows personally.

Most people would be inclined to say that some combination of all of these would be a legitimate way to make use of the extra money. But would that be the case if one was to reason in terms of utilitarian morality? It's certainly not clear if any of the uses that primarily benefit *oneself* would be morally justified. Clearly, the money one uses to buy a bigger house or throw a party would not contribute to the greatest overall good when compared to the suffering that the same amount of money could alleviate. But matters become even more difficult when we compare using the money to alleviate suffering to using the money to benefit the arts or to send one's kids to college. Or what if we were to determine that while giving money to a local homeless shelter will help alleviate suffering in one's own community, giving the same amount money to

an orphanage or aid organization on the other side of the world would have similar outcomes for a much greater number of people? Would we be morally obliged to opt for the latter?

This is the conclusion that some utilitarians have defended on the grounds of strict equality and impartiality, which we noted earlier as a strength of utilitarianism. In Bentham's formula, "everybody [is] to count for one, nobody for more than one" (as cited in Mill, 1861/2001, p. 62), to which Mill (1861/2001) himself adds, "as between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator" (p. 17). More recently, the utilitarian philosopher Peter Singer (1972) has argued that

it makes no moral difference whether the person I can help is a neighbor's child ten yards from me or a Bengali whose name I shall never know, ten thousand miles away. . . . If we accept any principle of impartiality, universalizability, equality, or whatever, we cannot discriminate against someone merely because he is far away from us (or we are far away from him). (pp. 231–232)

The claim seems to be that when we consider our moral responsibilities, we must adopt a point of view in which we leave aside anything particular about ourselves—our interests, desires, relationships, and so on—and assume the role of a spectator that objectively measures the good and bad results from different actions and calculates which action will have the overall optimal outcome. If, from this point of view, we judge that giving a certain amount of money to an aid organization in India or Rwanda will eliminate more suffering overall than giving that money to an aid organization in our own community, then that's the moral choice. And if the suffering alleviated by this action outweighs the happiness generated from giving to an art gallery or sending one's child to college, then again, one's moral obligation is to do the first.

Some people find this to be an attraction of utilitarianism, while others find it disturbing or dehumanizing. Part of being human, a critic may argue, is having an identity constituted in part by commitments and relationships that we nurture and support, producing and enjoying the arts, gaining knowledge and understanding for its own sake rather than its usefulness, and much else besides. Does utilitarianism end up reducing this picture of humans as having complexity and depth to a picture of humans as calculating machines?

3.6 Varieties of Utilitarianism

It should be emphasized that utilitarians have addressed such worries in various ways, sometimes by arguing that these problems do not actually follow from utilitarian theory, sometimes by modifying utilitarian theory in ways that avoid them, and sometimes by arguing that these implications of utilitarian theory are not problems with the theory but problems with our assumptions about what a moral theory should conclude or imply. Examining these responses would take us beyond the scope of this chapter. Suffice it to say that utilitarianism, and consequentialism more broadly, is a theory of morality with many variations that have emerged as defenders of its basic form—identifying moral action with bringing about the best outcomes—have sought to address and meet the kinds of objections we have been discussing, as well as others we were unable to cover. Here is a brief sampling of some of these variations:

- Some philosophers have distinguished between a *standard* of right action and a *guide* to action, maintaining that while utilitarianism represents the correct standard by which to distinguish right from wrong, it shouldn't be the guide that we use when making decisions. Indeed, some have gone so far as to argue that we are more likely to bring about a better world when most people *don't* accept or act on utilitarian principles (Sidgwick, 1907).
- Many philosophers propose a variety of values other than utility as that which we should be aim to bring about, such as justice, virtue, or a simple and irreducible property of goodness (Moore, 1903/1993).
- Some utilitarians maintain that the standard of right action should be the *actual* consequences produced by our actions, while others hold that it should be the *expected* or *foreseen* consequences that make actions right. If someone acts in a way that he reasonably expects to have the best results but actually does not, we could still regard his action as morally right if it's just the *expected* consequences that matter. However, if the *actual* consequences matter, his action would be morally wrong (though we may think we shouldn't blame the person for that).
- Utilitarians often disagree on how far-reaching the consequences for which we are responsible should be. Does moral responsibility pertain only to the immediate effects of one's action, to effects that are far-off and remote, or somewhere in between?

So as we can see, there are many ways in which we might refine and revise the theory, especially in light of problems that are raised. However, there is one final variation that is prominent and influential enough to be worth highlighting as we close out this chapter.

Rule Utilitarianism

One of the objections against utilitarianism is that it would seem to permit or even demand actions and policies that appear to be unjust, such as the subjugation and oppression of minorities, the sacrifice of innocent lives for the sake of the greater good, or some other action or policy that intuitively seems wrong even if it is for the sake of the greater good. Some utilitarians agreed that this is a problem worth taking seriously and have responded by forming a distinction between **act utilitarianism** and **rule utilitarianism**.

Act utilitarianism, which is the form that we have been considering throughout the chapter, maintains that our moral responsibility is to do those *particular acts* that produce the greatest overall good for the greatest number, given the available alternatives in each circumstance. Rule utilitarianism, by contrast, proposes that we should do those acts that produce the greatest good when followed

Rule Versus Act Utilitarianism

An important distinction within the utilitarian approach to moral reasoning is between *act utilitarianism* and *rule utilitarianism*. Here is the basic difference:

Act utilitarianism: the morally right action is the one that leads to the greatest happiness for the greatest number in each particular circumstance.

Rule utilitarianism: the morally right action is the one that would lead to the greatest happiness for the greatest number when followed as a general rule.

as a general rule. In other words, instead of asking which action *here and now* would have the best consequences, we should be considering which *rules* society should adopt to maximize overall utility. If everyone would be better off by adopting a particular rule than by not adopting it, then our moral responsibility is to act in accordance with that rule.

Consider, by way of example, certain actions taken in war. Suppose that we go to war to overthrow a brutal regime that engages in torture, kills innocent civilians, has no respect for political authorities or boundaries, and so on, and that stopping these atrocities is the reason we are going to war. Suppose further that the quickest, most efficient means of achieving victory—the means that minimize casualties, damage, and costs—is by engaging in some of those very activities that we are striving against, such as torture and targeting innocent civilians.

For the act utilitarian, if torturing a person or killing an innocent civilian here and now is the best way to ensure fewer people are tortured and killed in the future, then that's the morally right thing to do. But for the rule utilitarian, the fact that we are trying to prevent these things shows that a world without torture or the killing of innocents would be best, and so we ought to follow the rule that prohibits them; that is, we shouldn't do them ourselves (Brandt, 1972).

While rule utilitarianism may help address problems like the ones we discussed, it has not been widely endorsed. Part of the reason, critics argue, is that it undermines the essence of utilitarianism itself, which is to aim at doing the most good and bringing about the best consequences through one's actions. Rule utilitarianism limits us to those actions that *would* have the best results if everyone acted accordingly, but of course, not everyone *does* act accordingly. What we are left with is a standard of action that is motivated by the aim to bring about the best consequences but that often requires us to deliberately act contrary to that aim. Because of this, some philosophers have argued that rule utilitarianism is not really utilitarianism at all (Smart, 1956).

If that is the case, what kind of moral view would it be? That will be the subject of our next chapter, which focuses on *deontological* or rule-based theories of morality.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out these features at the end of the chapter.

[The Trolley Problem](#)

[Higher and Lower Pleasures](#)

[Desired Versus Desirable](#)

Conclusion & Summary

It is important to reiterate at this point that utilitarianism is probably the most familiar and widespread form of moral reasoning that we find today, at least in the West. The idea that our fundamental moral obligation is to bring about the most good in the world is quite attractive. Utilitarianism's attempt to base the notion of "the good" on factors that can be empirically observed and measured independently of personal values, culture, religion, and the like holds great appeal. It fits nicely into a contemporary world increasingly reliant on such independent forms of evaluation to bridge cultural gaps as the world continues to shrink and as traditional sources of meaning, value, and standards of conduct have less sway.

The impartiality and equality at utilitarianism's core reflect the key values of modern Western societies, values that are catching on in the rest of the world. At the same time, there are questions as to whether utilitarianism does justice to the broader range of values than those at its core, like pleasure, happiness, personal desire, impartiality, and equality. There is also the related question of whether it adequately reflects what it means to be human, and thus whether it adequately addresses the fundamental ethical question of how one should live. While utilitarianism may ultimately be able to answer those challenging questions, the questions compel us to consider alternative ways of thinking about ethics. The first of these speaks to that intuition that motivates rule utilitarianism—the idea that certain kinds of actions are simply required or prohibited, regardless of circumstances or outcomes. It is to such deontological approaches to ethics that we now turn.

Key Terms

act utilitarianism The branch of utilitarianism that holds that the morally right action is the one that produces the greatest overall utility in each particular circumstance.

adaptability A feature of a moral theory that allows for variation in moral judgments depending on the specific features of each circumstance.

equal consideration The principle that each particular individual's happiness, suffering, preferences, welfare, or other interests should be accorded equal weight when determining the best outcomes of an action; that is, no one's interests should figure more or less than anyone else's.

hedonism The view that pleasure is the most basic positive value, and pain is the most basic negative value.

hedonistic utilitarianism The form of utilitarianism that identifies utility as pleasure and the absence of pain or suffering.

impartiality The attitude or disposition that does not give preference to the beliefs, values, or interests of any particular individual or group when making moral judgments or decisions.

instrumental value Also called "extrinsic value," this is the value that something has insofar as it produces occurrences of positive value or prevents occurrences of negative value.

intrinsic value The value that something has in itself, regardless of what it produces or prevents.

preference utilitarianism The form of utilitarianism that identifies utility as the satisfaction of individual preferences.

rule utilitarianism The branch of utilitarianism that holds that the morally right action is the one that would lead to the greatest happiness for the greatest number when followed as a general rule.

utilitarianism A consequentialist ethical theory that holds that morally right actions, laws, or policies are those whose

consequences contain the greatest positive value and least negative value compared to the consequences of available alternatives.

utility A measure of well-being and the ultimate standard of value in utilitarianism. This is often defined as happiness, pleasure, and the absence of suffering, or the satisfaction of preferences.

Additional Resources

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Utilitarianism Resources (<http://www.utilitarianism.com>). A large collection of resources and texts related to utilitarianism.

Further Reading

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Primary Source

Chapter 2: What Utilitarianism Is, from *Utilitarianism* by John Stuart Mill (1863)

A PASSING remark is all that needs be given to the ignorant blunder of supposing that those who stand up for utility as the test of right and wrong, use the term in that restricted and merely colloquial sense in which utility is opposed to pleasure. An apology is due to the philosophical opponents of utilitarianism, for even the momentary appearance of confounding them with any one capable of so absurd a misconception; which is the more extraordinary, inasmuch as the contrary accusation, of referring everything to pleasure, and that too in its grossest form, is another of the common charges against utilitarianism: and, as has been pointedly remarked by an able writer, the same sort of persons, and often the very same persons, denounce the theory “as impracticably dry when the word utility precedes the word pleasure, and as too practicably voluptuous when the word pleasure precedes the word utility.” Those who know anything about the matter are aware that every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain; and instead of opposing the useful to the agreeable or the ornamental, have always declared that the useful means these, among other things. Yet the common herd, including the herd of writers, not only in newspapers and periodicals, but in books of weight and pretension, are perpetually falling into this shallow mistake. Having caught up the word utilitarian, while knowing nothing whatever about it but its sound, they habitually express by it the rejection, or the neglect, of pleasure in some of its forms; of beauty, of ornament, or of amusement. Nor is the term thus ignorantly misapplied solely in disparagement, but occasionally in compliment; as though it implied superiority to frivolity and the mere pleasures of the moment. And this perverted use is the only one in which the word is popularly known, and the one from which the new generation are acquiring their sole notion of its meaning. Those who introduced the word, but who had for many years discontinued it as a distinctive appellation, may well feel themselves called upon to resume it, if by doing so they can hope to contribute anything towards rescuing it from this utter degradation.

The Definition of Utilitarianism

*The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that *pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things* (which are as numerous in the utilitarian as in*

any other scheme) *are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.*

Higher and Lower Pleasures

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and grovelling; as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

When thus attacked, the Epicureans have always answered, that it is not they, but their accusers, who represent human nature in a degrading light; since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast's pleasures do not satisfy a human being's conceptions of happiness. Human beings have faculties more elevated than the animal appetites, and when once made conscious of them, do not regard anything as happiness which does not include their gratification. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic, as well as Christian elements require to be included. But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation. It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature. And on all these points utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency. It is quite compatible with the principle of utility to recognise the fact, that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.

If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. *Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure.* If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity

of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account.

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he for the most complete satisfaction of all the desires which they have in common with him. If they ever fancy they would, it is only in cases of unhappiness so extreme, that to escape from it they would exchange their lot for almost any other, however undesirable in their own eyes. A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may give what explanation we please of this unwillingness; we may attribute it to pride, a name which is given indiscriminately to some of the most and to some of the least estimable feelings of which mankind are capable: we may refer it to the love of liberty and personal independence, an appeal to which was with the Stoics one of the most effective means for the inculcation of it; to the love of power, or to the love of excitement, both of which do really enter into and contribute to it: but its most appropriate appellation is a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them.

Whoever supposes that this preference takes place at a sacrifice of happiness—that the superior being, in anything like equal circumstances, is not happier than the inferior—confounds the two very different ideas, of happiness, and content. It is indisputable that the being whose capacities of enjoyment are low, has the greatest chance of having them fully satisfied; and a highly endowed being will always feel that any happiness which he can look for, as the world is constituted, is imperfect. But he can learn to bear its imperfections, if they are at all bearable; and they will not make him envy the being who is indeed unconscious of the imperfections, but only because he feels not at all the good which those imperfections qualify. *It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.* And if the fool, or the pig, are a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.

It may be objected, that many who are capable of the higher pleasures, occasionally, under the influence of temptation, postpone them to the lower. But this is quite compatible with a full appreciation of the intrinsic superiority of the higher. Men often, from infirmity of character, make their election for the nearer good, though they know it to be the less valuable; and this no less when the choice is between two bodily pleasures, than when it is between bodily and

mental. They pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good.

It may be further objected, that many who begin with youthful enthusiasm for everything noble, as they advance in years sink into indolence and selfishness. But I do not believe that those who undergo this very common change, voluntarily choose the lower description of pleasures in preference to the higher. I believe that before they devote themselves exclusively to the one, they have already become incapable of the other. Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance; and in the majority of young persons it speedily dies away if the occupations to which their position in life has devoted them, and the society into which it has thrown them, are not favourable to keeping that higher capacity in exercise. Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. It may be questioned whether any one who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower; though many, in all ages, have broken down in an ineffectual attempt to combine both.

From this verdict of the only competent judges, I apprehend there can be no appeal. On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final. And there needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity. What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. What is there to decide whether a particular pleasure is worth purchasing at the cost of a particular pain, except the feelings and judgment of the experienced? When, therefore, those feelings and judgment declare the pleasures derived from the higher faculties to be preferable in kind, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is susceptible, they are entitled on this subject to the same regard.

The Greatest Happiness Principle

I have dwelt on this point, as being a necessary part of a perfectly just conception of Utility or Happiness, considered as the directive rule of human conduct. But it is by no means an indispensable condition to the acceptance of the *utilitarian standard*; for *that standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether*; and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others,

and his own, so far as happiness is concerned, were a sheer deduction from the benefit. But the bare enunciation of such an absurdity as this last, renders refutation superfluous.

Summary of the Utilitarian View

According to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined,

the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.

Objection and Replies

Objection 1: Happiness Is Unattainable

Against this doctrine, however, arises another class of objectors, who say that happiness, in any form, cannot be the rational purpose of human life and action; because, in the first place, it is unattainable: and they contemptuously ask, what right hast thou to be happy? a question which Mr. Carlyle clenches by the addition, What right, a short time ago, hadst thou even to be? Next, they say, that men can do without happiness; that all noble human beings have felt this, and could not have become noble but by learning the lesson of Entsagen, or renunciation; which lesson, thoroughly learnt and submitted to, they affirm to be the beginning and necessary condition of all virtue.

The first of these objections would go to the root of the matter were it well founded; for if no happiness is to be had at all by human beings, the attainment of it cannot be the end of morality, or of any rational conduct. Though, even in that case, something might still be said for the utilitarian theory; since utility includes not solely the pursuit of happiness, but the prevention or mitigation of unhappiness; and if the former aim be chimerical, there will be all the greater scope and more imperative need for the latter, so long at least as mankind think fit to live, and do not take refuge in the simultaneous act of suicide recommended under certain conditions by Novalis. When, however, it is thus positively asserted to be impossible that human life should be happy, the assertion, if not something like a verbal quibble, is at least an exaggeration. If by happiness be meant a continuity of highly pleasurable excitement, it is evident enough that this is impossible. A state of exalted pleasure lasts only moments, or in some cases, and with some intermissions, hours or days, and is the occasional brilliant flash

of enjoyment, not its permanent and steady flame. Of this the philosophers who have taught that happiness is the end of life were as fully aware as those who taunt them. The happiness which they meant was not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing. A life thus composed, to those who have been fortunate enough to obtain it, has always appeared worthy of the name of happiness. And such an existence is even now the lot of many, during some considerable portion of their lives. The present wretched education, and wretched social arrangements, are the only real hindrance to its being attainable by almost all.

The objectors perhaps may doubt whether human beings, if taught to consider happiness as the end of life, would be satisfied with such a moderate share of it. But great numbers of mankind have been satisfied with much less. The main constituents of a satisfied life appear to be two, either of which by itself is often found sufficient for the purpose: tranquillity, and excitement. With much tranquillity, many find that they can be content with very little pleasure: with much excitement, many can reconcile themselves to a considerable quantity of pain. There is assuredly no inherent impossibility in enabling even the mass of mankind to unite both; since the two are so far from being incompatible that they are in natural alliance, the prolongation of either being a preparation for, and exciting a wish for, the other. It is only those in whom indolence amounts to a vice, that do not desire excitement after an interval of repose: it is only those in whom the need of excitement is a disease, that feel the tranquillity which follows excitement dull and insipid, instead of pleasurable in direct proportion to the excitement which preceded it. When people who are tolerably fortunate in their outward lot do not find in life sufficient enjoyment to make it valuable to them, the cause generally is, caring for nobody but themselves. To those who have neither public nor private affections, the excitements of life are much curtailed, and in any case dwindle in value as the time approaches when all selfish interests must be terminated by death: while those who leave after them objects of personal affection, and especially those who have also cultivated a fellow-feeling with the collective interests of mankind, retain as lively an interest in life on the eve of death as in the vigour of youth and health. Next to selfishness, the principal cause which makes life unsatisfactory is want of mental cultivation. A cultivated mind—I do not mean that of a philosopher, but any mind to which the fountains of knowledge have been opened, and which has been taught, in any tolerable degree, to exercise its faculties—finds sources of inexhaustible interest in all that surrounds it; in the objects of nature, the achievements of art, the imaginations of poetry, the incidents of history, the ways of mankind, past and present, and their prospects in the future. It is possible, indeed, to become indifferent to all this, and that too without having exhausted a thousandth part of it; but only when one has had from the beginning no moral or human interest in these things, and has sought in them only the gratification of curiosity.

Now there is absolutely no reason in the nature of things why an amount of mental culture sufficient to give an intelligent interest in these objects of contemplation, should not be the inheritance of every one born in a civilised country. As little is there an inherent necessity that any human being should be a selfish egotist, devoid of every feeling or care but those which centre in his own miserable individuality. Something far superior to this is sufficiently

common even now, to give ample earnest of what the human species may be made. Genuine private affections and a sincere interest in the public good, are possible, though in unequal degrees, to every rightly brought up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and improve, every one who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use the sources of happiness within his reach, he will not fail to find this enviable existence, if he escape the positive evils of life, the great sources of physical and mental suffering—such as indigence, disease, and the unkindness, worthlessness, or premature loss of objects of affection. The main stress of the problem lies, therefore, in the contest with these calamities, from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be in any material degree mitigated. Yet no one whose opinion deserves a moment's consideration can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society, combined with the good sense and providence of individuals. Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences; while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe. And every advance in that direction relieves us from some, not only of the chances which cut short our own lives, but, what concerns us still more, which deprive us of those in whom our happiness is wrapt up. As for vicissitudes of fortune, and other disappointments connected with worldly circumstances, these are principally the effect either of gross imprudence, of ill-regulated desires, or of bad or imperfect social institutions.

All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow—though a long succession of generations will perish in the breach before the conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made—yet every mind sufficiently intelligent and generous to bear a part, however small and unobtrusive, in the endeavour, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without.

Objection 2: People Can Do Without Happiness

And this leads to the true estimation of what is said by the objectors concerning the possibility, and the obligation, of learning to do without happiness. Unquestionably it is possible to do without happiness; it is done involuntarily by nineteen-twentieths of mankind, even in those parts of our present world which are least deep in barbarism; and it often has to be done voluntarily by the hero or the martyr, for the sake of something which he prizes more than his individual happiness. But this something, what is it, unless the happiness of others or some of the requisites of happiness? It is noble to be capable of resigning entirely one's own portion of happiness, or chances of it: but, after all, this *self-sacrifice* must be for some end; it is not its own end; and if we are told that its end is not happiness, but virtue, which is better than happiness, I ask, would the sacrifice be made if the hero or martyr did not believe that it

would earn for others immunity from similar sacrifices? Would it be made if he thought that his renunciation of happiness for himself would produce no fruit for any of his fellow creatures, but to make their lot like his, and place them also in the condition of persons who have renounced happiness? All honour to those who can abnegate for themselves the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar. He may be an inspiring proof of what men *can* do, but assuredly not an example of what they *should*.

Though it is only in a very imperfect state of the world's arrangements that any one can best serve the happiness of others by the absolute sacrifice of his own, yet so long as the world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue which can be found in man. I will add, that in this condition the world, paradoxical as the assertion may be, the conscious ability to do without happiness gives the best prospect of realising, such happiness as is attainable. For nothing except that consciousness can raise a person above the chances of life, by making him feel that, let fate and fortune do their worst, they have not power to subdue him: which, once felt, frees him from excess of anxiety concerning the evils of life, and enables him, like many a Stoic in the worst times of the Roman Empire, to cultivate in tranquillity the sources of satisfaction accessible to him, without concerning himself about the uncertainty of their duration, any more than about their inevitable end.

Meanwhile, let utilitarians never cease to claim the morality of self devotion as a possession which belongs by as good a right to them, as either to the Stoic or to the Transcendentalist. The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that *the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator.* In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbour as yourself, constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes; so that not only he may be unable to conceive the possibility of happiness to himself, consistently with

conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence. If the, impugners of the utilitarian morality represented it to their own minds in this its, true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

Objection 3: The Standard Is Too High

The objectors to utilitarianism cannot always be charged with representing it in a discreditable light. On the contrary, those among them who entertain anything like a just idea of its disinterested character, sometimes find fault with its standard as being too high for humanity. They say it is exacting too much to require that people shall always act from the inducement of promoting the general interests of society. But this is to mistake the very meaning of a standard of morals, and confound the rule of action with the motive of it. It is the business of ethics to tell us what are our duties, or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty; on the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so done, if the rule of duty does not condemn them. It is the more unjust to utilitarianism that this particular misapprehension should be made a ground of objection to it, inasmuch as utilitarian moralists have gone beyond almost all others in affirming that the *motive has nothing to do with the morality of the action*, though much with the worth of the agent. He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble; he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations.

But to speak only of actions done from the motive of duty, and in direct obedience to principle: it is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large. The great majority of good actions are intended not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights, that is, the legitimate and authorised expectations, of any one else. The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to. Those alone the influence of whose actions extends to society in general, need concern themselves habitually about large an object. In the case of abstinences indeed—of things which people forbear to do from moral considerations, though the consequences in the particular case might be beneficial—*it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain*

from it. The amount of regard for the public interest implied in this recognition, is no greater than is demanded by every system of morals, for they all enjoin to abstain from whatever is manifestly pernicious to society.

Objection 4: Undermines the Importance of Good Character

The same considerations dispose of another reproach against the doctrine of utility, founded on a still grosser misconception of the purpose of a standard of morality, and of the very meaning of the words right and wrong. It is often affirmed that utilitarianism renders men cold and unsympathising; that it chills their moral feelings towards individuals; that it makes them regard only the dry and hard consideration of the consequences of actions, not taking into their moral estimate the qualities from which those actions emanate. If the assertion means that they do not allow their judgment respecting the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism, but against having any standard of morality at all; for certainly no known ethical standard decides an action to be good or bad because it is done by a good or a bad man, still less because done by an amiable, a brave, or a benevolent man, or the contrary. These considerations are relevant, not to the estimation of actions, but of persons; and there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness and wrongness of their actions. The Stoics, indeed, with the paradoxical misuse of language which was part of their system, and by which they strove to raise themselves above all concern about anything but virtue, were fond of saying that he who has that has everything; that he, and only he, is rich, is beautiful, is a king. But no claim of this description is made for the virtuous man by the utilitarian doctrine. Utilitarians are quite aware that there are other desirable possessions and qualities besides virtue, and are perfectly willing to allow to all of them their full worth. They are also aware that a right action does not necessarily indicate a virtuous character, and that actions which are blamable, often proceed from qualities entitled to praise. When this is apparent in any particular case, it modifies their estimation, not certainly of the act, but of the agent. I grant that they are, notwithstanding, of opinion, that in the long run the best proof of a good character is good actions; and resolutely refuse to consider any mental disposition as good, of which the predominant tendency is to produce bad conduct. This makes them unpopular with many people; but it is an unpopularity which they must share with every one who regards the distinction between right and wrong in a serious light; and the reproach is not one which a conscientious utilitarian need be anxious to repel.

If no more be meant by the objection than that many utilitarians look on the morality of actions, as measured by the utilitarian standard, with too exclusive a regard, and do not lay sufficient stress upon the other beauties of character which go towards making a human being lovable or admirable, this may be admitted. Utilitarians who have cultivated their moral feelings, but not their sympathies nor their artistic perceptions, do fall into this mistake; and so do all other moralists under the same conditions. What can be said in excuse for other moralists is equally available for them, namely, that, if there is to be any error, it is better that it should be on that side. As a matter of fact, we may affirm that among utilitarians as among adherents of other systems, there is every imaginable degree of rigidity and of laxity in the application of their standard: some are even puritanically rigorous, while others are as indulgent as can

possibly be desired by sinner or by sentimentalist. But on the whole, a doctrine which brings prominently forward the interest that mankind have in the repression and prevention of conduct which violates the moral law, is likely to be inferior to no other in turning the sanctions of opinion again such violations. It is true, the question, What does violate the moral law? is one on which those who recognise different standards of morality are likely now and then to differ. But difference of opinion on moral questions was not first introduced into the world by utilitarianism, while that doctrine does supply, if not always an easy, at all events a tangible and intelligible mode of deciding such differences.

It may not be superfluous to notice a few more of the common misapprehensions of utilitarian ethics, even those which are so obvious and gross that it might appear impossible for any person of candour and intelligence to fall into them; since persons, even of considerable mental endowments, often give themselves so little trouble to understand the bearings of any opinion against which they entertain a prejudice, and men are in general so little conscious of this voluntary ignorance as a defect, that the vulgarest misunderstandings of ethical doctrines are continually met with in the deliberate writings of persons of the greatest pretensions both to high principle and to philosophy.

Objection 5: Utilitarianism Is Godless

We not uncommonly hear the doctrine of utility inveighed against as a godless doctrine. If it be necessary to say anything at all against so mere an assumption, we may say that the question depends upon what idea we have formed of the moral character of the Deity. If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other. If it be meant that utilitarianism does not recognise the revealed will of God as the supreme law of morals, I answer, that a utilitarian who believes in the perfect goodness and wisdom of God, necessarily believes that whatever God has thought fit to reveal on the subject of morals, must fulfil the requirements of utility in a supreme degree. But others besides utilitarians have been of opinion that the Christian revelation was intended, and is fitted, to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is right, and incline them to do it when found, rather than to tell them, except in a very general way, what it is; and that we need a doctrine of ethics, carefully followed out, to interpret to us the will God. Whether this opinion is correct or not, it is superfluous here to discuss; since whatever aid religion, either natural or revealed, can afford to ethical investigation, is as open to the utilitarian moralist as to any other. He can use it as the testimony of God to the usefulness or hurtfulness of any given course of action, by as good a right as others can use it for the indication of a transcendental law, having no connection with usefulness or with happiness.

Objection 6: It's Mere Expediency

Again, Utility is often summarily stigmatised as an immoral doctrine by giving it the name of Expediency, and taking advantage of the popular use of that term to contrast it with Principle. But the Expedient, in the sense in which it is opposed to the Right, generally means that which is expedient for the particular interest of the agent himself; as when a minister sacrifices the

interests of his country to keep himself in place. When it means anything better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree. The Expedient, in this sense, instead of being the same thing with the useful, is a branch of the hurtful. Thus, it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity, is one of the most useful, and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth, does that much towards weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilisation, virtue, everything on which human happiness on the largest scale depends; we feel that the violation, for a present advantage, of a rule of such transcendent expediency, is not expedient, and that he who, for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies. Yet that even this rule, sacred as it is, admits of possible exceptions, is acknowledged by all moralists; the chief of which is when the withholding of some fact (as of information from a malefactor, or of bad news from a person dangerously ill) would save an individual (especially an individual other than oneself) from great and unmerited evil, and when the withholding can only be effected by denial. But in order that the exception may not extend itself beyond the need, and may have the least possible effect in weakening reliance on veracity, it ought to be recognised, and, if possible, its limits defined; and if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates.

Objection 7: Cannot Calculate Consequences

Again, defenders of utility often find themselves called upon to reply to such objections as this—that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness. This is exactly as if any one were to say that it is impossible to guide our conduct by Christianity, because there is not time, on every occasion on which anything has to be done, to read through the Old and New Testaments. The answer to the objection is, that there has been ample time, namely, the whole past duration of the human species. During all that time, mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, are dependent. People talk as if the commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness. Even then I do not think that he would find the question very puzzling; but, at all events, the matter is now done to his hand.

It is truly a whimsical supposition that, if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful, and would take no measures for having their notions on the subject taught to the young, and enforced

by law and opinion. There is no difficulty in proving any ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it; but on any hypothesis short of that, mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better. That philosophers might easily do this, even now, on many subjects; that the received code of ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness, I admit, or rather, earnestly maintain. The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on.

But to consider the rules of morality as improvable, is one thing; to pass over the intermediate generalisations entirely, and endeavour to test each individual action directly by the first principle, is another. It is a strange notion that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveller respecting the place of his ultimate destination, is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and aim of morality, does not mean that no road ought to be laid down to that goal, or that persons going thither should not be advised to take one direction rather than another. Men really ought to leave off talking a kind of nonsense on this subject, which they would neither talk nor listen to on other matters of practical concernment. Nobody argues that the art of navigation is not founded on astronomy, because sailors cannot wait to calculate the Nautical Almanack. Being rational creatures, they go to sea with it ready calculated; and all rational creatures go out upon the sea of life with their minds made up on the common questions of right and wrong, as well as on many of the far more difficult questions of wise and foolish. And this, as long as foresight is a human quality, it is to be presumed they will continue to do. Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by; the impossibility of doing without them, being common to all systems, can afford no argument against any one in particular; but gravely to argue as if no such secondary principles could be had, and as if mankind had remained till now, and always must remain, without drawing any general conclusions from the experience of human life, is as high a pitch, I think, as absurdity has ever reached in philosophical controversy.

Objection 8: Too Easily Allows for Exceptions

The remainder of the stock arguments against utilitarianism mostly consist in laying to its charge the common infirmities of human nature, and the general difficulties which embarrass conscientious persons in shaping their course through life. We are told that a utilitarian will be apt to make his own particular case an exception to moral rules, and, when under temptation, will see a utility in the breach of a rule, greater than he will see in its observance. But is utility the only creed which is able to furnish us with excuses for evil doing, and means of cheating our own conscience? They are afforded in abundance by all doctrines which recognise as a fact in morals the existence of conflicting considerations; which all doctrines do, that have been believed by sane persons. It is not the fault of any creed, but of the complicated nature of human affairs, that rules of conduct cannot be so framed as to require no exceptions, and that hardly any kind of action can safely be laid down as either always obligatory or always

condemnable. There is no ethical creed which does not temper the rigidity of its laws, by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of circumstances; and under every creed, at the opening thus made, self-deception and dishonest casuistry get in. There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties, the knotty points both in the theory of ethics, and in the conscientious guidance of personal conduct. They are overcome practically, with greater or with less success, according to the intellect and virtue of the individual; but it can hardly be pretended that any one will be the less qualified for dealing with them, from possessing an ultimate standard to which conflicting rights and duties can be referred. If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible. Though the application of the standard may be difficult, it is better than none at all: while in other systems, the moral laws all claiming independent authority, there is no common umpire entitled to interfere between them; their claims to precedence one over another rest on little better than sophistry, and unless determined, as they generally are, by the unacknowledged influence of considerations of utility, afford a free scope for the action of personal desires and partialities. We must remember that only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to. There is no case of moral obligation in which some secondary principle is not involved; and if only one, there can seldom be any real doubt which one it is, in the mind of any person by whom the principle itself is recognised.

Going Deeper

The Trolley Problem

What if you could save five lives in a way that results in the death of a single person? If the overall consequences were the same, would it matter if you were intentionally harming that person or not? This problem is raised by the philosopher Philippa Foot (2002c) in her famous “trolley problem.”

Consider the following scenario:

Imagine that you are standing next to a railroad track, and a runaway train is careening down the track. In the path of the train are five workers (let’s suppose they cannot escape the path of the train; perhaps they are in the middle of a long, narrow bridge high above a ravine). You know that if the train continues on its path, it will certainly kill those five workers.

However, you see that there is a sidetrack, and on the sidetrack is a single worker. Let’s also suppose that you know that if the train goes onto the sidetrack, that single worker would be killed.

As it happens, you are standing next to a lever that can send the train onto the sidetrack. Therefore, you are faced with a decision: to pull the lever and send the train to the sidetrack, killing the one worker but sparing the five, or do nothing and allow the train to continue on its course, killing the five workers.

What would a utilitarian say is the right action here? Do you agree with that?

Now consider this slight variation:

Instead of standing next to a lever that can switch the train to another track, you are standing on a bridge overlooking the track, and next to you is a very large man (think someone the size of an NFL lineman). He’s leaning precariously over the railing such that barely a push would send him over the railing and onto the tracks. Let’s suppose that he’s large enough to stop the train, thus sparing the five workers, but his own life will be lost. Let’s also suppose that you aren’t large enough to stop the train, so it would do no good to throw yourself over.

Should you push the large man over the bridge?

Again, consider:

What would a utilitarian say is the right action here? Do you agree with that?

Did you provide a different answer to the second scenario than you did to the first for either question? If so, what accounts for that difference? If not, why do you think many people *would* want to give different answers to the two?

Higher and Lower Pleasures

We have been examining how Bentham and Mill arrived at the basic formulation of the utilitarian moral theory. Later, we will consider some objections to this account, but there was one important criticism that Mill addressed immediately after defining the utilitarian standard of morality: that utilitarianism is a “doctrine worthy of swine.” Read the section “Higher and Lower Pleasures” and return here.

Recall that Bentham’s hedonistic view maintained that pleasure is the only component of happiness and pain is the only component of unhappiness, and on this Mill concurred. Bentham also insisted that there was no difference between different *kinds* of pleasure or pain, only differences of amount. “Quantity of pleasure being equal,” Bentham said, “push-pin is as good as poetry” (as cited in Mill, 1974, p. 123).

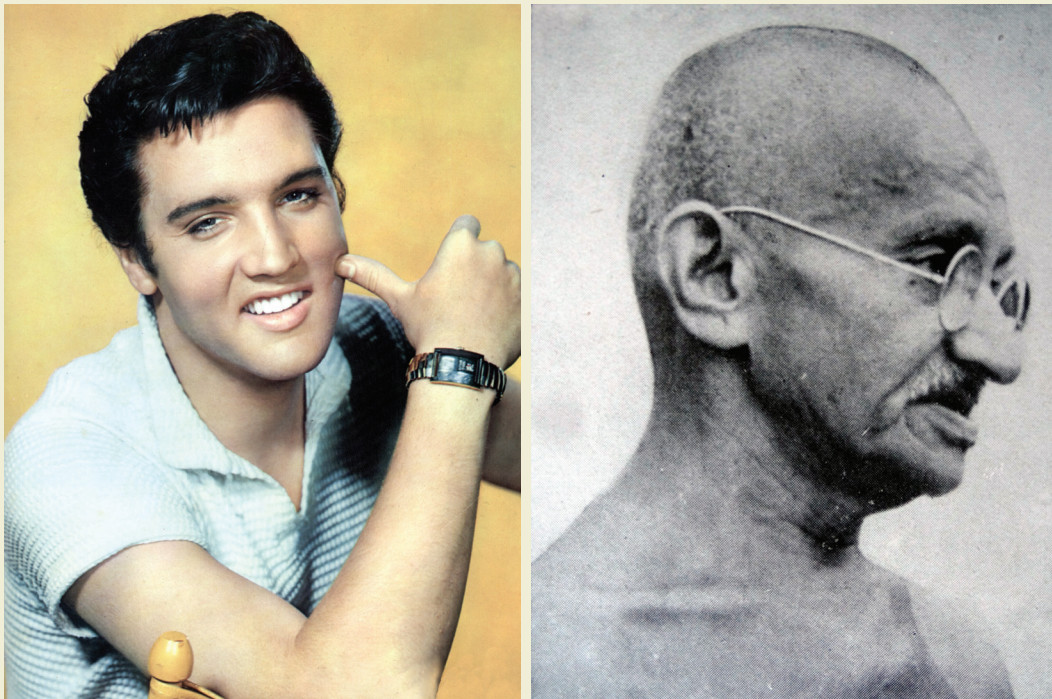
Push-pin was a child’s game, providing simple amusement but certainly not invoking deeper and more sophisticated human intellectual and emotional capacities that are invoked by reading good poetry. We can think of this as the difference between the pleasure of “Mary Had a Little Lamb” and the pleasure of listening to Beethoven or the Beatles. While a child might gain a lot of pleasure from the first and have no interest in the second, surely by the time we are adults we appreciate that there is something *better* about Beethoven or the Beatles, such that it’s a greater *kind* of pleasure than that of “Mary Had a Little Lamb.”

However, Bentham insisted that ultimately there is no real difference of this sort: While there might be different *amounts* of pleasure gained from a child’s amusement versus a more sophisticated kind of amusement, there is no difference in the pleasure itself. If an adult gains pleasure from listening to “Mary Had a Little Lamb” or playing push-pin, there’s no reason to suppose this is any different than the same amount of pleasure gained from listening to Beethoven or the Beatles or reading poetry. Pleasure is pleasure, and the only question left to ask is, how much?

This claim led critics to complain that utilitarianism is a doctrine worthy of swine. What did they mean? First, think of what might be swine-like (or animal-like) behavior—that is, the things that people do that are similar to animals. For example, we might see people gorging themselves on food and drink and think of a pig greedily devouring everything in front of it, or we might think of people who seem to live for sexual gratification and recall dogs in the middle of a park sniffing each other and then . . . well, you can fill in the details. Such behavior seems to undermine the fact that we humans are capable of much more than pigs and dogs.

Similarly, think of what we mean when we say of another person, “She was capable of so much, but she wasted her talent on her wild ways.” In other words, some people have the potential to do remarkable things, but instead of realizing that potential, they squander it by indulging in activities that people without such capacities could do. We have this sense that if someone has a certain *potential* for something great, it’s a shame when that person doesn’t realize that potential. Just as we could say this about someone who has a very specific talent (comparing her with people who don’t have that talent), we could also say this about the human race itself (comparing it with animals that don’t have our human capacities).

Animals, by nature, pursue pleasure and avoid pain, and so do humans; but we pursue much more than that. So when critics characterized utilitarianism as a doctrine worthy of swine, they meant that by making pleasure and the avoidance of pain the ultimate end of our actions, utilitarianism tries to reduce everything worth pursuing to the things that make us *no different* than other animals. Indeed, those base, swine-like pleasures are easier to come by, and we can enjoy more of them if we disregard the more complex and difficult pursuits that we praise as the pinnacles of human achievement. If our ultimate end was simply to maximize pleasure, utilitarianism would seem to encourage us to indulge in basic and more carnal forms of pleasure seeking at the expense of ones we might normally consider more noble, worthy, and indeed, more human.



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Consider these two people. Whose life contained more raw pleasure? And whose life do we consider more admirable?

For Mill, this was a serious objection, not just because of the intellectual challenges it raised but also on a personal level. After all, it was his experience of the sublime qualities of poetry (a distinctively *human* achievement that no swine could ever produce or appreciate) that brought him out of a state of despair he experienced in his early adult years. (See [John Stuart Mill](#) for more information.)

Mill responded to this challenge by maintaining that we should be concerned not just with the *quantity* of pleasure produced by our actions but the *quality*. In other words, he disagreed with Bentham's claim that all pleasures are essentially the same and wanted to vindicate the sense that, for adults at least, reading poetry or listening to Beethoven and the Beatles provided a higher *kind* of pleasure than playing push-pin or listening to "Mary Had a Little Lamb."

How does he make this distinction? By looking at what people actually desire: “Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure” (Mill, 1861/2001, p. 8).

For example, if you go to a liquor store, you will find dozens of kinds of beer, ranging from cheap, frat-party brands to expensive ones brewed in Belgian abbeys, and everything in between. Speaking strictly of the taste of the beer (not the effects of the alcohol), for many people the pleasure of tasting a beautifully crafted Belgian beer is incomparable to the pleasure of tasting a watery light beer, and tasting *more* of those cheaper ones won’t somehow make them equal.

Or to take another example, think of the difference between the pleasures of a casual sexual relationship and a sexual relationship that involves deep connection and love. Those who have experienced the physical and emotional pleasures associated with a deep, long-lasting relationship often say that they would never trade it for the more frequent but shallower pleasures of many casual relationships. In Mill’s view, this would indicate that the sexual pleasures associated with deeper relationships are of a higher quality than those associated with shallower relationships, and this is a difference in *kind* (higher and lower), not just *amount* (more or less). As Mill (1861/2001) puts it in a memorable line, “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied” (p. 10).

Mill argues that by drawing this distinction between higher and lower pleasures, he can show that utilitarianism does not reduce humans to the level of animals when it regards pleasure and the avoidance of pain as the standard of action. While it’s true, in a sense, that both humans and animals pursue pleasure and avoid pain, *human* pleasure, especially the kind that invokes our distinctly human capacities like intellect and depth of emotion, is (or can be) of such a different kind compared to animal pleasure that there is no comparison when considering what should factor into the utilitarian calculation of the best consequences and thus of moral action.

The success of Mill’s argument depends, of course, on whether this distinction allows us to continue to use pleasure and pain as objective standards of measurement in the way we described previously. Bentham’s view that all pleasures are equal allowed him to reduce everything of value to a single, common currency, providing for a neat and tidy comparison of the values of various possible outcomes. By adding in the distinction between higher and lower pleasures, has Mill complicated the utilitarian calculus to the point that we can no longer make such objective evaluations?

Desired Versus Desirable

Is the fact that people desire something enough to show that it is desirable, as Mill claimed about happiness? Or to put it differently, do some things have value in themselves independent of whether people happen to value them? This is an ancient question, and one of the

earliest and most famous versions was raised by the Ancient Greek philosopher Plato in a dialogue called the *Euthyphro*.

In this dialogue, Socrates engages in debate with a man named Euthyphro, who regarded himself as an authority on religious matters. Socrates challenges him to define what it means to be pious or holy, and Euthyphro answers by defining the pious or holy as that which the gods love. To this Socrates responds by asking, “Is the pious loved by the gods because it is pious, or is it pious because it is loved by the gods?” (Plato, 1997d, 10a). In other words, one might consider certain things like giving to the poor, performing acts of worship and sacrifice, and refraining from acts of dishonesty or violence to be marks of piety and holiness. Why? Euthyphro answers that the gods love these sorts of things. But Socrates asks whether *the mere fact that the gods love them* is what makes them good, or whether the gods love them because *they are good in themselves*.

Why is this important? If the first is the case—if the only reason we call something good (or in Plato’s terms, pious) is because the gods happen to favor it—goodness seems arbitrary. If the gods happened to favor murder, rape, theft, and so on, then *those* should be considered “good.” But for many people this seems false: These kinds of things seem *intrinsically* wrong, and if someone were to claim that this is what the gods favor, we would have reason to either reject this person’s claim or reject the gods. Either way, we would be drawing on a standard of goodness that is independent of what the gods favor, or at least what we think the gods favor, so the mere fact that something is (or is thought to be) loved by the gods is not what makes it holy.

Now, Plato was writing for a culture that believed in many gods, and the stories about those gods portrayed them as having significantly greater powers than humans but also as susceptible to many of the same vices and flaws as humans, such as lust, greed, envy, ill-temperedness, and so on. This contrasts with the God of the major monotheistic religions (Judaism, Christianity, and Islam), whose adherents believe to be without such flaws. Nevertheless, Plato’s challenge is still relevant: If God has supposedly commanded something, is that enough to make it right? Or do we have independent standards by which to evaluate whether we should believe that God really did command this thing or whether we should be following this God’s commandments at all?

Our topic, however, isn’t theology but ethics. For our purposes, the fact that Plato’s and Socrates’s gods were much more humanlike in their character and temperament brings this discussion of the relationship between piety and the love of the gods much closer to our own question of whether “desired” is the same thing as “desirable.” Again, Socrates questioned whether the mere fact that the gods loved something made it good. Bringing this to the human level, we might ask whether the mere fact that someone desires something makes it desirable, if by *desirable* we mean “worthy of desire” or simply “good.” If we believe that we, like Plato’s gods, are susceptible to all kinds of vices and flaws, then could it be the case that we desire things that are not actually good? If so, how do we determine what is actually good or desirable?

4

Deontology: Doing One's Duty



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Learning Objectives

After reading this chapter, you should be able to:

- Explain the core features of a deontological moral theory.
- Identify the two main formulations of Kant's Categorical Imperative and describe the core features of each.
- Apply each formulation of the Categorical Imperative to concrete moral problems.
- Discuss criticisms of the Categorical Imperative.

I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends.

—Martin Luther King Jr.

4.1 Introduction to Deontology

Do the ends always justify the means? Or are some actions moral or immoral in and of themselves in ways that take priority over the goodness or badness of the ends? The quote from Martin Luther King Jr.'s (1963) famous "Letter From Birmingham Jail" expresses the idea that some actions are immoral in themselves and should never be undertaken, even when they might have good outcomes. In other words, using "immoral means to attain moral ends" (King, 1963, p. 19) would violate certain moral duties or obligations that apply to us *unconditionally*. (You can read the entire letter here: <http://web.stanford.edu/group/King/frequentdocs/birmingham.pdf>.)

Do we humans have such unconditional commitments or obligations? For example, suppose a parent says to her child, "I will be there for you no matter what." Does that commitment depend on whether the good consequences of devoting herself to the child outweigh the bad ones? Or would this kind of commitment be one that a parent upholds *no matter what*?

The idea that we have *unconditional or absolute obligations or duties* is the basis of deontological ethics.

In Chapter 1 we distinguished the major moral theories in terms of which of the three aspects of human action each considers most fundamental when it comes to moral reasoning and moral value. The three aspects of human action are as follows:

1. The *nature and character of the person* performing the action
2. The nature of the *action* itself
3. The *consequences* of the action

This Strange Word Defined

In classical Greek (the language of the early philosophers), the word *deon* means "duty" or "that which is necessary." The ending *-ology* means "the science or study of something." Therefore, deontology is the science or study of duty and obligation.

The three moral theories can be distinguished in this way:

1. *Virtue ethics* focuses on the *nature and character of the person* performing the action.
2. *Deontological ethics* focuses on the *action itself*.
3. *Consequentialism* focuses on the *consequences* of the action.

In Chapter 3 we discussed consequentialist theories, which maintain that moral reasoning should be primarily concerned with the consequences of our actions, and we focused on the

most prominent and familiar form of consequentialist reasoning, utilitarianism. According to this view, what makes something *morally right* is whether it brings about the *greatest overall good for the greatest number* relative to alternative choices.

While that approach had many attractive aspects, one concern was that *anything* could, at least in theory, be morally justified so long as the ends justified the means. This includes actions like killing innocent people, subjugating minorities to discrimination, coercing people, and so on; any action is fair game if it brings about a greater good or alleviates more suffering than not doing it. These concerns reflect an intuition that certain kinds of actions are simply right or wrong in themselves, regardless of the circumstances or outcome. If that is the case, these actions would be “moral duties,” and the underlying basis of these duties would be “moral laws.”

It is important to clarify that the deontologist does *not* claim that consequentialist reasoning is bad or that we should never think about consequences when making decisions. Obviously, it would be nearly impossible to make good decisions if we did not consider the outcomes of our choices. Rather, the deontologist holds that the *moral value* of our decisions—whether a choice is morally right or wrong—lies in something other than good and bad consequences. This means that when a certain consequence conflicts with a certain **duty**, it is more important to respect the duty. To put it another way, deontological views will maintain, in King’s (1963) words, that “it is wrong to use immoral means to attain moral ends” (p. 19). However, as long as we respect those duties, it is perfectly appropriate to reason in terms of better and worse outcomes.

Rules, Laws, and Duties: Moral and Nonmoral

There are, of course, many kinds of laws and duties besides moral ones. There are **civil laws**—the local, national, and international laws that govern our common political life. There are laws (or rules) that students must adhere to, that employees must respect, or that govern how a game is to be played. We sometimes speak of unwritten rules, like customs or standards of etiquette. These rules carry certain duties, such as a soldier’s duty to obey his or her orders, our duty as citizens to pay taxes, or the duties of a host or hostess when guests are over.

Duties established by a legal code, one’s role or occupation, or as rules of etiquette or custom are not necessarily the same as one’s moral duty. Not only can moral duties conflict with these other kinds of duties (which raises challenging questions about what one should do), they also have different grounds. However, noting certain characteristics of legal, social, or military duties can help us see what is distinctive about moral duties according to deontological ethics. In particular, *duties are independent of interests and desires; they are unconditional; and they are exceptionless.*

The first characteristic is that *duties are independent of interests and desires*; that is, they obligate us to do or avoid certain things regardless of whether we *want* to. Nobody *wants* to pay taxes, but that’s irrelevant when it is one’s duty to do so; similarly, if one has a moral duty not to lie, it doesn’t matter whether one would *prefer* to lie or whether doing so would suit one’s purposes.

Second, a duty applies even when violating it might have better consequences than respecting it; that is, *duties are unconditional*. For instance, when it comes to paying taxes, an individual could make the case that by *not* paying taxes, he or she could do more good than whatever the government would do with the money. However, even if that were true, it doesn't eliminate the person's legal duty to pay taxes; this law applies to all, regardless of circumstance. Similarly, moral duties don't depend on whether respecting them would have better or worse outcomes than not.

Finally, a duty is *exceptionless* with respect to all who fall under its scope. Some laws have built-in exceptions, such as when the tax law requires all U.S. citizens to pay taxes *except* those who meet certain conditions. But generally, if a person falls under the scope of a rule or law, he or she must follow it, just like anyone else. This is why we are often outraged when it seems that those with money or prestige get away with things that everyone else cannot or when athletes are able to win by cheating—as if the laws and rules apply differently to them than to others.

Now, when we consider civil laws, a soldier's orders, and other familiar laws and duties, we may think of examples in which breaking the law or disobeying an order might appear to be the *right* thing to do. Martin Luther King Jr. and other civil rights leaders deliberately disobeyed certain laws in their pursuit of justice, and the Uniform Code of Military Justice stipulates that soldiers can and should disobey orders in certain circumstances. But this is often because we recognize that there are higher duties than the ones prescribed by civil laws or military commanders, which is what we mean when we refer to moral duties or duties of justice.

The *features* of laws and duties—their independence from desires, their unconditionality, and their exceptionless character—are the same whether we are referring to the sphere of morality and justice or to the spheres of government, institutions, customs, and the like; however, their *content* (what they actually say) might be different, which is why it is important to avoid confusing these different spheres of duty.



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Deontological arguments are often raised when debating the moralities of war and military operations.

How Can I Recognize a Deontological Moral Argument?

In Chapter 3's discussion of utilitarianism, we considered a scenario in which several people are desperately in need of an organ transplant, and a doctor determines that Sally, who came to the hospital with a broken arm, has a set of organs that could be harvested to save the five lives at the cost of her own. If your response is something like, "It's **just plain wrong** to intentionally kill an innocent person," you're thinking like a deontologist. If you say, "It's **unfair** to the victim, since she had no say in that" or "**We shouldn't simply use people** in this way" or "**What would happen if everyone did that?**" then you're getting closer to Immanuel Kant's ideas, which we will look at later in this chapter.

Examples of Deontological Thinking

The following are examples of familiar statements that reflect deontological thinking:

- “Racial profiling by law enforcement officers is wrong, regardless of whether it may make a community safer.”
The thought is presumably that racial profiling violates the basic dignity of profiling victims.
- “Everyone has a fundamental right to an education and a basic minimum of health care.”
The term *fundamental* is key here since it implies that people have these rights regardless of whether providing them makes the majority of people better off.
- “Abortion should be allowed because a woman has a basic right to determine for herself whether to have a child.”
- “Abortion is wrong because every person has a basic right to life from the moment of conception.”
As we see from these two statements, deontological claims about rights and duties often conflict, raising questions about whether there actually are rights or duties associated with certain individuals and which ones should have priority. Someone may agree that a woman has a basic right to determine for herself whether to have a child but deny that she has a right to an abortion on the grounds that the fetus’s right to life is more fundamental. Others may believe that the fetus has a right to life but that a woman’s right to choose is stronger. Still others may agree that every person has a fundamental right to life but deny that the unborn fetus is a person with such a right. Either way, a deontological argument for or against abortion should be distinguished from one that focuses on the impact of abortion on society, the woman, or the fetus.
- “While it may be morally justified to conduct a military operation that kills innocent civilian bystanders, civilians should never be intentionally targeted.”
Deontological arguments are frequently invoked when determining what may or may not be done to achieve military aims, regardless of how beneficial certain actions might be.
- “No one should be subject to medical experimentation without giving informed consent.”
Medical experimentation promises great benefits for humankind as a whole, and those benefits can tempt us to use people against their will for the sake of “the greater good.” Deontological principles are often invoked to prevent this.
- “I cannot tell a lie.”
According to legend, George Washington, the first president of the United States, chopped down a cherry tree when he was a young boy and uttered these words after being confronted by his father. If he had lied, he probably could have avoided punishment while not causing any greater harm, but he refused to engage in such justification and instead adhered to a basic rule against lying.
- “When we help African countries feed their people and care for the sick it’s the right thing to do, and it prevents the next pandemic from reaching our shores” (White House, 2016).
This is a quote from President Barack Obama’s 2016 State of the Union speech (Obama frequently used the phrase “it’s the right thing to do” in his speeches). Note that the remark about the beneficial consequences is an *addition* to the claim about helping these countries being the “right thing to do,” not the *primary reason* for it being right. This suggests Obama believes that we have a duty to help these African countries independent of whether it brings about the greatest overall good.

To take another familiar example, it is often the case that invoking the language of **rights**, especially universal rights, can signal the presence of a deontological argument. This is especially so if the claim to such rights is independent of their potential benefit to society. To claim that a person has a right to something is to claim that others either have a duty to provide it or not to interfere with his or her pursuit of it, so long as doing so doesn't violate someone else's rights. For example, if a person has a right to an education, communities or governments would either have a duty to provide the opportunity for education or at least not interfere with a person's pursuit of it. The broader social benefits of education might be important, but deontologists would claim that a person would have such a right *regardless* of the social benefits (for more on this, see the *Going Deeper* feature *Kant and Contemporary Moral Values* at the end of the chapter).

Finally, we can also get a good sense of the deontological approach by thinking about how we teach children about right and wrong. Suppose a child doesn't want to share a toy with his brother. What do we say? We might say something like, "It will make your brother (and me) happy, and so more people would be happy than if you kept it to yourself." That's an appeal to the **better results**—the greater happiness—that will result from the action. However, we may instead say something like, "How would you like it if he didn't share his toy with you?" Here we are ignoring the consequences (or considering them less relevant) and instead focusing on what's fair—**what we should always be doing** (i.e., always share your toys, even if you would rather keep them to yourself). That's a deontological way of reasoning.

What Justifies a Deontological Principle?

Now that we have a basic sense of deontological moral reasoning and how it differs from utilitarian and other consequentialist reasoning, we turn to the much more difficult question of how this type of reasoning is justified. It is one thing to *claim* that something is absolutely wrong or absolutely right. It is another to explain *why* it is wrong or right. Why suppose there are any such moral rules, laws, or duties?

As we saw in the previous section, there are many sources of rules and laws that impose duties on us, and most are part of a code of conduct associated with an organization, community, or tradition (such as the military, a family or nation, or a religion). The justification for such rules and laws may lie in the way that they are necessary for social order and stability, such as the laws of a community. They may be integral to a particular activity, the way that the rules of baseball partly define the very game of baseball itself, and are justified by the fact that without these rules, there would be no game. Or they may be justified as essential for achieving certain goods and aims, the way that a military code of conduct is essential to a well-functioning army, the way parental rules enable children to successfully grow and develop, or how the rules associated with a religious tradition are ways for the faithful to show due respect to the Divine and to fulfill the divine purpose for their lives.

Two points are worth noting here. First, in most cases, there is some sort of *authority* that establishes these rules and sanctions them (i.e., gives people reason to respect them). Political authorities like legislatures or rulers establish laws and sanction them by establishing punishments for breaking them, similar to governing bodies in sports. In a typical family, children are under the authority of their parents; in the military, subordinates are under the authority of their commanding officers; in religious traditions, priests, bishops, elders, imams, lamas,

rabbis, and other religious leaders have authority that is usually understood as representing the Divine.

Second, in most cases, the laws and duties are understood as being limited to those within a certain scope, such as citizens of a country, members of a family, Major League Baseball players, or members of the U.S. Navy. Many of the most difficult moral problems arise when these duties conflict, either within our own individual lives or between, say, different communities or between a community and a religious tradition. The question then becomes whether there are *universal* laws and duties with characteristics identified earlier—independent of wants and desires, unconditional, and exceptionless. Some religious traditions regard their laws as applying to everyone, even nonbelievers, on the grounds that their traditions represent the will of an absolute, divine authority. However, there are also versions of universal law that are not dependent on religious assumptions, such as those expressed in the Universal Declaration of Human Rights (UN General Assembly, 1948). Can we identify and justify such universal laws, and is there a kind of authority that would sanction them for everyone?

Historically, there have been two main ways of trying to answer this question. One is called the **natural law theory**, since it grounds the notion of moral law in an account of human nature. The other derives from the 18th-century German philosopher Immanuel Kant, who sought to show how certain moral principles can be true and authoritative for any rational person, regardless of background, culture, or creed, since they are based in human reason itself. We will focus our attention on Kant's views, but for a brief overview of natural law theory, see the *Ethics FYI: Natural Law Theory* box.

Ethics FYI

Natural Law Theory

Natural law theory received its strongest development and defense from the medieval philosopher and theologian Thomas Aquinas, who was heavily influenced by both the Ancient Greek philosopher Aristotle and the Judeo-Christian tradition of which he was a part. This theory of ethics begins with the notion that humans have a specific nature, and there are certain goods that are part of realizing or fulfilling that nature. The natural law specifies actions that we must do or not do in order to achieve those goods and thus live well in accordance with our natures.

For example, given our nature as social beings, we can identify certain goods like friendship and community as essential to fulfilling that nature. The natural law might specify actions like showing respect and trust, caring for those in need, sharing in responsibilities, refraining from harming or taking advantage of others, and other actions necessary for maintaining strong friendships and communities. Other goods that are often identified as essential to our human nature include life, procreation, knowledge, rational conduct, integrity, authenticity, spirituality and religion, health, aesthetic appreciation, play, pleasure and avoidance of pain, the natural world, justice and fairness, marriage, excellence in work and play, inner peace, and joy. Can some of these be defended as universal human goods that follow from human nature itself? If so, can we specify actions that should be considered morally required or prohibited in light of human nature?

4.2 Immanuel Kant

Think of a goal, preference, or commitment that you have that not everyone else shares. Perhaps you like certain foods that others find disgusting. Maybe you have chosen to return to college to advance in your career, when your boss thinks that you should focus on your current job. Perhaps you live in a community in which most people are part of a certain religion, but you belong to a different one (or to no religion at all).

What do you expect of people who may not share your sense of what is meaningful, in terms of how they treat you and that which you care about? Naturally, we don't expect others to share our attitude, but we do generally expect them to show *respect*—respect for us and the fact that we find meaning and value in something, as well as respect for whatever it is that we find meaningful and valuable. There are limits to this expectation, of course, but for the most part we would say that others *ought* to respect us and the things we care about.

This would only make sense if we are committed to the idea that, *as a general rule*, people ought to show respect to other people and toward the objects of other people's value and interest. In other words, it is by making reference to such a rule that I can legitimately claim that I am



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Immanuel Kant (1724–1804) was a German philosopher who wrote about humanity's moral duties to act consistently and to treat everyone with respect.

owed respect, even if a person doesn't agree with me about certain matters. Notice, however, what this statement further commits us to saying: If I can legitimately demand that others *ought* to show this respect toward me based on this general principle, then this principle applies to *me* as well. By saying that others ought to be respecting me, I am also saying that I ought to be respecting *them*.

Notice that we have just identified a moral demand or duty: One ought to respect others. But notice further where that demand comes from. It wasn't imposed on me by God, society, parents, or any other outside source. Who imposed it upon me? *I* did! I can't reasonably demand that others respect me unless I recognize a corresponding duty for me to respect others. To put it differently, the *rationality* of the expectation I place on others to respect me depends on some implicit idea that doing so is *the right thing to do in general*, but that means that it is not only right for them but also for me.

This duty, we might say, is imposed by *reason*. This is the core of Immanuel Kant's account of moral duty: Duties are demands, obligations, or laws that

are ultimately grounded not in any external authority like God, nature, or society but simply in that key characteristic that all humans share—our capacity to think about the reasons

we have for acting in a specific way and to act accordingly. According to Kant, we have a duty to respect this capacity for rational action by ensuring that all of our reasons for action are consistent with others acting in the same way and to always treat this capacity as having inherent value. He calls this duty the “supreme principle of morality” (Kant, 2008, p. 4) or, more specifically, the **Categorical Imperative**.

As we will see in more detail, the Categorical Imperative can be expressed in two ways. The first is the duty to *act consistently*. In other words, we should only do an action if it is the sort of thing we could will anyone to do in similar circumstances. The second is the duty to *treat everyone with respect*. Specifically, our actions must respect the dignity each person has as someone capable of making his or her own choices.

Going Deeper: The Roots of the Categorical Imperative

To fully understand Kant’s ideas, it is helpful to get a brief sense of the social, political, and intellectual challenges for morality that Kant’s moral philosophy tried to resolve. It is also useful to see how the Categorical Imperative emerged from a consideration of both the *idea of duty* and the *idea of autonomy*. See *Going Deeper: The Roots of the Categorical Imperative* at the end of the chapter for more.

The Groundwork for the Metaphysics of Morals

Kant spelled out these kinds of ideas in his most famous text on ethics, *Groundwork for the Metaphysics of Morals*, portions of which we will now examine. Start by reading from the beginning of Chapter 1, found here: <http://earlymoderntexts.com/assets/pdfs/kant1785chapter1.pdf>. Read from the beginning of the chapter (page 5) through the first paragraph on page 6, and from the last paragraph on page 10 through the left column on page 12.

Acting Consistently

Kant begins *Groundwork for the Metaphysics of Morals* by proposing that the only thing that is good *without qualification* is a good will. “The good will,” he says, “sparkles like a jewel all by itself, as something that had its full worth in itself” (Kant, 1785/2008, p. 6).

Think of times when someone did something that seemed admirable or noble at first glance but was actually based on ulterior, self-serving motives. For instance, consider a business owner who chooses not to cheat a customer only out of fear of getting caught or a person who is kind to someone simply because he wants help from her well-connected father. Does that lessen our esteem for their choices? On the other hand, suppose that someone tries to do something remarkably courageous, like save someone in danger at great risk to her own life, but fails despite her best efforts. Does that lessen our admiration for the person? If we said yes to the first case but no to the second, that gets to the heart of Kant’s idea—that it is the goodness and purity of the will that we value most, not the actual results.

But if Kant wants to show what makes certain *actions* right or wrong, why does he start with this idea of the good will? The reason is that morality involves choosing the right action, and “choosing” is a matter of will. Thus, if we can determine what a person with a truly good will would do, then we can determine which actions are right or wrong. Since the goodness of the will doesn’t lie in the outcomes, it must lie in the *motive*. The person who acts out of good will isn’t simply seeking to gain something or avoid punishment, merely doing what she’s been told, or following her impulses. Acting from such motivations would presume that if she didn’t have something to gain or lose, wasn’t told to do the action, or didn’t have those impulses, she wouldn’t have a reason to act. Rather, the reasons that motivate good will are *independent* of these contingent factors.

In other words, the person who displays good will is making a choice that she would consistently make in *any* similar circumstance. We can extend this idea even further to say that she’s making a choice consistent with what she believes *anyone* in similar circumstances should make, regardless of who they are or what they could gain or lose. She is essentially saying, “This would be the right thing for me to do, and it would be right for *everyone* to do in similar circumstances.”

This is what Kant is trying to capture in his main formulation of the “Supreme Principle of Morality,” the Categorical Imperative: “I ought never to act in such a way that I couldn’t also will that the maxim on which I act should be a universal law” (Kant, 1785/2008, p. 11).

Let’s break this down.

The Formula of Universal Law

First, the Categorical Imperative says that we should only act on those *maxims* that we can will to be universal law. What is a maxim, and what does it mean to will it as universal law?

A **maxim** is basically *the policy or principle that you follow when you make a conscious, deliberate choice*. It describes what you take yourself to be doing and why you are doing it. Consider the following example:

Paul has been swamped at work and hasn’t had much time for school, and his grade has suffered. He knows that if he doesn’t receive a good grade on his final paper, he will fail the course, which will cost him a lot of money. He discovers that there is a website where, for a few bucks, he can purchase a paper that would get him a passing grade in the course. That would be cheating, of course, but on the other hand, the money he would spend on the paper is far less than what he would lose if he failed the course. So he considers purchasing the paper and turning it in.

Is this consistent with how Paul thinks everyone should act? His maxim in this case might be: “In order to get a passing grade, I’m going to purchase a paper and turn it in as my own work.” What if *everyone* followed this policy?

Consider a world in which *anytime someone can get a passing grade by turning in a paper that they didn’t write, they will do that*. If Paul somehow had the power to make this imagined world a reality—to cause it to be the case that everyone acted the way he is proposing to act—would he do so? This is what Kant means by the idea of **willing a maxim to be universal law**.

Ethics FYI

Categorical Versus Hypothetical Imperatives

An *imperative* is something that must be done, as in, “it is imperative that you turn in your final paper by the last day of class.”

Categorical means that something is absolute and unconditional, independent of anything else (such as inclinations or purposes). The opposite of this is the **hypothetical imperative**, which means “*if* some other condition obtains” (like when we say, “Hypothetically speaking, if worse came to worst we would need a backup plan.”). For instance, “it is necessary to study *if* I want to get a good grade.” If we don’t care about getting a bad grade and don’t see any other value in studying, then the hypothetical doesn’t apply and we do not have a reason to study. Likewise, the principle of utility is a hypothetical imperative. It maintains that certain actions must be completed *if* they lead to the greatest happiness for the greatest number of people; if that action *doesn’t* lead to the greatest happiness, then it shouldn’t be done.

A categorical imperative, then, is something that must be done, *no matter what*; there is no “if.” It is a duty.

Kant thinks all categorical imperatives can be boiled down to one—*the* Categorical Imperative.

We can see that a world in which everyone turned in a purchased paper instead of their own would *not* be one that Paul would bring about, supposing he had the power to do so. In such a world, grades would become meaningless: no one would know whether a student’s grade was a result of their own work or someone else’s, and grades would no longer indicate what a student had learned and achieved. Since the benefits a student like Paul might hope to gain from a passing grade rely on the assumption that he has *earned* that grade by learning and achieving, and since one could no longer make that assumption in a world in which everyone was cheating, the benefits Paul is after would be lost.

Someone who wanted to cheat, then, would need it to be the case that almost everyone else is *not* cheating. In other words, they would have to say that, as a rule, people should not cheat (otherwise cheating would not be beneficial, as we just explained). So by cheating, they are making themselves an *exception* to that rule. To make oneself the exception to the rule—to say “people shouldn’t cheat (except me)” —is to act inconsistently with how one thinks most people should act. It is also contrary to the notion that moral actions are duties and that a duty is exceptionless, applying to everyone equally. Thus, we can see how Kant would defend the idea that cheating on a paper assignment is objectively immoral.

If this is correct, cheating on a paper is an example of violating a duty to *avoid* doing certain things. However, we also think of duties as actions that we must *do*, not simply those we must avoid doing. Actions that we are required to perform are called **positive duties**, and actions we are required to avoid are **negative duties**. These frequently go hand in hand. For example, if we have a negative duty to avoid cheating on a paper, we also have a corresponding positive duty to only turn in papers that represent our own efforts.

What about actions that seem to be morally right and worthy of praise, but we don't necessarily regard as required of everyone? For example, suppose there was a major earthquake that caused massive devastation in a poverty-stricken part of the world, and a person decides that it is her duty to donate half of her paycheck to relief efforts. Does this imply that *everyone* ought to do the same and that people who *don't* donate half their paychecks to help earthquake victims are failing to respect their moral duty?

Not necessarily. When we consider whether we *could* will our maxim to be universal law, this doesn't mean that we think that everyone *must* do that action. In other words, this person would first consider whether a world in which everyone did a similar thing is one that she could consistently will. If so, the action is **morally permissible**. A morally permissible action is one that does not *violate* any duties, and thus we *may* perform that action. But an action that is morally permissible is not necessarily a moral duty. To show that an action is a *moral duty*, one would need to focus on the opposite maxim—in which one didn't do the action—and consider whether it could be universalized. In this case, there wouldn't seem to be anything strictly contradictory about a world in which no one gave half their paychecks to earthquake victims, and thus this particular action does not seem to be a duty. What may be problematic, however, is a world in which no one helped others *at all*. In fact, Kant argues that we could never will such a world, which shows that we do have a duty to help others in need. It is left to our best judgment to determine when and how to do so.

In sum, Kant's principle that "I ought never to act in such a way that I couldn't also will that the maxim on which I act should be a universal law" has us ask of ourselves, "am I acting consistently with how I would want others to act, or am I making myself an exception to the rule?" He argues that if we make ourselves an exception, we fail to act on the kinds of motivations characteristic of a good will, fail to respect our duties, and thus fail to respect what it means to act morally.

See *Ethics FYI: Maxims and Their Universalized Form* for additional examples of maxims and their universalized form.

Treating People With Respect

Kant expressed the Categorical Imperative—the supreme principle of morality—in several different ways, or "formulas." The one we examined in the previous section is usually called the *formula of universal law*, because it centers around the notion that our moral duty is to only engage in actions that we could will everyone to do, as if we had the capacity to make the action a universal law. We summed this up as the duty to act consistently, as opposed to making oneself the exception to the rule.

There is another way of expressing this duty, which is to always treat people with respect. This is sometimes called the **formula of humanity**, and Kant (1785/2008) expresses it like this: "Act in such a way as to treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means" (p. 29).

Ethics FYI

Maxims and Their Universalized Form

Consider the following maxims and the corresponding universal law. What if everyone followed the maxim? In other words, would a world in which everyone acted according to this law be one that you could accept? The key is to consider whether the person proposing to act on that maxim would be making him or herself an exception to the rule.

Maxim: "When I can afford it, I will contribute \$50 per month to the Red Cross to help alleviate suffering."

Universal law: "Everyone who can afford it will help alleviate suffering by contributing \$50 a month to a reputable aid organization."

Maxim: "I'll tell Pete the truth because I never want to lie to my friends."

Universal law: "No one will ever lie to their friends."

Maxim: "I won't sleep with that person because I never want to act in a way that would make my parents ashamed."

Universal law: "No one who wishes to avoid acting in ways that make his or her parents feel ashamed will do anything that has that effect."

Maxim: "I'm going to try to return that guy's wallet because it belongs to him, not me."

Universal law: "Any time someone finds something that belongs to someone else, they will try to return it."

Maxim: "Instead of giving lost-and-found the cell phone someone left on the table, I'm going to sell it on Ebay to earn some money."

Universal law: "Any time someone can earn some money by selling something that belongs to someone else, they will do so."

Maxim: "Even though using steroids goes against the rules of the sport, I'm going to use them because winning is everything, and I'm going to do whatever it takes to win."

Universal law: "Everyone will always do whatever it takes to win, even if means breaking the rules."

Read from Chapter 2 of Kant's text here: <http://earlymoderntexts.com/assets/pdfs/kant1785chapter2.pdf>. Begin on page 28 with the paragraph beginning "But suppose there were" and read through the end of the next paragraph.

What does it mean to "treat humanity . . . as an end"?

We first need to clarify two key terms here: *humanity* and *end* (or as it is sometimes expressed, *end-in-itself*). It turns out that these terms are pretty closely related.

Autonomy

In Greek, *auto* indicates “self,” and *nomos* is the word for “law.” So *autonomous* means that one’s own self is the source of the law that governs one’s actions; one is self-legislating. In other words, if we seek to explain why we acted in a certain way, we might say that we were forced to do so by someone else, that we did it instinctively or unconsciously, or that we were driven by some desire. Or we might say that we acted in that way because of our own independent choice. In the first case, someone else’s will served as the law that determined our actions; in the second and third cases it was something more like the law of nature. But in the last case, it’s our *own* will that determines our action, hence our *self* legislates how we act, and we are thus *auto-nomous*.

to drive in nails or whatever else we want it to do; a hammer is *merely a means* to our ends. So treating it as a hammer is just to use it as a means for whatever we need. In Kantian terminology, it isn’t an *end-in-itself*; a hammer’s end (or purpose) is whatever we need it for, nothing more, nothing less.

However, if something is an **end-in-itself**, that means it has value beyond whatever uses or purposes it may have—it is worthy of respect. Correspondingly, to treat something as an end-in-itself means that our decisions respect this value by not treating it simply as a tool or instrument. According to Kant, humanity, in the sense we defined it, is an end-in-itself and should be treated as such. Why is this?

First, humanity, as we just saw, is the capacity to deliberately and rationally set and pursue one’s *own* ends, as opposed to a tool whose use is determined by the person using it, or a plant or animal whose behavior is determined by nature. The capacity to act freely is what makes us more than mere instruments or slaves to desire (our own or anyone else’s). It is what gives human life its special dignity.

But why does Kant think we should respect that dignity in the way we treat other people? Recall that at the beginning of this section we considered situations in which we have certain interests or goals

Humanity can mean many different things (like having a certain DNA), but Kant is referring to something very specific: our capacity to set our own ends and act on them, rather than having our ends, purposes, and choices determined by some other being or force. Another word for this is **autonomy**. This is what distinguishes us from inanimate objects, plants, and other animals, and so it marks out what is special or distinctive about our humanity.

In Kant’s system, *our humanity is our capacity to rationally and autonomously set and pursue our own ends*.

We can think of an *end* as the counterpart to being a *mere means*, or nothing more than an instrument for some other purpose. Think of what it is to call something an instrument or a tool. Consider a hammer, for example. Does it have any goals or purposes of its own? No, of course not. Its whole purpose is



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A hammer has no inherent value; it is merely a means to achieve an end. The person holding the hammer, on the other hand, has inherent value and dignity, making him an end-in-himself, not a mere means, according to Kant.

that are meaningful to us, but others don't share them. How do we expect them to treat us? We would generally say, "I think that people ought to respect my own choices." And we don't mean "if they feel like it" or "if it benefits them"; we mean "if I make a choice about how I'm going to live my life, people ought to respect that, because it's a choice I've thoughtfully and deliberately made myself."

Why should we think that? How could I expect someone to respect and value my choices if it's not something *they* would choose or even agree with? It would only make sense if I assumed that *the very capacity to rationally and deliberately set and pursue ends was itself of fundamental value and gave value to those ends.*

This capacity to rationally and deliberately set and pursue ends is what we defined as humanity. And so, when we reflect on how we expect others to treat *us*, we seem committed to the view that humanity *itself* is valuable and worthy of respect, regardless of whether it serves someone else's purposes. It is an end-in-itself.

Reflecting on how others should treat us leads to a principle about how people should treat each other *in general*. This means that we have to acknowledge the value of the choices that *other people* make, even if we disagree with them. Why? Because they are also thinking, choosing beings.

The bottom line is this: We all recognize something valuable about the capacity we humans have to rationally and autonomously set ends and pursue them. But if that's going to have any sense to it, then it applies anywhere we find this capacity, no matter the person's race, religion, gender, social status, history, prior decisions, or any other quality. Therefore, we have a duty to always respect this humanity in ourselves and in others, no matter what.

Are Other Things Ends-in-Themselves?

Do other things besides humans (or more specifically, rational beings) have value as ends-in-themselves? What about natural objects like mountains and rivers, plants, or animals? Do they have any purposes or value beyond what we assign to them? Those are tough questions and important ones. To answer them, we might consider the source of that value. If it is simply because we *care* about them or happen to *find* them valuable, this isn't what we mean by an end-in-itself; rather, it's merely an end-in-someone-else's-eyes. When I care about something, does the fact that I care about it make it valuable? Or do I care about it *because* it's valuable?

Misconception 1: We Must Always Accept People's Choices

There are two ways in which people often misunderstand Kant's principle of always treating humanity as an end-in-itself and never as a mere means. The first is the following:

Does treating people as ends-in-themselves mean we have to accept whatever people choose or that we can't challenge their beliefs (and vice versa)?

Not at all, for two reasons.

First, we are obligated to respect people's humanity, which in this case is their capacity to rationally and deliberately set and pursue their own ends. When someone is acting in ways that seem to be irrational, immoral, or driven by desire or impulse, it is not clear that we have an obligation to respect their choices. For example, if someone is driven to make self-destructive choices due to an addiction, we don't have an obligation to aid in their self-destruction. Or to take another example, if Mary has decided that she wants a promotion at work and spreads lies about her colleagues who also want that promotion, we have no obligation to respect her choice to spread those lies since Mary is clearly not treating her colleagues as ends-in-themselves.

Second, *respecting* another's reasoned, deliberate choice doesn't mean one has to simply *accept* what they have chosen. In fact, we can often show great respect toward people by offering them reasons we think what they are doing is wrong. When we offer people reasons, we are in effect saying, "I think you are a reasonable person, someone who can make rational choices about how to act. I don't think your current choices are the best, and I'm going to try to explain why." This attitude is captured by the famous quotation, "I disapprove of what you say, but I will defend to the death your right to say it" (Tallentyre, 1906, p. 199). In other words, to respect someone does not mean we have to agree with them or approve of what they say or do. By the same token, another's disagreement or disapproval of our decisions does not necessarily indicate disrespect.

Misconception 2: We Can Never Use Others

The second common misconception follows from the claim that we should never treat a person as a mere means, as if he or she was just a tool or instrument. This raises the following question:

Does Kant say that we should never use people, period?

No. The claim is that we should never *merely* use people.

Indeed, it would be impossible to avoid using others. We depend on other people and others depend on us, in almost all areas of our lives; thus, we use people all the time. When students

Kant and Contemporary Moral Values

Kant's account strongly correlates with four familiar values or ideals: the Golden Rule, the value of integrity, the importance of fairness, and the notion of rights. To read about these correlations in more depth and how Kant's theory can clarify these familiar notions, see *Going Deeper: Kant and Contemporary Moral Values* at the end of the chapter.

seek an education, they are using the time and talents of their teachers. When we take our car to the mechanic, we are making use of his or her skills and labor, and we may also be making use of taxi drivers to get us where we want to go in the meantime. We depend on farmers to grow our food and rely on police, firefighters, and military personnel to keep us safe and secure. People put themselves at the service of others by donating to charities, volunteering at rallies, serving in churches, and so on.

Given the ways that our lives are interdependent, there is hardly any area of life in

which we do not use other people and others do not use us. So it's not wrong to use people; rather, our moral responsibility is to avoid *merely* using people. We ensure that people aren't merely used by, for example, fairly compensating them, making sure that volunteers are acting of their own free will, or expressing appropriate gratitude and reciprocity.

The basic idea, then, is this: there is nothing necessarily wrong with using people or others using us, but when we do we must consider whether we are acknowledging and respecting the fact that we are all people who can think for ourselves and make our own decisions. Are we ensuring that the ends, goals, and choices of the persons being used are being respected just as much as those of the users?

Applying the Categorical Imperative

General principles like the two formulations of the Categorical Imperative can sound well and good, but what do they mean when we put them into practice? That is what we will consider in this section.

Let's rehearse the main points so far:

- A deontological theory of morality focuses on the moral value of actions themselves, independent of the character of the person performing those actions or their results.
- We have a duty to perform actions that are good in themselves and a duty to avoid those that are bad in themselves, regardless of whether we want to act otherwise or think that acting otherwise will bring better results.
- Kant maintains that we can sum up all duties in terms of a single, overriding duty: the Categorical Imperative. *Categorical* means "applying no matter what"; *imperative* means "something that must be done." So the Categorical Imperative is something that must be done, no matter what.
- The Categorical Imperative can be put into words in two different ways.
 - In one formulation, it says, "I ought only to act on those maxims that I could will to be universal law." This is the *formula of universal law*.
 - In another formulation, it says, "So act that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means." This is the *formula of humanity*.

The Categorical Imperative Test

We can test whether an action is morally required or prohibited according to the **formula of universal law**. Remember that the imperative is "*I ought never to act except in such a way that I could also will that my maxim should become a universal law.*" Earlier, when we considered the example of cheating on a paper, we broke this down into four steps:

1. Formulate the maxim you are considering acting on (what you intend to do and why you intend to do it).
2. Formulate the corresponding universal law.
3. Consider the world in which this maxim was universalized into a law (i.e., imagine a world in which everyone supports and acts on your maxim).

4. Figure out if there is a contradiction in this world (i.e., could the goal of your action be achieved?).
 - If there is no contradiction (the goal *could* be achieved), then the maxim is universalizable and the action is morally acceptable.
 - If there is a contradiction (the goal could *not* be achieved), then the maxim is not universalizable and the action is immoral.

When applying the formula of humanity, the basic question is, *does my action respect the person as an autonomous rational agent?*

We can think of this as having two dimensions to it: a negative and a positive dimension.

The negative dimension would be to never merely use other people. We can ensure this by asking ourselves if the other person could autonomously (i.e., rationally) accept the maxim of our action. Could they say, "Okay, I accept that"? Are we playing fairly, so to speak?

The positive dimension goes beyond simply not *using* people without their rational consent. Rather, we also respect human dignity and autonomy by actively trying to promote other people's ends as much as possible.

Kant provides us with four examples and shows how the formula of universal law and the formula of humanity apply to each.

The examples are as follows:

1. Committing suicide
2. Making a false promise
3. Cultivating one's talents
4. Acting benevolently toward others

We can immediately notice two things about this list:

- Two of these examples have to do with how we act toward other people (numbers 2 and 4), and two have to do with how we act toward ourselves (numbers 1 and 3). This shows that morality, on Kant's account, is not merely concerned with how we treat others but also with how we treat ourselves.
- Two of these concern *actions we have a duty to do* (numbers 3 and 4), and two concern *actions we have a duty to not do* (numbers 1 and 2).

When considering whether an action is a *negative duty* (something one must *not* do), we apply the Categorical Imperative test to the maxim of the action, and if it fails the test, the action is **morally prohibited**. Thus, Kant argues that we have a duty *not* to commit suicide or make a false promise, and he tries to defend this by showing how a maxim of committing suicide and making a false promise would result in a contradiction if it were universalized.

When considering whether an action is a *positive duty* (something one must *do*), we consider a maxim in which one does *not* do it and see if that passes the test. If it does not, then we know the action is **morally required**. To demonstrate that we have a duty to act benevolently, Kant

considers a maxim in which one does *not* do so and shows that it cannot be consistently universalized. Thus, it would be morally wrong *not* to act benevolently, which is to say that we have a duty to help others in need. A similar test would show that we have a duty to cultivate our talents.

Let's look at Kant's four cases and see this test at work.

To get the full account, see Chapter 2 of Kant's *Groundwork for the Metaphysics of Morals* here: <http://earlymoderntexts.com/assets/pdfs/kant1785chapter2.pdf>. Read from the last paragraph on the left column of page 24 through the last paragraph on page 25. Then skip down to the first full paragraph on page 29 and read through the left column on page 30.

Test Case 1: Suicide

I consider myself in a state of physical or psychological suffering (or expect to soon be in such a state) and decide that I would be better off dead than living in such misery. I propose to take my own life to avoid misery and suffering. Can a maxim of suicide pass the Categorical Imperative test?

1. Maxim: "Because I care for myself, and because I foresee that my life holds the prospect of more suffering than happiness, I am going to end my life."
2. Universal law: Everyone will show care for themselves by destroying themselves when they feel that the future promises more suffering than happiness.
3. The world: We are caring for our humanity by destroying it.
4. Contradiction? Yes. My humanity has *unconditional* value, and by destroying it in the name of a value (like happiness or the avoidance of suffering) that is *conditional*, I am destroying the source of value itself.

This is a very challenging and controversial argument, and even some defenders of Kant's ethics have trouble understanding what Kant meant or doubt that this argument succeeds, at least in terms of the formula of universal law (Herman, 1993; Korsgaard, 1996; Guyer, 2005). But one way to make sense of it is to connect it to the formula of humanity (Velleman, 1999; Cholbi, 2000), which holds that I have an absolute duty to treat humanity (i.e., the autonomous, rational will) as an end-in-itself, never as a mere means. To show respect to others means I cannot act in a way that treats their life as dispensable, less important than, say, the satisfaction of my own desires or the avoidance my own suffering. Moreover, I can reasonably expect others to respect me in the same way, which means I must will a world in which *every-one* respects the dignity and unconditional value of humanity (including my own) and *no one* treats a person (like me) as having less value than their own or someone else's happiness or suffering. But by treating *my own self* as having only conditional value—conditional on how much happiness or suffering my existence brings into the world—I am making myself the exception to that rule.

To put it another way, to respect and care for oneself means recognizing and respecting the *unconditional* value of one's capacity for rational, autonomous choice, which is incompatible, Kant thinks, with a maxim that would involve destroying it in the name of something with only *conditional* value, namely happiness and the avoidance of suffering. In other words, a

contradiction arises in step 4 because one is saying, “Out of respect for my own self (that is, my rational will), which has the *highest* value, I am going to treat myself as *less* valuable than the suffering I expect to experience.” Since this is inconsistent and contradictory, one certainly could not will that *everyone* treat themselves this way.

Test Case 2: False Promises

I imagine myself in a situation in which I need money, and the only way to get it is by borrowing it. I will only be able to borrow the money if I promise to pay it back, but I have no intention of doing so. Would it be wrong to make this false promise?

1. Maxim: “When I am in need of money, I will borrow some and promise to pay it back even though I don’t intend to do so.”
2. Universal law: Any time someone can get money by making a false promise, he or she will do so.
3. The world: In such a world, there would be no such thing as promises.
4. Contradiction? Yes. If numbers 2 and 3 are true, I won’t be able to do number 1; that is, borrow money from someone.

The key here is step 3—if *everyone* made false promises, no one would believe *anyone’s* promises, including my own. But I *need* people to believe my promises; otherwise, I wouldn’t be able to get the money. So essentially I’m saying, “I want to make a false promise, but to do so I can’t have others making false promises. So I want there to be a general rule against false promises but I’m going to make myself the exception to the rule.” That, for Kant, is contrary to duty, so making false promises is immoral.

Test Case 3: Cultivating One’s Talents

Do I have a duty to try to develop myself, to spend my time on things that involve using my higher human faculties, and to be the best that I can be? Or do I have a moral right to do whatever I want with my life, even if that means wasting my time on trivial amusements and superficial pleasures?

To consider whether we have a positive duty to cultivate our talents, we should look at the corresponding *negative* maxim—the maxim associated with *not* cultivating one’s talents. If that fails the test, then to *not* cultivate our talents violates our duty, which is to say we have a positive duty *to strive to be the best we can be*.

1. Maxim: “I’m going to neglect my natural gifts and devote my life merely to enjoyment.”
2. Universal law: Any time someone can find enjoyment one does so, even if it means neglecting the development of one’s natural gifts.
3. The world: My natural gifts serve me and allow me to obtain my purposes. So I wouldn’t be able to attain my purposes (e.g., enjoyment).
4. Contradiction? Yes. I cannot will a world in which I am unable to attain my purposes.

In short, this argument, like the one concerning suicide, starts from the presumption that I am concerned with my own good. In some cases, I might be tempted to pursue that good in a way that is actually *detrimental* to myself, in the sense that I am neglecting to cultivate those characteristics that can enable me to fulfill that good. There is an incoherence between an action that aims to fulfill my good and at the same time *prevents* me from doing so.

Test Case 4: Beneficence

Do I have a duty to be generous and helpful to others or is it okay for me to simply keep any extra money, time, and resources that I have? To test this I consider the opposite maxim and see if it passes or fails the test. If it fails, it means I cannot not help others, which is to say I have a positive duty to help others.

1. Maxim: "I shall not help others in need."
2. Universal law: No one helps others in need.
3. The world: I would not be able to obtain the help that I often need from others.
4. Contradiction? Yes. Without help from others I cannot attain my own ends, so I cannot will that I not be able to attain what I need.

Here Kant recognizes the interdependency and vulnerability of human life. No one is truly self-sufficient; everyone needs assistance from others to some extent in order to achieve our aims and to overcome obstacles, no matter how independent we think we are. Even those who are largely self-sufficient remain vulnerable to forces outside their control and would depend on the benevolence of others were misfortune to befall them. Therefore, I could never will a world in which no one helped others in need, since that would be a world in which I would not receive the help that I need. By refusing to offer help and support to others, I am saying that I would want *others* to help and support *me*, but I am not going to offer the same to them. That's the kind of inconsistency that indicates that we are not respecting our duties.

The Formula of Humanity Test

The formula of humanity states: "So act that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."

To test this, I consider (a) whether the person or persons involved (including myself) could autonomously (i.e., rationally) accept the maxim of my action, and (b) whether I am respecting human dignity and autonomy by actively trying to promote people's (including my own) rational ends as much as possible.

Test Case 1: Suicide

I consider myself in a state of physical or psychological suffering (or expect to soon be in such a state) and decide that I would be better off dead than living in such misery. I propose to take my own life to avoid misery and suffering. Can a maxim of suicide pass the formula of humanity test?

Test: Could the person(s) involved autonomously accept the maxim of my action, and am I actively trying to promote people's ends as much as possible?

This is a very difficult question since the person considering suicide, and the person directly involved, are one and the same. (While it is true that suicide often affects other people, let's suppose this is a case in which there wouldn't be significant effects on others so as to better evaluate the morality of suicide itself, regardless of the situation.) I'm literally asking whether *my* maxim of suicide is one that *I* could rationally accept, which seems like a very strange question. However, we should remember that for Kant, when my choices are determined by factors like urges and desires, this is no different than having my choices determined by another person; in both cases, my will is being determined not by *my own reason* but by some other force. So just like a maxim that simply reflects someone else's urges and desires could conflict with my own rational self-determination, a maxim that simply reflects my *own* urges and desires could conflict with my own rational self-determination.

When faced with the question of whether I (that is, my autonomous, rational will) could accept a maxim, I consider whether the maxim involves treating my *humanity* as having unconditional value, as opposed to instrumental value. If we consider this question with respect to the way others treat me, we can see that if another were to treat me as if my value depended on how much happiness or suffering my existence brought into the world, they would be treating me as a *mere means* to more happiness and less suffering. In other words, if the value of my existence depended on how much happiness or suffering I contributed to the world, and if killing me brought more happiness or less suffering, then killing me would be justified. But of course, I could never accept a maxim that involved this kind of judgment of my value.

However, Kant argues that by committing suicide, I'm treating *myself* as having only instrumental value, which is just as wrong as treating *another person* as having only instrumental value. If I were to say something like, "I would better off dead," this can't literally be true, since once I'm dead I'm not better or worse off—I'm not there at all. So what I really mean is, "The world would be better off if I were dead." But this is no different than saying that "the world would be better off if so-and-so were dead" when thinking about another person. If this second statement were to be put forward as a justification for killing the other person, the Kantian would object that this would involve treating the other person as if their value was merely instrumental, which is morally wrong. But by the same token, such a statement could not justify killing *myself*, since I would thereby be treating *myself* as if my value was merely instrumental, which is likewise morally wrong.

Test Case 2: False Promises

I imagine myself in a situation in which I need money, and the only way to get it is by borrowing it. I will only be able to borrow the money if I promise to pay it back, but I have no intention of doing so. Would it be wrong to make this false promise?

Test: Could the person(s) involved autonomously accept the maxim of my action, and am I actively trying to promote people's ends as much as possible?

By making a false promise, I am trying to *coerce, manipulate, or deceive* the other person into making a decision that she might not otherwise make if she knew my true intentions. If she knew that I did not intend to pay the money back she *may* still give me the money, but she may not; the important point is that choice would be up to her. But by making a false promise, I am taking that choice away. If a person doesn't know my actual intentions, then she cannot accept the maxim of my action, since she cannot make a rational choice. Moreover, I am implying that the other person's *own* choices don't matter, only mine do, and thus I can use her as a *mere means* to my ends. I am failing to recognize her own ends as having value. So making a false promise treats the other person's humanity as a mere means, and is therefore wrong.

Test Case 3: Cultivating One's Talents

Do I have a duty to try to develop myself, to spend my time on things that involve using my higher human faculties, to be the best that I can be? Or do I have a moral right to do whatever I want with my life, even if that means wasting my time on trivial amusements and superficial pleasures?

Test: Could the person(s) involved autonomously accept the maxim of my action, and am I actively trying to promote people's ends as much as possible?

As with the case of suicide, this is a question of whether we have duties toward ourselves. Are we treating ourselves in a way that respects our own rational autonomy and dignity?

Because of our humanity, we are capable of far more than trivial amusements or base pleasures, and so the ends that ought to be respected include those that would engage and apply these higher human possibilities. Kant admits that if I waste myself I'm not necessarily *interfering* with anyone's pursuit of such ends, but this is why it is important to recognize that our duty isn't simply to allow people to live however they want. Rather, it is to actively support, encourage, and enable people to develop their abilities, realize their goals, and live good lives. Since I am just as human as anyone else, this duty applies to *myself* as much as it applies to anyone else.

Thus, I have a moral duty to strive to discover and cultivate my own talents, to build my character and seek to be a better person, and to avoid those kinds of activities that would hinder such goals.

Test Case 4: Beneficence

Do I have a duty to be generous and helpful to others or is it okay for me to simply keep any extra money, time, and resources that I have? To test this I consider the opposite maxim and see if it passes or fails the test. If it fails, it means I cannot not help others, which is to say I have a positive duty to help others.

Test: Could the person(s) involved autonomously accept the maxim of my action, and am I actively trying to promote people's ends as much as possible?

While refusing to help someone in need won't necessarily *interfere* with the pursuit of their ends (i.e., I am not doing anything to actively prevent them from doing so), our duty isn't to simply allow people to live however they want. Rather, it is to actively support, encourage, and enable people to develop their abilities, realize their goals, and live good lives (O'Neill, 1993).

We all depend on others in various ways to achieve our ends, and we often depend on the *benevolence and generosity* of others (sometimes we can compensate those who help us out, by paying them or returning a favor, but sometimes this isn't possible). Since I recognize my occasional dependency on the benevolence of others, I must also recognize that others may depend on my benevolence. Thus, another person couldn't rationally accept a policy according to which I *never* helped others in need.

Moreover, by practicing beneficence I'm saying to the other person, "*You have dignity, and your goals are valuable, so I'm going to do what I can to try to help you attain them.*" In other words, I'm trying to make their ends *my own ends as well, which is how we show respect for their humanity*. But to do so, we must be willing to use our own money, time, and resources for the benefit of others. Thus, we have a duty to be beneficent when we can.

4.3 Challenges to Kant's Theory

Kant's theory has been subject to many forms of criticism, and we will cover three of the most prominent ones: (a) Kant's theory is too strict and seems to give us incorrect answers in certain cases, (b) the formula of universal law is too flexible, and (c) the formula of humanity depends on questionable assumptions regarding autonomy and the moral life.

Is Kant's Theory Too Strict?

Kant's moral views may sound plausible in theory and when applied to certain cases, but if we recall from Chapter 1, moral reasoning involves moving back and forth between general principles—like Kant's Categorical Imperative—and particular cases. Often the difficult cases present the real test of a theory's plausibility. To test Kant's theory, let's consider a straightforward case: lying.

In Kant's view, lying involves a maxim that cannot be universalized: if we imagine a world in which everyone lies to achieve a goal, then everyone would lie all the time and trust would be lost. If no one trusted anyone else, we would not be able to achieve any goal by lying. Therefore, it fails the universalizability test. It also involves trying to manipulate and coerce someone into making a choice they otherwise might not make, so it fails to treat others as ends-in-themselves. In both of these ways, it conflicts with the Categorical Imperative and is thus immoral, according to the Kantian view.

Naturally this seems right, for the most part: lying is certainly one of those things we have always been taught is immoral, and it has been regarded as immoral by virtually all cultures. But are there cases when lying would be the *right* thing to do?



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Would you tell this woman that you think her outfit is hideous, or would you lie to spare her feelings?

We can imagine everyday cases in which a white lie might avoid hurting someone's feelings, and doesn't seem to cause any real harm. Perhaps your friend bought a new hat that she's proud of but you find rather hideous. When she asks if you like it, should you lie and say yes? Or, suppose you were planning a surprise for your spouse, and you have to tell a few small lies to keep it a secret. Would that be wrong?

More serious cases arise, however, when lying would prevent some great evil or injustice from occurring. For example, during World War II, in Nazi-occupied parts of Europe, some people hid their Jewish neighbors, friends, and family secretly in their homes. Being suspicious of this, Nazis would show up unannounced at people's homes searching for hidden Jews. This kind of occurrence was depicted in the opening scene of Quentin Tarantino's 2009 film *Inglorious Basterds*. In this scene, a Nazi officer visits a French farmhouse, where he suspects some Jewish

people may be hiding. He asks the farmer whether he is hiding anyone in his house. The farmer is, in fact, hiding some Jews and knows that if he tells the truth, the Jews will either be killed on the spot or taken to a Nazi death camp. What should he do?

Most people would immediately say he should lie. If he tells the truth, the people who entrusted him with their lives would suffer and die. Besides, the Nazi officer is a brutal murderer; he doesn't deserve to be told the truth.

Not so fast, answers Kant. In a short article provocatively entitled, "On the Supposed Right to Lie from Philanthropy" (Kant, 1797/1997b), he considers a similar situation and steadfastly maintains that the authority and dignity of the moral law does not change, even in cases such as these. If we make an exception here, what is to prevent us from making an exception in another situation in which lying would benefit us?

Additionally, a person's human dignity does not depend on who they are or what choices they make. Remember that the notion of human dignity was based in our autonomous rationality—our capacity to freely set and pursue our own ends—and a person does not lose this capacity when he or she makes immoral choices. Thus, we still have a duty to respect *every* person—even a brutal Nazi officer—as an end, which means we cannot lie.

What about the victims? If the farmer tells the Nazi officer the truth, isn't he responsible for their suffering and death?

No, Kant says—the officer would be the one responsible. By telling the truth, the farmer would give the officer the chance to make the right decisions for himself, and so respects his autonomy. If the officer makes the wrong choice, it is an unfortunate tragedy, but the farmer is not responsible for what the officer does; he is responsible for what *he* does. That's the essence of human autonomy.

Convinced? Many people aren't, even those who otherwise defend Kant's moral philosophy. What implications does this have for Kant's moral theory? One possibility is that Kant's theory of morality is flawed in some way. Another is that we must conclude that even in these cases lying is wrong and we must tell the truth, however tragic the outcome or however much it may spoil one's plans or hurt someone's feelings.

A third possibility is that we can avoid the negative consequences in ways that don't involve outright lying—by being evasive or simply remaining silent, for instance.

A final option is to argue that Kant misapplied his own theory, and that at least some cases of lying, such as the ones we've considered, don't violate the Categorical Imperative after all. Perhaps we can construe the maxim of the action in such a way that it *could* be willed to be universal law. For instance, suppose the maxim were something like, "In order to prevent unjust harm, I'm going to present false information to the person intending to commit the injustice." What if *everyone* were to present false information to another person intending to commit injustice in order to try to prevent them from carrying that out? Would that not be an acceptable world?

Is the Formula of Universal Law Too Flexible?

If the problem cases can be resolved by modifying the maxim of one's action in such a way as to make it universalizable, this may help us avoid having to say that certain actions—like lying to the Nazi officer—are wrong when intuitively they seem right. But the concern is that this could go the other way as well: actions that intuitively seem wrong could have their maxims described in such a way so as to be universalizable and thus morally right according to the Categorical Imperative.

For example, let's return to the example of cheating on a paper. Suppose you are a student and a paper is due on Monday. The weekend before your paper is due, your best friend gets married, which means you spend most of your weekend at parties and events, entertaining guests, writing your toast, and so on. By Sunday night you are exhausted and only have a few hours to work on your paper anyway, so you consider turning to an online source where you can get all or most of the material you need and turn that in as your own (which is plagiarism). As we saw before, this seems to fail the universalization test. My maxim might be, "in order to avoid writing my own paper I will copy from another source and pass it off as my own." If we universalize this such that *everyone* copies from other sources rather than writing their own papers, grades would be meaningless and our purpose of trying to get a good grade would be undermined.

But what if, instead of this maxim, we considered one that was much more specific to the situation? We might come up with a universalized law that says, "Whenever someone is exhausted from their best friend's wedding and has a paper due the next day, they will copy from another source and pass it off as their own." This law won't apply to many people, and certainly not enough to make any difference to our own educational goals. Therefore, it is hard to see how it would fail the universalization test.

In response, the Kantian might say that the person is missing the point of the universalization test, which is to help us determine whether we are being consistent: are we making an exception for ourselves to a policy that we think everyone else should follow? This requires a bit of honesty about our true intentions and motivations, and in being honest, we may have to admit that we're not being consistent after all, even if we can manipulate our maxims enough to pass the universalization test.

However, this doesn't quite resolve the problem. To see why, consider another example. Suppose a store owner decides not to serve people of a certain race. This would strike us as obviously immoral, but would the Categorical Imperative show why this is? His maxim might be, "To maintain a separation between whites and blacks, I'm not going to serve blacks in my store." Universalized, this would be, "Any time a white person can help keep the races separate by refusing to serve black people, they will do so." Is this universal law something the store owner could will? It is hard to see why not; in fact, it would seem quite attractive to him. So it seems he *is* being consistent: his honest motives *do* involve making this distinction between whites and blacks in excluding people from his store.

Problems like these are why it is important to remember that there are multiple ways of expressing the Categorical Imperative, and we will often have to consider other formulations when assessing an action's morality. In cases like these, while the formula of universal law seems to leave us with the intuitively wrong answer, the formula of humanity can show why these actions are immoral.

In the case of the racist store owner, his actions fail to respect others as ends-in-themselves. Recall that respecting others means not treating them as if they were mere means to our ends, and it also involves respecting their capacity to freely pursue ends they regard as valuable. So by allowing whites to shop at his store but not blacks, the store owner is essentially saying that the ends and choices of white people are more valuable than those of blacks for no reason other than their race. But for Kant, the respect that we owe people has to do with their humanity and nothing to do with race, so race does not provide a legitimate reason to treat the ends and choices of one group differently than another. Thus, by failing to respect the ends and choices of blacks for no legitimate reason, the store owner is failing to respect their humanity and dignity and is behaving immorally.

So the formula of humanity might help us clarify and refine our moral judgments where the formula of universal law falls short. But it, too, has some potential problems that are worth considering.

Problems With the Formula of Humanity

The formula of humanity is the imperative to never treat people as if they were simply a means or tool but to always respect their capacity to set their own ends, make their own choices, and act autonomously. This involves considering whether our action would be one that another person could reasonably accept (even if they don't necessarily like it) and striving to make their ends our own as much as possible.

This imperative is based, we recall, on our capacity to step back from our situation, including the desires, inclinations, and emotions that we happen to have, and consider whether we have good reason to act one way or another. This is the only thing, Kant believes, that has inherent value, since everything else is simply a natural occurrence that is inherently neither good nor bad; whatever value other things have is due to the fact that some *human* values it.

The first problem arises when we consider beings that lack such a capacity. Nonhuman animals, especially advanced ones like apes and dolphins, seem to have ends and goals that they pursue. They also appear to act purposefully and have a wide range of desires and emotions. However, they do not seem to have the kind of full-fledged capacity for free, rational thought and choice that humans have. Does this mean they aren't deserving of respect as ends-in-themselves or that we don't have an obligation to avoid treating them as mere means? Many people would insist that nonhuman animals *do* deserve respect, and object that Kant's theory does not adequately account for this.

It is not just the nonhuman animals that seem to be excluded from the category of ends-in-themselves, but humans who lack full rational autonomy, such as infants and the mentally disabled. If the duty to treat others as ends-in-themselves depends on their possession of dignity, and if that dignity correlates to a capacity for rational autonomy, we may worry that Kant's account does not sufficiently account for the dignity possessed by infants and the mentally disabled as well.



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This infant isn't yet capable of full rational autonomy, but does that mean he has less dignity than older humans?

Philosophers have made various attempts to show that even though infants, the mentally disabled, and some nonhuman animals lack full rational autonomy, they still fall under the scope of beings that should not be regarded as mere means (Cohen, 1986; Korsgaard, 2004). But what about the lower animals, plants, and the inanimate natural world? Many would claim that there is inherent value in these as well and that the wrong of treating them as mere resources goes beyond the fact that doing so may upset human interests in some way. However, it is difficult to reconcile this idea with the Kantian system.

The Problem of Autonomy

We considered whether associating respect and dignity so closely with autonomy would mean that beings who lack full autonomy aren't given the proper respect and value that they deserve. On the other hand, a second set of concerns questions whether humans even have autonomy to the extent that Kant supposed, and to the extent that we do, whether this autonomy alone is the fundamental good.

Kant's defense of the moral law depends on the assumption that we can make choices on the basis of good reasons, meaning that we are not determined by outside forces or inner forces such as feelings, desires, and impulses. Is this a legitimate assumption to make? Philosophers have debated about whether the notion of free will is coherent in a world in which, as far as

we know, matter operates in accordance with physical laws. We, too, are bodies composed of matter, and we have learned much about the correlation between our choices and the operations of our brains. Does free will fit into such a world?

Kant was well aware of this problem, and his solution invokes his broader ideas about metaphysics (the study of the basic nature of reality) and epistemology (the study of knowledge). His basic claim, to greatly oversimplify it, is that there is a limit to what we can say about the whole of reality using the empirical methods of the sciences (sense perception, measurements). This leaves open the possibility that there are deeper layers to reality than what the sciences can tell us, and so even though it might *seem* that the universe is determined, at a deeper level it may be possible for there to be rational wills that determine themselves.

Suppose that this philosophical objection stemming from our knowledge of the natural world can be met. A second, and perhaps much more difficult, problem arises when we consider the ways that our own beliefs, choices, values, and modes of thinking are affected by various social, psychological, and physiological factors, many if not most of which are hidden to us. Are we able to adopt a standpoint completely independent of the influences of history and upbringing, social and cultural environment, desires, feelings, impulses, and any other such factors that can influence us? For Kant, all of these factors are contrary to the autonomy of the will. The pressing question becomes: What becomes of Kant's theory if these kinds of factors are ultimately inescapable, given the centrality that autonomy has to his account of human dignity as well as the moral law?

Kant was aware of this problem as well, for the notion that we are always formed and influenced by such factors to some degree (even if not exactly *determined* by them) goes back to the earliest days of philosophy, especially Aristotle. Kant (1785/2008) concedes that

even the strictest examination can never lead us entirely behind the secret action-drivers—or rather, behind the pretended action-driver to where the real one secretly lurks—because when moral worth is in question it is not a matter of visible actions but of their invisible inner sources. (p. 14)

In other words, if we remember that the primary factor for determining moral worth isn't the *outward* action but the motives and intentions, Kant acknowledges that no matter how pure one's motives might seem, there is always the possibility that there are "covert incentives" and other factors at play that detract from the moral worth of one's actions. Still, we can coherently form the *idea* of a pure, autonomous will unaffected by these other factors. If we use this *idea* of a pure, autonomous will as the basis for an account of the moral law and for assessing the moral value of actions, it doesn't matter if no one ever truly escapes these other influences when making choices. We can still establish what a person *would* choose if reason was the only determining factor.

The Representation of the Moral Life

This leads us to a third concern, however. Even if the two previous challenges can be answered, we might question whether the picture of the moral life we are left with is a distortion of what it means to be a human who lives, chooses, and acts in the world. Some interpreters argue that grounding morality in an account of the autonomous practical reasoner requires conceiving

ourselves as standing apart from nature, history, society, and even our own deeper selves. One might worry that morality, on Kant's account, disregards many of those sources of meaning and value that give our lives their sense and purpose and that inspire us, enrage us, bring us joy and sadness, and motivate acts of nobility or atrocity. Does ensuring that all of one's maxims can be consistently willed to be universal law and that one's choices respect others as ends in themselves account for all of the depth and richness to human life when considering how to answer Socrates's question of how one should live?

For example, the formula of humanity's primary injunction is to avoid choices that treat others as mere means. But this tells us very little about what we ought to be *doing*, only what we ought *not* to be doing. The other dimension of the principle—that which has us adopt the ends of others as much as possible, to exercise benevolence, and so on—remains vague. How should we go about fulfilling this duty? To what extent are we to do so? How do we balance our own ends with those of others when they conflict? And perhaps most importantly, by what standard can we determine which ends are worth pursuing and which are not?

Some Kantians respond that these are questions that fall outside of morality, which only concerns a very narrow range of human life and choices. But according to critics, this is precisely one of the main drawbacks of the theory. If we think of ethics in the traditional sense as addressing the question “how should one live?” as we discussed at the beginning of this book, and since our lives are rich, complex, and full of depth, it would be surprising if the best answer we can provide concerns only a very narrow range of choices. In this respect, utilitarianism, natural law theory, and especially virtue ethics differ from Kantian deontology by concerning a much broader range of human life and choices.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out these features at the end of the chapter.

[The Roots of the Categorical Imperative](#)

[Kant and Contemporary Moral Values](#)

Conclusion & Summary

In this chapter, we examined the general features of a deontological approach to moral reasoning, which associates morality primarily with *actions themselves*, as opposed to the consequences of our actions or the character of the person performing them. This approach focuses on duties to either perform or avoid certain actions. The source of these duties are *moral laws* or *rules*. Although the *moral* law should not be confused with the laws of a community, country, or organization, some key features they have in common include the ideas that our obligations are independent of whether they benefit us or fulfill our interests or desires; that they are unconditional and do not vary according to our circumstances; and that they are exceptionless, applying equally to everyone under their scope.

We also examined one of the most prominent ways to explain and defend the notion of moral laws and duties: the Kantian approach articulated and defended by Immanuel Kant. This approach identified the Categorical Imperative to be the supreme principle of morality, which he expressed in two ways: the duty to act only on those maxims that can be willed as universal law and the duty to always treat humanity as an end-in-itself and never as a mere means. While this approach can help us make sense of and justify many of our deepest intuitions about ethics, there are some possible worries and limitations that may lead us to reflect on the merits of the utilitarian approach. However, there are other, much older ethical theories that we might consider as alternatives to both utilitarian and deontology. The most prominent of these is the view that takes its inspiration from the Ancient Greek philosopher Aristotle, to whose ethical views we will turn in Chapter 5.

Key Terms

autonomy The capacity to freely determine one's own action by following a principle that one's own reason has determined.

Categorical Imperative An action that is necessary in itself, independent of any ends or purposes.

civil laws The local, national, and international laws that govern people's common political life.

duty An action that one is required or obligated to either do or refrain from doing.

end-in-itself Someone or something that has value beyond what its uses or purposes may be. Respect for this value should always be part of the end or purpose of one's choices. This is opposed to having value merely in terms of usefulness for attaining some other end.

formula of humanity The formulation of the Categorical Imperative that says to use humanity, whether in your own person or in the person of any other, always as an end and never merely as a means.

formula of universal law The formulation of the Categorical Imperative that says, "I ought never to act except in such a way that I could also will that my maxim should become a universal law."

humanity In Kant's use of the term, humanity is the capacity to freely and rationally set one's own ends and pursue them.

hypothetical imperative An action that is necessary in order to achieve something else.

maxim The policy or principle that a rational person follows when he or she makes a conscious, deliberate choice.

morally permissible An act that is not contrary to duty and thus may be performed but is not required.

morally prohibited An act that must not be performed.

morally required An act that must be performed.

natural law theory The theory that objective moral standards and laws for governing human behavior can be derived from the nature of humans and the world.

negative duties Actions we are required to avoid, such as lying or killing.

positive duties Actions that we are required to perform, such as helping others in need or respecting one's elders.

rights Certain entitlements, privileges, or other goods owed to a person or entity such that others (such as the state, other persons, or other entities) either have a duty to provide them or to not interfere with their pursuit of them, so long as doing so doesn't violate another's rights.

Additional Resources

Immanuel Kant: Links. <http://comp.uark.edu/~rlee/semiau96/kantlink.html>. This is a compilation of web links about Kant and his works.

Kant on the Web. <http://staffweb.hkbu.edu.hk/ppp/Kant.html>. Another site offering a variety of links to different Kant-related resources.

Further Reading

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Primary Sources

Excerpts from *Summa Theologica*, by Thomas Aquinas

Aquinas begins each article with a question, but before providing his own view he first considers several “objections,” which are reasons in support of the contrary view. In other words, when you read the objections, think of them as defending the view that Aquinas himself rejects.

“On the contrary” appeals to an authority, like Aristotle or Augustine, in support of the position that Aquinas tries to defend.

His own view and its defense come after the phrase, “I answer that . . .”

Finally, he ends each article by replying to each objection.

In most of these selections only the section expressing his own view has been included.

Question 90: Of the Essence of Law (Four Articles)

. . . Concerning law, we must consider: (1) Law itself in general; (2) its parts. Concerning law in general three points offer themselves for our consideration: (1) Its essence; (2) The different kinds of law; (3) The effects of law.

Under the first head there are four points of inquiry:

1. Whether law is something pertaining to reason?
2. Concerning the end of law;
3. Its cause;
4. The promulgation of law.

Article 1: Whether law is something pertaining to reason?

. . . I answer that, Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting. . . . Now the rule and measure of human acts is the reason, which is the first principle of human acts . . . ; since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher (Phys. ii). . . . Consequently it follows that law is something pertaining to reason.

Article 2: Whether the law is always something directed to the common good?

I answer that, As stated above (A[1]), the law belongs to that which is a principle of human acts, because it is their rule and measure. Now as reason is a principle of human acts, so in reason itself there is something which is the principle in respect of all the rest: wherefore to this principle chiefly and mainly law must needs be referred. Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is bliss or happiness, as stated above (Q[2], A[7]; Q[3], A[1]). Consequently the law must needs regard principally the relationship to happiness. Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to [communal] happiness. Wherefore the Philosopher, in the above definition of legal matters mentions both happiness and the body politic: for he says (Ethic. v, 1) that we call those legal matters “just, which are adapted to produce and preserve happiness and its parts for the body politic”: since the state is a perfect community, as he says in Polit. i, 1.

. . . Therefore every law is ordained to the common good.

Question 91: Of the Various Kinds of Law (Six Articles)

We must now consider the various kinds of law: under which head there are six points of inquiry:

1. Whether there is an eternal law?
2. Whether there is a natural law?
3. Whether there is a human law?
4. Whether there is a Divine law?
5. Whether there is one Divine law, or several?
6. Whether there is a law of sin?

Article 2: Whether there is in us a natural law?

. . . I answer that, As stated above (Q[90], A[1], ad 1), law, being a rule and measure, can be in a person in two ways: in one way, as in him that rules and measures; in another way, as in that which is ruled and measured, since a thing is ruled and measured, in so far as it partakes of the rule or measure. Wherefore, since all things subject to Divine providence are ruled and measured by the eternal law, as was stated above (A[1]); it is evident that all things partake

somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law. Hence the Psalmist after saying (Ps. 4:6): “Offer up the sacrifice of justice,” as though someone asked what the works of justice are, adds: “Many say, Who showeth us good things?” in answer to which question he says: “The light of Thy countenance, O Lord, is signed upon us”: thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature’s participation of the eternal law.

Question 94: Of the Natural Law (Six Articles)

We must now consider the natural law; concerning which there are six points of inquiry:

1. What is the natural law?
2. What are the precepts of the natural law?
3. Whether all acts of virtue are prescribed by the natural law?
4. Whether the natural law is the same in all?
5. Whether it is changeable?
6. Whether it can be abolished from the heart of man?

Article 1: Whether the natural law is a habit?

... since the precepts of the natural law are sometimes considered by reason actually, while sometimes they are in the reason only habitually, in this way the natural law may be called a habit. Thus, in speculative matters, the indemonstrable principles are not the habit itself whereby we hold those principles, but are the principles the habit of which we possess.

Article 2: Whether the natural law contains several precepts, or only one?

... I answer that, As stated above (Q[91], A[3]), the precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason; because both are self-evident principles. Now a thing is said to be self-evident in two ways: first, in itself; secondly, in relation to us. Any proposition is said to be self-evident in itself, if its predicate is contained in the notion of the subject: although, to one who knows not the definition of the subject, it happens that such a proposition is not self-evident. For instance, this proposition, “Man is a rational being,” is, in its very nature, self-evident, since who says “man,” says “a rational being”: and yet to one who knows not what a man is, this proposition is not self-evident. ... [S]ome propositions are self-evident only to the wise, who understand the meaning of the terms of such propositions: thus to one who understands that an angel is

not a body, it is self-evident that an angel is not circumscriptively in a place: but this is not evident to the unlearned, for they cannot grasp it.

Now a certain order is to be found in those things that are apprehended universally. For that which, before aught else, falls under apprehension, is “being,” the notion of which is included in all things whatsoever a man apprehends. Wherefore the first indemonstrable principle is that “the same thing cannot be affirmed and denied at the same time,” which is based on the notion of “being” and “not-being”: and on this principle all others are based, as is stated in *Metaph. iv, text. 9*. Now as “being” is the first thing that falls under the apprehension simply, so “good” is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good. Consequently the first principle of practical reason is one founded on the notion of good, viz. that “good is that which all things seek after.” Hence this is the first precept of law, that “good is to be done and pursued, and evil is to be avoided.” All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man’s good (or evil) belongs to the precepts of the natural law as something to be done or avoided.

Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals: and in virtue of this inclination, those things are said to belong to the natural law, “which nature has taught to all animals” [*Pandect. Just. I, tit. i*], such as sexual intercourse, education of offspring and so forth. Thirdly, there is in man an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination to know the truth about God, and to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

Article 3: Whether all acts of virtue are prescribed by the natural law?

. . . I answer that, We may speak of virtuous acts in two ways: first, under the aspect of virtuous; secondly, as such and such acts considered in their proper species. If then we speak of acts of virtue, considered as virtuous, thus all virtuous acts belong to the natural law. For it has been stated (A[2]) that to the natural law belongs everything to which a man is inclined according to his nature. Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue. Consequently, considered thus, all acts of virtue are

prescribed by the natural law: since each one's reason naturally dictates to him to act virtuously. But if we speak of virtuous acts, considered in themselves, i.e. in their proper species, thus not all virtuous acts are prescribed by the natural law: for many things are done virtuously, to which nature does not incline at first; but which, through the inquiry of reason, have been found by men to be conducive to well-living.

Article 4: Whether the natural law is the same in all men?

. . . I answer that, As stated above (AA[2],3), to the natural law belongs those things to which a man is inclined naturally: and among these it is proper to man to be inclined to act according to reason. . . . [S]ince the speculative reason is busied chiefly with the necessary things, which cannot be otherwise than they are, its proper conclusions, like the universal principles, contain the truth without fail. The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned: and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. Accordingly then in speculative matters truth is the same in all men, both as to principles and as to conclusions: although the truth is not known to all as regards the conclusions, but only as regards the principles which are called common notions. But in matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles: and where there is the same rectitude in matters of detail, it is not equally known to all.

It is therefore evident that, as regards the general principles whether of speculative or of practical reason, truth or rectitude is the same for all, and is equally known by all. As to the proper conclusions of the speculative reason, the truth is the same for all, but is not equally known to all: thus it is true for all that the three angles of a triangle are together equal to two right angles, although it is not known to all. But as to the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all. . . .

Consequently we must say that the natural law, as to general principles, is the same for all, both as to rectitude and as to knowledge. But as to certain matters of detail, which are conclusions, as it were, of those general principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles (just as natures subject to generation and corruption fail in some few cases on account of some obstacle), and as to knowledge. . . .

Justice as Fairness¹ by John Rawls

The following article is the basis of one of the most important and influential accounts of justice in the 20th century that John Rawls developed more fully in his 1971 book, A Theory of Justice. In this article and the book, he addresses the question of how a society can be just and its citizens free and equal despite the wide variety of backgrounds, cultures, beliefs, and so on. He proposes two basic principles of justice that can meet this challenge: first, that each person has an equal

right to the greatest degree of liberty possible so long as all people have that same liberty; and second, that inequalities are justified only if they make things better for the least advantaged. Finally, he argues that the reasons these principles are just is that they are the principles everyone would agree to if we all were on equal footing, with no one having any advantages over anyone else when determining which principles should be basic. These ideas have been heavily discussed in political and moral philosophy ever since.

1. It might seem at first sight that the concepts of justice and fairness are the same, and that there is no reason to distinguish them, or to say that one is more fundamental than the other. I think that this impression is mistaken. In this paper I wish to show that the fundamental idea in the concept of justice is fairness; and I wish to offer an analysis of the concept of justice from this point of view. To bring out the force of this claim, and the analysis based upon it, I shall then argue that it is this aspect of justice for which utilitarianism, in its classical form, is unable to account, but which is expressed, even if misleadingly, by the idea of the social contract.

To start with I shall develop a particular conception of justice by stating and commenting upon two principles which specify it, and by considering the circumstances and conditions under which they may be thought to arise. The principles defining this conception, and the conception itself, are, of course, familiar. It may be possible, however, by using the notion of fairness as a framework, to assemble and to look at them in a new way. Before stating this conception, however, the following preliminary matters should be kept in mind.

Throughout I consider justice only as a virtue of social institutions, or what I shall call practices.² The principles of justice are regarded as formulating restrictions as to how practices may define positions and offices, and assign thereto powers and liabilities, rights and duties. Justice as a virtue of particular actions or of persons I do not take up at all. It is important to distinguish these various subjects of justice, since the meaning of the concept varies according to whether it is applied to practices, particular actions, or persons. These meanings are, indeed, connected, but they are not identical. I shall confine my discussion to the sense of justice as applied to practices, since this sense is the basic one. Once it is understood, the other senses should go quite easily.

Justice is to be understood in its customary sense as representing but one of the many virtues of social institutions, for these may be antiquated, inefficient, degrading, or any number of other things, without being unjust. Justice is not to be confused with an all-inclusive vision of a good society; it is only one part of any such conception. It is important, for example, to distinguish that sense of equality which is an aspect of the concept of justice from that sense of equality which belongs to a more comprehensive social ideal. There may well be inequalities which one concedes are just, or at least not unjust, but which, nevertheless, one wishes, on other grounds, to do away with. I shall focus attention, then, on the usual sense of justice in which it is essentially the elimination of arbitrary distinctions and the establishment, within the structure of a practice, of a proper balance between competing claims.

Finally, there is no need to consider the principles discussed below as the principles of justice. For the moment it is sufficient that they are typical of a family of principles normally associated with the concept of justice. The way in which the principles of this family resemble one another, as shown by the background against which they may be thought to arise, will be made clear by the whole of the subsequent argument.

2. The conception of justice which I want to develop may be stated in the form of two principles as follows: first, each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage, and provided the positions and offices to which they attach, or from which they may be gained, are open to all. These principles express justice as a complex of three ideas: liberty, equality, and reward for services contributing to the common good.³

The term "person" is to be construed variously depending on the circumstances. On some occasions it will mean human individuals, but in others it may refer to nations, provinces, business firms, churches, teams, and so on. The principles of justice apply in all these instances, although there is a certain logical priority to the case of human individuals. As I shall use the term "person," it will be ambiguous in the manner indicated.

The first principle holds, of course, only if other things are equal: that is, while there must always be a justification for departing from the initial position of equal liberty (which is defined by the pattern of rights and duties, powers and liabilities, established by a practice), and the burden of proof is placed on him who would depart from it, nevertheless, there can be, and often there is, a justification for doing so. Now, that similar particular cases, as defined by a practice, should be treated similarly as they arise, is part of the very concept of a practice; it is involved in the notion of an activity in accordance with rules.⁴ The first principle expresses an analogous conception, but as applied to the structure of practices themselves. It holds, for example, that there is a presumption against the distinctions and classifications made by legal systems and other practices to the extent that they infringe on the original and equal liberty of the persons participating in them. The second principle defines how this presumption may be rebutted.

It might be argued at this point that justice requires only an equal liberty. If, however, a greater liberty were possible for all without loss or conflict, then it would be irrational to settle on a lesser liberty. There is no reason for circumscribing rights unless their exercise would be incompatible, or would render the practice defining them less effective. Therefore no serious distortion of the concept of justice is likely to follow from including within it the concept of the greatest equal liberty.

The second principle defines what sorts of inequalities are permissible; it specifies how the presumption laid down by the first principle may be put aside. Now by

inequalities it is best to understand not any differences between offices and positions, but differences in the benefits and burdens attached to them either directly or indirectly, such as prestige and wealth, or liability to taxation and compulsory services. Players in a game do not protest against there being different positions, such as batter, pitcher, catcher, and the like, nor to there being various privileges and powers as specified by the rules; nor do the citizens of a country object to there being the different offices of government such as president, senator, governor, judge, and so on, each with their special rights and duties. It is not differences of this kind that are normally thought of as inequalities, but differences in the resulting distribution established by a practice, or made possible by it, of the things men strive to attain or avoid. Thus they may complain about the pattern of honors and rewards set up by a practice (e.g., the privileges and salaries of government officials) or they may object to the distribution of power and wealth which results from the various ways in which men avail themselves of the opportunities allowed by it (e.g., the concentration of wealth which may develop in a free price system allowing large entrepreneurial or speculative gains).

It should be noted that the second principle holds that an inequality is allowed only if there is reason to believe that the practice with the inequality, or resulting in it, will work for the advantage of every party engaging in it. Here it is important to stress that every party must gain from the inequality. Since the principle applies to practices, it implies that the representative man in every office or position defined by a practice, when he views it as a going concern, must find it reasonable to prefer his condition and prospects with the inequality to what they would be under the practice without it. The principle excludes, therefore, the justification of inequalities on the grounds that the disadvantages of those in one position are outweighed by the greater advantages of those in another position. This rather simple restriction is the main modification I wish to make in the utilitarian principle as usually understood. When coupled with the notion of a practice, it is a restriction of consequence⁵, and one which some utilitarians, e.g., Hume and Mill, have used in their discussions of justice without realizing apparently its significance, or at least without calling attention to it.⁶ Why it is a significant modification of principle, changing one's conception of justice entirely, the whole of my argument will show.

Further, it is also necessary that the various offices to which special benefits or burdens attach are open to all. It may be, for example, to the common advantage, as just defined, to attach special benefits to certain offices. Perhaps by doing so the requisite talent can be attracted to them and encouraged to give its best efforts. But any offices having special benefits must be won in a fair competition in which contestants are judged on their merits. If some offices were not open, those excluded would normally be justified in feeling unjustly treated, even if they benefited from the greater efforts of those who were allowed to compete for them. Now if one can assume that offices are open, it is necessary only to consider the design of practices themselves and how they jointly, as a system, work together. It will be a mistake to focus attention on the varying relative positions of particular persons, who may be known to us by their proper names, and to require that each such change, as a once for all transaction viewed in isolation, must be in itself just. It is the system of practices which is to be

judged, and judged from a general point of view: unless one is prepared to criticize it from the standpoint of a representative man holding some particular office, one has no complaint against it.

3. Given these principles one might try to derive them from a priori principles of reason, or claim that they were known by intuition. These are familiar enough steps and, at least in the case of the first principle, might be made with some success. Usually, however, such arguments, made at this point, are unconvincing. They are not likely to lead to an understanding of the basis of the principles of justice, not at least as principles of justice. I wish, therefore, to look at the principles in a different way.

Imagine a society of persons amongst whom a certain system of practices is already well established. Now suppose that by and large they are mutually self-interested; their allegiance to their established practices is normally founded on the prospect of self-advantage. One need not assume that, in all senses of the term "person," the persons in this society are mutually self-interested. If the characterization as mutually self-interested applies when the line of division is the family, it may still be true that members of families are bound by ties of sentiment and affection and willingly acknowledge duties in contradiction to self-interest. Mutual self-interestedness in the relations between families, nations, churches, and the like, is commonly associated with intense loyalty and devotion on the part of individual members. Therefore, one can form a more realistic conception of this society if one thinks of it as consisting of mutually self-interested families, or some other association. Further, it is not necessary to suppose that these persons are mutually self-interested under all circumstances, but only in the usual situations in which they participate in their common practices.

Now suppose also that these persons are rational: they know their own interests more or less accurately; they are capable of tracing out the likely consequences of adopting one practice rather than another; they are capable of adhering to a course of action once they have decided upon it; they can resist present temptations and the enticements of immediate gain; and the bare knowledge or perception of the difference between their condition and that of others is not, within certain limits and in itself, a source of great dissatisfaction. Only the last point adds anything to the usual definition of rationality. This definition should allow, I think, for the idea that a rational man would not be greatly downcast from knowing, or seeing, that others are in a better position than himself, unless he thought their being so was the result of injustice, or the consequence of letting chance work itself out for no useful common purpose, and so on. So if these persons strike us as unpleasantly egoistic, they are at least free in some degree from the fault of envy.⁷

Finally, assume that these persons have roughly similar needs and interests, or needs and interests in various ways complementary, so that fruitful cooperation amongst them is possible; and suppose that they are sufficiently equal in power and ability to guarantee that in normal circumstances none is able to dominate the others. This condition (as well as the others) may seem excessively vague; but in view of the

conception of justice to which the argument leads, there seems no reason for making it more exact here.

Since these persons are conceived as engaging in their common practices, which are already established, there is no question of our supposing them to come together to deliberate as to how they will set these practices up for the first time. Yet we can imagine that from time to time they discuss with one another whether any of them has a legitimate complaint against their established institutions. Such discussions are perfectly natural in any normal society. Now suppose that they have settled on doing this in the following way. They first try to arrive at the principles by which complaints, and so practices themselves, are to be judged. Their procedure for this is to let each person propose the principles upon which he wishes his complaints to be tried with the understanding that, if acknowledged, the complaints of others will be similarly tried, and that no complaints will be heard at all until everyone is roughly of one mind as to how complaints are to be judged. They each understand further that the principles proposed and acknowledged on this occasion are binding on future occasions. Thus each will be wary of proposing a principle which would give him a peculiar advantage, in his present circumstances, supposing it to be accepted. Each person knows that he will be bound by it in future circumstances the peculiarities of which cannot be known, and which might well be such that the principle is then to his disadvantage. The idea is that everyone should be required to make in advance a firm commitment, which others also may reasonably be expected to make, and that no one be given the opportunity to tailor the canons of a legitimate complaint to fit his own special condition, and then to discard them when they no longer suit his purpose. Hence each person will propose principles of a general kind which will, to a large degree, gain their sense from the various applications to be made of them, the particular circumstances of which being as yet unknown. These principles will express the conditions in accordance with which each is the least unwilling to have his interests limited in the design of practices, given the competing interests of the others, on the supposition that the interests of others will be limited likewise. The restrictions which would so arise might be thought of as those a person would keep in mind if he were designing a practice in which his enemy were to assign him his place.

The two main parts of this conjectural account have a definite significance. The character and respective situations of the parties reflect the typical circumstances in which questions of justice arise. The procedure whereby principles are proposed and acknowledged represents constraints, analogous to those of having a morality, whereby rational and mutually self-interested persons are brought to act reasonably. Thus the first part reflects the fact that questions of justice arise when conflicting claims are made upon the design of a practice and where it is taken for granted that each person will insist, as far as possible, on what he considers his rights. It is typical of cases of justice to involve persons who are pressing on one another their claims, between which a fair balance or equilibrium must be found. On the other hand, as expressed by the second part, having a morality must at least imply the acknowledgment of principles as impartially applying to one's own conduct as well as to another's, and moreover principles which may constitute a constraint, or limitation, upon

the pursuit of one's own interests. There are, of course, other aspects of having a morality: the acknowledgment of moral principles must show itself in accepting a reference to them as reasons for limiting one's claims, in acknowledging the burden of providing a special explanation, or excuse, when one acts contrary to them, or else in showing shame and remorse and a desire to make amends, and so on. It is sufficient to remark here that having a morality is analogous to having made a firm commitment in advance; for one must acknowledge the principles of morality even when to one's disadvantage.⁸ A man whose moral judgments always coincided with his interests could be suspected of having no morality at all.

Thus the two parts of the foregoing account are intended to mirror the kinds of circumstances in which questions of justice arise and the constraints which having a morality would impose upon persons so situated. In this way one can see how the acceptance of the principles of justice might come about, for given all these conditions as described, it would be natural if the two principles of justice were to be acknowledged. Since there is no way for anyone to win special advantages for himself, each might consider it reasonable to acknowledge equality as an initial principle. There is, however, no reason why they should regard this position as final; for if there are inequalities which satisfy the second principle, the immediate gain which equality would allow can be considered as intelligently invested in view of its future return. If, as is quite likely, these inequalities work as incentives to draw out better efforts, the members of this society may look upon them as concessions to human nature: they, like us, may think that people ideally should want to serve one another. But as they are mutually self-interested, their acceptance of these inequalities is merely the acceptance of the relations in which they actually stand, and a recognition of the motives which lead them to engage in their common practices. They have no title to complain of one another. And so provided that the conditions of the principle are met, there is no reason why they should not allow such inequalities. Indeed, it would be shortsighted of them to do so, and could result, in most cases, only from their being dejected by the bare knowledge, or perception, that others are better situated. Each person will, however, insist on an advantage to himself, and so on a common advantage, for none is willing to sacrifice anything for the others.

These remarks are not offered as a proof that persons so conceived and circumstanced would settle on the two principles, but only to show that these principles could have such a background, and so can be viewed as those principles which mutually self-interested and rational persons, when similarly situated and required to make in advance a firm commitment, could acknowledge as restrictions governing the assignment of rights and duties in their common practices, and thereby accept as limiting their rights against one another. The principles of justice may, then, be regarded as those principles which arise when the constraints of having a morality are imposed upon parties in the typical circumstances of justice.

4. These ideas are, of course, connected with a familiar way of thinking about justice which goes back at least to the Greek Sophists, and which regards the acceptance of the principles of justice as a compromise between persons of roughly equal power

who would enforce their will on each other if they could, but who, in view of the equality of forces amongst them and for the sake of their own peace and security, acknowledge certain forms of conduct insofar as prudence seems to require. Justice is thought of as a pact between rational egoists the stability of which is dependent on a balance of power and a similarity of circumstances.⁹ While the previous account is connected with this tradition, and with its most recent variant, the theory of games,¹⁰ it differs from it in several important respects which, to forestall misinterpretations, I will set out here.

First, I wish to use the previous conjectural account of the background of justice as a way of analyzing the concept. I do not want, therefore, to be interpreted as assuming a general theory of human motivation: when I suppose that the parties are mutually self-interested, and are not willing to have their (substantial) interests sacrificed to others, I am referring to their conduct and motives as they are taken for granted in cases where questions of justice ordinarily arise. Justice is the virtue of practices where there are assumed to be competing interests and conflicting claims, and where it is supposed that persons will press their rights on each other. That persons are mutually self-interested in certain situations and for certain purposes is what gives rise to the question of justice in practices covering those circumstances. Amongst an association of saints, if such a community could really exist, the disputes about justice could hardly occur; for they would all work selflessly together for one end, the glory of God as defined by their common religion, and reference to this end would settle every question of right. The justice of practices does not come up until there are several different parties (whether we think of these as individuals, associations, or nations and so on, is irrelevant) who do press their claims on one another, and who do regard themselves as representatives of interests which deserve to be considered. Thus the previous account involves no general theory of human motivation. Its intent is simply to incorporate into the conception of justice the relations of men to one another which set the stage for questions of justice. It makes no difference how wide or general these relations are, as this matter does not bear on the analysis of the concept.

Again, in contrast to the various conceptions of the social contract, the several parties do not establish any particular society or practice; they do not covenant to obey a particular sovereign body or to accept a given constitution.¹¹ Nor do they, as in the theory of games (in certain respects a marvelously sophisticated development of this tradition), decide on individual strategies adjusted to their respective circumstances in the game. What the parties do is to jointly acknowledge certain principles of appraisal relating to their common practices either as already established or merely proposed. They accede to standards of judgment, not to a given practice; they do not make any specific agreement, or bargain, or adopt a particular strategy. The subject of their acknowledgment is, therefore, very general indeed; it is simply the acknowledgment of certain principles of judgment, fulfilling certain general conditions, to be used in criticizing the arrangement of their common affairs. The relations of mutual self-interest between the parties who are similarly circumstanced mirror the conditions under which questions of justice arise, and the procedure by which the principles of judgment are proposed and acknowledged reflects the constraints of having

a morality. Each aspect, then, of the preceding hypothetical account serves the purpose of bringing out a feature of the notion of justice. One could, if one liked, view the principles of justice as the “solution” of this highest order “game” of adopting, subject to the procedure described, principles of argument for all coming particular “games” whose peculiarities one can in no way foresee. But this comparison, while no doubt helpful, must not obscure the fact that this highest order “game” is of a special sort.¹² Its significance is that its various pieces represent aspects of the concept of justice.

Finally, I do not, of course, conceive the several parties as necessarily coming together to establish their common practices for the first time. Some institutions may, indeed, be set up *de novo*; but I have framed the preceding account so that it will apply when the full complement of social institutions already exists and represents the result of a long period of development. Nor is the account in any way fictitious. In any society where people reflect on their institutions they will have an idea of what principles of justice would be acknowledged under the conditions described, and there will be occasions when questions of justice are actually discussed in this way. Therefore if their practices do not accord with these principles, this will affect the quality of their social relations. For in this case there will be some recognized situations wherein the parties are mutually aware that one of them is being forced to accept what the other would concede is unjust. The foregoing analysis may then be thought of as representing the actual quality of relations between persons as defined by practices accepted as just. In such practices the parties will acknowledge the principles on which it is constructed, and the general recognition of this fact shows itself in the absence of resentment and in the sense of being justly treated. Thus one common objection to the theory of the social contract, its apparently historical and fictitious character, is avoided.

5. That the principles of justice may be regarded as arising in the manner described illustrates an important fact about them. Not only does it bring out the idea that justice is a primitive moral notion in that it arises once the concept of morality is imposed on mutually self-interested agents similarly circumstanced, but it emphasizes that, fundamental to justice, is the concept of fairness which relates to right dealing between persons who are cooperating with or competing against one another, as when one speaks of fair games, fair competition, and fair bargains. The question of fairness arises when free persons, who have no authority over one another, are engaging in a joint activity and amongst themselves settling or acknowledging the rules which define it and which determine the respective shares in its benefits and burdens. A practice will strike the parties as fair if none feels that, by participating in it, they or any of the others are taken advantage of, or forced to give in to claims which they do not regard as legitimate. This implies that each has a conception of legitimate claims which he thinks it reasonable for others as well as himself to acknowledge. If one thinks of the principles of justice as arising in the manner described, then they do define this sort of conception. A practice is just or fair, then, when it satisfies the principles which those who participate in it could propose to one another for mutual acceptance under the aforementioned circumstances. Persons engaged in a just, or fair, practice can face one another openly and support their respective positions,

should they appear questionable, by reference to principles which it is reasonable to expect each to accept.

It is this notion of the possibility of mutual acknowledgment of principles by free persons who have no authority over one another which makes the concept of fairness fundamental to justice. Only if such acknowledgment is possible can there be true community between persons in their common practices; otherwise their relations will appear to them as founded to some extent on force. If, in ordinary speech, fairness applies more particularly to practices in which there is a choice whether to engage or not (e.g., in games, business competition), and justice to practices in which there is no choice (e.g., in slavery), the element of necessity does not render the conception of mutual acknowledgment inapplicable, although it may make it much more urgent to change unjust than unfair institutions. For one activity in which one can always engage is that of proposing and acknowledging principles to one another supposing each to be similarly circumstanced; and to judge practices by the principles so arrived at is to apply the standard of fairness to them.

Now if the participants in a practice accept its rules as fair, and so have no complaint to lodge against it, there arises a *prima facie* duty (and a corresponding *prima facie* right) of the parties to each other to act in accordance with the practice when it falls upon them to comply. When any number of persons engage in a practice, or conduct a joint undertaking according to rules, and thus restrict their liberty, those who have submitted to these restrictions when required have the right to a similar acquiescence on the part of those who have benefited by their submission. These conditions will obtain if a practice is correctly acknowledged to be fair, for in this case all who participate in it will benefit from it. The rights and duties so arising are special rights and duties in that they depend on previous actions voluntarily undertaken, in this case on the parties having engaged in a common practice and knowingly accepted its benefits.¹³ It is not, however, an obligation which presupposes a deliberate performative act in the sense of a promise, or contract, and the like.¹⁴ An unfortunate mistake of proponents of the idea of the social contract was to suppose that political obligation does require some such act, or at least to use language which suggests it. It is sufficient that one has knowingly participated in and accepted the benefits of a practice acknowledged to be fair. This *prima facie* obligation may, of course, be overridden: it may happen, when it comes one's turn to follow a rule, that other considerations will justify not doing so. But one cannot, in general, be released from this obligation by denying the justice of the practice only when it falls on one to obey. If a person rejects a practice, he should, so far as possible, declare his intention in advance, and avoid participating in it or enjoying its benefits.

This duty I have called that of fair play, but it should be admitted that to refer to it in this way is, perhaps, to extend the ordinary notion of fairness. Usually acting unfairly is not so much the breaking of any particular rule, even if the infraction is difficult to detect (cheating), but taking advantage of loopholes or ambiguities in rules, availing oneself of unexpected or special circumstances which make it impossible to enforce them, insisting that rules be enforced to one's advantage when they should

be suspended, and more generally, acting contrary to the intention of a practice. It is for this reason that one speaks of the sense of fair play: acting fairly requires more than simply being able to follow rules; what is fair must often be felt, or perceived, one wants to say. It is not, however, an unnatural extension of the duty of fair play to have it include the obligation which participants who have knowingly accepted the benefits of their common practice owe to each other to act in accordance with it when their performance falls due; for it is usually considered unfair if someone accepts the benefits of a practice but refuses to do his part in maintaining it. Thus one might say of the tax-dodger that he violates the duty of fair play: he accepts the benefits of government but will not do his part in releasing resources to it; and members of labor unions often say that fellow workers who refuse to join are being unfair: they refer to them as “free riders,” as persons who enjoy what are the supposed benefits of unionism, higher wages, shorter hours, job security, and the like, but who refuse to share in its burdens in the form of paying dues, and so on.

The duty of fair play stands beside other *prima facie* duties such as fidelity and gratitude as a basic moral notion; yet it is not to be confused with them.¹⁵ These duties are all clearly distinct, as would be obvious from their definitions. As with any moral duty, that of fair play implies a constraint on self-interest in particular cases; on occasion it enjoins conduct which a rational egoist strictly defined would not decide upon. So while justice does not require of anyone that he sacrifice his interests in that general position and procedure whereby the principles of justice are proposed and acknowledged, it may happen that in particular situations, arising in the context of engaging in a practice, the duty of fair play will often cross his interests in the sense that he will be required to forego particular advantages which the peculiarities of his circumstances might permit him to take. There is, of course, nothing surprising in this. It is simply the consequence of the firm commitment which the parties may be supposed to have made, or which they would make, in the general position, together with the fact that they have participated in and accepted the benefits of a practice which they regard as fair.

Now the acknowledgment of this constraint in particular cases, which is manifested in acting fairly or wishing to make amends, feeling ashamed, and the like, when one has evaded it, is one of the forms of conduct by which participants in a common practice exhibit their recognition of each other as persons with similar interests and capacities. In the same way that, failing a special explanation, the criterion for the recognition of suffering is helping one who suffers, acknowledging the duty of fair play is a necessary part of the criterion for recognizing another as a person with similar interests and feelings as oneself.¹⁶ A person who never under any circumstances showed a wish to help others in pain would show, at the same time, that he did not recognize that they were in pain; nor could he have any feelings of affection or friendship for anyone; for having these feelings implies, failing special circumstances, that he comes to their aid when they are suffering. Recognition that another is a person in pain shows itself in sympathetic action; this primitive natural response of compassion is one of those responses upon which the various forms of moral conduct are built.

Similarly, the acceptance of the duty of fair play by participants in a common practice is a reflection in each person of the recognition of the aspirations and interests of the others to be realized by their joint activity. Failing a special explanation, their acceptance of it is a necessary part of the criterion for their recognizing one another as persons with similar interests and capacities, as the conception of their relations in the general position supposes them to be. Otherwise they would show no recognition of one another as persons with similar capacities and interests, and indeed, in some cases perhaps hypothetical, they would not recognize one another as persons at all, but as complicated objects involved in a complicated activity. To recognize another as a person one must respond to him and act towards him in certain ways; and these ways are intimately connected with the various *prima facie* duties. Acknowledging these duties in some degree, and so having the elements of morality, is not a matter of choice, or of intuiting moral qualities, or a matter of the expression of feelings or attitudes (the three interpretations between which philosophical opinion frequently oscillates); it is simply the possession of one of the forms of conduct in which the recognition of others as persons is manifested.

These remarks are unhappily obscure. Their main purpose here, however, is to forestall, together with the remarks in Section 4, the misinterpretation that, on the view presented, the acceptance of justice and the acknowledgment of the duty of fair play depends in every day life solely on there being a *de facto* balance of forces between the parties. It would indeed be foolish to underestimate the importance of such a balance in securing justice; but it is not the only basis thereof. The recognition of one another as persons with similar interests and capacities engaged in a common practice must, failing a special explanation, show itself in the acceptance of the principles of justice and the acknowledgment of the duty of fair play.

The conception at which we have arrived, then, is that the principles of justice may be thought of as arising once the constraints of having a morality are imposed upon rational and mutually self-interested parties who are related and situated in a special way. A practice is just if it is in accordance with the principles which all who participate in it might reasonably be expected to propose or to acknowledge before one another when they are similarly circumstanced and required to make a firm commitment in advance without knowledge of what will be their peculiar condition, and thus when it meets standards which the parties could accept as fair should occasion arise for them to debate its merits. Regarding the participants themselves, once persons knowingly engage in a practice which they acknowledge to be fair and accept the benefits of doing so, they are bound by the duty of fair play to follow the rules when it comes their turn to do so, and this implies a limitation on their pursuit of self-interest in particular cases.

Now one consequence of this conception is that, where it applies, there is no moral value in the satisfaction of a claim incompatible with it. Such a claim violates the conditions of reciprocity and community amongst persons, and he who presses it, not being willing to acknowledge it when pressed by another, has no grounds for complaint when it is denied; whereas he against whom it is pressed can complain. As

it cannot be mutually acknowledged it is a resort to coercion; granting the claim is possible only if one party can compel acceptance of what the other will not admit. But it makes no sense to concede claims the denial of which cannot be complained of in preference to claims the denial of which can be objected to. Thus in deciding on the justice of a practice it is not enough to ascertain that it answers to wants and interests in the fullest and most effective manner. For if any of these conflict with justice, they should not be counted, as their satisfaction is no reason at all for having a practice. It would be irrelevant to say, even if true, that it resulted in the greatest satisfaction of desire. In tallying up the merits of a practice one must toss out the satisfaction of interests the claims of which are incompatible with the principles of justice.

6. The discussion so far has been excessively abstract. While this is perhaps unavoidable, I should now like to bring out some of the features of the conception of justice as fairness by comparing it with the conception of justice in classical utilitarianism as represented by Bentham and Sidgwick, and its counterpart in welfare economics. This conception assimilates justice to benevolence and the latter in turn to the most efficient design of institutions to promote the general welfare. Justice is a kind of efficiency.¹⁷

Now it is said occasionally that this form of utilitarianism puts no restrictions on what might be a just assignment of rights and duties in that there might be circumstances which, on utilitarian grounds, would justify institutions highly offensive to our ordinary sense of justice. But the classical utilitarian conception is not totally unprepared for this objection. Beginning with the notion that the general happiness can be represented by a social utility function consisting of a sum of individual utility functions with identical weights (this being the meaning of the maxim that each counts for one and no more than one),¹⁸ it is commonly assumed that the utility functions of individuals are similar in all essential respects. Differences between individuals are ascribed to accidents of education and upbringing, and they should not be taken into account. This assumption, coupled with that of diminishing marginal utility, results in a *prima facie* case for equality, e.g., of equality in the distribution of income during any given period of time, laying aside indirect effects on the future. But even if utilitarianism is interpreted as having such restrictions built into the utility function, and even if it is supposed that these restrictions have in practice much the same result as the application of the principles of justice (and appear, perhaps, to be ways of expressing these principles in the language of mathematics and psychology), the fundamental idea is very different from the conception of justice as fairness. For one thing, that the principles of justice should be accepted is interpreted as the contingent result of a higher order administrative decision. The form of this decision is regarded as being similar to that of an entrepreneur deciding how much to produce of this or that commodity in view of its marginal revenue, or to that of someone distributing goods to needy persons according to the relative urgency of their wants. The choice between practices is thought of as being made on the basis of the allocation of benefits and burdens to individuals (these being measured by the present capitalized value of their utility over the full period of the practice's existence), which results from the distribution of rights and duties established by a practice.

Moreover, the individuals receiving these benefits are not conceived as being related in any way: they represent so many different directions in which limited resources may be allocated. The value of assigning resources to one direction rather than another depends solely on the preferences and interests of individuals as individuals. The satisfaction of desire has its value irrespective of the moral relations between persons, say as members of a joint undertaking, and of the claims which, in the name of these interests, they are prepared to make on one another;¹⁹ and it is this value which is to be taken into account by the (ideal) legislator who is conceived as adjusting the rules of the system from the center so as to maximize the value of the social utility function.

It is thought that the principles of justice will not be violated by a legal system so conceived provided these executive decisions are correctly made. In this fact the principles of justice are said to have their derivation and explanation; they simply express the most important general features of social institutions in which the administrative problem is solved in the best way. These principles have, indeed, a special urgency because, given the facts of human nature, so much depends on them; and this explains the peculiar quality of the moral feelings associated with justice.²⁰ This assimilation of justice to a higher order executive decision, certainly a striking conception, is central to classical utilitarianism; and it also brings out its profound individualism, in one sense of this ambiguous word. It regards persons as so many separate directions in which benefits and burdens may be assigned; and the value of the satisfaction or dissatisfaction of desire is not thought to depend in any way on the moral relations in which individuals stand, or on the kinds of claims which they are willing, in the pursuit of their interests, to press on each other.

7. Many social decisions are, of course, of an administrative nature. Certainly this is so when it is a matter of social utility in what one may call its ordinary sense: that is, when it is a question of the efficient design of social institutions for the use of common means to achieve common ends. In this case either the benefits and burdens may be assumed to be impartially distributed, or the question of distribution is misplaced, as in the instance of maintaining public order and security or national defense. But as an interpretation of the basis of the principles of justice, classical utilitarianism is mistaken. It permits one to argue, for example, that slavery is unjust on the grounds that the advantages to the slaveholder as slaveholder do not counterbalance the disadvantages to the slave and to society at large burdened by a comparatively inefficient system of labor. Now the conception of justice as fairness, when applied to the practice of slavery with its offices of slaveholder and slave, would not allow one to consider the advantages of the slaveholder in the first place. As that office is not in accordance with principles which could be mutually acknowledged, the gains accruing to the slaveholder, assuming them to exist, cannot be counted as in any way mitigating the injustice of the practice. The question whether these gains outweigh the disadvantages to the slave and to society cannot arise, since in considering the justice of slavery these gains have no weight at all which requires that they be overridden. Where the conception of justice as fairness applies, slavery is always unjust.

I am not, of course, suggesting the absurdity that the classical utilitarians approved of slavery. I am only rejecting a type of argument which their view allows them to use in support of their disapproval of it. The conception of justice as derivative from efficiency implies that judging the justice of a practice is always, in principle at least, a matter of weighing up advantages and disadvantages, each having an intrinsic value or disvalue as the satisfaction of interests, irrespective of whether or not these interests necessarily involve acquiescence in principles which could not be mutually acknowledged. Utilitarianism cannot account for the fact that slavery is always unjust, nor for the fact that it would be recognized as irrelevant in defeating the accusation of injustice for one person to say to another, engaged with him in a common practice and debating its merits, that nevertheless it allowed of the greatest satisfaction of desire. The charge of injustice cannot be rebutted in this way. If justice were derivative from a higher order executive efficiency, this would not be so.

But now, even if it is taken as established that, so far as the ordinary conception of justice goes, slavery is always unjust (that is, slavery by definition violates commonly recognized principles of justice), the classical utilitarian would surely reply that these principles, as other moral principles subordinate to that of utility, are only generally correct. It is simply for the most part true that slavery is less efficient than other institutions; and while common sense may define the concept of justice so that slavery is unjust, nevertheless, where slavery would lead to the greatest satisfaction of desire, it is not wrong. Indeed, it is then right, and for the very same reason that justice, as ordinarily understood, is usually right. If, as ordinarily understood, slavery is always unjust, to this extent the utilitarian conception of justice might be admitted to differ from that of common moral opinion. Still the utilitarian would want to hold that, as a matter of moral principle, his view is correct in giving no special weight to considerations of justice beyond that allowed for by the general presumption of effectiveness. And this, he claims, is as it should be. The every day opinion is morally in error, although, indeed, it is a useful error, since it protects rules of generally high utility.

The question, then, relates not simply to the analysis of the concept of justice as common sense defines it, but the analysis of it in the wider sense as to how much weight considerations of justice, as defined, are to have when laid against other kinds of moral considerations. Here again I wish to argue that reasons of justice have a special weight for which only the conception of justice as fairness can account. Moreover, it belongs to the concept of justice that they do have this special weight. While Mill recognized that this was so, he thought that it could be accounted for by the special urgency of the moral feelings which naturally support principles of such high utility. But it is a mistake to resort to the urgency of feeling; as with the appeal to intuition, it manifests a failure to pursue the question far enough. The special weight of considerations of justice can be explained from the conception of justice as fairness. It is only necessary to elaborate a bit what has already been said as follows.

If one examines the circumstances in which a certain tolerance of slavery is justified, or perhaps better, excused, it turns out that these are of a rather special sort. Perhaps slavery exists as an inheritance from the past and it proves necessary to dismantle

it piece by piece; at times slavery may conceivably be an advance on previous institutions. Now while there may be some excuse for slavery in special conditions, it is never an excuse for it that it is sufficiently advantageous to the slaveholder to outweigh the disadvantages to the slave and to society. A person who argues in this way is not perhaps making a wildly irrelevant remark; but he is guilty of a moral fallacy. There is disorder in his conception of the ranking of moral principles. For the slaveholder, by his own admission, has no moral title to the advantages which he receives as a slaveholder. He is no more prepared than the slave to acknowledge the principle upon which is founded the respective positions in which they both stand. Since slavery does not accord with principles which they could mutually acknowledge, they each may be supposed to agree that it is unjust: it grants claims which it ought not to grant and in doing so denies claims which it ought not to deny. Amongst persons in a general position who are debating the form of their common practices, it cannot, therefore, be offered as a reason for a practice that, in conceding these very claims that ought to be denied, it nevertheless meets existing interests more effectively. By their very nature the satisfaction of these claims is without weight and cannot enter into any tabulation of advantages and disadvantages.

Furthermore, it follows from the concept of morality that, to the extent that the slaveholder recognizes his position vis-a-vis the slave to be unjust, he would not choose to press his claims. His not wanting to receive his special advantages is one of the ways in which he shows that he thinks slavery is unjust. It would be fallacious for the legislator to suppose, then, that it is a ground for having a practice that it brings advantages greater than disadvantages, if those for whom the practice is designed, and to whom the advantages flow, acknowledge that they have no moral title to them and do not wish to receive them.

For these reasons the principles of justice have a special weight; and with respect to the principle of the greatest satisfaction of desire, as cited in the general position amongst those discussing the merits of their common practices, the principles of justice have an absolute weight. In this sense they are not contingent; and this is why their force is greater than can be accounted for by the general presumption (assuming that there is one) of the effectiveness, in the utilitarian sense, of practices which in fact satisfy them.

If one wants to continue using the concepts of classical utilitarianism, one will have to say, to meet this criticism, that at least the individual or social utility functions must be so defined that no value is given to the satisfaction of interests the representative claims of which violate the principles of justice. In this way it is no doubt possible to include these principles within the form of the utilitarian conception; but to do so is, of course, to change its inspiration altogether as a moral conception. For it is to incorporate within it principles which cannot be understood on the basis of a higher order executive decision aiming at the greatest satisfaction of desire.

It is worth remarking, perhaps, that this criticism of utilitarianism does not depend on whether or not the two assumptions, that of individuals having similar utility

functions and that of diminishing marginal utility, are interpreted as psychological propositions to be supported or refuted by experience, or as moral and political principles expressed in a somewhat technical language. There are, certainly, several advantages in taking them in the latter fashion.²¹ For one thing, one might say that this is what Bentham and others really meant by them, as least as shown by how they were used in arguments for social reform. More importantly, one could hold that the best way to defend the classical utilitarian view is to interpret these assumptions as moral and political principles. It is doubtful whether, taken as psychological propositions, they are true of men in general as we know them under normal conditions. On the other hand, utilitarians would not have wanted to propose them merely as practical working principles of legislation, or as expedient maxims to guide reform, given the egalitarian sentiments of modern society.²² When pressed they might well have invoked the idea of a more or less equal capacity of men in relevant respects if given an equal chance in a just society. But if the argument above regarding slavery is correct, then granting these assumptions as moral and political principles makes no difference. To view individuals as equally fruitful lines for the allocation of benefits, even as a matter of moral principle, still leaves the mistaken notion that the satisfaction of desire has value in itself irrespective of the relations between persons as members of a common practice, and irrespective of the claims upon one another which the satisfaction of interests represents. To see the error of this idea one must give up the conception of justice as an executive decision altogether and refer to the notion of justice as fairness: that participants in a common practice be regarded as having an original and equal liberty and that their common practices be considered unjust unless they accord with principles which persons so circumstanced and related could freely acknowledge before one another, and so could accept as fair. Once the emphasis is put upon the concept of the mutual recognition of principles by participants in a common practice the rules of which are to define their several relations and give form to their claims on one another, then it is clear that the granting of a claim the principle of which could not be acknowledged by each in the general position (that is, in the position in which the parties propose and acknowledge principles before one another) is not a reason for adopting a practice. Viewed in this way, the background of the claim is seen to exclude it from consideration; that it can represent a value in itself arises from the conception of individuals as separate lines for the assignment of benefits, as isolated persons who stand as claimants on an administrative or benevolent largesse. Occasionally persons do so stand to one another; but this is not the general case, nor, more importantly, is it the case when it is a matter of the justice of practices themselves in which participants stand in various relations to be appraised in accordance with standards which they may be expected to acknowledge before one another. Thus however mistaken the notion of the social contract may be as history, and however far it may overreach itself as a general theory of social and political obligation, it does express, suitably interpreted, an essential part of the concept of justice.²³

8. By way of conclusion I should like to make two remarks: first, the original modification of the utilitarian principle (that it require of practices that the offices and positions defined by them be equal unless it is reasonable to suppose that the representative man in every office would find the inequality to his advantage), slight as it may

appear at first sight, actually has a different conception of justice standing behind it. I have tried to show how this is so by developing the concept of justice as fairness and by indicating how this notion involves the mutual acceptance, from a general position, of the principles on which a practice is founded, and how this in turn requires the exclusion from consideration of claims violating the principles of justice. Thus the slight alteration of principle reveals another family of notions, another way of looking at the concept of justice.

Second, I should like to remark also that I have been dealing with the concept of justice. I have tried to set out the kinds of principles upon which judgments concerning the justice of practices may be said to stand. The analysis will be successful to the degree that it expresses the principles involved in these judgments when made by competent persons upon deliberation and reflection.²⁴ Now every people may be supposed to have the concept of justice, since in the life of every society there must be at least some relations in which the parties consider themselves to be circumstanced and related as the concept of justice as fairness requires. Societies will differ from one another not in having or in failing to have this notion but in the range of cases to which they apply it and in the emphasis which they give to it as compared with other moral concepts.

A firm grasp of the concept of justice itself is necessary if these variations, and the reasons for them, are to be understood. No study of the development of moral ideas and of the differences between them is more sound than the analysis of the fundamental moral concepts upon which it must depend. I have tried, therefore, to give an analysis of the concept of justice which should apply generally, however large a part the concept may have in a given morality, and which can be used in explaining the course of men's thoughts about justice and its relations to other moral concepts. How it is to be used for this purpose is a large topic which I cannot, of course, take up here. I mention it only to emphasize that I have been dealing with the concept of justice itself and to indicate what use I consider such an analysis to have.

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¹ An abbreviated version of this paper (less than one-half the length) was presented in a symposium with the same title at the American Philosophical Association, Eastern Division, December 28, 1957, and appeared in the *Journal of Philosophy*, LIV, 653662.

² I use the word “practice” throughout as a sort of technical term meaning any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure. As examples one may think of games and rituals, trials and parliaments, markets and systems of property. I have attempted a partial analysis of the notion of a practice in a paper “Two Concepts of Rules,” *Philosophical Review*, LXIV (1955), 3–32.

³ These principles are, of course, well-known in one form or another and appear in many analyses of justice even where the writers differ widely on other matters. Thus if the principle of equal liberty is commonly associated with Kant (see *The Philosophy of Law*, tr. by W. Hastie, Edinburgh, 1887, pp. 56 f.), it may be claimed that it can also be found in J. S. Mill's *On Liberty* and elsewhere, and in many other liberal writers. Recently H. L. A. Hart

has argued for something like it in his paper "Are There Any Natural Rights?," *Philosophical Review*, LXIV (1955), 175–191. The injustice of inequalities which are not won in return for a contribution to the common advantage is, of course, widespread in political writings of all sorts. The conception of justice here discussed is distinctive, if at all, only in selecting these two principles in this form; but for another similar analysis, see the discussion by W. D. Lamont, *The Principles of Moral Judgment* (Oxford, 1946), ch. v.

⁴ This point was made by Sidgwick, *Methods of Ethics*, 6th ed. (London, 1901), Bk. III, ch. v, sec. I. It has recently been emphasized by Sir Isaiah Berlin in a symposium, "Equality," *Proceedings of the Aristotelian Society*, n.s. I (1955–56), 305 f.

⁵ In the paper referred to above, footnote 2, I have tried to show the importance of taking practices as the proper subject of the utilitarian principle. The criticisms of so-called "restricted utilitarianism" by J. J. C. Smart, "Extreme and Restricted Utilitarianism," *Philosophical Quarterly*, VI (1956), 344–354, and by H. J. McCloskey, "An Examination of Restricted Utilitarianism," *Philosophical Review*, LXVI (1957), 466–485, do not affect my argument. These papers are concerned with the very general proposition, which is attributed (with what justice I shall not consider) to S. E. Toulmin and P. H. Nowell-Smith (and in the case of the latter paper, also, apparently, to me); namely, the proposition that particular moral actions are justified by appealing to moral rules, and moral rules in turn by reference to utility. But clearly I meant to defend no such view. My discussion of the concept of rules as maxims is an explicit rejection of it. What I did argue was that, in the logically special case of practices (although actually quite a common case) where the rules have special features and are not moral rules at all but legal rules or rules of games and the like (except, perhaps, in the case of promises), there is a peculiar force to the distinction between justifying particular actions and justifying the system of rules themselves. Even then I claimed only that restricting the utilitarian principle to practices as defined strengthened it. I did not argue for the position that this amendment alone is sufficient for a complete defense of utilitarianism as a general theory of morals. In this paper I take up the question as to how the utilitarian principle itself must be modified, but here, too, the subject of inquiry is not all of morality at once, but a limited topic, the concept of justice.

⁶ It might seem as if J. S. Mill, in paragraph 36 of Chapter V of *Utilitarianism*, expressed the utilitarian principle in this modified form, but in the remaining two paragraphs of the chapter, and elsewhere, he would appear not to grasp the significance of the change. Hume often emphasizes that every man must benefit. For example, in discussing the utility of general rules, he holds that they are requisite to the "well-being of every individual"; from a stable system of property "every individual person must find himself a gainer in balancing the account. . . ." "Every member of society is sensible of this interest; everyone expresses this sense to his fellows along with the resolution he has taken of squaring his actions by it, on the conditions that others will do the same." *A Treatise of Human Nature*, Bk. III, Pt. II, Section II, paragraph 22.

⁷ It is not possible to discuss here this addition to the usual conception of rationality. If it seems peculiar, it may be worth remarking that it is analogous to the modification of the utilitarian principle which the argument as a whole is designed to explain and justify. In the same way that the satisfaction of interests, the representative claims of which violate the principles of justice, is not a reason for having a practice (see sec. 7), unfounded envy, within limits, need not to be taken into account.

⁸ The idea that accepting a principle as a moral principle implies that one generally acts on it, failing a special explanation, has been stressed by R. M. Hare, *The Language of Morals* (Oxford, 1952). His formulation of it needs to be modified, however, along the lines suggested by P. L. Gardiner, "On Assenting to a Moral Principle," *Proceedings of the Aristotelian Society*, n.s. LV (1955), 23–44. See also C. K. Grant, "Akrasia and the Criteria of Assent to Practical Principles," *Mind*, LXV (1956), 400–407, where the complexity of the criteria for assent is discussed.

⁹ Perhaps the best known statement of this conception is that given by Glaucon at the beginning of Book II of Plato's *Republic*. Presumably it was, in various forms, a common view among the Sophists; but that Plato gives a fair representation of it is doubtful. See K. R. Popper, *The Open Society and Its Enemies*, rev. ed. (Princeton, 1950), pp. 112–118. Certainly Plato usually attributes to it a quality of manic egoism which one feels must be an exaggeration; on the other hand, see the Melian Debate in Thucydides, *The Peloponnesian War*, Book V, ch. vii, although it is impossible to say to what extent the views expressed there reveal any current philosophical opinion. Also in this tradition are the remarks of Epicurus on justice in *Principal Doctrines*, XXXI–XXXVIII. In modern times elements of the conception appear in a more sophisticated form in Hobbes' *The Leviathan* and in Hume's *A Treatise of Human Nature*, Book III, Pt. II, as well as in the writings of the school of natural law such as Pufendorf's *De jure naturae et gentium*. Hobbes and Hume are especially instructive. For Hobbes's argument see

Howard Warrender's *The Political Philosophy of Hobbes* (Oxford, 1957). W. J. Baumol's *Welfare Economics and the Theory of the State* (London, 1952), is valuable in showing the wide applicability of Hobbes's fundamental idea (interpreting his natural law as principles of prudence), although in this book it is traced back only to Hume's *Treatise*.

¹⁰ See J. von Neumann and O. Morgenstern, *The Theory of Games and Economic Behavior*, 2nd ed. (Princeton, 1947). For a comprehensive and not too technical discussion of the developments since, see R. Duncan Luce and Howard Raiffa, *Games and Decisions: Introduction and Critical Survey* (New York, 1957). Chs. VI and XIV discuss the developments most obviously related to the analysis of justice.

¹¹ For a general survey see J. W. Gough, *The Social Contract*, 2nd ed. (Oxford, 1957), and Otto von Guericke, *The Development of Political Theory*, tr. by B. Freyd (London, 1939), Pt. II, ch. ii.

¹² The difficulty one gets into by a mechanical application of the theory of games to moral philosophy can be brought out by considering among several possible examples, R. B. Braithwaite's study, *Theory of Games as a Tool for the Moral Philosopher* (Cambridge, 1955). On the analysis there given, it turns out that the fair division of playing time between Matthew and Luke depends on their preferences, and these in turn are connected with the instruments they wish to play. Since Matthew has a threat advantage over Luke, arising purely from the fact that Matthew, the trumpeter, prefers both of them playing at once to neither of them playing, whereas Luke, the pianist, prefers silence to cacophony, Matthew is allotted 26 evenings of play to Luke's 17. If the situation were reversed, the threat advantage would be with Luke. See pp. 36 f. But now we have only to suppose that Matthew is a jazz enthusiast who plays the drums, and Luke a violinist who plays sonatas, in which case it will be fair, on this analysis, for Matthew to play whenever and as often as he likes, assuming, of course, as it is plausible to assume, that he does not care whether Luke plays or not. Certainly something has gone wrong. To each according to his threat advantage is hardly the principle of fairness. What is lacking is the concept of morality, and it must be brought into the conjectural account in some way or other. In the text this is done by the form of the procedure whereby principles are proposed and acknowledged (Section 3). If one starts directly with the particular case as known, and if one accepts as given and definitive the preferences and relative positions of the parties, whatever they are, it is impossible to give an analysis of the moral concept of fairness. Braithwaite's use of the theory of games, insofar as it is intended to analyze the concept of fairness, is, I think, mistaken. This is not, of course, to criticize in any way the theory of games as a mathematical theory, to which Braithwaite's book certainly contributes, nor as an analysis of how rational (and amoral) egoists might behave (and so as an analysis of how people sometimes actually do behave). But it is to say that if the theory of games is to be used to analyze moral concepts, its formal structure must be interpreted in a special and general manner as indicated in the text. Once we do this, though, we are in touch again with a much older tradition.

¹³ For the definition of this prima facie duty, and the idea that it is a special duty, I am indebted to H. L. A. Hart. See his paper "Are There Any Natural Rights?," *Philosophical Review*, LXIV (1955), 185 f.

¹⁴ The sense of "performative" here is to be derived from J. L. Austin's paper in the symposium, "Other Minds," *Proceedings of the Aristotelian Society*, Supplementary Volume (1946), pp. 170–174.

¹⁵ This, however, commonly happens. Hobbes, for example, when invoking the notion of a "tacit covenant," appeals not to the natural law that promises should be kept but to his fourth law of nature, that of gratitude. On Hobbes's shift from fidelity to gratitude, see Warrender, *op. cit.*, pp. 51–52, 233–237. While it is not a serious criticism of Hobbes, it would have improved his argument had he appealed to the duty of fair play. On his premises he is perfectly entitled to do so. Similarly Sidgwick thought that a principle of justice, such as every man ought to receive adequate requital for his labor, is like gratitude universalized. See *Methods of Ethics*, Bk. III, ch. v, Sec. 5. There is a gap in the stock of moral concepts used by philosophers into which the concept of the duty of fair play fits quite naturally.

¹⁶ I am using the concept of criterion here in what I take to be Wittgenstein's sense. See *Philosophical Investigations*, (Oxford, 1953); and Norman Malcolm's review, "Wittgenstein's *Philosophical Investigations*," *Philosophical Review*, LXIII (1954), 543–547. That the response of compassion, under appropriate circumstances, is part of the criterion for whether or not a person understands what "pain" means, is, I think, in the *Philosophical Investigations*. The view in the text is simply an extension of this idea. I cannot, however, attempt to justify it here. Similar thoughts are to be found, I think, in Max Scheler, *The Nature of Sympathy*, tr. by Peter Heath (New Haven, 1954). His way of writing is often so obscure that I cannot be certain.

¹⁷ While this assimilation is implicit in Bentham's and Sidgwick's moral theory, explicit statements of it as applied to justice are relatively rare. One clear instance in *The Principles of Morals and Legislation* occurs in ch. X, footnote 2 to section XL: "... justice, in the only sense in which it has a meaning, is an imaginary personage, feigned for the convenience of discourse, whose dictates are the dictates of utility, applied to certain particular cases. Justice, then, is nothing more than an imaginary instrument, employed to forward on certain occasions, and by certain means, the purposes of benevolence. The dictates of justice are nothing more than a part of the dictates of benevolence, which, on certain occasions, are applied to certain subjects. . . ." Likewise in *The Limits of Jurisprudence Defined*, ed. by C. W. Everett (New York, 1945), pp. 117 f., Bentham criticizes Grotius for denying that justice derives from utility; and in *The Theory of Legislation*, ed. by C. K. Ogden (London, 1931), p. 3, he says that he uses the words "just" and "unjust" along with other words "simply as collective terms including the ideas of certain pains or pleasures." That Sidgwick's conception of justice is similar to Bentham's is admittedly not evident from his discussion of justice in Book III, ch. v of *Methods of Ethics*. But it follows, I think, from the moral theory he accepts. Hence C. D. Broad's criticisms of Sidgwick in the matter of distributive justice in *Five Types of Ethical Theory* (London, 1930), pp. 249–253, do not rest on a misinterpretation.

¹⁸ This maxim is attributed to Bentham by J. S. Mill in *Utilitarianism*, ch. V, paragraph 36. I have not found it in Bentham's writings, nor seen such a reference. Similarly James Bonar, *Philosophy and Political Economy* (London, 1893), p. 234 n. But it accords perfectly with Bentham's ideas. See the hitherto unpublished manuscript in David Baumgardt, *Bentham and the Ethics of Today* (Princeton, 1952), Appendix IV. For example, "the total value of the stock of pleasure belonging to the whole community is to be obtained by multiplying the number expressing the value of it as respecting any one person, by the number expressing the multitude of such individuals" (p. 556).

¹⁹ An idea essential to the classical utilitarian conception of justice. Bentham is firm in his statement of it: "It is only upon that principle [the principle of asceticism], and not from the principle of utility, that the most abominable pleasure which the vilest of malefactors ever reaped from his crime would be reprobated, if it stood alone. The case is, that it never does stand alone; but is necessarily followed by such a quantity of pain (or, what comes to the same thing, such a chance for a certain quantity of pain) that the pleasure in comparison of it, is as nothing: and this is the true and sole, but perfectly sufficient, reason for making it a ground for punishment" (*The Principles of Morals and Legislation*, ch. II, sec. iv. See also ch. X, sec. x, footnote i). The same point is made in *The Limits of Jurisprudence Defined*, pp. 115 f. Although much recent welfare economics, as found in such important works as I. M. D. Little, *A Critique of Welfare Economics*, 2nd ed. (Oxford, 1957) and K. J. Arrow, *Social Choice and Individual Values* (New York, 1951), dispenses with the idea of cardinal utility, and use instead the theory of ordinal utility as stated by J. R. Hicks, *Value and Capital*, 2nd ed. (Oxford, 1946), Pt. I, it assumes with utilitarianism that individual preferences have value as such, and so accepts the idea being criticized here. I hasten to add, however, that this is no objection to it as a means of analyzing economic policy, and for that purpose it may, indeed, be a necessary simplifying assumption. Nevertheless it is an assumption which cannot be made in so far as one is trying to analyze moral concepts, especially the concept of justice, as economists would, I think, agree. Justice is usually regarded as a separate and distinct part of any comprehensive criterion of economic policy. See, for example, Tibor Scitovsky, *Welfare and Competition* (London, 1952), pp. 59–69, and Little, *op. cit.*, ch. vii.

²⁰ See J. S. Mill's argument in *Utilitarianism*, ch. v, pars. 16–25.

²¹ See D. G. Ritchie, *Natural Rights* (London, 1894), pp. 95 ff., 249 ff. Lionel Robbins has insisted on this point on several occasions. See *An Essay on the Nature and Significance of Economic Science*, 2nd ed. (London, 1935), pp. 134–43, "Interpersonal Comparisons of Utility: A Comment," *Economic Journal*, XLVIII (1938), 635–41, and more recently, "Robertson on Utility and Scope," *Economica*, n.s. XX (1953), 108 f.

²² As Sir Henry Maine suggested Bentham may have regarded them. See *The Early History of Institutions* (London, 1875), pp. 398 ff.

²³ Thus Kant was not far wrong when he interpreted the original contract merely as an "Idea of Reason"; yet he still thought of it as a general criterion of right and as providing a general theory of political obligation. See the second part of the essay, "On the Saying 'That may be right in theory but has no value in practice'" (1793), in *Kant's Principles of Politics*, tr. by W. Hastie (Edinburgh, 1891). I have drawn on the contractarian tradition not for a general theory of political obligation but to clarify the concept of justice.

²⁴ For a further discussion of the idea expressed here, see my paper, "Outline of a Decision Procedure for Ethics," in the *Philosophical Review*, LX (1951), 177–197. For an analysis, similar in many respects but using the notion of the ideal observer instead of that of the considered judgment of a competent person, see Roderick Firth,

“Ethical Absolutism and the Ideal Observer,” *Philosophy and Phenomenological Research*, XII (1952), 317–345. While the similarities between these two discussions are more important than the differences, an analysis based on the notion of a considered judgment of a competent person, as it is based on a kind of judgment, may prove more helpful in understanding the features of moral judgment than an analysis based on the notion of an ideal observer, although this remains to be shown. A man who rejects the conditions imposed on a considered judgment of a competent person could no longer profess to judge at all. This seems more fundamental than his rejecting the conditions of observation, for these do not seem to apply, in an ordinary sense, to making a moral judgment.

Going Deeper

The Roots of the Categorical Imperative

Kant's Situation

When discussing the general notion of a law, rule, or command, we noted the role of some kind of law-giver that has the authority to place us under an obligation. If the laws, rules, or commands are associated with a political entity like a city, country, or organization like a university or military, it is much easier to accept that we have a duty to pay taxes, turn in assignments on time, or obey a commanding officer. But this doesn't quite apply to the notion of universal *moral* duties, which are supposed to be independent of institutions or associations. Moreover, state laws, military commands, and the like pertain only to particular kinds of actions or areas of people's lives (like how fast to drive or one's responsibilities while deployed on a military operation), whereas moral duties are much more comprehensive, including those that pertain to personal relationships and private choices.

So how can we make sense of the idea that there are *universal* moral laws and duties that apply to *everyone*? To do so would require identifying the right kind of authority. But who or what has authority over everyone, including private matters not regulated by governments or institutions?

In most societies, religion played this role—God or the gods imposed laws on humanity, and the authority of these laws comes from the notion of the Divine as the supreme ruler. Problems arose when it came to which God or gods to acknowledge, how to know what they command, how to interpret and apply the laws, and so on. It was often the established religious institutions or the rulers of a group or region that resolved these problems. Or, as with natural law theory, some sought to ground the law in the order of nature rather than in a direct command from God. However, the authority of these laws still depended and depends on certain presumptions about human nature and, most likely, human nature's relationship to God as the eternal law-giver.

This is a highly oversimplified description, but it is important to recognize that by Kant's time, most of these traditional sources of moral authority had been called into question. In Europe, starting roughly in the 1500s, the Scientific Revolution, the emergence of new political structures, and the Protestant Reformation had undermined the dominant authorities up to that time, such as the monarchy and the Catholic Church. These revolutions left in their wake conflicts and wars that threatened Europe's social fabric. More specifically, they questioned the traditional sources of moral authority. Without the support of these sources, disagreements and disputes became much more substantial, widespread, and often violent.

Some philosophers, such as the Scottish philosopher David Hume, thought that we should abandon the idea that morality has a rational basis and proposed that we think of it as a sentiment or feeling that we have when we consider certain kinds of actions (see the feature titled *Emotivism* in Chapter 2 for more). Although Hume thought we could make sense of the notion of duty, many people disagreed and worried that associating morality with sentiment or feeling would mean we have to do away with the notion of objective duties altogether.

Kant proposed a solution that could vindicate the idea of objective and universal moral duty even without the traditional authorities. This is explained in *Groundwork for the Metaphysics of Morals*. We examine this text in the main part of our text, but what follows is the basic idea.

Kant's Solution

Kant came at this problem from two angles. One starts with an intuitive idea about what morality *is* and tries to spell out and defend it in a way that can resolve disagreements about particular cases. The other angle begins with what we all have in common, no matter our religion, culture, or background—that we are rational beings capable of making our own choices. It turns out that these converge on a single idea, what Kant calls the Categorical Imperative.

The Idea of Duty

Despite the many cultural, religious, and individual differences about morality, almost everyone recognizes that some actions are required and others are prohibited. That is, everyone is familiar with the notion of a duty. Kant proposed that if we think about what the notion of a duty *means*, we can formulate a single moral principle that encapsulates this idea, and we can refer to this principle to determine whether particular actions or policies are in line with moral duty or would violate it.

As we have discussed, a duty is independent of interests and desires, unconditional, and exceptionless. Kant compares these characteristics of the moral law to the laws of nature. It would be nice if gravity switched off for a while so we could fly home rather than deal with traffic, or so we wouldn't break our necks if we fall off a cliff. But just because it would be nice doesn't mean it's possible—regardless of how beneficial it might be to be free from the law of gravity, it will not happen.

According to Kant, that's how duties work. Obviously we aren't *physically* subjected to moral duties in the same way we are to the laws of nature, but *morally* they apply regardless of who we are, what benefits there might be in breaking them, and so forth. Just like everyone will fall if they jump off a cliff, everyone is *morally* obligated to do their duties.

This allows us to determine whether certain actions fulfill our duties or conflict with them. If a duty is something that *everyone* is obligated to do or to avoid doing, I simply ask: *What if everyone did this action I'm considering?*

If the outcome is not something I would want, then there is a problem. For instance, consider our example of a doctor saving several lives by harvesting the organs of a random patient. If I was a doctor in that position, I might think that harvesting organs from this random patient would lead to good results . . . *but what if everyone did that?* What if *I* or my *child* was the one who would be killed for their organs? Or more broadly, what if every time I saw the doctor, even for a routine procedure, there was a chance that I might leave as a corpse without a set of organs?

If I would never want things to be this way and yet I still choose that action, then I am making myself an exception to the rule that I would want others to follow. In other words, I am saying, "It would be wrong for others to do this . . . but not me." However, according to Kant, if it is wrong for others, then *it is wrong for me too*; this is what it means for something to be a duty.

Intuitively, the idea behind the notion of duty is that if something is morally right for me to do, then it is morally right for others as well. Or to put it the other way around, if it is *not* right for others to do, then it is not right for me to do either. So again, I ask myself: *What if everyone did what I'm considering?*

The Idea of Autonomy

Kant wanted to show how there can be objective and universal moral duties despite religious, cultural, and other differences. One angle starts with an intuitive idea about what morality is, namely, *duty*. The other angle starts with something we all have in common: our capacity for reason and free self-determination, or autonomy. There are other things we have in common, to be sure; Mill and Bentham, for example, believed that we all seek pleasure and avoid pain. Kant agrees (though he would not agree that we seek these things above all else). However, we also have this in common with animals.

What animals cannot do, as far as we know, is step back from their desires, impulses, and appetites, and think something along the lines of, "I want to do this, but should I? Do I really have a good reason for doing this?" and to act on that thought.

For instance, have you ever been tempted by a desire for something but made a different choice because you tell yourself that you shouldn't do it? Or have you ever been in that situation and felt yourself *unable* to resist?

If we reflect on those kinds of experiences, we often find that when we give in to temptation, it feels as if it's not really *our own self* determining our actions but some other force, such as our desires and appetites, that we haven't chosen. We feel enslaved by that force, whereas when we are the authors of our own actions and act on the basis of what we have deliberately *chosen* to do for good reasons, we feel free.

Kant thinks that this capacity to act autonomously is what gives humans their special dignity, and respecting this dignity will be the basis of an important part of our moral duties, as we will see shortly. For now, the question is: What does it mean to act freely, rather than to be governed by our desires or what someone else tells us to do? What determines our actions when we, say, resist that piece of chocolate cake? It's our **rational will**.

Intuitively, the idea behind autonomy is that of rationally determining one's own actions, rather than having them determined by some other will or force. So if acting autonomously means acting on the basis of what one's own, independent rational will decides, and rationality is universal rather than something that varies from person to person or culture to culture, then whatever it is that makes one person's choice rational (and thus freely chosen) should be something that *any* rational person could appreciate. So we must ask ourselves: *Are my reasons for acting ones that anyone could rationally accept?*

Whether we start from the idea of duty or the idea of autonomy, we are led to consider whether we are making a choice that we would want everyone to make. Or, to put it another way, that the reasons for our action are ones that everyone could accept; otherwise, we would be making ourselves an exception to the rule. This is the basic idea that Kant develops into what he considers the most fundamental duty of all: the Categorical Imperative.

Kant and Contemporary Moral Values

1. The Golden Rule

The Golden Rule, probably the most well-known moral principle, states, "Do unto others as you would have them do unto you." There are strong similarities between this principle and Kant's Categorical Imperative, especially the formula the universal law. In both cases, we are enjoined to look beyond our own wants, needs, desires, and interests and consider whether our actions are consistent. Both principles also call us to show the same respect to others that we would expect them to show to us.

One thing to note, however, is that when we apply the Categorical Imperative, thinking about whether we would want the same thing done to us is only the starting point. Really what we should be considering is whether we would want *everyone* to do this action. For example, there are people who might be thinking about cheating on an assignment who could honestly say, "If I was the professor, I wouldn't really care if my students cheated," and thus the Golden Rule doesn't move them. However, what they can't say is that they would want *all* students to cheat, because then grades would be meaningless.

This is an important distinction between Kant's idea and the Golden Rule. One can think of the Golden Rule as a "rule of thumb," while the Categorical Imperative would be a more precise way of expressing the same general idea.

2. *The Value of Integrity*

When asked what they regard as a central value or the most important thing that a parent or mentor taught them, many people would answer, "Integrity." One way to describe this is as "doing the right thing even when no one is looking," or staying true to one's values no matter what. A military serviceperson once described the way that this value affects his own behavior by talking about how he would salute the flag at certain times, even when no one was around. Clearly there are no obvious benefits gained or harms avoided by this action, yet it is something he believes is right to do for its own sake.

Even though saluting the flag isn't a moral duty, the idea that we act consistently and are true to our values would display itself in similar ways when it came to moral choices. Parents often feel a sense of shame when they tell their children to act one way while they themselves act differently, recognizing how their words and actions fail to form an integral harmony. We heap praise on those who stick to their principles, even when they or others could benefit by not doing so. And for many, living in so that our beliefs, words, and actions are in harmony gives our lives a sense of wholeness and meaning, even in the face of misfortune or hardship.

Integrity alone isn't enough, however; it is also important that the values and principles associated with integrity be the right ones. For example, there is no doubt that many fanatical religious extremists, Nazi soldiers, or those raised in highly racist environments display a high degree of integrity. We would simply say that they are being true to the *wrong* values. A view like Kant's would explain why it is essential to do right no matter what, as well as help us discern what actually *is* right.

3. *The Importance of Fairness*

If we think about which of the standard moral values seem to take root earliest in our lives, the value of fairness would be a strong candidate. One needs only think about how early in a child's development parents have to start hearing the cry of "It's not fair!" issuing from a child's temperamental mouth. The child almost certainly lacks an understanding of what fairness really means, but we can appreciate the fact that even young children recognize its importance (Piaget, 1965). The problem is that children are likely to invoke the concept of fairness only when it suits them and then excuse themselves from that requirement when it doesn't. Or they may twist the meaning of fairness so that "unfair" simply means not getting what they want or what other people have.

While we would like to say that people tend to outgrow these behaviors, that is not always the case. Adults have a tendency to either find excuses for why a certain standard doesn't apply to them in this or that case, or to characterize the standard in such a way as to avoid the inconvenience of abiding by its usual characterization. In other words, we have a tendency to

rationalize behavior that is fundamentally self-serving (as anyone who watches a politician speak can attest) or we even find cases in which such rationalization provides an excuse to perform heinous deeds in the name of “the greater good.”

Deontological theories can help us guard against such tendencies, and this can be so even if a procedure for determining one’s duty, such as that offered by Kant, doesn’t succeed. If the formula of universal law or the formula of humanity has flaws in its application, the injunction to seriously consider whether we are acting in a genuinely fair way can still be a powerful check on our behavior, as can the mandate to seriously consider whether we are paying the kind of respect toward others that they deserve and that we would expect from them.

4. Rights

If the idea of fairness is one of the earliest moral notions people recognize, the idea of rights is one of the most common and pervasive. The Declaration of Independence speaks of the unalienable rights of life, liberty, and the pursuit of happiness possessed by all men. Later we realized that this was originally construed too narrowly and that the founders should have recognized that all people, regardless of gender, color, and so on have a right to equal treatment, to not be enslaved, and so forth.

Since 1948 the Universal Declaration of Human Rights has significantly impacted national and international policies and relations (UN General Assembly, 1948). Hardly a day goes by when we don’t hear a claim by or on behalf of an individual or group that their rights have been violated or that they have a right to thus-and-such. Many of the most prominent moral and political debates involve claims about rights: the right not to be tortured vs. the right to protect one’s country when debating the treatment of suspected terrorists; the right to life vs. the right to choice in the abortion debate; the right to marry vs. the rights of children to have both a mother and a father in the same-sex marriage debates; the right to bear arms vs. the right to live without the fear of violence in the gun control debate; and so on. Rights are also invoked at much more personal levels, such as the right to be repaid by the friend who borrowed money, the right of a student to be graded fairly by her teacher, or the right of the child to get the toy he wants.

Rights claims are everywhere, and as the previous list shows, some are almost indisputable (the right to equal treatment and to not be enslaved); some are silly (the right of the child to get the toy he wants); and many are the subject of much debate in terms of whether there is such a right, to whom and how widely it extends, and whether and when it can be ignored or overridden. Many rights are established through law as pertaining to certain designated individuals, such as the right of citizens of a particular state to a certain minimum wage, the right of American citizens to vote, and the right of citizens in a certain county to use its recycling facilities.

However, established laws do not always settle the question of rights: even though women have the legal right to abort their pregnancy, many people feel that they should not on the grounds that the fetus has a right to life. Before 2015 most same-sex couples did not have the right to marry, but many people believed they should. In such cases, there is supposed to be

a *moral* right that the laws have failed to recognize. Moreover, many people would assert that *every* human, no matter their country, religion, culture, race, or background, has a right not to be enslaved or exploited, and some would extend this right to animals as well.

We cannot begin to discuss all of the various theories about rights, but in order to connect the idea of rights to deontological ethics, a few points can be made. First, almost all theorists agree that rights are closely associated with duties. If we say that someone has a right to life, then everyone has a *duty* not to kill that person. To look at the relation the other way around, if we have a duty not to lie or a duty to keep our promises, then we might say that others have a right not to be lied to or have the right to have the promise fulfilled. To be able to decide between competing rights claims, therefore, we must be able to invoke the concept of duty that is at the center of deontological ethics.

It is important to note that utilitarians have also defended an account of rights, usually on the grounds that recognizing or granting certain rights better promotes overall human welfare than not recognizing or granting them (Mill, 1956; Pettit, 1997). But on this account, it is theoretically possible that a society might refuse to recognize certain rights, even fundamental ones such as the right not to be enslaved, if the social benefit is great enough. Accounts of rights rooted in deontological views, however, are independent of the social consequences. On such accounts, the right not to be enslaved, for instance, is *absolute*, and should not be violated no matter the benefits of doing so.

This is generally what people mean when they speak of natural or human rights—rights that people have *regardless* of the society in which they live, much less how that society would be benefited or harmed by ascribing such rights. When we refer to natural rights, it generally invokes a corresponding notion of a natural law, such as the kind defended by Thomas Aquinas or (more frequently in contemporary society) a somewhat different kind that has its roots in the theories of the 17th-century British philosopher John Locke (1689/1998).

The notion of universal human rights as we know it today has been heavily influenced by Kant's attempts to ground the notion of moral law in something independent of nature, society, culture, or any other such feature. As we can see, whichever approach one favors, deontological ethics plays an indispensable role in some of the most important public issues and debates today.

Furthermore, on most accounts, rights are absolute, and thereby override considerations of social benefits and harms on specific occasions (Dworkin, 1984). On both the natural law and Kantian accounts of deontological ethics, we have certain duties and obligations that are independent of the benefits and harms that would result from respecting or not respecting them. This idea carries over to the notion of rights.

We can see this at the level of legal rights. There is a legal right not to be discriminated against because of one's race. Law enforcement officials, therefore, cannot decide to focus their efforts on people of certain races while ignoring those of other races, even if they were to judge (rightly or wrongly) that doing so would be the most effective way to reduce overall crime rates.

Moral rights involve the same idea but at a much deeper level. In the debates over slavery during the 19th century, defenders of slavery would often appeal to the social and economic harms that would follow, especially for the South, if slavery were abolished. They were almost certainly correct—the Southern culture and economy was heavily dependent upon slaves, and abolishing slavery did, in fact, cause significant economic disruption and great social upheaval. Some also suggested that blacks were *better off* as slaves and that abolishing slavery would ultimately harm *them* in addition to the harm it would cause white society.

One response to this kind of argument would be to try to counter these claims by showing, for instance, that the benefits of abolishing slavery would outweigh the harms; that blacks were not, in fact, better off as slaves; and so on. But to many, invoking the idea of benefits and harms when discussing slavery would involve “one thought too many” (Williams, 1981, p. 18): the right not to be enslaved is *fundamental* and has nothing to do with social benefits and harms.

Similar ways of thinking can be observed in many debates today, such as the ones mentioned at the beginning of this section. In such debates, we often find arguments that appeal to the social benefits or harms of a certain policy. But we also find other kinds of arguments that assert something more absolute and fundamental—a fundamental right to freedom and self-determination, for example, or an argument that certain actions or policies violate basic human dignity. Such ideas will generally be expressive of the force and prominence that deontological thinking has in our contemporary world.

5

Virtue Ethics: Being a Good Person



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Learning Objectives

After reading this chapter, you should be able to:

- Explain the core features of a virtue-based moral theory.
- Describe the notion of a *telos* and how that informs how people should act in particular situations.
- Explain the Aristotelian concept of happiness and what makes it unique.
- Identify and explain the core features of a virtue as defined by Aristotle.
- Identify Aristotle's cardinal virtues and explain their importance in a flourishing life.
- Discuss objections that claim that virtue ethics is self-centered, doesn't provide adequate guidance, and reinforces prejudices.

Whatever you are, be a good one.

—Unknown

5.1 Introduction

In Chapter 1 we described ethics as the act of seeking answers to the question “How should one live?” The answers examined in the previous two chapters focused almost exclusively on accounts of what one should *do*. Utilitarianism holds that one should do those actions that have the best overall consequences relative to the alternatives and refrain from those that do not. Deontological ethics holds that one should do those actions that are right in themselves and refrain from those that are wrong in themselves, regardless of the consequences. In other words, we have a duty to do or not do certain actions. Yet surely there is much more to living well than merely doing right things and avoiding wrong ones.

In fact, we may find ourselves thinking that the *reason* we ought to do certain things and avoid others is because this is integral to something more fundamental—namely, *being a good person*. The quote that launched this chapter seems to capture this idea. Our lives are varied and complex. We occupy many different roles and have a multitude of interests and commitments. We are beings that don’t simply make choices but have emotions, instincts, and desires. We aren’t simply minds; we are also animals and bodies. We aren’t merely individuals, but members of families, communities, teams, clubs, cultures, traditions, and religions. Whatever it is that characterizes our lives in these multifaceted ways, we want to be *good*.

But is this merely a matter of *doing* the right thing, or is it more a matter of *being* a certain way, as the phrase “We want to *be* good” suggests? If so, then we might be inclined to think of ethics—the search for answers regarding how one should live—as pertaining more to the kinds of people we ought to be than simply what we ought to do, and in particular to what constitutes *good character*. This is one of the fundamental ideas behind virtue ethics.



Allegory of the Virtues, c. 1529, Correggio;
4X5 Collection/Superstock

***Allegory of the Virtues* by Antonio da Correggio (1489–1534). In the middle sits Minerva, the Roman goddess of wisdom. The figure on the lower left is surrounded by symbols of the four cardinal virtues: the snake in her hair symbolizes practical wisdom, the sword in her right hand symbolizes justice, the reins in her left hand symbolize temperance, and the lion skin symbolizes courage. The figure to the right is often interpreted as representing intellectual virtue.**

5.2 What Is Virtue Ethics?

Let's review the way that we distinguished ethical theories in Chapter 1. We can regard human actions as consisting of three parts:

1. The *nature and character of the person* performing the action.
2. The nature of the *action itself*
3. The *consequences* of the action

The main difference between moral theories has to do with which part they believe to be most important when thinking about ethics. The three moral theories can thus be distinguished in this way:

1. *Virtue ethics* focuses on the *nature and character of the person* performing the action.
2. *Deontological ethics* focuses on the *action itself*.
3. *Consequentialism* focuses on the *consequences* of the action.

Virtue ethics maintains that the most important consideration for morality is first and foremost what it means to be a good person, which is described in terms of possessing certain character traits that enable us to live well. These character traits are called **virtues**.

Generally, when we say that someone or something is *good* or *doing well*, we have some idea of what that person or thing is *supposed* to do; in other words, we understand its function or purpose. For instance, if we call something a *good car*, then it must be *running well*, by which we mean that the engine is humming, it drives smoothly, it can get you from point A to point B without trouble, and so on. This is because the purpose of the car is to be a reliable form of transportation. If the tires aren't aligned or the radiator leaks, then the car as a whole won't be running well and we won't say that it's a good car. If the car is used for racing, then a good car must also be fast and have good handling. If the car is used for transporting children, then it must have certain safety features. If one's car is a status symbol, then it may need to be flashy, unique, or expensive. Whatever the purpose, a good car has to have its parts working in harmony, doing what they are supposed to be doing, each contributing to how the whole functions.



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While the virtues of this car might make it well-suited to racing, it would certainly not be a good choice for a family with young children.

Similarly, when we say that a student is *doing well* in school, we mean he or she is learning concepts and skills, behaving in appropriate ways, earning good grades, and so on. If the student is learning but not getting good grades, getting good grades but misbehaving, or getting good grades but not learning much, then we would be reluctant to say the student is doing well in school. To succeed in school and to be a good student, one must have the discipline needed to complete the required work,

be able to internalize and process the information that is given, have the commitment to persevere when things are difficult, and maintain an open mind when confronted with new and challenging ideas. Otherwise, he or she will be unable to succeed as a student.

What does this have to do with ethics? If ethics is concerned with how one should live, the conception of what it means to *live well* will be concerned with more than simply the kind of world I should strive to bring about or the actions I should or should not do. For a car to run well, it needs certain qualities that enable it to fulfill its function in the ways described. Similarly, for students to do well in school, they need certain qualities that enable them to fulfill their goals. These would be the virtues of a car and of a student, respectively. In the same way, we might speak of the qualities that enable a person to live well as a whole and to flourish as a human being. These qualities are what we call the **moral virtues**. So virtue ethics is concerned with two questions: *What does it mean for a person to live well and to flourish?* and *What are the virtues needed for this?*

These ideas should be familiar. We often speak of the *courage* of someone fighting a disease, and we are impressed by the *kindness* of a neighbor or the *generosity* of a relative, the *patience* of a schoolteacher and the *sense of justice* of an activist, the *self-control* that a former addict has developed after years of struggle, or the *wisdom* of a rabbi. Moreover, we can easily see how these qualities are connected to an idea of living well, whether in light of the function or purpose of particular roles like neighbor, teacher, and rabbi, or in light of a sense of overall health and well-being.

Virtue ethics begins with the fact that we seem to have ideas about what a well-lived life involves, what kinds of qualities are admirable, and what sort of behavior people with these qualities will exhibit. The task of ethics, on this view, is to help us refine these ideas, resolve conflicts among them, and explore their implications.

Our source for these ideas will be the Ancient Greek philosopher Aristotle (384–322 BCE), particularly his book, *Nicomachean Ethics*, in which he declared that the aim of studying ethics is not to gain *knowledge* but to *become better people* (Aristotle, 1931, 1103b). But before considering his ideas, let's first get a broad sense of what moral reasoning looks like according to virtue ethics.

5.3 Virtues and Moral Reasoning

Virtue ethics does not involve the straightforward process of applying an independent principle to determine the right action in a given circumstance, as we might find in utilitarianism or deontology. Rather, it emphasizes the qualities of character that we need in order to make good choices in each specific situation, which means that the process of making such choices cannot be reduced to an abstract procedure or recipe. For this reason, some people have difficulty understanding how it applies to concrete problems. Moreover, there are many different forms of virtue ethics, just as there are many different forms of consequentialist ethics and deontological ethics. However, by focusing on Aristotelian virtue ethics, we can identify a general feature of its approach to moral reasoning—namely, its teleological form.

To call moral reasoning “**teleological**” means it draws on a notion of the human **telos**—the end, purpose, or function of a person's life, or what kind of person one should be. It is in terms of the human telos that we understand what a *good* human life is, and this understanding

informs an account of the virtues and choices a good person would make in particular circumstances.

This notion of the telos may be tied to a social role, expressing what it means to be a parent, doctor, friend, and so on. It may also reference the ideals and ends specific to a particular person, such as aspirations, religious or spiritual commitments, or loves and passions. It also frequently draws on deeper ideas about human nature—what it means to be a rational agent, a finite being, one who forms communities and relationships, is dependent and vulnerable, and so forth. All of these qualities factor into a sense of what it means to be fulfilled, whole, and living well.

In light of understanding the telos we can reason about the virtues that are needed to live well, such as the trustworthiness one needs to be a good friend or the courage one needs to be a good soldier. We can then reason about the choices one should make if one is to be a trustworthy friend or a courageous soldier. While certain rules and principles may inform our reasoning, doing the right thing—that is, doing what a trustworthy friend or courageous soldier would do—is not a mere matter of following rules and principles. Rather, it involves reasoning about the goods of friendship, military service, and human life itself and how best to live those out.

Virtues and Skills

It is often helpful to understand the teleological account of moral reasoning by comparing it with the exercise of practical skills, like mathematics, playing an instrument or a sport, or cooking, especially considering the development of expertise.

Someone learning a new skill will start by following certain procedures, such as the rules for multiplying two numbers or how to hold a tennis racket. The point of these rules is to enable us do math or play tennis well, so we also begin to develop a sense of what it is that gives those rules their point; that is, the ends and goods of that activity. In time, these rules become second nature. Participating in this activity no longer involves thinking about such details, but focusing on more advanced ones. Things that the beginner has to consciously think about become second nature to the expert, and this must be the case if one is to grow and develop. Moreover, the expert may even come to recognize when some of those rules need to be broken or modified in order to fulfill the ends of that activity. Thus, the expert's choices can be rational even when she isn't thinking about them or even when she contravenes certain rules or procedures, and this is because of how her choices relate to the ends and goods of that activity. This is what makes the rationality of these activities *teleological*.

Ethical reasoning works much the same way. Moral rules and principles have an important place in helping us live a good human life and become the sort of people we ought to be, which gives them their rationality. But following rules is insufficient; one must strive to see the goods at which they aim and to develop the virtuous character needed to fulfill those goods. Virtue ethics tries to uncover and explain how this sense of purpose can factor into a rational conception of how to live, including whether and to what extent we can reason about how *anyone* should live.

Think about the various features of your life. You may be a father, mother, husband, or wife. Perhaps you are in the military, in sales or management, work with kids, or work in something hands-on like construction or repair. You may be involved in professions such as healthcare, social work, or religious ministry. You may have various interests or hobbies such as sports, music, or art. Since you are reading this text, you are most likely a student. What qualities do you need to be successful at each of these activities?

Even if you are not personally involved in certain activities, you might be interested in many of them as a consumer or as someone affected by the choices of others. You go to doctors, you follow sports, you are impacted by what our military is doing, you vote for politicians, you call plumbers or electricians, or you attend a church. What qualities do you expect of those who are engaged in activities that affect your life?

For instance, to be a **good soldier** one needs **courage**, **loyalty**, and **integrity**. To be a **good parent** one needs **patience** and **care**. To be a **good student** one needs **discipline** and **open-mindedness**. To be a **good friend**, one needs **honesty** and **faithfulness**. To be a **good nurse**, one needs **sensitivity** and **empathy**. The list could go on and on.

The character traits in red are the *virtues* needed to be a good soldier, parent, and so on. What kinds of actions do these virtues call for in various circumstances?

What does courage mean on the battlefield versus in the barracks? How do we balance loyalty and integrity when they conflict? Does having patience as a parent mean we never get angry at our children, or are there appropriate times and ways to express anger? Does caring for the sick mean doctors or nurses limit themselves to the activity of healing, or must they respect the patient's wishes when that may conflict with healing? How does the dedication and discipline needed to be a good student weigh against the care and thoughtfulness needed to be a good spouse, especially with limited hours in the day? If these activities involve a balance between different aims, what is that balance?

Most people would agree that there are no hard and fast rules or principles that can answer all of the questions we and others encounter in the course of trying to be the best parent, soldier, student, or healthcare worker one can be. However, we can still provide reasons why certain virtues are important and what a virtuous person would do in certain situations.

For instance, we noted earlier that a good student needs virtues like discipline and an open mind to achieve the goods of education. In light of the fact that a good student aims not just to get a good grade but to gain knowledge and understanding, we could add the virtue of honesty to that list, for without it one cannot fulfill that aim. When faced with a situation in which one can successfully cheat, the honest student will recognize that this may result in a higher grade but will undermine the goods of knowledge and understanding. Based on this reasoning, he or she will recognize that the ethical choice is to not cheat.

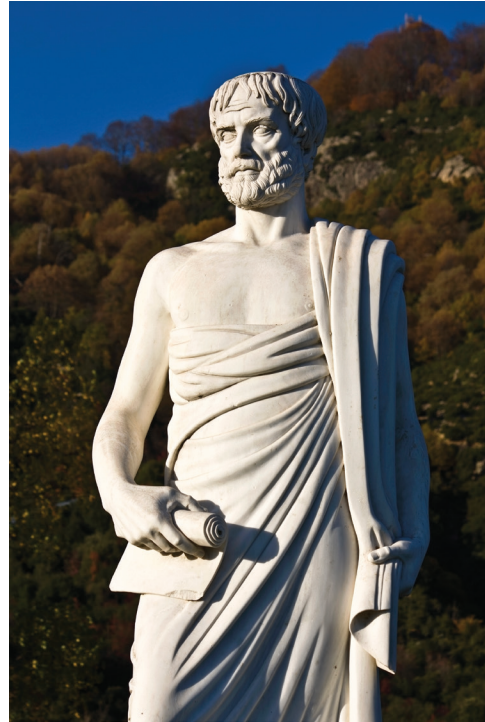
It is important to note that we are not starting from scratch in trying to understand what virtue is or by articulating what kinds of decisions virtuous people would make in particular circumstances. We already have a basic understanding of these ideas before we start thinking about them at a deep, philosophical level. Philosophical inquiry can help us clarify these ideas; it can help us expose and work through weaknesses and inconsistencies. It enables

us to address challenges that arise from alternative views, difficult questions, and dilemmas, and helps us resist the power that mere personal desire, traditional or established assumptions, or prevailing cultural trends can have over our own sense of how one should live.

As we mentioned previously, our main source for such philosophical investigations into virtue is the Ancient Greek philosopher Aristotle. Although he lived and wrote almost 2,500 years ago, his ideas remain familiar and relevant to us today. We now turn to his text.

5.4 The Nicomachean Ethics

Start by reading [Book I of Nichomachean Ethics](#) in the Primary Sources section at the end of the chapter and come back to this point in the chapter.



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Aristotle, an ancient Greek philosopher.

Book I: The Human Telos

Aristotle starts his discussion of ethics not with an account of right and wrong, but by describing what we aim at in living our everyday lives. Think for a moment about various decisions you made today. Why did you choose to do one thing over another? You may have chosen to get up at a certain time, eat certain things for breakfast, do certain chores, take a certain route to work, and at some point you decided to sit down and read this book.

Aristotle's first observation is that when we make choices, we have some reason for doing so. Whatever our reasons, there is something all of our decisions seem to have in common: we consider them to be, in some way, *good*.

Now, you may be thinking, "I've made lots of bad choices, including some that I knew were bad when I made them. So Aristotle can't be right." But perhaps the "bad" choice was intended to bring you immediate gratification or to avoid some pain, even if you knew that it was only momentary and would lead to more problems later. Or perhaps you simply misjudged a situation and made a choice that turned out worse than you hoped. In either case, though, wasn't there *some* sense in which your choice was aimed at something good? If we think it was a bad choice, then it may be because it *seemed* good but wasn't *actually* good, or it wasn't good *overall*.

If this is correct, then it suggests that when we make choices, we are, indeed, aiming at something good. This reflection leads us to a further question: what is good? What *should* we be aiming at when we make choices?

Ethics FYI

Aristotle

Aristotle was a student of Plato and went on to become one of the most important figures in Western history. Aristotle invented the study of logic, made contributions to the natural sciences (especially physics and biology) that dominated scientific studies for nearly 2,000 years, and his metaphysical views had a tremendous impact on the Jewish, Christian, and Islamic religious traditions. He also tutored the famous Macedonian conqueror Alexander the Great and established an important school in Athens called the Lyceum.

Aristotle's influence on the ancient world was tremendous, and most of the philosophical debates in the centuries following his death had to contend with his ideas, either by showing how certain views were consistent with his or by attempting to refute him. However, for reasons we don't entirely know, a great many of his writings were lost in the early part of the Common Era. What survived were, for the most part, not Aristotle's own writings themselves, but notes and summaries that his students took of his lectures at the Lyceum. For hundreds of years, these were preserved mostly in eastern Europe and the Middle East until they were rediscovered by Western Europeans around the 12th century as the period known as the Dark Ages was drawing to a close.

The *Nicomachean Ethics* is not the only work containing Aristotle's ethical teaching, but it is certainly the most well-known and influential. Aristotle had a son named Nicomachus, and historians speculate that the *Nicomachean Ethics* was probably either compiled by his son or dedicated to him. Either way, the legacy of this work, as with much of his thought, cannot be overstated. However, it is also important to note that virtue ethics is not to be strictly identified with Aristotle's ethics, any more than utilitarianism should be identified with John Stuart Mill's ideas or deontology with Immanuel Kant's. For one thing, utilitarians like Mill, deontologists like Kant, and many others who depart from Aristotle's views in important ways have nevertheless recognized the importance of virtue and incorporated it into their broader ethical systems. Second, Aristotle held views that many people today find objectionable, particularly regarding women and slavery. For this and many other reasons, even those who have been heavily influenced by Aristotle end up going beyond him.

As we discussed previously, we often aim at a good connected to some sort of identity, role, or function; sometimes it has to do with one's private and personal life, such as one's interests and hobbies; and sometimes it connects to an overall sense of health and well-being. In such cases, the good choice is the one that helps us to be a good parent or friend, fulfill God's will for us, promote justice, live healthy, and so on, while the bad choice is one that hinders this goal.

However, two difficulties arise. First, how do we know whether our aims, especially those associated with a particular role or personal commitment, are *genuinely good*? We know that one can be really good in a certain role yet be a thoroughly rotten person. Take the example of Adolf Eichmann, a man who was fantastically good at his job, had all of the qualities needed to do well, and was admired and praised by his colleagues and superiors. His role? To round up and exterminate Jews in Nazi Germany (Arendt, 1963).

Second, many of us often find it difficult to balance our various roles and ambitions, even when there is no question as to whether they are worthwhile. How should we decide whether to prioritize our responsibilities as a student or a parent when the two conflict? Similarly, within a society there are many different roles and occupations, not to mention cultures, commitments, backgrounds, and preferences. Is there some *overall* aim, or telos, in terms of which we can evaluate the merits of particular aims, balance the goods in our own lives, and recognize ethical standards that we all have in common?

Aristotle says yes: we all aim for happiness.

Happiness: More Than a Feeling

Aristotle (1931) poses the following observation and question:

If . . . there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good. Will not the knowledge of it, then, have a great influence on life? Shall we not, like archers who have a mark to aim at, be more likely to hit upon what is right? . . . Most people] say that it is happiness, and identify living well and faring well with being happy. (1094a, 1095a)

Aristotle describes happiness as the chief good at which all of our activities aim and proposes that understanding what happiness is will allow us to “hit the mark” when seeking to make good choices. However, his final remark that “being happy” is identified with “living well and faring well” presents a contrast to what this term often means to us today.

Think about what springs to mind when you hear the word *happiness*. You may think of happiness as a good feeling, like that which we get when we hear good news, when we’re with people we love, or are doing something we enjoy. It may conjure up the kind of personal satisfaction or contentment that we strive for by reading self-help books, going to therapists, or attending an uplifting religious service. You may think of it in the way it is meant when we say things like, “I don’t personally agree with her choices, but if it makes her happy, who am I to say there’s anything wrong with it?”

In this sense, “happiness” would mean something internal and very personal, having to do with pleasure, inner peace, or the satisfaction of inner desires and goals. While Aristotle would acknowledge that this is important, it is not quite what he means by the term. Rather, if we carefully consider the idea that happiness is the ultimate aim of human life (or “chief end,” as Aristotle calls it), we realize that it has to be more than simply how someone *feels* about their life. What we all want, says Aristotle, is a life that is *truly flourishing*, which in Greek is called **eudaimonia**. This is far more than feeling good, far more than satisfying our personal desires or goals, and even more than achieving a sense of satisfaction and contentment, for we could have all these things and not have a life that one could truly say was going well.

Ethics and Politics

Aristotle describes the study of ethics and the well-lived life as “politics” or “political science” (Aristotle, 1931, 1094b). This may initially sound strange to us, since we often think of politics as concerned with how governments should function, what laws should be in place, and so on. We often think that politics should be kept separate from the “private” sphere in which we pursue the things that make us happy. Indeed, on many contemporary accounts the main function of government is to ensure people as much freedom as possible to discover and pursue their own personal vision of the good life. Aristotle’s use of the term *politics* to describe the way we form and revise an understanding of what the good life actually *is* would seem to be quite different than our modern conception.

While it may be the case that we have good reason to limit the extent to which governments get involved in legislating around particular views of happiness, the idea behind Aristotle’s word choice is that living a human life and living it well is shaped through our relations with others. Before we begin to think reflectively about our individual lives, we have already been formed and shaped by our families and communities. Our identities depend in part on how we relate to others. We are never merely individuals but are also mothers and fathers, sons and daughters, friends, neighbors, citizens, Hindus, Buddhists, atheists, Republicans, Democrats, and so on. We are dependent on others and vice versa. We work together, strive toward common goals, and experience each other’s suffering and joy.

If this is true, then any account of what it means to live a flourishing life cannot be simply a private matter. Just as it initially emerges through our relations with others, it must continually be developed and refined through them. So when Aristotle talks about the inquiry into happiness and living well as “political science,” he means that, as social beings (Aristotle, 1931, 1097b), we are inquiring into the flourishing of a life that is lived out *in common with others*, that the most important goods that we pursue are *common* goods, and thus we need to deliberate with others about what it means to live well.

To get a sense of the difference between Aristotle’s notion of *eudaimonia* and the common notion of happiness as merely an inner feeling or sense of personal satisfaction, imagine a life of little more than such experiences and consider whether that life could be called truly well lived. For instance, drug addicts are known to be willing to give up anything and everything for their next high, sacrificing family, career, and health to attain that blissful, feel-good moment as often and as long as possible. If happiness really is just a matter of feeling good or experiencing what you happen to consider pleasant and enjoyable, then it would stand to reason that someone who is able to experience a constant state of drug-induced high would be the happiest person around; yet we would generally say quite the opposite about such a person, especially when that state involves complete oblivion to the world around them, such as the ravaging of his or her body or the suffering of his or her family as a result of such a condition. Is this what we would consider to be human flourishing? Is that permanent state of bliss what we have in mind when we think of what we all strive for?

Instead, what Aristotle has in mind is that we aim to be the sort of person about whom others would ultimately say, “this person lived a good life.” Maybe you have had a grandmother like

that, or you might be thinking of a community or religious leader, or someone you have read about in a history class. Often in such cases the person has decidedly *not* lived a life of bliss; in fact, it is typically the way in which they overcame hardships and persevered in the pursuit of some noble purpose outside of themselves that leads us to hold them up as examples of well-lived lives. So Aristotle urges us to move beyond the immediate ideas we might have about happiness and examine more deeply what it means to talk about “a life lived well,” especially in light of examples of those we admire. How might we characterize such a life?

The Flourishing Life

It is important to point out that Aristotle recognizes a limit to how specific and concrete an account of *eudaimonia* can be; the best we can do, as he says repeatedly, is to provide an account “roughly and in outline” (Aristotle, 1931, 1094b). Having said that, we remember first that Aristotle identified happiness as the ultimate telos, and to understand the telos of something like a wolf, student, parent, athlete, or human being we must identify its *characteristic activity*. In other words, to flourish as a human being—to be truly happy—is to be *performing well* those activities *characteristic* of humans (as distinguished from other kinds of creatures). So what is this characteristic activity of human lives? What is it that most deeply captures our humanness?

Let’s look at a passage in which Aristotle (1931) describes what this function or characteristic activity of human life involves:

Life seems to be common even to plants, but we are seeking what is *peculiar to man*. Let us exclude, therefore, the life of nutrition and growth. Next there would be a life of perception, but it also seems to be common even to the horse, the ox, and every animal. There remains, then, an active life of the element that has a rational principle. . . . Now if the function of man is an activity of soul which follows or implies a rational principle . . . and the function of a good man to be the good and noble performance of these, and if any action is well performed when it is performed in accordance with the appropriate excellence: if this is the case, **human good turns out to be activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete. But we must add ‘in a complete life.’** For one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy. (1098a)

There are a few key points that we should take away from this passage.

First, happiness is an *activity*. Sometimes, especially when we associate happiness too strongly with a positive inner feeling, we like to think that happiness is something like lounging on the beach and doing nothing. But if we compare the flourishing of a human life to flourishing in particular roles, we recognize the importance of activity. We wouldn’t say a running back is flourishing if he is just sitting on the sidelines or that a musician is flourishing if she never picks up an instrument. Similarly, a flourishing, happy life is one in which a person is actively living in a way that fulfills his or her potential. In this sense, when we are striving for

happiness we aren't striving after some sort of condition whereby we attain it and then stop. Rather, Aristotle's view of happiness is that of a continuous, ongoing activity.

Second, happiness is an activity of "*soul which follows or implies a rational principle.*" Unlike non-human animals whose behavior is largely a matter of instinct and reaction to stimuli, humans have the capacity to consciously reflect on who we are and what we are doing, to take a stand on what we believe to be good and true, and to base our lives and decisions on that. Therefore, exercising that capacity by living a reflective life that continually seeks to orient itself toward the good is superior to a life that is unreflective or concerned only with enjoyment or the satisfaction of desires.

Are there other characteristic functions of human life that we could include as part of a general definition of happiness? Some possibilities suggested by philosophers have included living in community, forming relationships, aesthetic appreciation, creativity and play, justice and fairness, authenticity, and spirituality. Whatever account we give of the human telos, happiness will require nurturing and developing the kinds of characteristics needed for these areas of our lives to flourish. That is, happiness is not simply a matter of *doing* certain things, but *being a certain way*, which brings us to the last part of Aristotle's definition of happiness—living "in accordance with virtue." So we now turn to look more closely at the virtues themselves.

Book II: The Virtues

Read [Book II of Nichomachean Ethics](#) in the Primary Sources section at the end of the chapter and come back to this point in the chapter.

Early in Chapter 6, Aristotle (1931) provides a general account of what a virtue is that should be familiar to us by now:

every virtue or excellence both brings into good condition the thing of which it is the excellence and makes the work of that thing be done well . . . Therefore, if this is true in every case, the virtue of man also will be the state of character which makes a man good and which makes him do his own work well. (1106a)

As we have seen from examples like a good car, student, athlete, musician, parent, and so on, we start by describing the telos of an entity or being (its role, function, or characteristic activity) and then uncover the qualities it needs to fulfill its telos well. We can think of the moral virtues as the qualities and characteristics that are essential to *eudaimonia*, or an overall happy and flourishing life of the sort we discussed earlier. That's not to say that the moral virtues are *independent* of the virtues specific to being a good soldier, athlete, and so on. Indeed, to truly flourish in any of these roles and activities, one will need the moral virtues *in addition* to the virtues specific to that particular practice. So what are these moral virtues?

Aristotle lists four **cardinal virtues**, or those that are most important to a flourishing human life: **courage**, **temperance**, **justice**, and **practical wisdom**. There are many others that we may add, including honesty, generosity, benevolence, hope, love, patience, friendliness, and many that we might have an idea of without necessarily having the right words to describe.

We can observe, for instance, the importance that courage has in all areas of life. Obviously it is a highly important virtue to being a good member of the military. But good parents often need courage to face an unruly child, to stand up at a parent–teacher meeting, and so on. Being a good manager often requires courage to confront an employee or boss or to give a presentation at a meeting. People need courage to face illness, talk to the cute guy or girl at a party, try the strange dish one’s friend has lovingly prepared, or to risk one’s life to help a stranger in trouble.

Similar things can be said of how all of the other cardinal virtues are crucial for flourishing in particular roles and activities as well as in one’s life as a whole. As we said before, Aristotle (1931) believes there is a limit to how specific or precise one can be about the ultimate telos of human life, and so there is a corresponding limit to how precisely we can define or specify moral virtues. However, according to Aristotle, we can still say a lot of general things about those virtues. Let’s first look at how he defines virtue at the end of Chapter 6, after which we will break it down:

Virtue . . . is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it. (Aristotle, 1931, 1107a)

A State of Character

The first thing to be said of a virtue is that it is a “state of character,” or as Aristotle says in Chapter 1, a **habit**.

What do we usually mean when we describe something as a habit? Think about a habit in your own life, now or in the past. You might think of smoking, overeating, procrastinating, lying, checking social media, or cracking one’s knuckles. These behaviors are acquired over time by repeating similar kinds of action. In doing something repeatedly, it eventually becomes ingrained to the point that it feels like second nature; indeed, we often feel in some sense



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Just as it’s important for children to develop healthy eating habits, it’s important for them to develop the good emotional and behavioral habits we call virtues.

controlled by our habits—they strongly effect our behavior, and breaking the habit involves a great deal of effort and discomfort. For this reason, we are used to thinking of habits as bad things.

But habits can also be good things. Think of how teachers talk of developing good study habits. When a basketball player shoots free throws over and over again, he or she is trying to develop certain habits needed to play well. When people join the military, they have to go through basic training, which is essentially an attempt to replace bad habits with ones that are needed to be a good soldier. Students, athletes, and military personnel need to have certain things ingrained

in them to perform well and would be greatly hindered if they had to constantly struggle to perform their characteristic actions.

Similarly, in Aristotle's view, not only can habits be good, but a well-lived life *requires* good habits, since that is what virtues are, while vices are bad habits. Honesty is a habit, and dishonesty is as well. Generosity, courage, and all the other moral qualities that we admire in people are habits.

For instance, consider the following two cases:

1. On his way home after a night of heavy drinking, Bill spots someone trying to rob an old man on the street and risks his life to confront the robber and defend the old man. Later he barely remembers that and reckons that the whiskey and beer must have inhibited his usual sense of fear and caution, since he would never have been so bold otherwise.
2. On his way home after a night of studying, Brian spots someone trying to rob an old man on the street and risks his life to confront the robber and defend the old man. As a veteran of multiple tours in Iraq and Afghanistan with the Marines, Brian is no stranger to life-threatening situations and would not hesitate to do the same thing again.

While both of these people performed the same action, in the first case the action wasn't natural; it did not flow from a deeply rooted characteristic in the way it did for the person in the second example.

If virtues are good habits, then we should expect that good behavior will normally feel good and bad behavior will normally feel bad, which is exactly how Aristotle describes things. The generous person *enjoys* giving to others, the honest person is *pained* at the thought of telling a lie, and the courageous person *wants* to aid her fellow soldier in trouble. The mark of a virtuous person is that his or her feelings are in harmony with his or her actions, and he or she gains pleasure through virtuous activity.

Moreover, as with any habit, becoming virtuous requires *practice*, repeatedly doing similar kinds of things until it becomes second nature. To become a good athlete or musician, one has to *practice*. Similarly, to become an honest student, a patient parent, a faithful spouse, or generous friend, one has to repeatedly make the same choices a virtuous person would make.

Lying in a Mean

Aristotle defined virtue as "a state of character concerned with choice, *lying in a mean, i.e. the mean relative to us*" (Aristotle, 1931, 1107a). Aristotle meant that the states of character or habits that we call virtues exhibit some kind of quality, but neither too much nor too little of that quality. A virtue is thus an intermediate between two extremes—excess and defect—and virtuous action will express this kind of intermediate between extremes, sometimes called the **golden mean**. The best way to understand this is to consider some examples that focus on two of the cardinal virtues that Aristotle recognized: courage and temperance.

1. Courage
Consider a quality like respect for potential harms and dangers, perhaps on the battlefield.

Too much fear of harm is the vice of cowardice. This is a pretty familiar idea. If a soldier runs away from battle and abandons his fellow soldiers the moment he hears gunfire, he is letting his fear of harm get in the way of being a good soldier, which sometimes requires a willingness to sacrifice life and limb. His overabundance of fear may also lead him to misjudge a situation and regard it as more dangerous than it really is.

But there is another side to this as well: Too little respect for harm and danger is also a vice. This is less familiar and doesn't have a single term associated with it, but we can still recognize it. A soldier who runs into a firefight without any good reason, needlessly putting his life, the life of his fellow soldiers, and the mission at risk, is not displaying courage. We would call his behavior something like rashness or recklessness. Similarly, someone who fails to appreciate the risks and dangers of a situation isn't courageous but rather exercising poor judgment.

Just the right amount of respect for potential harms and dangers is the true virtue of courage. Knowing when it is appropriate to put oneself at risk and how much risk to take is the exercise of that virtue. Moreover, we can see how essential this "right amount" is to fulfilling the telos of a good soldier.

2. Temperance

Consider another characteristic of human life like one's physical desires; let's focus on eating habits as an example.

When one's desire for food is too strong and one eats too much—especially the kinds of things that aren't good to eat—we call this the vice of gluttony or overindulgence.

On the other hand, when one's desire for food is too weak and one eats less than is healthy or too few of the kinds of foods that are important to health, we also recognize that there is a problem (though we don't really have a proper term for this vice). Many children (and adults), for example, lack a desire for vegetables and do not eat enough of them to be healthy; people who eat too little overall may be anorexic.

Just the right amount with respect to what we eat and how much is called the virtue of temperance or moderation; or, simply, good eating habits (a term that reinforces the connection between virtue and habit). As we know, and as Aristotle himself acknowledges, our desires strongly affect our behavior (Aristotle, 1931). So it is important for us not to simply eat the right amounts of the right things, but for our desires to align with that. This is why many parents insist that children eat their vegetables and don't indulge them every time they want a candy bar; the hope is that they will come to enjoy vegetables and crave sugar less often. We can also see how crucial temperance is to the flourishing and happiness of our lives as a whole, given the importance of bodily well-being.

Of course, our physical desires (and lack thereof) also extend to exercise, drugs, alcohol, and sex. Accordingly, we should be able to talk about the ways in which *too much* or *too little* desire for such things, or desires that are oriented toward the wrong objects, can be detrimental to one's health, relationships, community, career, and so on, while the right amount of these—the virtue of temperance—is essential to flourishing in these particular areas and in one's life as a whole.



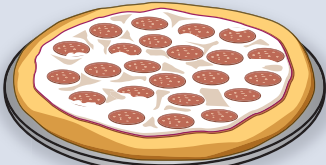
A Mean Relative to Us

We have been considering Aristotle’s idea that a virtue is an intermediate between too much and too little of some quality and how exercising virtue makes a difference to one’s flourishing.

This raises the question of whether this “right amount” is exactly the same for all people in all situations. Aristotle said no: a virtue, according to his definition, lies in a mean *relative to us*. In other words, the intermediate between the extremes will vary depending on the person and the situation.

It is important to note that this idea of the “mean relative to us” is quite different from the kind of relativism about moral value that we discussed in Chapter 2. There we defined relativism as the view that moral “truth” is relative to what an individual or culture happens to believe or value. Thus, if an individual or culture regards something as having a certain moral value (good or bad, right or wrong), then other individuals or those of other cultures can neither affirm nor deny these judgments. But this is not what Aristotle means when he says that the intermediate state that defines virtue is relative. What he means is that there is an *objective* truth regarding the right amount, but this can vary according to certain features of the particular situation.

This is best seen by looking at some examples. Let’s revisit the eating example. Take a look at this meal plan and think about whether it would be the daily diet of someone who eats too much, too little, or the right amount.

Breakfast	Lunch	Dinner
<ul style="list-style-type: none"> • Three fried-egg sandwiches with cheese, lettuce, tomatoes, fried onions and mayonnaise. • An omelette — containing five eggs. • A bowl of grits. • Three slices of French toast, with powdered sugar on top. • Three chocolate chip pancakes. • Two cups of coffee. 	<ul style="list-style-type: none"> • Half a kilogram of enriched pasta. • Two large ham and cheese sandwiches on white bread with mayo. • Energy drinks (about 1,000 calories). 	<ul style="list-style-type: none"> • Half a kilo of enriched pasta. • A whole pizza. • Energy drinks (about 1,000 calories). 

“Phelps’ Pig Secret: He’s Boy Gorge,” New York Post, August 13, 2008
(<http://nypost.com/2008/08/13/phelps-pig-secret-hes-boy-gorge/>)

How would the average person feel after a day of this diet?

For most of us, this sort of diet would be far too much, and if we followed it we would be dangerously obese.

However, this diet was part of the actual routine of this person in 2008:



AP Photo/David J. Phillip

As an Olympic athlete, Michael Phelps had to eat a tremendous amount of food to provide his body with the fuel it needed to train and perform well.

This was the diet of Michael Phelps, the great swimmer who won 28 Olympic medals. Clearly this diet was the right amount for him, as he needed a tremendous number of calories to swim at the Olympic level. Moreover, a diet that would be *temperate* or the right amount for the rest of us would have been deficient for Phelps, failing to provide him the necessary energy and nutrition.

So temperance—eating the right amount of the right things—is relative in the sense that it would be different for someone like Michael Phelps than it would be for the rest of us. We can say the same thing about other situations as well: if I am trying to lose weight, then the right amount may be considerably different than if I am trying to regain weight after, say, cancer treatment. If I’m a Catholic monk and it is Lent (when many Catholic monks abstain from most foods), the right amount to eat will be different than if it is Easter (when they celebrate the resurrection of Christ with great feasting).

But notice that in such cases there is still an objective fact as to what the right amount is, so it is not relative in the sense that any view is just as right as any other. Clearly for an Olympic-level swimmer like Phelps, eating like a monk during Lent would be *bad*; and if his coach were to say, “I personally believe that you should be eating more, but who am I to judge?” we would say he was a pretty bad coach.

Similarly, if an ordinary middle-aged man or woman happened to believe that subsisting on a diet like Phelps’s was good for them, we would say that they are *wrong*, and we would have good reasons for saying that.

We have been talking about the virtue of temperance, but we could say similar things about how the other virtues lie in an intermediate that isn’t the same for all people and all situations but is relative to them. In the example of courage on the battlefield, we noted how the right amount of respect for potential harms and dangers depends on the circumstances—what one’s mission is, how important certain goals are relative to others, what the actual danger is, what role one plays, and so on. Since there is an endless number of variables that

could factor into a situation, it is impossible to anticipate everything that might happen and establish rules for all scenarios. But this doesn't mean that there is no correct answer; there usually is a fact as to whether certain choices in battle are cowardly, rash, or expressing the intermediate state of courage.

How is the virtuous intermediate determined? Aristotle (1931) says it is "determined by a rational principle" (1107a).

Virtue Ethics and Moral Absolutes

We have distinguished virtue ethics from deontology, which is based in the notion of absolute duties. Unlike utilitarianism, according to which anything may potentially be morally justified if the consequences are good enough, the deontological view holds that certain actions should never be undertaken, no matter the consequences.

Virtue ethics emphasizes the importance of moral development and practical wisdom in dealing with the particular features of each situation rather than relying on a set of rules or principles that can be applied by anyone. Does this mean that virtue ethics is more like utilitarianism in the sense that there are no absolute duties or prohibitions, actions that would always be right or wrong to perform?

Not necessarily. While some virtue ethicists may deny that there are any absolute duties or prohibitions, others believe that there can be. Remember that a virtuous person will have reasons for what he or she chooses, and it is possible that there could never be a good enough reason for certain kinds of things. That is, some kinds of things are inherently contrary to even a minimal conception of virtue.

Aristotle, for one, thought this. He describes virtue as "hitting the mark" (Aristotle, 1931, 1106b) with respect to both feeling and action, which means that one avoids both excess and defect in choosing the intermediate. However, "not every action nor every [feeling] admits of a mean" (Aristotle, 1931, 1107a), he said. Some are bad in themselves, including feelings like spite, shamelessness, and envy, and actions like adultery, theft, and murder. "It is not possible, then, ever to be right with regard to them; one must always be wrong" (Aristotle, 1931, 1107a). There isn't a good way to do such things distinguished from a bad way, as if we could speak of "committing adultery with the right woman, at the right time, or in the right way." Rather, "simply to do any of them is to go wrong" (Aristotle, 1931, 1107a).

Later, the notion of the natural law developed among medieval Christian, Islamic, and Jewish thinkers, combining Aristotle's views with the notion of divine laws and commands inherited from the religious traditions. They and their contemporary descendants argue that certain actions are inherently contrary to human nature, and, as such, are always wrong.

Determined by a Rational Principle

For something to be determined by a rational principle means we should be able to account for why something was the right choice or why certain feelings and emotions are appropriate. On the Aristotelian view, this account will generally involve an implicit, and sometimes

explicit, reference to the relevant good or telos of the activity, role, individual, or community in question.

As we have seen, when considering what it means to be a virtuous student, friend, soldier, or neighbor, we ask, what is their *characteristic activity*? What *goods* do they aim at, characteristically? What would constitute *excellence* or *flourishing* in that kind of activity, role, or relationship? Asking these kinds of questions is a way of asking about the telos of someone engaged in a particular practice.

Rationally determining the right thing to do, or more broadly, what the virtuous person would do, is a matter of asking these kinds of questions and attempting to answer them. Ultimately, though, to have a virtue like courage or temperance and to be able to make the right choices that express that virtue requires another virtue, namely practical wisdom, or in Greek, *phronesis*.

This is like the wisdom that a good coach must have when deciding what kind of diet an Olympic-level swimmer like Michael Phelps should follow. It is like the wisdom that a military commander must possess when determining how best to lead his or her team, how to effectively engage and defeat the enemy, or what kinds of things are off limits even if they would be effective. Practical wisdom is what parents must possess and exercise when trying to raise children to become good practical reasoners in their own right.

Notice that the need for wisdom in these areas is partly because there are no set procedures to follow that are sufficiently comprehensive and concrete to be a good coach, military commander, or parent. A computer could never be programmed to completely replace these roles, no matter how many lines of code are written, because a computer program does not *understand* the goods and values that are integral to the practice of a sport, the military, or parenting. A computer that can only do what it has been programmed to do lacks the capacity to adapt to situations in ways that draw on a deep understanding of meaning and value, which is characteristic of people with genuine wisdom (Dreyfus, 1992).

Similarly, a parenting book can help someone become a good parent, but ultimately the parent has to take that advice and adapt it to the *particular* circumstances and *particular* child, which requires wisdom. Rules and codes like those found in the Constitution, the Uniform Code of Military Justice, or in religious texts like the Bible or Koran likewise require wisdom for their application, which is why we need judges, commanders, pastors, and imams.

Aristotle describes three general characteristics of those with practical wisdom. First, the wise person acts with knowledge; they choose the acts for their own sake; and their choices, actions, and emotional responses proceed from a firm and unchangeable character. Let's briefly consider each of these.

1. *The virtuous and practically wise person acts with knowledge.*

Virtuous action isn't accidental, nor is it mindless. Since virtues are habits, virtuous action can be automatic; however, that is not the same as saying that the virtuous person doesn't know what he or she is doing. When a virtuous person acts from practical wisdom, she has *good reasons* for what she does. This doesn't necessarily mean that

she is thinking about those reasons when she acts, but if asked later she could give an account of why she made particular choices.

2. *The virtuous and practically wise person chooses the acts for their own sake.*
Is there a difference between a person who acts bravely to win a medal and one who does it because he sees the value in the brave action itself? Do we think that someone who tells the truth because he is afraid of getting caught is worthy of the same admiration as someone who tells the truth out of a commitment to the importance of honesty and integrity? These examples point to the idea that virtuous people make decisions because they are good *in themselves*, rather than merely being good for the sake of something else.
3. *The virtuous and practically wise person's choices, actions, and emotional responses proceed from a firm and unchangeable character.*
When someone unexpectedly and uncharacteristically does something kind or courageous, we rightly praise what she does. But it is another thing to praise and admire who she is and say that she is a kind or courageous person. If someone is a kind or courageous person, he will consistently act kindly or courageously, and his character will be reflected in his feelings and emotional responses.

This last point is quite important, for it touches on an important way that virtue ethics differs from deontology and utilitarianism.

Virtues, Feelings, and Pleasure

When we discussed the idea that virtues are habits, we noted how this means that the notion of a virtue concerns not simply how one behaves but also how one feels. When one has a habit one feels strongly inclined toward that behavior, and vice versa. Thus we often find it difficult to break bad habits or pick up good ones, but once we do, we begin to see our feelings and desires align with the new behavior. A person with good character feels pleasure at doing good things, whereas a person who lacks good character may find the same things painful or unpleasant.

This leads us back to the point that ethics and moral reasoning, in the Aristotelian view, involves more than just what we ought to do, but how we ought to *feel*. By contrast, Kant's deontological approach maintained that morality is strictly concerned with duty, which reason alone determines; feelings and desires have nothing to do with the moral worth of an action.

However, consider these two cases:

1. Jennifer is a wealthy businessperson, while her brother Scott works for an organization that aids disabled veterans and makes very little money. Scott's wife is suddenly stricken with breast cancer, and though they have medical insurance, the amount they must contribute to her treatment is far more than they can afford. Scott asks Jennifer if she can help financially so his wife can get treatment. Jennifer doesn't want to, because she was planning to buy a new vacation home, and helping her

brother would require her to put that off for a few years. Grudgingly, however, she decides that it is her duty to help out a family member in need and writes a check that Scott can use to cover his wife's medical bills.

2. Rhonda is a wealthy businessperson, while her brother Peter works for an organization that aids disabled veterans and makes very little money. Peter's wife is suddenly stricken with breast cancer, and though they have medical insurance, the amount they must contribute to her treatment is far more than they can afford. Peter asks Rhonda if she can help so that his wife can get treatment. Rhonda immediately takes off work and flies to her brother's house not only to pay for the treatment but to lend emotional support, help out around the house, and ease their burdens any way she can. When Peter worries that this may cut into her business profits, Rhonda dismisses this by saying she already has more than enough and that helping a family member deal with cancer is far more important than profit.

Whose action would we consider to have greater moral value, Jennifer's or Rhonda's? Many people would be inclined to say that while it's good that Jennifer did the right thing, Rhonda's actions are more worthy of admiration and esteem given that her feelings, attitude, and personal priorities aligned with the choice that she made. In the Aristotelian view, that judgment would be justified because of the ethical significance of emotions and feelings.

The ways we interact with and treat other people in the course of everyday life involve not just actions but attitudes. Emotions can be important ways to clue us in to something of moral significance and to be a check on the misuse of reason to "justify" something that would be unethical. We often praise or blame people not just for what they do but for their responses and reactions. For instance, we admire the person who takes delight in people with physical or mental handicaps rather than being uncomfortable or repulsed by them. Conversely, if a person delights in the unjust suffering of a person of another race, we would find that morally reprehensible and blameworthy, even if they never actually *did* anything to cause suffering. All of this requires the cultivation of our emotions such that we will feel the right way at the right times.

Stoic Virtue Ethics

There was a school of philosophy called Stoicism that emerged in Greece not long after the time of Aristotle. It also emphasized the importance of virtue to a happy life. However, the Stoics departed from Aristotle's view in some important ways. For one thing, Aristotle maintained the importance of external goods like health, adequate resources, a good family, the avoidance of misfortune, and even good looks (Aristotle, 1931). The Stoics denied this, insisting that if one has virtue, one needs nothing else for happiness. By controlling one's desires and emotions and cultivating a calm equanimity, one can be subjected to any kind of misfortune and not be fazed.

But this also means that they rejected the notion that strong feelings like anger could have a place in the virtuous life. To get angry is to allow oneself to be overcome by passion, which is the root of suffering and unhappiness.

Do you think that getting angry at certain times and in certain ways shows a lack of virtue, as the Stoics thought, or can it be a part of virtue like Aristotle believed? More broadly, is happiness merely a matter of one's inner condition, or does it depend in part on external goods, even ones that are outside one's control?

Aristotle's view also calls into question utilitarian assumptions about feelings and desires. In the Aristotelian account, there is no such thing as pleasure *in itself*. Rather, pleasure is always connected with some kind of activity. Since some activities are good and others bad, some pleasures will be good and others bad, depending on what kind of activity they are associated with. This conflicts with utilitarian views that regard pleasure as something that is inherently good and worth maximizing through our actions.

Going Deeper: Pleasure and Pain

Aristotle's view calls into question certain common assumptions about pleasure and pain. For more on the difference between Aristotelian and utilitarian conceptions of pleasure and desire, see *Going Deeper: Pleasure and Pain: Aristotle vs. Utilitarianism* at the end of the chapter.

Similar remarks could be made about desires and feelings in general. Desires can be good when they are for the kinds of things that contribute to a good life, but they can be bad when they are for things that are detrimental to living well. Thus, moral and political principles that aim to maximize desire, satisfaction, or freedom of choice are not necessarily justified, since not every desire or preference is *worthy* of being promoted.

5.5 Objections to Virtue Ethics

There are a number of problems and objections to virtue ethics that can be raised (Solomon, 1988), and we will address the most common and challenging of these here. The first is that, by taking the notion of character and flourishing as the central concept, virtue ethics might appear to be a self-centered theory, having us focus on ourselves rather than on others. The second is that virtue ethics does not adequately help us decide which choices are moral or immoral. Finally, the third is that morality, by this account, seems to be tied too closely to factors like culture and upbringing, and thus fails to provide an objective account of ethics.

The Self-Centeredness Objection

Virtue ethics, especially the Aristotelian approach, starts with an account of happiness or flourishing as the ultimate end and describes virtues as the traits we should strive to cultivate in ourselves in order to flourish. Accordingly, it is sometimes thought that the primary concern is with oneself rather than with one's responsibilities or with the world at large, making this approach ultimately self-centered. Why should I suppose that my primary ethical concern be my own character if the only reason I am concerned with that is so I can be happy? Shouldn't the primary focus of an ethical theory instead be the *actions* that we should or should not perform? Or if happiness factors in, shouldn't it be the happiness of all and not just my own that determines what is moral?

It is important to clarify that this objection is not directed at the fact that virtue ethics regards individual happiness as important, nor is it to the importance that virtue ethics places on good character. Almost all ethical theories affirm the importance of both of these, including

utilitarianism and deontology. The difference with virtue ethics is partly a matter of the priority that individual happiness and good character have relative to other ethical factors, such as good consequences or the goodness of certain actions themselves.

A deontological theory will say that good character is important to reliably carry out one's duties, and a utilitarian theory will say that good character is important to reliably make those choices that lead to the greatest overall good. But this means that these theories begin with an account of what we ought to *do* and define virtue or good character in terms of those qualities that will enable us to reliably carry this out, making this account of right action independent of the happiness or flourishing of the individual agent. By contrast, Aristotelians regard the notions of a flourishing life and good character to be more fundamental than an account of what we ought to do; we have to start with what it means to be a good person, and once we have an adequate sense of that, we can talk about what a good person would do.

The worry, then, is that virtue ethics gets its priorities backward. It seems to maintain that the ultimate reason we ought to cultivate virtue isn't so we can reliably fulfill our moral duties or bring about the greatest happiness for *everyone*, but so that *we* can attain happiness, which makes it ultimately self-centered. Yet surely, we may think, morality often demands that we *sacrifice* our own happiness for the sake of duty or the happiness of all.

To see how the Aristotelian virtue ethicist might respond, we should first recall the distinction between the more common notions of happiness and the notion of *eudaimonia* (flourishing, living well) that Aristotle identifies as the telos of human life. Many common notions that identify happiness with a positive subjective feeling, personal satisfaction, or the fulfillment of one's personal desires and interests do indeed tend to be much more subjective and individualistic. But as we saw, Aristotle considered this to be mistaken: when we think of happiness in the sense of *eudaimonia* or our ultimate good, particular things like desires or pleasures are sometimes good, but sometimes not, depending on how they relate to that ultimate good.

In fact, someone who is merely concerned with what he or she *wants* or what makes him or her *satisfied*, when those are taken at face value, will almost certainly not be pursuing a flourishing life. This is because living well involves the flourishing of our lives as a whole, not simply the satisfaction of particular desires or interests, and a major part of what it is to be human involves our connections to other people and to the world. Our lives are lived out in communities; we have friendships and family relationships; we participate in hobbies, sports, and artistic activities; we have careers; we are members of organizations; and so on. Thus, most of our activities and pursuits are those in which we aim at *common* goods, those shared by many rather than just by individuals. In these and countless other areas of life, if we simply focused on *ourselves*—on our *own* profit, success, comfort, or desires—we would miss the point of the activity and would fail to live well and flourish. This is why we can say—as we often do—that if a friend, spouse, child, coworker, or neighbor is not doing well, *we* are not doing well.

Given these interconnections with others, a self-centered life cannot be a flourishing or happy one; accordingly, the virtues needed to flourish will call for choices and feelings that are beyond ourselves, even while they also contribute to our personal flourishing at the same time. Moreover, if we think about what it means to be courageous, honest, or generous, we often find that the kinds of lives we admire and hold up as examples of a well-lived life

involve a willingness to sacrifice individual well-being for a greater cause. When one is committed to some higher good like justice, one's family or nation, or one's God, one's identity becomes intertwined with that cause or purpose to the extent that sacrificing individual well-being for its sake is a *fulfillment* of one's telos rather than opposed to it. Accordingly, the Aristotelian would argue that the self-centeredness objection relies on a misunderstanding of what it means to take happiness and character as fundamental.

Going Deeper: The Situationist Critique

Another reason some philosophers have objected to virtue ethics' focus on character is that they question the very notion of character traits in the first place, especially the sort of settled dispositions that virtues are supposed to be. This is a view called **situationism**. See *Going Deeper: The Situationist Critique* at the end of the chapter for more.

The Guidance Objection

The second objection is that virtue ethics does not provide us with an adequate guide for making or evaluating moral choices. When we think about the dilemmas we face or the moral debates that rage around us, we may want an ethical theory to offer us a determinate, concrete answer, and one that has objective validity. Both deontological and utilitarian theories (at least on some accounts) seem to be able to provide this through a clear deductive argument. For example:

A Simple Deontological Argument

1. Stealing is wrong.
2. X is stealing.
3. Therefore, X is wrong.

A Simple Utilitarian Argument

1. Do that which results in the greatest happiness and the least unhappiness overall.
2. X would result in more happiness and less unhappiness overall than not doing X.
3. Therefore, X is wrong.

According to these views, as long as we have the right rule or principle in place (number 1 in each argument), we can plug in the relevant features of the situation (number 2) and get our "right answer" (number 3).

By contrast, because virtue ethics doesn't offer a straightforward rule or principle that allows us to determine exactly what is to be done in a particular situation, some people think it is not very helpful as a theory of how we ought to live. It may seem rather vague to say that one should simply act courageously or do the generous thing, especially given the Aristotelian claim that one needs to *be* courageous or generous to reliably determine the right thing to do in a situation. What if we're not sure what the virtuous thing would be in a situation? What if people disagree about whether a certain choice would be virtuous or not? Is it a weakness of virtue theory that it cannot provide a straightforward answer to such dilemmas?

From a virtue ethics perspective, however, this can be seen as an *advantage* of the theory for three reasons.

First, we might question whether ethics is really a matter of finding principles that tell us what to do in every circumstance. Many people, when they study theories like utilitarianism or deontology, come away with the sense that each of these theories seems right *some* of the time but not *all* the time. Indeed, in the previous chapters, we considered cases in which each theory would seem to permit or require actions that intuitively seemed wrong, such as sacrificing an innocent life for the greater good in the case of utilitarianism or forbidding us to lie to the murderous Nazi in the case of deontology. Many people are attracted to the idea that morality involves bringing about as much good as possible, as the utilitarian would say. But often it seems that there are things we should do or not do regardless of the results, as the deontologist would say.

Virtue ethics tries to make sense of these puzzles. It maintains that *sometimes* the right thing to do might involve bringing about the best results and *sometimes* it might involve sticking to one's sense of absolute right or wrong—but the people most equipped to make that judgment in each situation are those with good moral character. Knowing what is right in a circumstance requires wisdom beyond the straightforward application of a rule or principle, wisdom gained from experience and a life in pursuit of the good.

Second, it's not clear that we should want a moral theory to simply tell us the answers to moral questions; this might imply that to be good moral agents, we simply need to be adept at following procedures. Much of modern life involves this kind of proceduralist activity, and in the realms of science and mathematics the validity of certain findings is typically judged on the basis of the methods that were followed. In the age of computers and artificial intelligence, we are often confronted with machines that do many things humans used to do; they are programmed to process inputs in certain predetermined ways in order to produce outputs (in the form of either information or action). So it is tempting to think of moral reasoning along these lines, with a moral theory providing a strict "program" for arriving at the right result. But long before computers, Aristotle (1931) had already argued that this would be a mistaken way to think about practical rationality (reasoning about what to do):

Precision is not to be sought for alike in all discussions . . . [It] is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs. (1094b)

Aristotle means that different areas of inquiry involve different kinds of reasoning with different standards depending on their subject matter. In mathematics, the subject matter is absolute and unchanging; the standard for correctness is proof in the strongest possible sense. The natural sciences (physics, chemistry, biology) deal with objects that can change and so they cannot be as precise as mathematics. However, by following certain methods, they can achieve a high degree of *probability* with respect to their claims. It is not a *deficiency* of scientific investigation that it cannot produce answers to scientific questions with the same degree of proof as mathematics; to suppose so would be to misunderstand what natural science is, how scientific investigation works, and the nature of the objects of scientific investigation.

But in similar fashion, Aristotelian virtue ethicists maintain that it would be a misunderstanding of what ethics is, how ethical inquiry works, and the nature of the objects of ethical inquiry to apply to it the methods and standards appropriate to either mathematics or the natural sciences. Ethics is like science but unlike mathematics in that it deals with objects that change (people are born, grow up, and die, societies come and go, etc.). Therefore, expecting ethical arguments to produce *proofs* of the sort appropriate to mathematics would be a mistake.

But in Aristotle's view, the objects of ethics are also not like the objects of science. Scientists must take an impartial and disinterested approach to their investigation because their aim is to uncover facts that are independent of the way things matter to us. However, the objects of ethical inquiry—human choices, human relationships, the quality of human lives—are not impersonal but are suffused with meaning and value. While it doesn't matter to a virus whether it kills others to survive, it matters very much to a human who may choose to do something similar. A meteor doesn't choose to crash into Earth and cause massive destruction, but there is a choice as to whether to drop an atomic bomb on a city. Stars don't care whether or not they shine, but humans care whether or not they are living a flourishing life.

Accordingly, while the scientist has to distance herself from any meaning or value she associates with the objects of her inquiry, we engage in ethical inquiry precisely *because* of the way things matter to us and the value they have. This means that ethical inquiry cannot attain the same degree of precision and confirmation of its conclusions that scientific inquiry can—but again, this isn't a deficiency of ethical inquiry, any more than it is a deficiency of science relative to mathematics that it cannot prove its conclusions. As Aristotle says, each area of inquiry has its own methods and standards appropriate to its objects, and so we shouldn't hold an ethical theory to the standards of mathematics or science in the way that the guidance objection seems to do.

Having said all of that, the third response that the Aristotelian might give to the guidance objection is to remind us that quite a lot can be said about what kinds of choices are better or worse and which positions have more rational justification than others, especially when we remember that ethical reasoning (on this view) is *teleological*. When confronted with a particular ethical dilemma, we consider the relevant roles or activities involved, we discuss and debate what it means to be good, what virtue means in that context, and whether certain actions or policies would support or undermine flourishing as a parent, soldier, citizen, human, and so on. Reasoning in this way can certainly provide strong justification for particular conclusions.

Nevertheless, there is a component to both the self-centeredness objection and the guidance objection that may not yet have been adequately addressed: the role that our own individual or cultural biases and prejudices play in moral reasoning. The self-centeredness objection was that virtue ethics prioritizes our own happiness or flourishing, which undermines the sense we have that ethics should be about what is good or right *regardless* of our own flourishing. We countered that by describing how an individual's flourishing is intricately tied to the flourishing of other humans, their world, and the pursuit of higher goods beyond the individual. But one could still worry that this binds ethical reasoning too closely with the values of particular communities and cultures, and may lead us to favor the flourishing of our own group at the expense of others' well-being, or to disregard certain duties when doing so benefits those to whom we have close connections.

The guidance objection was partly concerned with how we can ensure that our own biases and prejudices do not unduly influence the results of our inquiries and deliberations. The response was to show that the methods and procedures designed to eliminate the influence of values and conceptions of meaning from mathematical and scientific inquiry don't apply to ethical inquiry, which is essentially *about* value and meaning. But this leaves open the concern that the values and meanings we bring to ethical inquiry as a result of culture, tradition, or upbringing will prejudice the conclusions we reach.

Therefore, the common concern is that virtue ethics lacks an adequate explanation of how to reduce or eliminate undue bias and prejudice from an account of how one should live. It is to that third objection which we now turn.

The Prejudices Objection

Perhaps the most prevalent and difficult objection to virtue ethics is the claim that it does not adequately allow for self-critique or the overcoming of prejudices, and it does not show us how moral knowledge and judgments can be objective. There are several features of the Aristotelian approach to ethics that lead to this objection. We have discussed how our understanding of what the virtues are and how a virtuous person would act and feel are tied to an understanding of the good or the telos of particular roles and activities, and of human life as a whole. Moreover, we discussed how virtues are habits that must be developed over time by repeating virtuous actions. Therefore, as we seek to develop virtue in ourselves, it matters a great deal what kinds of people and actions we think exemplify virtue.

Added to this is the claim that all of this significantly depends on the way we were raised, such that people who were brought up well are much more likely to have the right understanding of the good and the right kinds of dispositions to flourish than those who were not brought up well. As Aristotle (1931) puts it, "It makes no small difference, then, whether we form habits of one kind or of another from our very youth; it makes a very great difference, or rather *all* the difference" (1103b). Finally, moral reasoning and moral choices are not reducible to the application of rules, principles, or procedures, but are much more akin to practical skills like playing an instrument or sport well or knowing how to cook a good meal. These choices rely on a certain intuitive know-how, and while the virtuous person must be able to account for why certain choices were good, it is not necessarily the kind of account that someone without virtue and practical wisdom will be able to understand or accept.

These features lead some critics to worry that our conceptions of flourishing and well-being, our understanding of what the virtues are and how a virtuous person would act in particular circumstances, and the dispositions that enable us to live well all depend on factors such as the culture in which we are brought up, how we were raised, the experiences we happen to have had, whether we adhere to a certain religious system, and so on. We are conditioned by such factors to have certain values and beliefs, desires and drives, habits of thought and action, and to look to certain people as role models. There isn't a perspective independent of these factors from which we can judge whether they are correct, since the ability to make such judgments depends on these very factors we want to be able to make judgments *about*.

This may seem to mean that our ethical values, beliefs, and choices are little more than expressions of such background factors, and they cannot make a legitimate claim to be *true* or even better than any other. If so, critics claim, virtue ethics is either committed to relativism, which is the view that moral value and moral truth are relative to the beliefs and values of a particular culture, group, or individual; or it is committed to elitism, which is the idea that there are objective moral values and truths but that only certain privileged groups or individuals have access to them. Either way, virtue ethics would seem to validate and reinforce prejudice.

The prejudices objection frequently comes from those defending a deontological or utilitarian approach. Recall that deontological approaches attempt to articulate the rules and principles that underlie right action as such, and Kant bases his supreme moral principle—the Categorical Imperative—on pure reason itself, abstracted from wants and desires, particular interests or views about the good, and any other factor that could be the product of prejudice and conditioning. Utilitarians attempt to identify some good that our actions should seek to bring about, something that everyone can recognize as valuable despite all of their differences, such as pleasure or the satisfaction of desires. Right actions are ones that bring about the most of this good compared to other available actions. If we can identify this universal good and calculate which actions bring about the greatest good for the greatest number, then determining what is morally right depends neither on having a certain kind of character nor on what we happen to personally or culturally value. So deontologists and utilitarians may claim that their approaches can show why certain actions are right or wrong without relying on background assumptions and prejudices, and that this supposed independence and objectivity is an advantage compared to the virtue approach.

Virtue ethicists may reject the claim that either of these approaches offers the kind of objectivity or ability to overcome prejudices that their defenders suppose. While they agree with Kant about the importance of consistency in one's reasons and judgments—of avoiding the temptation to act in a way that we wouldn't want others to act, and of treating people with dignity and respect rather than using them as mere means—they would argue that this doesn't tell us much of substance about how one should live.

As we saw in Chapter 4, a clever person can formulate a maxim in such a way that virtually any action can satisfy the “universal law” formulation of Kant's Categorical Imperative. We noticed that the formula of humanity, which says that we must treat persons as ends-in-themselves, involves not merely using people but also adopting and promoting their ends as if they were our own. Simply claiming that we shouldn't use people doesn't take us very far when it comes to understanding and living out the rich and complex dimensions of a good human life, and treating people as ends in the positive sense of adopting their ends as our own requires making judgments about which ends are worth supporting, how to do so well, what to do when conflicts arise, and so forth. In short, applying the Categorical Imperative involves making the very kinds of judgments that the virtue ethicist claims require good character and practical wisdom. Thus, if the prejudices objection is a problem for virtue ethics, it is a problem for an account like Kant's as well.

While the virtue ethicist agrees with utilitarians about the importance of happiness and well-being—that we should be concerned with the well-being of others and not just the satisfaction of our own interests and desires, and that we should strive to make choices that have good consequences—they would deny that all goods and values reduce to some single, common

thing like pleasure, and especially that happiness can be identified with pleasure. Indeed, this shows that the utilitarians who identify happiness with pleasure are relying on a very *particular* conception of what happiness is, one that many people reject, so they are not being as neutral or objective as they suppose. Similar remarks could be made about other ways that utilitarians try to identify the ultimate good. Moreover, they could point to the significant difficulty in reliably calculating the consequences of our actions as evidence that utilitarian reasoning may not provide the kind of objective judgment its defenders sometimes suppose.

In the case of both deontological and utilitarian views, then, the picture of human life that is presented, and the kinds of things that are judged to be most worthwhile and important when answering the question of how one should live, draw heavily on a particular cultural background and set of ideals. Therefore, the virtue ethicist can respond to the prejudices objection by arguing that not only do the other theories not avoid this problem, but by *presenting* themselves as objective and prejudice-free they are less able to recognize and reflect on the prejudices that are *in fact* operative in their reasoning.

Thus far we have only considered that the problems raised by the prejudices objection are ones that other theories of ethics and moral reasoning have to contend with as well. We haven't yet considered a positive response from the virtue perspective, one that explains how we *can* overcome prejudices or make judgments that don't merely reinforce how we were raised or the cultural values we happen to have. One such response might be that, in the Aristotelian view, ethical reasoning is not an isolated, solitary process; rather, it is more like a dialogue or conversation—a conversation with one's peers; with the past; within one's religion, society, and culture; with other religions, societies, and cultures; and even, in a sense, with the world itself. In any conversation, there will be starting points, values, beliefs, and assumptions that each participant brings to the table. As we listen to what others have to say, some of those starting points are affirmed and reinforced, but others will be called into question. This forces us to reflect on them and consider their merit, and whether there are other values, beliefs, and assumptions that make more sense of what it means to live a good human life.

If we reflect on our own lives, we will undoubtedly notice ways in which our encounters with others have been disruptive, pulling us out of a complacency with what we had taken for granted or the way things seemed to us. Such experiences leave us changed, either by giving us a deeper and more confident sense of what is good and true or leaving us with different values and beliefs. Moreover, societies, cultures, and traditions grow and develop in similar ways as a result of disruptive encounters with others. So it is contrary to our own experiences, and to the testimony of history, to suppose that without a principle or procedure that eliminates prejudices, biases, and other assumptions we are simply going to be in thrall to them.

Considering this objection, however, reveals other virtues that we must cultivate in order to avoid complacency and prejudice and stand a better chance at journeying toward the truth of what it means to live well, virtues like open-mindedness, humility, honesty, trust, and respect. We need to possess openness to having our assumptions challenged and revised; humility to recognize the limits of our own understanding; honesty to recognize when we are holding on to beliefs that lack merit or, on the other hand, when we are ignoring, denying, or rejecting beliefs that needs to be taken more seriously; trust in those who may guide and educate us; and respect for the values and beliefs of others, as well as for the ideas and answers that have come before.

According to many who are inspired by Aristotle, we can never become absolutely certain about our ethical convictions, and no one will ever attain complete virtue or happiness. But that's a far cry from saying that we cannot progress and develop toward those goals. Indeed, the philosopher Alasdair MacIntyre (1984) has described the life in pursuit of virtue and *eudaimonia* as a "quest." Think of the movies and stories in which the characters are on a quest to find something or get somewhere (e.g., the *Lord of the Rings* trilogy, the *Harry Potter* series, and the *Indiana Jones* movies).

When characters like these engage in such a quest, what does that involve? A quest requires some starting point, an initial idea of what to seek, what to do, where to go, whom to trust, and so on. As the quest progresses, some of these initial ideas will be solidified and affirmed, while some will change.

Now, instead of thinking about finding the Ark of the Covenant or destroying the One Ring, think instead about seeking answers to questions like, "What's the right way to raise a child?" "How should I treat persons of a different race/religion/gender/sexuality?" "What choices should I make given the problems of global warming/factory farming/social inequality?" "What importance should profit have when running a business?" "What kind of person should I seek to be?" and "What is happiness or the meaning of life?"

As with any quest, seeking answers to these kinds of questions begins by examining the various values, beliefs, and commitments we have inherited from our background and culture. But these will all be challenged, affirmed, revised, and solidified as we seek the answers with qualities like honesty and open-mindedness. In doing so, there's no guarantee—but there is certainly reason to hope—that we will progress toward the goal of finding the right answers.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out these features at the end of the chapter.

[Pleasure and Pain: Aristotle Versus Utilitarianism](#)

[The Situationist Critique](#)

Conclusion & Summary

Virtue ethics maintains that before we can justifiably say which actions we ought to perform or avoid, or what sorts of consequences are worth bringing about, we need to have a conception of what kind of person it is good to be and the qualities of character needed for that. As we develop those qualities, we become people who think, act, and feel in ways that are essential to flourishing as the kinds of beings that we are. To live out this kind of life, there are certain actions that we will need to perform or avoid, and there are certain goods that we will recognize as worth aiming to bring about; but neither our duties nor the goods worth aiming at will be adequately understood apart from a deeper conception of a good human life.

Of the three ethical theories we have discussed, virtue ethics is the most ancient, at least among philosophers (the notion of duties would have been important to cultures and religions long before the advent of philosophy). We have been focusing on the views of Aristotle, but as we conclude this discussion we will briefly look back at the writings of Aristotle's teacher, Plato. In particular, let's recall the challenge that Glaukon posed to Socrates in Plato's dialogue the *Republic*, in which Glaukon told the story of the shepherd who found a ring that made him invisible and used it to commit all kinds of injustices for his own benefit. Glaukon wanted to argue that there was no inherent value to justice, and the best sort of life is the kind that can seek its own advantages through acts of injustice while avoiding punishment.

Perhaps we have a sense by now of how Aristotle would respond to that claim. For him, ethics and moral reasoning are concerned with what is essential to a good, flourishing life. Because we often find ourselves with desires and aims that conflict with ethical standards, it is easy to suppose that our lives would be better and happier if we could disregard those standards and do whatever we want. However, when we come to recognize that what we want is not always what is good in the sense of satisfying and fulfilling one's telos as a human being, we can see why the kind of life that Glaukon recommends—a life that is lived for the sake of one's own interests and satisfaction, without regard for whether those interests or desires are good—is not a truly happy human life.

In Chapter 2 we compared Plato's story about the Ring of Gyges to the contemporary movie *Groundhog Day*, in which the main character, Phil Connors, wakes up to the same day over and over. He realizes that in this situation, there are no consequences to his actions, and so he can do "whatever he wants." Initially, he is thrilled, and has fun doing all of the things he would normally not be able to do, such as stealing bags of cash, gorging himself on junk food, punching people that annoy him, and seducing women. But after a while, pursuing only pleasure, enjoyment, and self-interest loses its luster; he becomes incredibly despondent and attempts to kill himself (unsuccessfully, of course) in various ways. It is not until he starts cultivating his talents and skills, living for the sake of others' good instead of just his own, and striving to love others instead of getting them to love him that he describes himself as "happy."

In Aristotle's terms, Phil finally came to recognize and embrace what really matters in life, and this recognition came about as he began to cultivate virtue. The kinds of things he once saw as burdens that he could throw off because was "no tomorrow" came to be seen as valuable, as things he wanted to do—things that he came to see as essential to a meaningful life.

Key Terms

cardinal virtues Traditionally, the central and most important virtues: courage, temperance or moderation, justice, and practical wisdom.

courage The virtue concerned with feelings of fear and confidence in the face of potential harms and dangers. Too much fear is *cowardice* and too little fear is *rashness* or *recklessness*.

eudaimonia The Greek term for the ultimate end or chief good of human life. Usually translated as *happiness*, *well-being*, or *flourishing*.

golden mean The intermediate between excess and defect of some quality, which is characteristic of virtue.

habit A settled state of character that strongly affects our actions and feelings, developed over time by repeating similar kinds of activities.

justice The virtue concerned with treating people fairly and in accordance with what they deserve with respect to the distribution of goods and services as well as rewards and punishments.

moral virtues The virtues that are essential to a flourishing human life as a whole.

practical wisdom The virtue that makes a person good at making the right choices in particular circumstances; the capacity to recognize and assess the relevant features of a situation and determine what should be done.

situationism The view that social psychology experiments call into question the notion of character traits and thus virtues.

teleological A form of reasoning that considers the dispositions, feelings, and actions necessary to fulfill someone or something's telos.

telos The end, purpose, or function of something.

temperance The virtue concerned with desires and pleasures, particularly those of the body like food, drink, and sex. Too much is *overindulgence* and too little is *insensitivity*.

unity of the virtues The notion that virtues are not discrete, independent traits, but rather the position of any virtue involves the possession and exercise of other virtues.

virtue A quality or trait essential to flourishing; a disposition to act and feel in the right ways, at the right time, toward the right objects, and for the right reasons.

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Selections from *Nicomachean Ethics* by Aristotle, Translated by W. D. Ross

The full text can be read and/or downloaded here: <http://classics.mit.edu/Aristotle/nicomachaen.html>. A more contemporary translation of Chapter 1 can be read and/or downloaded here: <http://catdir.loc.gov/catdir/samples/cam032/99036947.pdf>. A more contemporary translation of Chapter 2 is available in the Ashford Library by searching for “Nicomachean Ethics AND AU Taylor AND PT eBook” (without quotes), or using this link after signing in to the Library site: <http://site.ebrary.com.proxy-library.ashford.edu/lib/ashford/Doc?id=10194247>.

Book I

1

Every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good; and for this reason the good has rightly been declared to be that at which all things aim. . . .

2

If, then, there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good. Will not the knowledge of it, then, have a great influence on life? Shall we not, like archers who have a mark to aim at, be more likely to hit upon what is right? If so, we must try, in outline at least, to determine what it is, and of which of the sciences or capacities it is the object.

3

Our discussion will be adequate if it has as much clearness as the subject-matter admits of, for precision is not to be sought for alike in all discussions, any more than in all the products of the crafts. . . . We must be content, then, in speaking of such subjects [as fine and just actions and other goods] and with such premises to indicate the truth roughly and in outline, and in speaking about things which are only for the most part true and with premises of the same kind to reach conclusions that are no better. In the same spirit, therefore, should each type of statement be received; for it is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs.

Now each man judges well the things he knows, and of these he is a good judge. And so the man who has been educated in a subject is a good judge of that subject, and the man who has received an all-round education is a good judge in general. Hence a young man is not a proper hearer of lectures on political science; for he is inexperienced in the actions that occur in life, but its discussions start from these and are about these; and, further, since he tends to follow his passions, his study will be vain and unprofitable, because the end aimed at is not knowledge but action. And it makes no difference whether he is young in years or youthful in character; the defect does not depend on time, but on his living, and pursuing each successive object, as passion directs. For to such persons, as to the incontinent, knowledge brings no profit; but to those who desire and act in accordance with a rational principle knowledge about such matters will be of great benefit.

These remarks about the student, the sort of treatment to be expected, and the purpose of the inquiry, may be taken as our preface.

4

Let us resume our inquiry and state, in view of the fact that all knowledge and every pursuit aims at some good, what it is that we say political science aims at and what is the highest of all goods achievable by action. Verbally there is very general agreement; for both the general run of men and people of superior refinement say that it is happiness, and identify living well and doing well with being happy; but with regard to what happiness is they differ, and the many do not give the same account as the wise. . . .

Presumably, then, we must begin with things known to us. Hence any one who is to listen intelligently to lectures about what is noble and just, and generally, about the subjects of political science must have been brought up in good habits. For the fact is the starting-point, and if this is sufficiently plain to him, he will not at the start need the reason as well; and the man who has been well brought up has or can easily get starting points. And as for him who neither has nor can get them, let him hear the words of Hesiod:

Far best is he who knows all things himself;
 Good, he that hearkens when men counsel right;
 But he who neither knows, nor lays to heart
 Another's wisdom, is a useless wight.

7

Let us again return to the good we are seeking, and ask what it can be. It seems different in different actions and arts; it is different in medicine, in strategy, and in the other arts likewise. What then is the good of each? Surely that for whose sake everything else is done. In medicine this is health, in strategy victory, in architecture a house, in any other sphere something else, and in every action and pursuit the end; for it is for the sake of this that all men do whatever else they do. Therefore, if there is an end for all that we do, this will be the good achievable by action, and if there are more than one, these will be the goods achievable by action.

So the argument has by a different course reached the same point; but we must try to state this even more clearly. Since there are evidently more than one end, and we choose some of these (e.g. wealth, flutes, and in general instruments) for the sake of something else, clearly not all ends are final ends; but the chief good is evidently something final. Therefore, if there is only one final end, this will be what we are seeking, and if there are more than one, the most final of these will be what we are seeking. Now we call that which is in itself worthy of pursuit more final than that which is worthy of pursuit for the sake of something else, and that which is never desirable for the sake of something else more final than the things that are desirable both in themselves and for the sake of that other thing, and therefore we call final without qualification that which is always desirable in itself and never for the sake of something else.

Now such a thing happiness, above all else, is held to be; for this we choose always for self and never for the sake of something else, but honour, pleasure, reason, and every virtue we choose indeed for themselves (for if nothing resulted from them we should still choose each of them), but we choose them also for the sake of happiness, judging that by means of them we shall be happy. Happiness, on the other hand, no one chooses for the sake of these, nor, in general, for anything other than itself.

From the point of view of self-sufficiency the same result seems to follow; for the final good is thought to be self-sufficient. . . . [T]he self-sufficient we now define as that which when isolated makes life desirable and lacking in nothing; and such we think happiness to be; and further we think it most desirable of all things, without being counted as one good thing among others—if it were so counted it would clearly be made more desirable by the addition of even the least of goods; for that which is added becomes an excess of goods, and of goods the greater is always more desirable. Happiness, then, is something final and self-sufficient, and is the end of action.

Presumably, however, to say that happiness is the chief good seems a platitude, and a clearer account of what it is still desired. This might perhaps be given, if we could first ascertain the function of man. For just as for a flute-player, a sculptor, or an artist, and, in general, for all things that have a function or activity, the good and the 'well' is thought to reside in the function, so would it seem to be for man, if he has a function. Have the carpenter, then, and the tanner certain functions or activities, and has man none? Is he born without a function? Or as eye, hand, foot, and in general each of the parts evidently has a function, may one lay it down that man similarly has a function apart from all these? What then can this be? Life seems to be common even to plants, but we are seeking what is peculiar to man. Let us exclude, therefore, the life of nutrition and growth. Next there would be a life of perception, but it also seems to be common even to the horse, the ox, and every animal. There remains, then, an active life of the element that has a rational principle; of this, one part has such a principle in the sense of being obedient to one, the other in the sense of possessing one and exercising thought. And, as 'life of the rational element' also has two meanings, we must state that life in the sense of activity is what we mean; for this seems to be the more proper sense of the term. Now if the function of man is an activity of soul which follows or implies a rational principle, and if we say 'so-and-so-and 'a good so-and-so' have a function which is the same in kind, e.g. a lyre, and a good lyre-player, and so without qualification in all cases, eminence in respect of goodness being added to the name of the function (for the function of a lyre-player is to play the lyre,

and that of a good lyre-player is to do so well): if this is the case, and we state the function of man to be a certain kind of life, and this to be an activity or actions of the soul implying a rational principle, and the function of a good man to be the good and noble performance of these, and if any action is well performed when it is performed in accordance with the appropriate excellence: if this is the case, human good turns out to be activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.

But we must add 'in a complete life.' For one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy.

Book II

1

Virtue, then, being of two kinds, intellectual and moral, intellectual virtue in the main owes both its birth and its growth to teaching (for which reason it requires experience and time), while moral virtue comes about as a result of habit, whence also its name (ethike) is one that is formed by a slight variation from the word ethos (habit). . . .

[T]he virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyre players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts. . . .

[B]y doing the acts that we do in our transactions with other men we become just or unjust, and by doing the acts that we do in the presence of danger, and being habituated to feel fear or confidence, we become brave or cowardly. The same is true of appetites and feelings of anger; some men become temperate and good-tempered, others self-indulgent and irascible, by behaving in one way or the other in the appropriate circumstances. Thus, in one word, states of character arise out of like activities. This is why the activities we exhibit must be of a certain kind; it is because the states of character correspond to the differences between these. It makes no small difference, then, whether we form habits of one kind or of another from our very youth; it makes a very great difference, or rather all the difference.

2

Since, then, the present inquiry does not aim at theoretical knowledge like the others (for we are inquiring not in order to know what virtue is, but in order to become good, since otherwise our inquiry would have been of no use), we must examine the nature of actions, namely how we ought to do them; for these determine also the nature of the states of character that are produced, as we have said. . . .

First, then, let us consider this, that it is the nature of such things to be destroyed by defect and excess, as we see in the case of strength and of health (for to gain light on things imperceptible we must use the evidence of sensible things); both excessive and defective exercise

destroys the strength, and similarly drink or food which is above or below a certain amount destroys the health, while that which is proportionate both produces and increases and preserves it. So too is it, then, in the case of temperance and courage and the other virtues. For the man who flies from and fears everything and does not stand his ground against anything becomes a coward, and the man who fears nothing at all but goes to meet every danger becomes rash; and similarly the man who indulges in every pleasure and abstains from none becomes self-indulgent, while the man who shuns every pleasure, as boors do, becomes in a way insensible; temperance and courage, then, are destroyed by excess and defect, and preserved by the mean. . . .

3

We must take as a sign of states of character the pleasure or pain that ensues on acts; for the man who abstains from bodily pleasures and delights in this very fact is temperate, while the man who is annoyed at it is self-indulgent, and he who stands his ground against things that are terrible and delights in this or at least is not pained is brave, while the man who is pained is a coward. For moral excellence is concerned with pleasures and pains; it is on account of the pleasure that we do bad things, and on account of the pain that we abstain from noble ones. Hence we ought to have been brought up in a particular way from our very youth, as Plato says, so as both to delight in and to be pained by the things that we ought; for this is the right education. . . .

Again, as we said but lately, every state of soul has a nature relative to and concerned with the kind of things by which it tends to be made worse or better; but it is by reason of pleasures and pains that men become bad, by pursuing and avoiding these—either the pleasures and pains they ought not or when they ought not or as they ought not, or by going wrong in one of the other similar ways that may be distinguished. . . . We assume, then, that this kind of excellence tends to do what is best with regard to pleasures and pains, and vice does the contrary. . . .

That virtue, then, is concerned with pleasures and pains, and that by the acts from which it arises it is both increased and, if they are done differently, destroyed, and that the acts from which it arose are those in which it actualizes itself—let this be taken as said.

4

The question might be asked, what we mean by saying that we must become just by doing just acts, and temperate by doing temperate acts; for if men do just and temperate acts, they are already just and temperate, exactly as, if they do what is in accordance with the laws of grammar and of music, they are grammarians and musicians. . . .

Again, the case of the arts and that of the virtues are not similar; for the products of the arts have their goodness in themselves, so that it is enough that they should have a certain character, but if the acts that are in accordance with the virtues have themselves a certain character it does not follow that they are done justly or temperately. The agent also must be in a certain condition when he does them; in the first place he must have knowledge, secondly he must

choose the acts, and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character. . . .

Actions, then, are called just and temperate when they are such as the just or the temperate man would do; but it is not the man who does these that is just and temperate, but the man who also does them as just and temperate men do them. It is well said, then, that it is by doing just acts that the just man is produced, and by doing temperate acts the temperate man; without doing these no one would have even a prospect of becoming good.

But most people do not do these, but take refuge in theory and think they are being philosophers and will become good in this way, behaving somewhat like patients who listen attentively to their doctors, but do none of the things they are ordered to do. As the latter will not be made well in body by such a course of treatment, the former will not be made well in soul by such a course of philosophy.

6

We must, however, not only describe virtue as a state of character, but also say what sort of state it is. We may remark, then, that every virtue or excellence both brings into good condition the thing of which it is the excellence and makes the work of that thing be done well; e.g. the excellence of the eye makes both the eye and its work good; for it is by the excellence of the eye that we see well. Similarly the excellence of the horse makes a horse both good in itself and good at running and at carrying its rider and at awaiting the attack of the enemy. Therefore, if this is true in every case, the virtue of man also will be the state of character which makes a man good and which makes him do his own work well.

How this is to happen we have stated already, but it will be made plain also by the following consideration of the specific nature of virtue. In everything that is continuous and divisible it is possible to take more, less, or an equal amount, and that either in terms of the thing itself or relatively to us; and the equal is an intermediate between excess and defect. By the intermediate in the object I mean that which is equidistant from each of the extremes, which is one and the same for all men; by the intermediate relatively to us that which is neither too much nor too little- and this is not one, nor the same for all. For instance, if ten is many and two is few, six is the intermediate, taken in terms of the object; for it exceeds and is exceeded by an equal amount; this is intermediate according to arithmetical proportion. But the intermediate relatively to us is not to be taken so; if ten pounds are too much for a particular person to eat and two too little, it does not follow that the trainer will order six pounds; for this also is perhaps too much for the person who is to take it, or too little- too little for Milo, too much for the beginner in athletic exercises. The same is true of running and wrestling. Thus a master of any art avoids excess and defect, but seeks the intermediate and chooses this- the intermediate not in the object but relatively to us.

If it is thus, then, that every art does its work well- by looking to the intermediate and judging its works by this standard. . . . [A]nd if, further, virtue is more exact and better than any art . . . , then virtue must have the quality of aiming at the intermediate. I mean moral virtue; for it is this that is concerned with passions and actions, and in these there is excess, defect, and

the intermediate. For instance, both fear and confidence and appetite and anger and pity and in general pleasure and pain may be felt both too much and too little, and in both cases not well; but to feel them at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way, is what is both intermediate and best, and this is characteristic of virtue. Similarly with regard to actions also there is excess, defect, and the intermediate. Now virtue is concerned with passions and actions, in which excess is a form of failure, and so is defect, while the intermediate is praised and is a form of success; and being praised and being successful are both characteristics of virtue. Therefore virtue is a kind of mean, since, as we have seen, it aims at what is intermediate.

Again, it is possible to fail in many ways . . . while to succeed is possible only in one way (for which reason also one is easy and the other difficult—to miss the mark easy, to hit it difficult); for these reasons also, then, excess and defect are characteristic of vice, and the mean of virtue;

For men are good in but one way, but bad in many.

Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it. Now it is a mean between two vices, that which depends on excess and that which depends on defect; and again it is a mean because the vices respectively fall short of or exceed what is right in both passions and actions, while virtue both finds and chooses that which is intermediate. Hence in respect of its substance and the definition which states its essence virtue is a mean, with regard to what is best and right an extreme.

Going Deeper

Pleasure and Pain: Aristotle Versus Utilitarianism

Aristotle's view calls into question certain common assumptions about pleasure and pain, such as the assumptions that underlie utilitarian theory. Some utilitarians, such as John Stuart Mill and Jeremy Bentham, maintain that moral actions are those that maximize pleasure and minimize pain (see Chapter 3). This presumes that the terms *pleasure* and *pain* refer to a certain property that is the same in all situations, and it is good in itself (pleasure) or bad in itself (pain).

The Aristotelian would not agree. Pleasure, in this view, is always associated with some particular sort of activity, and just as there are many different kinds of activity, there are many different kinds of pleasure. We may find pleasure in basking on the beach, getting high on drugs, or having sex, but we may find pleasure in a stimulating political conversation, mowing the lawn on a hot summer day, helping our child figure out a math problem, or cooking an elaborate meal for friends. While we may use the term *pleasure* for each of these contexts, there isn't some independent, clearly identifiable property common to all of them. Similar things could be said about *pain*. However, if we cannot isolate an independent property corresponding to each of these terms, we cannot identify pleasure as good in itself or pain as bad in itself.

In the Aristotelian view, pleasure is not good in itself; rather, pleasure is only good in the context of virtuous activity. Likewise, pain is bad only when it detracts from a flourishing life. Intuitively, this seems like an appealing idea: if someone gets pleasure from torturing cats or from raping a child, we wouldn't say that it's only the torturing of the cat or the raping of the child that's bad; we would also want to say that the *pleasure feelings themselves* are perverse and disgusting. Or conversely, the pain we experience as part of a rigorous physical workout is often *good*, and if we are *not* experiencing pain when a friend is suffering, we might say that our *lack of pain* would be bad.

How would the Aristotelian view make sense of this? We start from a position in which it is not pleasure or pain *themselves* at which we aim, but *the good*, in the sense of the telos of some particular role or of human life as a whole. We observe that there are certain characteristic activities involved, and we need certain virtues to perform them well and to flourish. Virtues are habits, and habits are dispositions to act in certain ways as well as to *feel* certain ways, such as enjoying certain activities or feeling dissatisfaction in others. So when we aim at the kinds of things that are genuinely good and have developed the corresponding virtues, we will typically experience satisfaction or enjoyment in performing those characteristic actions. This is what Aristotle might call "true" pleasure (Annas, 1980). It is true because it is the kind of pleasure associated with activities that are "truly good."

Therefore, someone who takes pleasure in torturing cats or raping children is either drastically mistaken about the good or knows that these activities are utterly contrary to living a

good human life but is plagued by vice (i.e., bad habits). Either way, the person takes pleasure in the wrong kinds of things, and since the question of whether a certain kind of pleasure is good or bad has to do with the corresponding activities, those pleasures *themselves* are bad.

To sum up, the Aristotelian would deny that pleasure itself is good or that pain itself is bad. This is because, first of all, there is no such thing as “pleasure itself” or “pain itself”; rather, pleasure and pain are always connected to some particular kind of activity. Second, all activities aim at some good, and some aims are *truly* good, while others are not. Third, whether or not we take pleasure in an activity depends on our state of character; that is, whether we are virtuous or not. Good pleasures are those that follow on virtuous activity—activity aimed at what is truly good. Bad pleasures are those that follow on vicious activity—activity aimed at what is bad.

We have been distinguishing this view from that of the utilitarians who regard all pleasures as uniform and good-in-themselves, and thus worth maximizing, and all pains as bad-in-themselves and thus worth minimizing. Now, you may recall from Chapter 3 that John Stuart Mill sought to distinguish “higher” and “lower” pleasures, in contrast to utilitarians like Jeremy Bentham who made no such distinctions. You may thus object that it is misleading to suppose that utilitarians make no distinction between good and bad pleasures. This would certainly be a fair objection; indeed, Mill may very well have been thinking about Aristotle or other philosophers who insist that not all pleasures are equally good or pains equally bad when he made this distinction. So it is worth looking a bit more closely at Mill’s distinction between higher and lower pleasures and how it relates to Aristotle’s distinction between good and bad pleasures.

The utilitarianism of Jeremy Bentham maintained that “when it comes to pleasure, push-pin is as good as poetry” (as cited in Mill, 1974, p. 123). That is, the pleasure associated with playing a simple child’s game like push-pin is no different in *kind* from the pleasure of reading good poetry; the only difference is in *how much* pleasure is associated with each kind of activity. We have just been describing why Aristotle would reject this idea. As Julia Annas (1980) puts it, Aristotle

cannot hold that pleasure is one single independently specifiable end which everyone pursues regardless of how they set about it. For Aristotle, one cannot pursue pleasure regardless of the moral worth of the actions that are one’s means to getting it. Rather it is the other way around: it is *one’s conception of the good life* which determines what counts for one as being pleasant.” (p. 288, emphasis added)

Therefore, the pleasures of those whose character and activities are aimed at the right conception of good will be the good pleasures, and vice versa.

Mill, on the other hand, tried to ground the distinction between good and bad or higher and lower pleasures on what people happen to feel when having different experiences, and which feeling they prefer. He trusted that most people would prefer certain kinds of pleasures over others if they experienced both and that these preferred pleasures were higher pleasures.

Aristotle, by contrast, does not base the distinction between pleasures on what people *happen* to feel; rather, his distinction is based on what people *ought* to feel. Desires and feelings are good when they are the kinds that *good people* have; otherwise, there's no reason to regard them as good. And so, again, our aim shouldn't be to bring about pleasure or the satisfaction of people's desires but to become good people and live out good lives; if we do so successfully, our feelings and desires will align.

The Situationist Critique

Some philosophers object to basing an ethical theory in a conception of virtue or good character because they argue that the notion of character itself is problematic. This is sometimes called the situationist critique of virtue ethics (Doris, 1998; Harmon, 2000). This critique draws on social psychological experiments showing that a person's behavior is much more heavily influenced by certain features of particular situations than character traits like honesty, benevolence, and so on, leading some psychologists and philosophers to conclude that the notion of character traits that strongly influence our behavior is an illusion. For example, people who find money on the ground are much more likely to act generously afterward than people who don't find money. Similarly, people who are told they are late for an appointment right before encountering someone in need are less likely to help that person than those who are told they are early or on time.

There are three major points virtue ethicists often make in response, which can help clarify the notion of a virtuous character and how it manifests itself in people's lives (Kamtekar, 2004). First, since ancient times, philosophers have recognized that while we often talk about character traits in isolation from each other (honesty in isolation from courage, courage in isolation from moderation, and so on), there is much more overlap and unity among the different virtues, since they are all oriented toward the ultimate end of living well. So while we might talk about people as honest and courageous, *true* honesty and *true* courage cannot be so readily distinguished from each other; rather, the virtuous person will tend to display *all* of the virtues in a kind of harmonious disposition to choose the good and respond well, *whatever the situation*. This is often called the **unity of the virtues**. Thus, experiments that attempt to discover whether people have some particular character trait in isolation aren't really focused on virtue in the traditional sense.

Second, a character trait is not merely a disposition to spontaneously and unconsciously react, but involves practical wisdom, which is the capacity to reason well about what a particular situation demands. Since this reasoning often raises different considerations relevant to different situations, choices that may appear to be inconsistent to a researcher (sometimes acting benevolently and sometimes not) may in fact reflect the exercise of wisdom across situations. We may judge that while helping a person in one situation would be the benevolent thing to do, helping them in a different situation might not be truly benevolent, or that some other consideration—like keeping a promise to be somewhere on time—overrides the consideration that a person needs help. Wise judgments depend on many factors, and the capacity to make the right choice given all of these varying features of a situation is a mark of a good character.

Third, virtue is *hard*. It takes practice, experience, and reflection to develop a sense of what is truly good and worthwhile. Thus we should expect that most people *aren't* completely virtuous; indeed, perhaps *no one* is. This needn't prevent us from giving an account of what the virtues are and what they involve, or to recognize that some people are farther along the road to full virtue than others. Accordingly, we can admit that certain degrees of inconsistency are to be expected without undermining the idea that people *can* develop character that is *more* consistent and steadfast than it used to be or more consistent and steadfast than that of other people.

6 Abortion



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Learning Objectives

After reading this chapter, you should be able to:

- Identify some of the main barriers to reasoned, respectful debate about abortion and how to overcome those barriers.
- Explain what abortion is and describe some of the most common procedures.
- Explain and analyze the argument against abortion based on the right to life of the fetus.
- Explain and analyze the personhood argument in support of abortion rights.
- Explain and analyze the bodily rights argument in support of abortion rights.
- Distinguish between and apply deontological, utilitarian, and virtue ethics arguments for and against abortion.

6.1 Introduction: The Abortion Storm

In the 1972 Supreme Court case *Roe v. Wade*, seven out of nine justices ruled in favor of a woman named Norma McCorvey (“Jane Roe”), who had filed a lawsuit against the state of Texas (“Wade”) claiming that its law banning abortion was unconstitutional. By ruling in this way, the Supreme Court effectively legalized abortion in all 50 states; prior to that it was banned in all but 4 states except when necessary to save the mother’s life, with a handful of others allowing it in a few other circumstances, such as cases of rape and incest (for more on this case, see *Abortion Law in the United States* below). With such a radical change in abortion laws coming virtually overnight, the ruling unsurprisingly provoked some strong reactions. Those who felt blindsided by the ruling formed movements and organizations aimed at overturning it, many of which continue their efforts today; others formed movements and organizations that fought with equal passion and dedication to protect the rights that women had just been given, which they had felt were long overdue. Indeed, some mark this court decision as the beginning of what we have come to call the “religious right” and the “culture wars” in the United States (Schaeffer, 2007).

The fervor, bitterness, and turbulence that marked the aftermath of *Roe v. Wade* has never really abated, and it continues to be among the most divisive and vitriolic issues in contemporary society. Opinion polls show a relatively even split between supporters and opponents of abortion rights that has remained remarkably consistent over the past 40 years (“Abortion,” n.d.b), and it can often appear that this is an issue on which no rational resolution or consensus is possible. Hence, many people are tempted to either dig in their heels and adamantly assert the righteousness of their own views (often while vilifying those who hold different views) or simply try to avoid the topic altogether.

Nevertheless, there is a long history of philosophical analysis of the issues surrounding abortion that predates *Roe v. Wade*, and while there is no guarantee that careful reflection

on these philosophical arguments can resolve the debate or overcome the divides, it arguably holds greater potential than the dominant modes of rhetoric, vilification, or mere avoidance.

The Abortion Debate and Super Bowl Ads?

The abortion debate entered unexpected territory during the 2016 Super Bowl when NARAL Pro-Choice America, the most prominent defender of abortion rights, objected to a Doritos advertisement. The ad featured a woman receiving an ultrasound while her husband ate Doritos, and the fetus is shown trying to grab the chips. (See the ad here: <https://youtu.be/vH2LsFcWOFY>). NARAL’s official Twitter account objected that the ad was “using antichoice tactic of humanizing fetuses.” Is this a valid criticism or an instance of the abortion debate being taken too far?

Barriers to the Debate

Before we consider those arguments, however, we should recognize and resist some common barriers to reasoned, respectful discourse on abortion.

Barrier 1: Reducing the Debate to Religious Commitment

It’s common to assume that whether one supports or opposes abortion rights is a matter of one’s religious commitment, and

especially that opposition to abortion is essentially a religious position. Supporters of abortion rights make this assumption when they dismiss those in the opposition as merely attempting to impose their religious views on the rest of society. Opponents of abortion rights make this assumption when the only reasons they offer for their position appeal to faith-based principles and commitments. Yet those who make assumptions like these overlook two important facts. First, there are many people who identify as religious but nevertheless believe not only that abortion should be legal but that it is morally justified, at least in certain cases. There is also a smaller but significant number of people who do not identify as religious but nevertheless believe abortion is (at least sometimes) immoral and should be (at least sometimes) restricted or banned (Kruszelnicki, 2014). This shows that people's positions on this issue do not merely reduce to religious commitment.

Second, and more importantly, the arguments that have constituted the philosophical debates almost never appeal to religious assumptions at all. Thus, those on either side of this issue who reduce the antiabortion position to the imposition of religious beliefs must ignore these nonreligious arguments or demonstrate that they are not religiously neutral after all, despite appearing to be. The existence of vigorous philosophical debate that does not refer to religious assumptions suggests that this latter conclusion is unwarranted and thus that reducing the debate to religious commitment serves only to hinder reasoned dialogue and increase division and animosity unnecessarily and should be avoided.

Barrier 2: The Terms of the Debate

Another common feature of the debate that can hinder civil, rational discourse is the terms that are often used to represent different sides. We commonly label those who oppose abortion rights as "pro-life," while those who support such rights are "pro-choice." We can see how problematic these terms are when we consider what they imply about someone who holds a different view. If an opponent of abortion rights is "pro-life," that implies that a supporter is "anti-life." Similarly, if someone who supports abortion rights is "pro-choice," then by implication someone who opposes them is "anti-choice." Both of these opposite terms are highly misleading and, indeed, demeaning. To insinuate that someone who supports a woman's right to make her own reproductive choices doesn't value life or to suppose that someone who believes in the protection of the unborn wants to subjugate women by restricting their choices grossly distorts the views and casts the opposition in a disparaging light. This kind of tactic can make individuals on one side believe that they have no need to listen to or respect what the other side has to say.

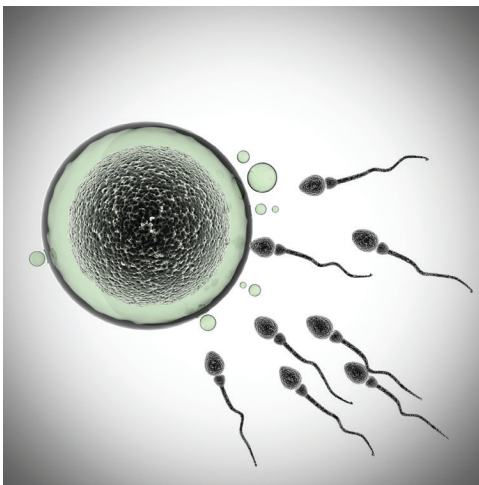
Barrier 3: Failure to Recognize or Appreciate Common Values and Principles

Another relevant feature of these debates that is worth highlighting is the way that each side appeals to a similar set of values and moral principles but does so in the service of opposite conclusions. Both sides rely heavily, for instance, on the notion of "fundamental rights." One side claims that a woman has a fundamental right to make her own reproductive choices; the other side claims that a fetus has a fundamental right not to be intentionally killed. Likewise, both sides appeal to a responsibility toward those who are vulnerable and at risk. Opposition to abortion rights is often rooted in a sense of responsibility toward the very young, while supporters of abortion rights often appeal to a sense of responsibility toward women who

may find themselves in desperate circumstances, who are the victims of exploitation or sexual violence, and so on.

Seeking out and acknowledging the principles and values that underlie each side of the debate may not lead to ultimate agreement, but it can help us recognize those with whom we disagree as people of goodwill who share many of the same values and commitments that we hold. This, in turn, can help us discern where the actual disagreements lie, rather than continually talking past one another. Finally, it can help us appreciate that a simple, black-or-white, one-or-the-other kind of position may not be what we should be seeking to defend. The question of whether a woman should have the right to an abortion or whether a fetus has a right to life may only be the tip of the iceberg, so to speak, and there may be many other surrounding issues on which people with different positions on that question can agree. For instance, the abortion rights supporter's commitment to supporting women who are victimized or in need may compel both sides to support organizations and social policies that do just that; the abortion opponent's commitment to protecting and respecting those who don't have all of the characteristics of a developed human person may lead people on both sides to a stronger commitment to protecting and respecting persons with disabilities or nonhuman animals. In short, a lot can be gained by approaching the arguments on both sides with honesty, open-mindedness, and respect, even if that does not lead to agreement on the issue of abortion rights itself.

With that, we now turn to the controversy itself. We will begin by describing what abortion is, the current laws surrounding the issue, and some relevant statistics and then proceed to examine arguments for and against abortion.



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Fertilization occurs when a sperm cell joins an egg cell and forms a zygote.

development from conception to birth. Finally, pregnancies are customarily divided into three 13-week periods called **trimesters**.

What Is Abortion?

Before we define abortion, we should familiarize ourselves with some of the biological background. **Conception** or **fertilization** occurs when a sperm cell joins with an egg to form a zygote or conceptus, which has half of its genetic material provided by the mother and half provided by the father. Conception usually occurs in the fallopian tubes, after which the zygote travels to the uterus (womb) and develops into a blastocyst. When the blastocyst embeds itself in the wall of the uterus, it is known as an embryo; during the embryonic stage, it begins to develop organs and recognizable human features. From 8 weeks until birth, it is known as a **fetus**, and 8 weeks is also the point at which we can usually start detecting brain activity. For simplicity's sake, we will use the term *fetus* to refer to all stages of

We will be using the term **abortion** to refer to the intentional termination of a pregnancy. It's important to note the word *intentional* in this definition. Sometimes **miscarriages** are called **spontaneous abortions**, and they are obviously not intentional. Moreover, sometimes certain medical procedures, such as the removal of a cancerous uterus, will unavoidably result in the death of a fetus, but virtually no one believes that this kind of procedure is necessarily wrong. Even those who oppose abortion in all cases maintain that such procedures can be justified, since the *intention* is to treat the cancer, not to terminate the pregnancy; the death of the fetus is considered an unfortunate side effect, much like the death of civilians can be an unfortunate but unintended side effect of a military effort to destroy an enemy base. While these kinds of cases can raise their own difficult questions, for the sake of our discussion, we will limit the definition of abortion to cases in which the termination of a pregnancy is a primary intention, since that is what is at issue in almost all of the moral and political debates.

Most commonly, abortions are performed by licensed medical practitioners in hospitals or clinics, though this is not always the case. Abortions might also be performed illegally by those without a medical license, including what are sometimes called “back-alley abortions”; or a woman who is or suspects she may be pregnant may attempt to terminate the pregnancy herself, such as by taking certain herbs or supplements or causing trauma to her abdomen. These methods are highly unsafe and can lead to severe injury or death to the woman. By contrast, injury or death as a result of a legal abortion is rare, occurring in fewer than 1% of cases; in fact, the risk of a woman dying in childbirth is 10 times higher than the risk of dying from a legal abortion.

When performed or assisted by a licensed medical practitioner, the most common methods are medical or drug induced and surgical. The most common **medical or drug-induced abortion** procedures involve ingesting certain drugs (like mifepristone, otherwise known as RU-486) that cause the death of the fetus by preventing implantation, after which the dead fetus passes through the woman's vagina naturally or induced by another drug—although sometimes the medical practitioner must manually remove it. Medical abortions are only effective in the first 7 to 9 weeks of pregnancy. **Surgical abortion** procedures involve the insertion of certain tools into the woman's uterus to extract the fetus. In first-trimester pregnancies, a suction device is inserted to remove the fetus in a process called aspiration, and any remaining parts are then scraped out. In later pregnancies (second trimester and beyond), the most common procedure is called **dilation and evacuation (D&E)**, in which the cervix is dilated and the fetus is removed with suction devices. Depending on the size of the fetus, this may also involve other instruments needed to first remove body parts like arms and legs or to crush the skull. D&E is used in about 10% of abortion procedures; the other 90% are either drug-induced or use aspiration (Jatlaoui et al., 2016).

Going Deeper: A Short History of Abortion

Abortion has existed since at least 1550 BCE, and it hasn't always been the source of controversy that it is now. Recent medical advances, while making abortion safer, have also brought more information about fetal development to light, stimulating a greater debate surrounding this procedure. In attempting to understand and take part in the modern abortion debate, it is helpful to understand the status of abortion throughout history. See *Going Deeper: A Short History of Abortion* at the end of the chapter for more.

Abortions are often divided into two types, depending on the reason a woman may seek to obtain one: therapeutic and elective. **Therapeutic abortion** is performed to preserve the life or health of the mother. **Elective abortion** is performed when it is not necessary to preserve the life or health of the mother. This division is difficult to distinguish precisely, since the meaning of "health" is ambiguous. Some may argue that the notion of "health" should be restricted to a limited range of bodily conditions, while others may argue that it should encompass a broader range of psychological conditions and personal circumstances. To adequately address the ethical issues surrounding controversial topics like abortion, it is important to be informed on the relevant statistics such as frequency, demographics, and the reasons women obtain abortions, in

order to have an accurate picture of the social reality and avoid misleading information that can lead to prejudice and distortions. The infographics in this section contain statistics on abortion to help form that accurate picture.

Abortion Law in the United States

As we noted previously, prior to *Roe v. Wade*, only four states permitted elective abortion on request. Thirteen other states banned it with exceptions for cases like rape or incest, and the remaining states permitted it only to preserve the life of the mother. However, *Roe v. Wade* held that states may not restrict a woman's choice to obtain an abortion at all during the first trimester. This was based largely on the notion of a right to privacy, which the court interpreted to include the right of a woman to make her own choices about whether and when to have a child. This right to privacy, the court ruled, "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy" (*Roe v. Wade*, 1973, p. 153).

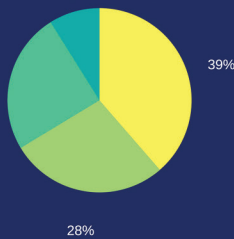
However, the court did acknowledge restrictions and limitations on this right. According to this ruling, states may place restrictions on abortion during the second trimester if those restrictions can be shown to directly protect the pregnant woman's health and safety. Moreover, states are permitted to ban the procedure altogether during the third trimester except when the pregnancy threatens the life or health of the mother. This latter clause allowed that states may have a compelling reason to protect a fetus that is viable, that is, capable of surviving outside the mother's womb. In other words, restrictions on abortion during the second trimester can only be legally justified in terms of protecting the mother, but once a fetus reaches **viability**, restrictions may be legally justified in terms of protecting the fetus, a distinction that indicated a very important stand that the court took regarding the moral status of the developing fetus.

Who has an Abortion?

According to the Guttmacher Institute (Induced Abortion in the United States, 2017), in 2014 approximately 926,000 abortions were performed. Out of these:


RACE

39% of abortions were obtained by Whites, 28% by Blacks, 25% by Hispanics, and 9% by persons of other races and ethnicities.




AGE

Around 60% of abortions were obtained by patients in their 20s




12% were obtained by patients younger than 20.



RELIGION

30% of abortions were obtained by those identifying as Protestant Christian, 24% by Catholic Christians, 8% by those of another religious affiliation, and 38% by those with no religious affiliation.




59% 59% of abortions were obtained by women who already had children.

90% About 90% of abortions were performed in the first 12 weeks of pregnancy.

INCOME

49% of abortions were obtained by those whose incomes were under the federal poverty level, and another 26% of patients had incomes less than 200% of the federal poverty level.



10 Reasons Women have Abortions

- 1** Child would interfere with education, work, or caring for other children **74%**
- 2** Inadequate finances **73%**
- 3** Doesn't want to be a single mother or is having relationship problems **48%**
- 4** Already completed childbearing **38%**
- 5** Not ready to have a child **32%**
- 6** Doesn't want people to know she had sex or became pregnant **25%**
- 7** Not mature enough to support or care for a child **22%**
- 8** To prevent the birth of a child with birth defects or severe medical problems **13%**
- 9** Health is in danger **12%**
- 10** Is a victim of rape or incest **1%**

Finer, Frohwirth, Dauphinee, Singh, & Moore, 2005

A later court ruling, *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992), did away with the trimester distinctions when determining when a state may legally restrict or prohibit abortions in favor of the viability threshold itself, given the fact that advances in medicine may affect the stage at which a fetus can survive outside the uterus. In other words, this ruling agreed with *Roe v. Wade* that abortion can be restricted to protect a fetus that is viable but acknowledged that viability may occur earlier than the third trimester. But it also upheld *Roe v. Wade's* general affirmation of a woman's right to privacy when it comes to matters like reproduction and family. In a famous passage, Justice Anthony Kennedy wrote, "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life" (*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 1992, p. 851).

As we also noted before, many people disagreed with the court's decision that the right to privacy (which is not explicitly stated in the Constitution, though it is supported by several amendments) extends to the right of a woman to obtain an abortion. As a result, there have been numerous attempts by states to pass laws that restrict a woman's right to an abortion and/or protect the life of the fetus that align with federal law. Many of them have been rejected by the Supreme Court, but some have been upheld ("Abortion," n.d.a).

In short, given these rulings, a state may not ban abortions completely, but it can ban it after a certain period of gestation (viability), and prior to that, it can place various restrictions on abortion, such as the following:

- Requiring mandatory waiting periods between requesting an abortion and obtaining it
- Requiring abortions to be performed in a hospital or within a certain distance from a hospital
- Requiring that women seeking an abortion obtain certain forms of counseling or view an ultrasound of the fetus
- Allowing health care providers and institutions to refuse to perform the procedure
- Requiring minors to obtain parental consent or to have their parents notified
- Restricting the use of public funds to pay for abortions

6.2 The Ethical Arguments

Laws do not settle ethical questions. When it comes to abortion, many people believe that state and federal laws are too restrictive, while others believe that the laws are too lenient, so it would be a mistake to attempt to settle the ethical questions simply by looking at what the laws say. Instead, we have to back away from the laws as they happen to be and consider the ethical questions independently.

There is no single question or issue that is the deciding factor in the debate over abortion. Rather, arguments for and against abortion draw on a number of different considerations. The questions most often in dispute are the following:

- What is the moral standing of the fetus? Is it a member of the community of beings that have rights and toward which we have responsibilities?
- If a fetus has moral standing, when does it acquire this?
- Is a right to life the same as a right not to be killed under any circumstance?
- How far does a woman's right to make her own reproductive choices extend?
- Does a woman have responsibilities toward beings that are dependent on her for life?
- What responsibilities do societies have to protect the interests of women who are or may become pregnant?
- How do we balance the rights of a woman with the rights of a fetus?
- How do we balance the well-being of a woman with the well-being of a fetus?
- On which kinds of issues should the government establish laws and regulations?

These are all difficult and complex questions, and we will barely scratch the surface of most of them. As we said above, the difficulty and complexity of the debate is one reason for the

sharp divisions and intense hostility surrounding these issues as people on both sides accuse the other of an inability or unwillingness to understand the merits of their arguments. But recognizing the complexity can also motivate us to think more deeply and critically and, most importantly, to carefully consider what the voices on each side have to say, a task to which we now turn.

An Argument Against Abortion

We will begin by looking at the most prominent argument against abortion. As we will explain later, this is a deontological argument, which means it is rooted in the idea that there are certain acts that are always wrong. In this case the argument against abortion starts with the assumption that killing certain beings is always wrong; that is, we have a duty never to intentionally kill them. It then tries to show that fetuses belong in that category of beings. Here is the simplest form of that argument:

1. Intentionally killing a baby is morally wrong and should be illegal.
2. There is no clear and significant moral distinction between a baby and that same being at an earlier stage of development.
3. Therefore, intentionally killing that same being at an earlier stage of development is also morally wrong and should be illegal.
4. Abortion intentionally kills that same being at an earlier stage of development.
5. Therefore, abortion is morally wrong and should be illegal.

Let's break this down. Consider a 6-month-old baby. Almost everyone would agree that intentionally killing this baby would be morally wrong. Almost everyone would also agree that if someone killed a 6-month-old baby, it would be a crime that should be prosecuted as murder. But what if the baby was only 5 months old? Would that make a difference? Most people would say no. What about 4 months? Or 3, 2, or 1 month? Or 1 day old? It seems that whatever reasons we would have for regarding the killing of a 6-month-old baby to be wrong would apply equally to a baby that was only 1 day old. But by the same token, according to this argument, whatever reasons we would have for regarding the killing of a 1-day-old baby to be wrong would seem to apply equally to a fetus 1 or 2 days before birth. After all, we never know when a baby might be born. If a baby is born on a certain day, surely it could have been born a few days earlier or a few days later, and it would be absurd to suppose that its moral status—its “right not to be killed”—would depend on such contingent and uncontrollable factors. We are thus left to conclude that if it's wrong and should be illegal to kill a being 1 or 2 days after birth, it would be wrong and should be illegal to kill that same being 1 or 2 days before birth.



Photodisc/Thinkstock

The most prominent argument against abortion is rooted in deontology and starts with the assumption that killing certain beings (for example, a 6-month old baby) is always wrong.

The argument continues by proceeding backward in that same line of reasoning. If it's wrong and should be illegal to kill a being 1 or 2 days before birth, what about 1 week before birth? Or 1 month? Or 6 months? Or 9 months? If we continue to step backward, is there a point at which there is a clear distinction between one kind of being—a being with a right to life that should be legally protected—and some other kind of being (or no being at all)? Opponents of abortion argue that there is one, and only one, such line: the moment of conception.

As Patrick Lee and Robert George (2014) put it, at the moment of conception there comes into being an organism that is

distinct from any cell of the mother or of the father. This is clear because it is growing in its own distinct direction. Its growth is internally directed to its own survival and maturation. Second, the embryo is *human*: it has the genetic makeup characteristic of human beings. Third, and most importantly, the embryo is a *complete* or *whole* organism, though immature. The human embryo, from conception onward, is fully programmed actively to develop himself or herself to the mature stage of a human being, and, *unless prevented by disease or violence, will actually do so, despite possibly significant variation in environment* (in the mother's womb). None of the changes that occur to the embryo after fertilization, for as long as he or she survives, generates a new direction of growth. Rather, *all* of the changes (for example, those involving nutrition and environment) either facilitate or retard the internally directed growth of this persisting individual. (p. 38)

In other words, let's start with our 6-month-old baby and ask, when did *she* first come into being? It can't be at birth, since birth doesn't produce a new *being*, just a change in environment (from inside the mother's womb to outside of it). Likewise, all of the periods prior to birth involve *changes* to that being, but not a *new* being where there was none before, until we get to the moment of conception. The sperm and the egg by themselves are not distinct, complete, or whole human beings, but when they are joined together there *is* a new distinct, complete, and whole human being where before there was none. This, abortion opponents argue, is a preliminary reason to suppose that whatever moral status the 6-month-old baby has had by that same baby at 5 months, 4 months, and so on to the point at which it first came into being, that is, at conception; in other words, any point after conception that we could offer as being the point at which a new being with that moral status emerges would be *arbitrary*, whereas the point of conception is *not* arbitrary. Therefore, if by virtue of that moral status killing the 6-month-old baby is wrong, killing it at 5 months, 4 months, and so on to the point of conception would also be wrong.

We will look at the major responses to this kind of argument in a moment, but let's first consider how someone making this argument would respond to two sorts of claims in favor of abortion rights. A defender of abortion might claim that a woman has a right to make her own choices about her life and her body. Naturally, the mother of the 6-month-old child also has those rights, but we would say that the right of the baby not to be killed *overrides* the mother's right to choice. That is, her right to choose is correctly *restricted* when her choice involves killing a being that has a right *not* to be killed. So if, as the argument maintains, we acquire that right when we come into being—that is, at conception—then her choices should likewise be restricted so as to exclude intentionally killing the being in her womb.

A second common claim in defense of abortion rights is that the moral status of the embryo or fetus is a matter that should be left up to the mother herself to decide. She has, as *Roe v. Wade* put it, a right to privacy, and the state should not be in the business of telling her what she may or may not believe regarding this deep and significant question. In response, we can note that the state *wouldn't* be telling her what she may or may not *believe* about the moral status of the embryo; it would instead be restricting the ways that she may *act* on those beliefs. And the state frequently does prevent people from acting on their beliefs regarding another being's moral status. People may believe that dogs have no moral status and that there's nothing wrong with abusing them, but we have laws preventing many forms of animal abuse. Notoriously, some people believe that Blacks, Jews, persons with mental disabilities, and other groups don't have full moral status, but of course we do not consider the choice of whether to act on those beliefs to be a matter of privacy. Indeed, were a mother to claim that her 6-month-old child lacks the characteristics of a full-fledged human with a right not to be killed, we would not consider this to be a valid excuse for her to kill him or her. So if we can establish through rational argument that an embryo or fetus has the same moral status as a 6-month-old child, as philosophers like Lee and George think we can, then we have the same grounds for legally restricting a woman's right to act on her private beliefs. (Indeed, it's worth recalling that even *Roe v. Wade* agreed that states *can* restrict a woman's right to act on her private beliefs about the moral status of a viable fetus; abortion opponents would simply argue that distinguishing a third-trimester fetus from one at an earlier stage of development is morally arbitrary.)

In short, some abortion opponents like Lee and George (2014) argue that “in abortion, what is killed is a human being, a whole living member of the species *homo sapiens*, the same *kind* of entity as you or I, only at an earlier stage of development” (p. 39). There are many ways that defenders of abortion rights have tried to respond to arguments like this, and we will first focus on two of the most prominent. One is to concede that a distinct human being is present from the moment of conception but maintain that it isn't yet a “person,” and *personhood* is what gives a human the right not to be killed. The second concedes even more—that the human in the womb is a being with a right to life—but argues that a right to life does not necessarily mean a right not to be killed.

Like the argument against abortion that we just considered, these are, or at least can be interpreted as, deontological arguments. The first approach could agree that there are certain beings it is always wrong to kill but argues that fetuses are not among those; thus, we don't have a duty not to kill fetuses. The second acknowledges that there are sometimes conflicts between rights and duties that have to be worked out and argues that in this case the right of a woman to bodily freedom (and our duty to respect that) overrides a fetus's right to life (and our duty not to kill it). Later, we will compare all three deontological arguments to a utilitarian approach that maintains that the morality of abortion is not ultimately a matter of fundamental rights and duties but is decided on the basis of whether legalizing abortion would have better overall consequences than banning it, and to a virtue ethics approach that considers the issues in terms of the notion of a well-lived life and the associated virtues.

The Personhood Argument in Support of Abortion

First, some philosophers argue that the reason it is wrong to mistreat or kill someone is not because he or she is *biologically* human but because he or she is a **person**. As we recall from

Chapter 4, Immanuel Kant argued that we have a duty to “treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means” (Kant, 2008, p. 29). Moreover, “humanity” in his sense meant our rational autonomy, that is, our capacity to set our own ends and pursue them. Something very similar is at work in this argument. Though the term *personhood* is used instead of *humanity* and the criteria for personhood is a bit broader than Kant’s notion of humanity, the idea remains very similar. It’s our personhood that makes us more than mere things and thus worthy of being treated with dignity and respect. In other words, being human in a genetic or biological sense is not sufficient to count as a member of what Mary Anne Warren (1973) calls the “moral community, the set of beings with full and equal moral rights” (pp. 5–6). What does it mean, on her account, to be a “person” in this sense? She suggests five characteristics:

1. consciousness (of objects and events external and/or internal to the being), and in particular the capacity to feel pain;
2. reasoning (the *developed* capacity to solve new and relatively complex problems);
3. self-motivated activity (activity which is relatively independent of either genetic or direct external control);
4. the capacity to communicate, by whatever means, messages of an indefinite variety of types, that is, not just with an indefinite number of possible contents, but on indefinitely many possible topics;
5. the presence of self-concepts, and self-awareness, either individual or racial, or both. (Warren, 1973, p. 7)

Warren (1973) does not suggest that *all* of these characteristics are necessary to be considered a person; rather, “all we need to claim, to demonstrate that a fetus is not a person,” she maintains, “is that any being which satisfies none of (1)–(5) is certainly not a person” (p. 8). Since the fetus lacks these characteristics, she adds, “a fetus, even a fully developed one, is considerably less personlike than is the average mature mammal, indeed the average fish” (p. 9), such that “it cannot be said to have any more right to life than, let us say, a newborn guppy . . . and that a right of that magnitude could never override a woman’s right to obtain an abortion, at any stage of her pregnancy” (p. 9).

What Warren is calling forth through this argument is philosophical reflection on the deep and challenging question about what it means to *be* the kinds of beings that you and I are in the morally relevant sense. Surely when we reflect on our own selves we will find those characteristics she describes to be deeply significant to who and what we are as human beings, which is why we sometimes say that when individuals are in a vegetative state their body is present but the person that they were is gone. Likewise, when we reflect on what makes killing individuals different than, say, having a gallbladder removed, it’s not the presence of human DNA, which the gallbladder has; rather, it’s the fact that individuals, unlike a gallbladder, have plans and projects, experiences of themselves and the world, can feel pleasure and pain, and so on, all of which are destroyed when a person is killed.

Therefore, in response to the argument against abortion we considered previously, Warren would say that the reason it’s wrong to kill the 6-month-old child is because that child is a person, but a fetus is not. Therefore, abortion is no more wrong than having a gallbladder removed or even “cutting one’s hair” (Warren, 1973, p. 5).

How might the opponent of abortion respond to Warren's argument? First, he or she might raise the point that we already noted about arbitrary cutoff points. That is, even if we grant Warren's claims about personhood, it will still be the case that any line we try to draw that distinguishes a person from a nonperson in her sense will be arbitrary, and thus we should fall back on the only nonarbitrary point of development (conception) to identify those in the moral community. In response, philosophers point out that there are many real and substantial distinctions we make without being able to identify a precise point at which one thing becomes something else. When, *precisely*, does a tadpole become a frog, a man become bald, or a hill become a mountain? There is no answer to those questions, but that doesn't mean there aren't meaningful distinctions between a tadpole and a frog, having a full head of hair and being bald, or a hill and a mountain. Likewise, we can recognize that very early fetuses, at least, lack the qualities Warren attributes to personhood even if we cannot identify the precise point at which they *gain* personhood.

Second, abortion opponents frequently argue that Warren's account of personhood is flawed. One argument is that she seems to presume a view of humanity that is dualistic, drawing a sharp distinction between the inner or mental/psychological dimension of human life and the outer or physical/biological dimension, identifying my *true* or *essential* self—the aspect that is morally relevant—only with the first dimension (Lee & George, 2014, pp. 39–40). **Dualism** is a philosophical view that has been strongly defended, as well as strongly contested, throughout human history, and we cannot possibly go into those metaphysical debates here. The crucial point here is that those who regard the human body itself to be an integral and essential part of the human *person* may not find Warren's criteria of personhood to be satisfactory, which raises the question of whether the presence of biological humanity may play a more important role in defining our humanity (in the morally relevant sense) than Warren's argument allows.

At the very least, some argue, if there's even a possibility that a fetus is an innocent person, we ought to err on the side of assuming that it is and forbid abortion, given the moral gravity of killing the innocent. This is sometimes called the **argument from indeterminacy**. On the other hand, supporters of abortion might offer their own version of the argument from indeterminacy: Given the moral gravity of interfering with the liberty of others, we should only do so when there are clear and compelling rational grounds for believing that failing to interfere will cause significant harm to some other person we are charged to protect—but the indeterminacy of the fetus's status means we don't have such grounds. Therefore, we should not interfere with a woman's liberty to have an abortion.

Third, some philosophers—including those who defend abortion rights—have worried that basing the right not to be killed on personhood as defined in terms of the characteristics Warren describes has implications beyond the abortion debate that many people find troubling. Some philosophers (Tooley, 1972; Singer, 1993) have agreed with Warren's main line of argument but concluded that not only does this argument justify abortion, it also justifies the killing of other beings that, though biologically human, lack most or all of these characteristics, such as infants and the severely disabled. For instance, Michael Tooley (1972) argues that “an organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity” (p. 44). He goes on to say that “a newborn baby does not possess the concept of a continuing self, any more than a newborn kitten possesses such a concept. If so, infanticide during a time interval shortly after birth must be morally acceptable” (p. 64).

In other words, according to the personhood argument, abortion is permissible because a fetus lacks the right not to be killed, and it lacks that right is because it lacks characteristics that would make it a person, such as self-awareness and a robust consciousness. Infants also lack these characteristics and thus are also not persons in this definition. It would follow that infants also lack the right not to be killed; thus, infanticide is morally justified. Those who think that infanticide is morally unacceptable would either need to explain why the personhood argument doesn't justify infanticide after all or have to admit that the personhood argument in favor of abortion rights is flawed, and a being can have a right not to be killed even if it doesn't meet Warren's criteria for personhood. (For an argument that Warren's defense of abortion entails the permissibility of infanticide, see Card [2000]. For Warren's response, in which she claims that her argument does not justify infanticide, see Warren [2000].)

Finally, some philosophers respond to concerns like these by attempting to show that the question of whether abortion is morally justified doesn't depend on the status of the fetus. On the antiabortion side, Don Marquis (1989) has argued that we can show that abortion is normally wrong regardless of whether the fetus is a person by first considering why murder is wrong. Murder is wrong, he argues, because it deprives the victim of a valuable future. Even if fetuses are not *yet* persons, they have a future ahead of them with various kinds of goods just like a child or an adult. If depriving a child or an adult of those future goods is what makes killing them an act of murder and thus wrong, then it would likewise make killing the fetus wrong.

However, abortion rights supporters have also tried to make their case without settling the question of whether a fetus is a person with a right to life. We now turn to the most famous of such arguments.

The Bodily Rights Argument in Support of Abortion

We considered arguments that abortion is morally justified because the fetus is not a person and thus is not the kind of being that would be wrong to kill. If that's the case, a woman should be free to end her pregnancy if she so chooses, since by doing so she won't be harming or killing anyone that deserves protection. However, many people find those arguments unconvincing and maintain instead that we have good reason to treat the fetus as a person, or at least as having a right to life. But does this mean that abortion is morally wrong?

Some philosophers have answered no, arguing that we can defend the right to abortion *even if* we grant that a fetus has a right to life from the moment of conception. Earlier we suggested that if a certain being has a right to life, that right will override another's right to make her own choices when the two come into conflict. But this is what some defenders of abortion deny, maintaining instead that a woman's right to choose what happens to her body is stronger than a fetus's right to life.

The most well-known of these arguments was offered by Judith Jarvis Thomson. Thomson (1971) has us consider the following analogy:

You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all

the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you." Is it morally incumbent on you to accede to this situation? No doubt it would be very nice of you if you did, a great kindness. But do you *have* to accede to it? What if it were not nine months, but nine years? Or longer still? What if the director of the hospital says, "Tough luck, I agree, but you've now got to stay in bed, with the violinist plugged into you, for the rest of your life. Because remember this. All persons have a right to life, and violinists are persons. Granted you have a right to decide what happens in and to your body, but a person's right to life outweighs your right to decide what happens in and to your body. So you cannot ever be unplugged from him." I imagine you would regard this as outrageous. (p. 49, reprinted with permission from Blackwell Publishing, Inc., John Wiley & Sons, Inc.)

Finding oneself hooked up to the famous violinist, Thomson suggests, is like a woman finding herself with an unwanted pregnancy. In each case there is a being—indeed a *person*—that needs someone else's body to survive. We can grant that this person has a right to life, but that doesn't by itself mean that the person has the right to use someone else's body to sustain its life. "The right to life," Thomson (1971) argues, "consists not in the right not to be killed, but rather in the right not to be killed unjustly" (p. 57). We would not be acting unjustly by refusing to be plugged into the violinist for 9 months, and by the same token, she claims, a woman would not be acting unjustly by refusing to grant the fetus the use of her body for 9 months. While it may be an act of generosity to do so, Thomson nevertheless concludes that "nobody is morally *required* to make large sacrifices, of health, of all other interests and concerns, or of all other duties and commitments, for nine years, or even for nine months, in order to keep another person alive" (p. 61–62).



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Thomson's bodily rights argument begins by asking whether you would submit to being tethered to a famous violinist for 9 months, acting as the violinist's life support.

As with the personhood argument, evaluating the bodily rights argument as Thomson describes it takes us into some deep and complex philosophical terrain, but we can briefly raise two questions worth considering when assessing its merit.

First, is there a morally relevant distinction between *killing* and *allowing to die* that would pertain to this case? In the violinist analogy as Thomson presents it, one exercises one's bodily right by unplugging, which will *result* in the violinist's death, but that's not necessarily what one directly *intends* to happen;

abortion, on the other hand, involves the direct killing of the fetus. Some philosophers, especially those who take a deontological approach, believe that we have a duty not to kill but that this does not necessarily mean we cannot allow someone to die.

Recall the trolley car illustration that we discussed in Chapter 3, in which a runaway trolley car is heading toward five people on a track with no means of escape. In one scenario, we can pull a lever switching the car to a side track in which there is a single worker, resulting in his death but sparing the five people on the main track. In another scenario, we can push a large man over a bridge to stop the car, killing him but saving the five workers. Many people believe that pulling the lever is morally permissible because even though we know it will result in the death of the worker on the side track, we aren't trying to kill him; or if you like, we aren't killing him *in order to* bring about a good result. On the other hand, pushing the large man over the bridge is a direct act of killing or using a person as a mere means to an end, and so it would violate a duty against either of these. Some argue that unplugging the violinist to restore a person's bodily freedom would be like pulling the lever to switch the track, while aborting the fetus to restore bodily freedom would be like pushing the large man over the bridge (Foot, 1985).

Of course, Thomson could respond by modifying the violinist scenario such that the only way to restore bodily freedom is by directly killing the violinist. Would that be a morally permissible act? Many people would continue to hold the intuition that we would not be morally required to support the violinist's life with our body, and if directly killing him is the only way to gain bodily freedom, we would be morally justified in doing so. They may, for example, regard this as a justified form of self-defense. Even if we were to make that judgment about the violinist case, does that justify abortion? Does Thomson's analogy hold?

A question one might raise when considering the strength of the analogy is whether someone can have responsibilities toward another by virtue of a certain special relationship, even when one hasn't necessarily chosen that relationship. In this case, we can note that there is nothing natural or normal about being kidnapped and hooked up to a famous violinist, but the mother-child bond is one of the most common, fundamental, and natural relationships one can have. Nor is it natural or normal for an adult person to be completely dependent on another person's bodily organs for his life, but *all* humans were once in exactly that relationship early in their development. Does this challenge the relevance of Thomson's analogy? More importantly, could the naturalness of the dependency of the fetus on the mother's body mean that she has responsibilities toward it even if she hasn't chosen them?

Many people would claim that we have responsibilities toward the families and communities into which we were born, toward other animals, and toward the natural world, even though we haven't voluntarily chosen to assume those responsibilities. Similarly, most people would agree that parents have certain responsibilities toward their children *after* birth that do not depend on whether the parents have chosen them or on whether exercising those responsibilities places burdens on the parents. So granting, as Thomson does, that the fetus is a person leads us to consider whether we may have similar unchosen responsibilities toward it. Supposing so, of course, raises very difficult questions about whether this responsibility would extend to cases like rape and incest or cases in which carrying a pregnancy to term would place significant social, financial, emotional, or physical burdens on the woman. In other words, even if we grant that a woman may have special responsibilities in *some* cases, does it mean she has those responsibilities in *all* cases? And could we draw a line between the

two sufficient for a legal distinction? We will return to this question later when we consider a virtue ethics approach to abortion.

6.3 Utilitarianism and Abortion

To summarize an earlier point, the arguments we've been considering could be regarded as deontological. The argument opposing abortion began with the assumption that a child (say, 6 months old) has a *fundamental right* not to be intentionally killed and argued that this right must extend all the way back to the point of that child's conception. Another way of saying this is that we have an *absolute duty* not to intentionally kill either a 6-month-old child or a fetus. The personhood argument in support of abortion agrees that we have an absolute duty not to kill a 6-month-old child but maintains that this right (and our corresponding duty) rests on the fact that the 6-month-old child is a *person*. According to this argument, since a fetus is not a person, it lacks this fundamental right, and thus there is no duty not to kill it.

The argument from bodily rights maintains that even if we *normally* have a duty not to kill certain beings, that duty can be overridden by a stronger duty to respect the right to bodily freedom. Thus, even if we grant that a fetus (or a violinist) has a right to life, the right to bodily freedom is stronger. So we are still speaking in deontological terms, but in this case we are refining our conception of the circumstances in which we have a duty not to kill another person. Much of the debate, then, would rest on how we weigh the relevant duties involved, duties like not killing the innocent, respecting reproductive choice and bodily freedom, not treating a fetus or a mother as a mere means to an end, and so forth.

How might a utilitarian approach the issue of abortion instead? Recall from Chapter 3 that a utilitarian approach judges right and wrong in terms of the consequences. In particular, according to act utilitarianism (as opposed to rule utilitarianism, which we won't consider here), an action or policy is right if it leads to the greatest overall well-being, happiness, or utility (however that's defined) compared to alternatives. In the case of abortion, to answer the moral question, we would need to consider whether an act of aborting an embryo or fetus would lead to better overall consequences than not aborting it, and on the legal question we would need to consider whether a policy that permits abortion would be better overall than a policy that restricts it. While some utilitarians may argue that abortion is usually immoral and/or that it would be best to restrict it, we will focus on the kind of argument that a utilitarian might give in support of the morality and legality



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A utilitarian approach to abortion would entail weighing the benefits and harms that would result from restricting the procedure against the benefits and harms that would result from permitting it.

of abortion. In short, many utilitarians would maintain that there are at least *some* instances in which abortion would result in better overall consequences than continuing the pregnancy to term. If this is the case, and we compare the harms that would result from restricting abortion with the harms that may result by permitting it, there would be strong utilitarian reasons to establish policies that permit abortion when the mother chooses it.

What might those instances be? If we consider a typical case in which a woman may seek an abortion, it is generally a situation in which a woman has found herself pregnant but something about the circumstances makes the prospect of carrying the child to term burdensome or undesirable, as we discussed earlier. Many of these circumstances would elicit our sympathies at the difficulties some women have to face or arouse a strong sense of indignation at the injustices they suffer. Some of those circumstances and motivations, however, may strike us as trivial and selfish. Regardless, the question would be how the burdens and other negative effects of carrying a fetus to term, and the positive effects of aborting it, would weigh against the positive effects of carrying it to term or the negative effects of aborting it. And if we were thinking specifically about laws concerning abortion, we would ask similar questions about the effects of a law that enables or permits a woman to obtain an abortion in certain circumstances versus a law that bans abortion in those circumstances.

In considering such questions, many factors could enter in. Naturally, if a woman is contemplating an abortion, she has judged that carrying the child to term may threaten her health, diminish her happiness, cause increased difficulties for her existing family, and so on. She may have to drop out of school, face the condemnation of her family or community, or simply take on a responsibility that she doesn't feel she's ready for or willing to do. She may also judge that the child itself would likely have a difficult life if she were to carry the pregnancy to term. The child may be born into poverty or other difficult circumstances. She may be married to an abusive man who will likely abuse the child as well. She may have a history of a certain kind of illness that she would likely pass on to the child.

These are just a few examples of the many negative consequences of carrying a pregnancy to term that a woman may contemplate. Such possible consequences may not occur, and it could be that the child brings great joy and happiness, both to the mother and to the broader world, that outweigh the negative consequences the mother anticipates. But according to most utilitarians, our moral judgments must be based on the best available evidence, even though we are ultimately limited in what we can know about future consequences.

What's also crucial for the utilitarian is that there will be comparatively few negative effects on the embryo or fetus itself that would factor in. Remember that according to the utilitarian accounts we focused on in Chapter 3, positive and negative consequences that we need to consider are those having to do with experiences like happiness and pleasure, pain and suffering, satisfaction of desires and preferences, and so on. Accordingly, the embryo or fetus will have few to no such experiences that would need to be factored in. It's true, according to modern medical science, that fetuses can normally feel pain after a certain stage of development, though exactly when is a matter of controversy (the most common scientific estimate is that it starts to feel pain around the beginning of the third trimester, or about 27 weeks [Lee, Ralston, Drey, Partridge, & Rosen, 2005]). And some of the surgical techniques that abortion providers use may very well cause pain to the fetus. That's certainly going to be relevant, but we can imagine many cases in which the suffering that the woman would have to endure would outweigh the pain that the fetus would endure through that procedure.

Accordingly, a utilitarian could argue that abortion can sometimes be morally justified. Moreover, the person best placed to make that judgment of the consequences of aborting the pregnancy versus carrying it to term is almost certainly going to be the mother herself. For these reasons alone, a utilitarian could argue that we ought to allow a woman to make her own decision about whether to have an abortion. But the utilitarian could add that banning abortion would not only prevent women from obtaining one when doing so results in the best overall consequences, it could lead many women to seek an illegal abortion (such as the back-alley abortions we mentioned earlier). These are highly dangerous, and forcing women into a position in which they feel they have no alternative can cause much more harm than providing them the means to obtain an abortion safely.

This kind of argument presumes, of course, that the utilitarian approach is the best way of reasoning about ethical issues, or at least about the issue of abortion. For nonutilitarians these kinds of considerations are quite important but not ultimately decisive. Both the argument presented by Lee and George (2014) against abortion and the argument by Warren (1973) in support of abortion maintain that if a fetus is a person with a fundamental right not to be killed, that right takes precedence over the positive and negative consequences, just as it does in the case of already born children. They would regard the hardships and difficulties that a pregnant woman may have to face in similar ways that we regard hardships that mothers with already born children often face: circumstances that may call us to offer sympathy and support to women with unwanted pregnancies rather than condemnation and rejection, to support governmental policies and social programs that provide assistance and help to women in need, to encourage and maybe even participate in adoption programs, to support sex education, and so on.

In short, the utilitarian approach to whether abortion is morally right or wrong comes down to whether the choice to have an abortion has the best overall consequences compared to carrying the pregnancy to term; as a matter of law, the question similarly comes down to whether a law permitting or restricting abortion has the best overall consequences. For deontological (duty-based) approaches, there will be other, more fundamental considerations at stake, such as the right of women to make their own reproductive choices or the right of the fetus not to be killed.

But some philosophers argue that focusing entirely on whether abortion is right or wrong according to some abstract utilitarian or deontological rule or principle fails to adequately capture the full ethical significance of this issue and that we need to instead consider how abortion relates to the question of what it means to live a good, flourishing life, the virtues that are needed for such a life, and the vices that inhibit it. So in our final section we turn to what an Aristotelian or virtue ethics approach might have to say on this topic.

6.4 Virtue Ethics and Abortion

As we discussed in Chapter 5, virtue ethics starts not with questions like “What kinds of actions are, in themselves, right or wrong?” “What duties or rights must I respect?” or “What kind of world should I strive to bring about?” but with the question “What kind of person is it good to be?” This will lead us to describe certain personal qualities like courage, honesty, justice, compassion, and self-control as characteristic of someone who is flourishing or living

well. And ultimately, this will be related to a notion of the telos or purpose, aim, or characteristic function of particular roles and activities and of human life as a whole. As we also discussed (though not in as great detail), similar forms of reasoning can be applied at the level of society and social policy, considering such questions as the kinds of ends and aims that ought to inform our interactions with one another and the kinds of freedoms, protections, and social support systems that best promote human flourishing and the common good.

A criticism of virtue ethics that we discussed is that it doesn't seem to present us with clear, concrete answers to ethical questions, and as we shall see in a moment, some may see this as a drawback to thinking about abortion along these lines. Many people who approach abortion in either deontological or utilitarian terms maintain that their arguments can show that a certain conclusion is unmistakably right or wrong. The virtue ethicist might respond that, first, the judgments are *not* as clear as proponents of one position or another would maintain (as the dispute between different deontological approaches attests), or that a certain approach might yield a supposedly clear verdict in the abortion case but have very troubling implications for other cases (as when a utilitarian approach might seem to justify infanticide, for instance).

Second, they might worry that a simple, black-and-white answer to a question like “Is an act of abortion morally right?” or “Is a policy that bans abortion justified?” fails to appreciate the full ethical significance of the broader circumstances surrounding these questions. Those who oppose abortion rights are often criticized for reducing the issue to one of fetal rights, leading to indifference and even callousness toward the women who might find themselves seeking an abortion or toward the broader social conditions that lead to these kinds of situations. If one regards abortion as something wrong or bad, is one's ethical responsibility exhausted simply by opposing and condemning abortion and those who support it? The theologian Stanley Hauerwas (1997), for example, argues that “the responsibility of the whole Christian community to care for ‘the lease of these’” (p. 225) extends far beyond the fetus, placing on us responsibilities toward the mothers and to work to remedy the broad social circumstances that lead many women to feel that abortion is their only option. He characterizes this as expressing the virtue of *hospitality*, and even suggests that “we ought to be ready to say to a woman considering an abortion. . . , ‘Will you come home and live with me until you have your child? And, if you want me to raise the child, I will’” (Hauerwas, 1997, p. 236). Moreover, those who support abortion rights are sometimes criticized—even by those who agree that it may be morally justified and/or should be legal—for reducing the issue to one of bodily rights or freedom of choice and failing to appreciate the profound significance of the fact that abortion ends a human life that, in other circumstances, would be the source of deep value and responsibility (Hursthouse, 1997). Pro-choice feminist Naomi Wolf (1995) remarks:

Even while Elders spoke of our need to “get over” our love affair with the unwelcome fetus, an entire growth industry—Mozart for your belly; framed sonogram photos; home fetal-heartbeat stethoscopes—is devoted to sparking fetal love affairs in other circumstances. . . . If we avidly cultivate love for the ones we bring to term, and “get over” our love for the ones we don't, do we not risk developing a hydroponic view of babies—and turn them into a product we can cull for our convenience? (p. 5).

While firmly supporting the right to abortion, Wolf nevertheless objects to the way this issue is framed and discussed by some people who share her position. “With the pro-choice rhetoric

we use now,” she worries, “we incur three destructive consequences—two ethical, one strategic: hardness of heart, lying and political failure” (Wolf, 1995, p. 3).

Such considerations beyond the mere question of right and wrong are integral to how we should respond to the problem according to virtue ethics. Nevertheless, we shall now take a closer look at what someone reasoning along these lines might say about the moral status of abortion itself. We won’t suggest that virtue ethics supports a clear position one way or the other; rather, we will open up the kinds of questions and considerations that would be involved, ones that would need to be developed and worked out further before arriving at a concrete answer.

The Moral Considerations

Since abortion is the termination of a pregnancy, one way to begin is by considering how pregnancy normally and characteristically fits into a human life. In most cases a pregnancy is the initial stage in becoming a parent to a particular child. So when a woman becomes pregnant, she (and usually the father) generally starts adjusting to the kinds of responsibilities and demands involved in raising a child. What do these responsibilities and demands include? We might identify certain things like “unconditional love,” “nurture,” and “care” as characteristic of the relation between a good parent and a child. And again, what does it mean to love a child unconditionally, to nurture a child, and to care for it? What qualities and characteristics are needed to carry out these responsibilities? What attitudes and behaviors might prevent us from carrying these out well?

When we think about these questions in the context of parenting an infant, toddler, preadolescent child, and adolescent, we’ll give different kinds of answers, of course, but certain things will likely be consistent no matter the society or culture (MacIntyre, 1999). First, the parent has to recognize, appreciate, and respond to the kind of dependency that the child has on him or her, which is greater and more direct the younger and more vulnerable the child is. This calls for certain attitudes and behaviors that are appropriate to this level of dependency, including protection and an appropriate willingness to put the interests and well-being of the child above his or her own. While we hope that in most cases the interests and well-being of the parent and those of the child will be in harmony, we recognize that sometimes they are not, and when that’s the case we recognize that a virtue of a parent is the willingness to sacrifice in a way that is appropriate to the circumstances and needs of the child (indeed, sacrifice by the parent for the sake of the child seems characteristic of many other animal species as well). As children grow, parents will gradually shift toward helping them become independent, thinking and making decisions for themselves and forming their own identity, and parents will begin to relinquish control over their child’s well-being; but the flip side of this is that the younger and less developed a child is, the more direct care we need to give the child for his or her own well-being, which often corresponds to the level of sacrifice the parent needs to make.

Second, parenting involves what Michael Sandel (2007) has called an appreciation of the “gifted character” (p. 27) of human life, that much of parenting—indeed much of human life itself—is less a matter of controlling one’s circumstances than of responding well to those factors that are given or outside of one’s control. To recognize children, along with all of their unpredictable and unruly characteristics and behaviors, as a gift rather than as a product of

our will or choice, calls for virtues like humility, courage, and an “openness to the unbidden” (Sandel, 2007, p. 45).

In short, parenthood itself essentially involves recognition, appreciation, and appropriate responses to a child’s vulnerability and dependency, which varies depending on the circumstances and the child’s level of development. And it involves recognition, appreciation, and appropriate responses to the gifted and uncontrollable character of human life, especially as it relates to children. By speaking in such terms, we have been seeking to uncover the telos of parenthood (nurturing, caring for, and raising a new generation that can live its own flourishing human life); the characteristic activities (care, unconditional love, protection, meeting needs appropriate to the level of development, responding to unforeseen circumstances, nurturing what has been given in and by the child rather than what one has chosen, etc.); and the virtues needed to fulfill those well (humility, compassion, courage, patience, self-control, willingness to sacrifice, and a host of others).



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Ideally, parenthood involves recognition and appreciation for one’s child and a willingness to make sacrifices for the sake of that child.

You may have already anticipated how this might be relevant to the abortion debate. We mentioned how, normally and characteristically, the role of parenthood begins not at birth but in pregnancy. Accordingly, the question of what it means to be a *good* parent would also have relevance during pregnancy, along with the corresponding considerations concerning the level of dependency and vulnerability of the child; the roles and activities like nurture, care, and protection; and the need for humility and an openness to the unbidden. These considerations may lead us to consider at least *some* attitudes and choices regarding abortion to be unethical, manifesting vice rather than virtue.

We noted that a good parent will often need to reorient his or her own personal desires, ambitions, or goals for the sake of the child; a person who finds herself (or himself) with an unexpected or unwanted pregnancy may be called to do so as well. The refusal to do so could be a manifestation of self-centeredness, or it could mean that the person places too high of an importance on other ends like being entertained or making money. We can readily recognize this in parents that neglect their (already born) children for such reasons, and those who seek to abort a pregnancy for the same kinds of reasons may be manifesting a similar misplacement of priorities, at least according to some virtue ethicists (Hursthouse, 1997).

Similarly, those who abuse their children, expose them to unnecessary harm, or fail to provide them adequate protection or nutrition are generally regarded as failing to appreciate the vulnerability and dependency of children and their need for nurture, protection, and care. We take a similar attitude toward those who smoke, do drugs, or drink too much alcohol during pregnancy for the exact same reasons, and the added dependency and vulnerability of the fetus often leads us to regard such behaviors during pregnancy as even more negligent than those same behaviors after birth. This pattern of judgment suggests that if we were to consider the *killing* of a child for certain reasons to be a great failure in parental responsibility, then killing the fetus for similar reasons would be a similar failure in parental responsibility.

One response to these two points—that a woman seeking an abortion may have misplaced priorities and may be failing to appreciate the significance of the vulnerability and dependency of children—might be to say that if a woman is behaving wrongly by (say) drinking, smoking, or using drugs during pregnancy or if her priorities are misplaced by putting too high of an importance on entertainment, wealth, career, and so on, that’s because she has made a decision to bring a child into the world, and by having made this decision she has assumed a responsibility to ensure that the vulnerable and dependent child receives the best kind of nurture and care possible. The implication seems to be that whatever responsibility a person has toward a fetus depends on whether she has voluntarily assumed that responsibility.

This is an important point that we raised when we discussed the bodily rights argument. However, recall the dimensions of parenthood having to do with unpredictability and appreciation of children and their characteristics as something largely given rather than voluntary assumed. This may lead us to reconsider the relationship between responsibility and voluntary choice. Could it be that, in some cases, parental responsibility *does* depend at least partly on whether one voluntarily chooses to accept it, but in other cases a man or woman might have parental responsibilities even if he or she does not choose to accept them? We would unequivocally say yes to this second question if we are talking of children after birth, which is why we often condemn men who fail to support the children they have helped conceive and the women who bear and care for them. But if one regards parenthood as characteristically beginning in pregnancy, someone could argue that those kinds of unchosen responsibilities may be given prior to birth as well.

It’s worth reiterating the point that none of this involves an appeal to “rights.” The notion of what a woman may or may not have a right to do does not settle the question of what is ethical, in this account. As Rosalind Hursthouse (1997) notes:

In exercising a moral right I can do something cruel, or callous, or selfish, light-minded, self-righteous, stupid, inconsiderate, disloyal, dishonest—that is, act viciously. Love and friendship do not survive their parties’ constantly insisting on their rights, nor do people live well when they think that getting what they have a right to is of pre-eminent importance; they harm others, and they harm themselves. So whether women have a moral right to terminate their pregnancies is irrelevant within virtue theory, for it is irrelevant to the question “In having an abortion in these circumstances, would the agent be acting virtuous or viciously or neither?” (p. 228)

We have similarly avoided the question of whether a fetus has a right to life or a right not to be killed. We might say that this question is secondary under virtue theory, since we can characterize a certain attitude or choice as virtuous or vicious regardless of whether we can settle the question of the rights or status of the fetus itself (in similar fashion, as we shall see in Chapter 9, we may not need to determine whether other animals or the environment have rights to characterize certain behaviors toward animals or the natural world as “cruel, or callous, or selfish” and so on). Some virtue ethicists would argue that if we determine that a person has an ethical responsibility to care for or protect a fetus, the fetus thereby has a right to care and protection, but even so the *primary* question is not whether the fetus has rights but whether we have certain ethical responsibilities toward it.

This is an important point when we consider another feature of the foregoing discussion of virtue ethics; namely, that we have taken as our starting point a conception of what is *normally* characteristic of parenthood, the kinds of virtues and virtuous behavior involved in fulfilling that, and the kinds of vices and vicious behaviors that are contrary to that. Of course, many circumstances in which a woman may seek an abortion are quite far removed from what is “normal” in this sense. Women may be the victims of rape, their social or financial situations may be quite desperate, they may have a severe health condition, the fetus may have a severe health condition or may otherwise be destined for a short life of severe suffering, and so on. Some philosophers who have taken a virtue ethics approach to this issue, like Hursthouse (1997), believe that circumstances like these can lead us to make the judgment that a choice to abort need *not* be ethically vicious, contrary to the meaning of parenthood, and so on, especially since so much about the circumstances would already be contrary to a flourishing life that the pregnant woman may be simply trying to make the best out of a tragic situation. Other philosophers in this tradition disagree and argue that certain things like abortion are never justified because they are fundamentally contrary to what it means to live well even in a minimal sense. Instead, these tragic circumstances place strong ethical responsibilities on the rest of us to respond with justice, mercy, and compassion toward the women involved.

As we said previously, these are questions for which, in this kind of approach, there are no easy answers, and addressing them adequately calls for dialogue and an open mind. The same sort of open dialogue would be needed when considering questions of law and public policy, since what we have been discussing thus far has primarily concerned ethical responsibility, which does not necessarily carry over directly into questions of law.

The Legal Considerations

Addressing legal questions from the Aristotelian perspective is, again, not primarily a matter of considering rights or freedoms in the abstract but asking what it means for a society to flourish, what kinds of common goods and values ought to be recognized and endorsed through our social policies, and what kinds of injustices or harms are contrary to a flourishing society and ought to be opposed or prevented as far as possible. The granting of rights and freedoms corresponds *dialectically* to our answers to these considerations about what it means to be a flourishing society. Recall from Chapter 1 that “dialectic” is a mode of reasoning that moves back and forth between the abstract and concrete. In this case, we start with an abstract conception of a good society and consider the concrete rights and freedoms that must be granted if this conception is to be realized in practice. We might, however, find ourselves with conceptions of certain rights and freedoms that are undermined or not adequately supported by this conception of a good society. This may lead us to reconsider our conception of a good society, or it may lead us to reconsider the rights and freedoms we had taken for granted.

For example, most people believe that a good society is one in which people are able to exercise their individual choices. So we would recognize a *right* to freedom and individual choice as necessary in such a society. However, most people also believe that a good society ought to protect its most vulnerable members from exploitation, marginalization, or harm. Ensuring such protections often involves *restricting* the freedoms and individual choices of others. What is the appropriate balance between freedom and individual choice on the one hand and protecting the vulnerable from exploitation, marginalization, and harm on the other hand that would characterize a flourishing society?

This is a question we cannot settle here. However, we can appreciate its relevance to the abortion debate in the following ways. We already are restricting individual freedom of choice (or at least, many people believe we *ought* to do this) when it comes to persons with disabilities; lesbian, gay, bisexual, and transgender people; minority races; and those in poverty by placing restrictions on how businesses may operate, banning many forms of discrimination and public speech, having stricter penalties for hate crimes, and so forth. The justification for such laws, in the Aristotelian view, derives partly from a conviction that a society cannot flourish if it allows its vulnerable members to be neglected, exploited, or harmed by those with greater status, wealth, or power. In the same spirit, laws banning or restricting abortion may be justified in the interest of protecting the most vulnerable (fetuses) from exploitation and harm, an interest that may be regarded as overriding a woman's freedom to choose whether to have a child.

On the other hand, those who oppose such restrictions often appeal to the importance of conscience and integrity across one's whole life. Thus, some would argue that individuals and businesses ought to be allowed to express their personal moral convictions through the choices that they make. One might defend the right of a woman to express her moral conviction about the status of a fetus or whether carrying a fetus to term would impose more hardships than she should have to endure. To deny someone this right might be seen as diminishing her status as a moral agent and undermining her capacity to make her own reasoned, moral decisions.

You may have noticed that on this question of how to balance caring for the vulnerable and marginalized with freedom of conscience and choice, we have suggested that considerations that might support a "liberal" view on issues like discrimination could support a "conservative" view on abortion, and vice versa. In doing this, the intention was to illustrate one of the barriers to the abortion debate that we highlighted at the beginning of the chapter; namely, the failure to recognize or appreciate common values and principles. As we said in that section, conservatives and liberals frequently appeal to certain values and principles to defend their position on one issue, while similar values and principles are appealed to by the other side to defend a position on another issue (and sometimes the same values and principles are involved in defense of opposition positions on the same issue). Recognizing and appreciating this can help us resolve issues, and it can help us overcome the deep divisions and animosity that so frequently result from debates about issues like abortion.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out this feature at the end of the chapter.

[A Short History of Abortion](#)

Conclusion & Summary

There are many other arguments on both sides of the abortion debate that we were unable to discuss. Nevertheless, hopefully the reader has gained a clearer sense of the complexity of the debate, the many kinds of arguments that are offered on both sides, and the significance of the kind of approach that one takes to reasoning about these issues, whether deontological, utilitarian, virtue based, or a different approach that we have not been able to discuss here. Some people may have found themselves questioning or even changing the views with which they came into this discussion; some may have maintained their views but found themselves with a clearer sense of justification for them, and I hope that most people have a better appreciation and respect for the reasons people have for different views.

What we can say, I believe, is that in all the views we have been considering, a stance of “neutrality” (as opposed to being undecided or unsure) is not a neutral stance at all. If it’s true that women or fetuses have certain rights, as a deontological view maintains, then refusing to acknowledge and respect them is itself morally significant. If we have a responsibility to promote the greater good, then a utilitarian would maintain that we have this responsibility whether we acknowledge it or not. And for the Aristotelian, we are all joined together by common membership in society, such that if we fail to consider and act toward the flourishing of others and of the society itself, we are failing to live well and flourish as individuals. Perhaps one of the reasons for the heated and passionate character of the abortion debate is that we all recognize, at least implicitly, how much is at stake. We can respond with indifference or with more shouting and vitriol, or we can seek to gain a deeper understanding of the ethical issues and arguments in the hope of being able to have a more civil, reasonable, and respectful conversation.

Key Terms

abortion The intentional termination of a pregnancy.

argument from indeterminacy An argument that starts with the assumption that the fetus’s moral status cannot be conclusively determined by rational argument but maintains that this calls for opposition to abortion (in one version) or support for abortion (in another version).

dilation and evacuation (D&E) A type of surgical abortion in which the cervix is dilated and the fetus extracted using tools and a suction device.

dualism A philosophical view according to which the physical body is strongly distinguished from the inner dimensions of human life, such as the mind or soul.

elective abortion Abortion performed for reasons other than protecting the life or health of the mother.

fertilization or conception The joining of the male gamete (sperm cell) with the female gamete (egg) to form a distinct organism.

fetus A developing human organism from 8 weeks until birth. In this text, the term refers to a developing human organism from conception until birth.

medical or drug-induced abortion Abortions performed using medicines or drugs.

person A being with full moral rights; a member of the moral community toward whom we have responsibilities.

spontaneous abortion or miscarriage Termination of a pregnancy as a result of natural causes, rather than deliberate interference.

surgical abortion Abortion performed using surgical procedures.

therapeutic abortion Abortion performed to preserve the life or health of the mother.

trimester One of three 13-week periods into which a pregnancy can be divided.

viability The stage of fetal development at which the fetus may be able to live outside the uterus.

Further Reading

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The following articles relating to the ethics of abortion are available from the Ashford University Library:

- Lee, P., & George, R. (2005). The wrong of abortion. In A. I. Cohen & C. Wellman (Eds.), *Contemporary debates in applied ethics* (pp. 13–26). New York: Blackwell. Lee and George present several arguments against abortion and responses to common pro-choice arguments, the primary one being that at the moment of conception a distinct and complete being emerges, with all subsequent points being mere stages in its development rather than points at which it would acquire a “right to life” that it did not have before.
- Thomson, J. (1971). A defense of abortion. *Philosophy & Public Affairs*, 1(1), 47–66. Thomson argues that even if we grant that a fetus is a person, a woman’s right to control her body permits her to end the life of the fetus if she chooses. This argument includes the famous “violinist” analogy.
- Warren, M. (1973). On the moral and legal status of abortion. *Monist*, 57(1), 43–61. Warren argues that fetuses are not persons, and therefore the rights of a woman override whatever right to life a fetus may possess.

Going Deeper

A Short History of Abortion

- 1550 BCE: The earliest recorded evidence of induced abortion is from 1550 BCE in Egypt. Early abortion techniques were nonsurgical and included rigorous physical activity, fasting, and irritating herbs, among other methods (Fox, 2016).
- 5th century BCE–3rd century CE: The evidence suggests that abortion was usually not punished in Ancient Greece. When it was, it was generally prosecuted as a deception of the husband or a violation of the husband's rights to dispose of his offspring. Thus, abortion was not seen as a crime against the unborn child, only against the husband if the wife did not seek his permission first. Aristotle believed that the state should "let abortion be procured before sense and life have begun" (350 BCE, Book 7, Part 16, para. 5), which was at 40 days old for a male child and 80 days old for a female child. Stoic philosophers believed that abortion was acceptable at any point in a pregnancy, as the fetus only became an animal once it was born and breathed air, at which point the soul entered the body (Klein, 2010).
- 1803: For centuries English common law had held that abortion was a crime if it took place after the "quickening" of the fetus, or when the fetus first moves in the womb. In 1803 English statute law made abortion after quickening punishable by death. Abortion before quickening was also made illegal but received a less severe punishment. In 1873 the law changed to remove the death penalty for abortion and to eliminate the significance of the quickening ("Historical Attitudes," 2014).
- 1869: The Catholic Church declared that abortion at any point of pregnancy would carry the penalty of excommunication (Noonan, 1967). Prior to this, abortion was generally condemned (but not necessarily accompanied by automatic excommunication), but some theologians and church leaders seem to have regarded it as permissible in some cases prior to the ensoulment of the fetus, though there was also variation of belief on when that occurs (McGarry, 2013).
- 1880: By this time every state in the United States had criminalized abortion. Prior to this, abortion before quickening had been legal under common law and was widely practiced (Reagan, 1997).
- 1969: A California Supreme Court ruling declared California's 1850 law criminalizing abortion to be unconstitutional (Associated Press, 1988). This began a nationwide trend of reforming and repealing strict abortion restrictions.
- 1973: The Supreme Court ruled in *Roe v. Wade* that states may not restrict a woman's choice to obtain an abortion during the first trimester (the first 21 weeks). States may restrict it during the second trimester to protect the pregnant woman's health and safety and during the third trimester to protect a fetus since that is when the fetus was regarded as viable (able to live outside of the womb). Prior to this ruling, 4 states had permitted abortion on request, 13 permitted it in limited cases such as rape and incest, and the rest permitted it only to preserve the life of the mother.
- 1976: Congress passed the Hyde Amendment, which banned the use of federal funding (e.g., Medicaid) for abortion care.

- 1980: Researchers in France developed mifepristone, an abortifacient (abortion-inducing) chemical that came on the market in 1988 in France but was not approved in the United States until 2000.
- 1992: The Supreme Court ruling in *Planned Parenthood of Southeastern Pennsylvania v. Casey* affirms that women have a right to abortion before fetal viability but also proclaims that states can restrict abortion access so long as the restrictions do not impose an “undue burden” on the woman (*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 1992).
- 2016: According to Gallup, the United States remains divided about evenly when it comes to abortion. Results show that 47% of those surveyed identified as pro-choice and 46% as pro-life. Fifty percent of those surveyed agreed that abortion should be legal under certain circumstances (Saad, 2016).

7 Assisted Dying



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Learning Objectives

After reading this chapter, you should be able to:

- Identify some of the main barriers to reasoned, respectful debate about assisted dying and how to overcome them.
- Describe the differences between physician-assisted suicide and euthanasia; active and passive euthanasia; and voluntary, nonvoluntary, and involuntary euthanasia.
- Explain and analyze the argument from autonomy in favor of assisted dying.
- Explain and analyze the argument from mercy in favor of assisted dying.
- Discuss the distinction between killing and letting die and the arguments for and against the moral relevance of that distinction.
- Explain and analyze slippery slope arguments against assisted dying.
- Distinguish between and apply deontological, utilitarian, and virtue ethics arguments for and against assisted dying.

7.1 Introduction to Assisted Dying

Benjamin Franklin, one of America's Founding Fathers, said that nothing is certain except death and taxes. While we can withhold comment on the "taxes" bit, he was, of course, right about death. Everyone will die; the question is when, how, and under what conditions. In some cases, death threatens to come too soon, and we call on doctors to use their knowledge and skill to prevent that from happening. But in other cases, we may feel that death doesn't come soon enough. A person may be close to death, and waiting for it to occur naturally may involve significant pain as well as physical and psychological suffering, increased dependency on others, loss of mental or bodily functions, or financial stress. Or a person may experience these issues without a terminal condition and still believe that death would be preferable to continued life. Still others may simply want their lives to end even if they aren't suffering from a physical or psychological condition or illness. Should physicians be called on to use their knowledge and skill to help bring about death sooner than it otherwise would occur in any or all of these kinds of circumstances? Do we have reasons to discourage or forbid the intentional ending of human life? What role should the physician play at the end of a patient's life?

These are the kinds of questions involved in what we can call **assisted dying**, the two most prominent forms of which are euthanasia and physician-assisted suicide. The topic of assisted dying elicits passionate responses from all sides, and it's not hard to see the similarities between this topic and other contested moral topics, notably abortion. Assisted dying and abortion both concern the act of killing a biologically human being, an act that is normally of profound moral significance. They both concern questions about which kinds of beings it is wrong to kill. They both concern questions about when it is or is not right to restrict people's personal choices, especially when those choices concern such deeply meaningful matters as the beginning and end of life, bodily integrity, what gives an individual life value and dignity, and our responsibilities toward the weak and vulnerable. And they both concern the proper role of physicians, given the fact that their knowledge and skills provide them with an extraordinary amount of control over other people's lives and well-being.

There is another feature that the abortion and assisted dying debates have in common; namely, that the personal and contested nature of the issues gives rise to divisive, misleading, and disparaging rhetoric, vilification, and a temptation to avoid confronting the moral problems. While there is no guarantee that careful reflection on the philosophical arguments on various sides can resolve the debates or overcome the divides, it arguably holds greater potential than the dominant modes of rhetoric, vilification, or mere avoidance. Before we consider what those arguments are, however, we should recognize and resist some common barriers to reasoned, respectful discourse on assisted dying.

7.2 Barriers to the Assisted Dying Debate

Two common barriers to reasoned, respectful discourse on assisted dying include reducing the debate to religious commitment and failing to recognize or appreciate common values and principles. These barriers will be explored in the following sections.

Barrier 1: Reducing the Debate to Religious Commitment

It's common to assume that whether one supports or opposes euthanasia and/or physician-assisted suicide is a matter of one's religious commitment, and especially that opposition to either or both is essentially a religious position. Supporters of assisted dying make this assumption when they dismiss those in the opposition as merely attempting to impose their religious views on the rest of society. Opponents of assisted dying make this assumption when the reasons they offer for their position appeal only to faith-based principles and commitments. Yet those who make these assumptions overlook two important facts. First, there are many people who identify as religious but nevertheless believe that assisted dying of some form should be legal and/or that it can be morally justified. It is also the case that many people who do not identify as religious nevertheless believe that assisted dying, at least in some forms, is morally wrong and/or should not be legal. This shows that people's positions on this issue do not merely reduce to religious commitment.

Second, and more importantly, the arguments that have constituted the philosophical debates almost never appeal to religious assumptions at all. Thus, those on either side of this issue who reduce the anti-assisted dying position to the imposition of religious beliefs must either ignore these nonreligious arguments or demonstrate that they are not religiously neutral after all, despite appearing to be. The existence of vigorous philosophical debate that does not refer to religious assumptions suggests that this latter conclusion is unwarranted and thus that reducing the debate to religious commitment serves only to hinder reasoned dialogue and increase division and animosity unnecessarily and should be avoided.

Barrier 2: Failure to Recognize or Appreciate Common Values and Principles

Another relevant feature of these debates that is worth highlighting before we examine the arguments themselves is the way that each side appeals to a similar set of values and moral principles but does so in the service of opposite conclusions. Both sides rely heavily, for instance, on the notion of "dignity." As we will see in more detail, those in support of assisted dying often call it "death with dignity" to indicate that, in their view, the option of euthanasia or physician-assisted suicide respects and promotes human dignity by allowing individuals to decide when to die or by not forcing them to deteriorate to an undignified point. It's notable, however, that opponents of assisted dying frequently draw on the notion of dignity as well to support their opposition. They may argue that dignity is a value in human beings that cannot be lost no matter how much they deteriorate, what they decide, or how they feel about themselves, and thus euthanasia and physician-assisted suicide violate a person's dignity.

Thus, each side appeals to a common notion, though they characterize it in somewhat different ways, leading to different conclusions on the issue of assisted dying. Nevertheless, there is certainly much in common between each side's notion of dignity. While appreciating that this commonality may not lead to ultimate agreement, what it can do is help us recognize those with whom we disagree as people of goodwill who share many of the same values and commitments that we hold. This, in turn, can help us discern where the actual disagreements lie, rather than continually talking past one another. Finally, it can help us appreciate that a simple black-or-white, one-or-the-other kind of position may not be what we should seek to defend. The question of whether individuals have a right to assisted suicide or euthanasia

may only be the tip of the iceberg, so to speak, and there may be many other surrounding issues on which people with different positions on that question can agree. For instance, the assisted dying supporter's emphasis on individual choice and the indignity of suffering may compel both sides to support efforts to ensure that patients are not coerced or pressured and to support the development of palliative care that can help relieve suffering at the end of life. The opponent's emphasis on dignity that cannot be lost can encourage both sides to support psychological services for people who may be suffering from depression or mental illness and to recognize the need to care for and protect the disabled. In short, a lot can be gained by approaching the arguments on both sides with honesty, open-mindedness, and respect, even if that does not lead to agreement on the issue of assisted dying itself.

7.3 What Is Assisted Dying?

Before we examine the arguments for and against assisted dying, it is important to be clear about the different forms of assisted dying that we will be talking about.

Physician-Assisted Suicide Versus Euthanasia

The first major distinction is between physician-assisted suicide and euthanasia. **Physician-assisted suicide** is a procedure in which a physician provides a means of suicide and instructs the person in how to use it, but it is the person him- or herself that takes the final action resulting in death. **Euthanasia**, which in Greek literally means "good death," is a procedure in which one person, usually a physician, directly hastens the death of another person to prevent further suffering or to honor the patient's wishes. The primary distinction between these two procedures has to do with whether the *patient* or the *physician* is the immediate or direct agent of a person's death.

Two of the terms that we will be using in this text are controversial. Some supporters of what we are calling "physician-assisted suicide" object to using the term *suicide*, and some opponents of active euthanasia object to the term *passive euthanasia*. It's important to appreciate these objections but also understand why we will continue using those terms. See *Ethics FYI: Problems With the Terms* to learn more.

What do we mean by "immediate or direct agent of death"? Think of all of the factors that can *contribute* to a person's death: a disease like cancer or diabetes, old age, a car accident, a gunshot, war, poverty, a difficult breakup, reckless abandon, smoking or having unprotected sex, a natural disaster—the list could go on. If these can all contribute to death, what is the proverbial "nail in the coffin"? What is the factor that brings the person, at last, from life to death? It might be organ failure, loss of blood, asphyxiation, and so forth. And whose action or choice was most directly responsible or nearest to that ultimate demise, if anyone's? Did someone pull the trigger, and if so, who? Did someone cause lethal drugs to enter the body, and if so, who?

Ethics FYI

Problems With the Terms

The terms *physician-assisted suicide* and *passive euthanasia* have each been challenged as to their appropriateness and accuracy. Assisted suicide is, by definition, a procedure in which someone helps a person put an end to his or her own life. However, the term *suicide* often carries a very negative association; for this reason, defenders of the practice sometimes object to the term *suicide*, preferring instead to use a term like *physician-assisted death* or *physician aid-in-dying* (Compassion and Choices, 2016). Nevertheless, *suicide* is an important term because many laws and ethical positions draw a significant distinction between a death caused by the person him- or herself and a death caused by another person; terms like *physician-assisted death* do not make such distinctions, since they could apply to euthanasia as well.

If we bracket the negative associations and concentrate on what the term *suicide* literally means—the taking of one’s own life—then it need not carry such negative connotations and can merely refer to the fact that one’s own choice and action is the ultimate cause of one’s own death. It’s worth pointing out that not all cultures view suicide in exclusively negative terms. To take just two examples, the Greek philosopher Socrates chose to commit suicide rather than renounce his beliefs, which is usually regarded as an act of noble integrity and courage; and in Japanese samurai culture, certain forms of suicide (*hara-kiri*) were regarded as acts of honor. These examples don’t imply that *all* forms of suicide are meritorious in these cultures, but they do challenge the view that all forms of suicide are *wrong*.

Therefore, since suicide need not carry a negative connotation, and since many laws and ethical positions make important distinctions between cases in which a person’s death is directly caused by him- or herself and those in which a person’s death is directly caused by someone else, we will continue to use the term *assisted suicide* in this text.

The term *passive euthanasia* is sometimes objected to by opponents of active euthanasia. They view it as an inappropriate term to refer to the withdrawal of life support, which most of them believe to be moral even though they believe active euthanasia is immoral. This is because it doesn’t sufficiently distinguish between an action whose *primary* intention is the death of a patient and other actions that might have the same result but a different primary intention. Opponents maintain that any form of euthanasia is, by definition, an action whose intention is the death of an innocent person. But if one believes that intending the death of an innocent person is *always* wrong, calling something “*passive euthanasia*” would entail that it, too, is wrong. However, opponents might argue that a doctor who removes life support may not be directly intending that the patient die; her direct action might be more accurately described as intending that the person’s life not be prolonged by artificial means, which could, in principle, be consistent with the aim that a person continue to live, and thus moral.

Exploring this issue would involve delving into issues of philosophical psychology, action theory, and other topics that are beyond the scope of this discussion. Thus, we will assume that when doctors withdraw life support for a patient, they are doing so for the purpose of hastening death for reasons of mercy. If we define *euthanasia* as involving the hastening of death in order to prevent further suffering or to honor the patient’s wishes, the term *passive euthanasia* would seem to appropriately apply to the refusal or withdrawal of life-sustaining treatment, thereby conforming to the definition of euthanasia we are using.

In both assisted suicide and euthanasia, we can point to common *contributing factors* like disease, depression, and so on, but what distinguishes the two procedures is the *agent* who performs the decisive action. In the case of assisted suicide, the physician makes a means of death available, but the patient has to directly administer that means; thus, the patient is the ultimate agent of his or her own death. In one famous case, Dr. Jack Kevorkian designed a machine that administered carbon monoxide through a gas mask when a person pressed a button, causing asphyxiation (i.e., suffocation). The key factor here is that the person wishing to die had to press the button that turned on the machine, making her the final agent in her own death.

When a person requests assisted suicide and has satisfied the conditions prescribed by the law, the person's doctor writes a prescription for a lethal dose of certain drugs (usually a barbiturate mixed with sedatives and painkillers). When the person obtains the drugs, it is up to that individual to decide whether to take them and when (approximately 1 in 3 patients who are prescribed suicide drugs do not end up taking them [Oregon Public Health Division, 2016]). If the person chooses to do so, he or she will ingest the drugs orally, often by mixing them with food or a beverage; the person will typically slip into a coma within a few minutes. Within an hour, though sometimes up to a few days later, the person will die.

Going Deeper: A Short History of Assisted Dying

Euthanasia and assisted suicide have been the subject of discussion and debate throughout much of recorded human history, and in the past few decades, several high-profile developments and cases have brought these issues to the public's attention, especially in the Americas and Europe. With new developments and challenges emerging each year, it's worth getting a glimpse of where we currently stand in that history. See *Going Deeper: A Short History of Assisted Dying* at the end of the chapter for more.

Euthanasia refers to cases in which the action or inaction of someone other than the dying person (usually the physician) is the immediate agent of a person's death. Euthanasia itself can be broken down further. **Active euthanasia** involves a physician or other agent performing an action that has the direct result of causing death. In places where this form of euthanasia is legal, it is usually done by intravenous administration of certain drugs, initially to induce a coma and then to induce death. **Passive euthanasia**, by contrast, is the removal or withholding of treatment that would otherwise prolong a person's life, thus indirectly hastening death.

So, for example, if a person is dependent on a ventilator or other life-support machine, removing that life support in order to allow

the person to die would be considered an act of *passive euthanasia*. The physician isn't *directly* causing a person's death; the disease or condition is the direct cause of death. By contrast, if the physician gives the person an injection containing a lethal substance in order to cause death, this would be *active euthanasia*. It's the lethal substance that directly causes the person's death, not the disease or condition, even if the disease or condition would otherwise kill the person soon after.

In order to distinguish euthanasia from cases like murder, manslaughter, or medical incompetence, it's important to add that euthanasia refers to cases in which this choice is taken to hasten an inevitable death, relieve suffering, honor a person's wishes, or some combination

of these. For this reason, it is sometimes referred to as *mercy killing*. If a person injects a lethal substance into another person out of revenge, that would be murder. If someone unplugged another person from life support because her death would be good for his business, that would also be murder, or at least clearly immoral. If a doctor administered a fatal dose of drugs or failed to provide life-sustaining treatment because he was incompetent, that would be medical malpractice. Euthanasia, whether passive or active, is performed with knowledge of the effects, and it is for the good of the *patient*, not the physician performing the action or anyone else.



Associated Press

Dr. Jack Kevorkian was convicted and sent to prison for 8 years for second-degree murder. He was arrested and charged after broadcasting a video of himself delivering a lethal injection to a (consenting) man in the final stages of Lou Gehrig’s disease.

Forms of euthanasia (voluntary, involuntary, and nonvoluntary) are also distinguished in terms of the patient’s own wishes or choice.

Voluntary euthanasia means the euthanasia was undertaken in accordance with a competent patient’s explicit wishes. **Involuntary euthanasia** occurs when a mentally competent patient did not request euthanasia. In cases of **nonvoluntary euthanasia**, the patient cannot express a wish one way or the other, such as in the case of infants or people with mental impairments like Alzheimer’s.

Finally, it’s important to note the availability of alternatives to assisted suicide and euthanasia for those with painful and debilitating conditions. **Palliative care** is a form of medical care designed to relieve the pain, suffering, stress, and other symptoms associated with serious illnesses (Center to Advance Palliative Care, n.d.). In addition, **hospice** programs offer palliative care and other services for those with terminal conditions, both in-home and in specialized facilities, with the goal of making the final stage of a person’s life as comfortable as possible while relieving stress for the patients and their families (United Hospital Fund, 2013).

Table 7.1 might help illustrate the distinctions between euthanasia and assisted suicide.

Table 7.1: Distinctions between euthanasia and assisted suicide

Assisted suicide	Euthanasia	Types of euthanasia
A physician provides a means of suicide, but the person himself or herself is the immediate agent in his or her death.	A person, usually a physician, is the immediate agent in another person’s death for reasons of mercy.	<ul style="list-style-type: none"> • Passive: Euthanasia via withholding life-sustaining treatment in order to hasten a patient’s death. • Active: Euthanasia via taking direct action to end a patient’s life. • Voluntary: Euthanasia in accordance with a patient’s request. • Involuntary: Euthanasia without the request of a mentally competent patient. • Nonvoluntary: Euthanasia of a patient unable to consent.

7.4 The Ethical Questions

Going Deeper: Laws Concerning Assisted Dying

One reason why it's important to make these kinds of distinctions is because they are reflected in the different laws concerning assisted dying around the world. To read more about those laws, see *Going Deeper: Laws Concerning Assisted Dying* at the end of the chapter.

The great diversity in laws concerning assisted dying should reiterate that laws themselves do not settle the question of whether a procedure like assisted suicide or euthanasia is moral. Many people who live in states or countries that ban all forms of assisted dying believe that it is moral and *should* be legally permitted, while many who live in places where the law allows it believe that it is wrong and *should* be banned. Moreover, even where the laws allow some forms of assisted dying like assisted suicide, many people believe that the laws should be expanded to include other forms, like volun-

untary euthanasia, or to make the procedures available in more cases, such as people who have painful but nonterminal diseases or people with terminal conditions who are under 18.

We will thus focus on the ethical questions and what the laws *ought* to be, not what they happen to be. The ethical questions can be divided into three types: (a) questions concerning the right to self-determination; (b) questions concerning pain and suffering; and (c) questions concerning the role of the physician. Some of the questions include:

- Do people have a right to determine the timing and manner of their death?
- Is it wrong for a person to have to endure prolonged suffering?
- When is a life “no longer worth living”?
- Is there a moral distinction between actively killing someone and allowing someone to die?
- Do we have a responsibility to protect those who are vulnerable, such as the sick and the dying or those whose lives are regarded as not worth living?
- Should physicians be restricted to the activity of healing?
- Is it ever right to intentionally kill an innocent person?
- Does it matter whether one is intentionally killing another person or one's own self?

We shall begin with the arguments that answer questions like these in ways that support the ethical justification and legality of assisted dying.

Arguments in Favor of Assisted Dying

Arguments in favor of assisted dying typically take two main forms. One is called the “argument from autonomy” and the other the “argument from mercy.” In brief, the **argument from autonomy** maintains that just as everyone has the right to determine for themselves how to live their lives, they should have the right to determine for themselves the timing and manner of their death. By focusing on the notion of a basic right that we have a duty to respect, this is a deontological argument. The **argument from mercy** holds that no one should be forced to endure more pain and suffering than necessary. Since it argues that assisted dying can be morally right because it can result in less suffering than a natural death, it has the form of a

utilitarian argument. Both of these are frequently found together in arguments supporting assisted dying, but it is important to examine them separately.

The Argument From Autonomy

In the 1992 Supreme Court case *Planned Parenthood of Southeastern Pennsylvania v. Casey*, Justice Anthony Kennedy wrote, “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life” (p. 851). Even though this case actually concerned abortion, the sentiment expressed by this passage captures a basic conviction shared by advocates of assisted dying. As a group of philosophers put it in an article called “The Philosophers’ Brief,” decisions that are “momentous in their impact on the character of a person’s life”—such as religious faith, political and moral allegiance, marriage, procreation, and death—are ones that individuals must be allowed to make for themselves, “out of their own faith, conscience, and convictions” (Dworkin, Nagel, Nozick, Rawls, & Thomson, 1997, p. 7). In other words, we recognize that different people have different views on what makes life worth living, what values and goals are worth pursuing, whom to marry or whether to have a family, whether there is a God or how to worship God, and indeed whether it is wrong to commit suicide or ask someone else to kill you. But it’s a basic principle of our society that these matters be left up to each person to decide for him- or herself, so long as in doing so the person doesn’t interfere with the freedom of others to do the same.

On this basis, defenders of assisted dying argue that if a person decides, on the basis of her own convictions, that it is time for her life to end, then she has the right to carry that out. There are two points worth noting here. First, this argument does not necessarily mean that an act of suicide is moral, even if it is autonomously chosen. However, the same can be said for many other choices that we may regard as immoral, and yet in some of those cases we don’t think that those choices should be prohibited. We might believe that it would be immoral to vote for a particular political candidate, to refuse to allow a woman or a homosexual to be a pastor in a church, to have sex outside of marriage, or to spend money frivolously, but we generally don’t think that these sorts of things should be banned; rather, we allow people and institutions the freedom to make their *own* choices about such things regardless of whether we think those choices are immoral. The defender of assisted suicide (we will apply this to euthanasia in a moment) maintains that the choice of a terminally ill person as to whether to take her own life is a similar kind of matter. We may support that choice or we may regard it as immoral, but that shouldn’t matter when it comes to a person’s liberty to make that decision for him- or herself.

The second point, though, is that even if this argument supports a person’s freedom to commit suicide, it does not yet show that they have a right to *assisted* suicide. It’s one thing when we argue that a person has a right to his or her own beliefs and choices on certain matters; it’s another when carrying those out involves someone else. Tom may believe that it is immoral to cheat on one’s spouse but not support laws prohibiting adultery; clearly, however, Bill would have no right to Tom’s assistance in his efforts to cheat on his spouse. So how does the argument from autonomy support the right to *assisted* suicide?

The most straightforward way it supports this right is to simply extend the right to make one’s own decisions to *physicians* as well as patients. If a patient decides that she wants to end her life, and the physician is willing to help, then the laws should allow *both* of them to exercise

their rights in this matter. Now, as we will see later, this is a significant point, because some defenders of assisted suicide and euthanasia believe that physicians have a *responsibility* to carry out the patient's request for assistance in dying. For now, though, the basic argument from autonomy in defense of assisted suicide is this: A person has a right to determine for him- or herself the timing and manner of his or her death, and if a physician is willing to assist in carrying that out, the person ought to be able to obtain that assistance.

Does this argument extend to euthanasia? Some believe it does, on the following grounds. If we think that a person has a right to determine the timing and manner of her own death and that she has the right to receive assistance from a willing physician, then (according to this argument) it doesn't make a difference whether that assistance is in the form of the physician providing a lethal drug for the person to take herself or the physician administering the lethal drug directly. Either way, the choice of the patient is the same, and the physician has chosen to honor the patient's choice.

Moreover, one could argue that if we permit physicians to assist in suicide, we *ought* to permit them to euthanize the patient as well, for the simple reason that some patients may be unable to carry out the suicide themselves. Consider someone who has been severely injured in an accident and become paralyzed from the neck down. The injuries are so severe that doctors believe that the person has only a short time left to live, the person has decided that she wants to end her life soon rather than wait it out, and her physician is willing to help her in that. But because of the paralysis, she is unable to administer the lethal drugs herself. Should she be prohibited from exercising her choice to end her life simply because she happens to have a condition that prevents her from doing so herself? Many people would argue that this is unfair and discriminatory, and thus that if we are to permit assisted suicide we ought to permit voluntary euthanasia as well.

This kind of reasoning calls into question the laws in the U.S. states and a few other countries that permit assisted suicide but not euthanasia. From one perspective, such laws are too restrictive and ought to be expanded to include voluntary active euthanasia. But from a different perspective, this reasoning constitutes an argument for why we ought to *prohibit* assisted suicide: If the reasoning in support of assisted suicide would *also* support voluntary active euthanasia, and if we believe that euthanasia should not be allowed, this indicates that there may be some sort of flaw in the reasoning in defense of assisted suicide.

There is another way that the argument from autonomy can call into question the existing laws. Most laws permitting assisted suicide or euthanasia require the patient to be terminally ill, but there is nothing in the argument from autonomy as we have presented it so far that explains why this must be the case. In other words, if a person has a right to make her own decisions about the timing and manner of her own death, why must she have a terminal condition, or any condition at all for that matter, in order to be able to exercise that right with the assistance of a willing physician? Again, some may take this argument as support for the more expansive laws in places like Belgium, the Netherlands, and Switzerland, but it can also be regarded as an argument against any form of physician-assisted suicide and active euthanasia. We will return to both of these points later when we consider more carefully the arguments against assisted dying, and we will also consider the reasons that some defenders of assisted dying believe it should be restricted to terminally ill patients.

The Argument From Mercy

Euthanasia is often called *mercy killing* by supporters, and even those who oppose euthanasia can recognize this as an appropriate term when we consider the predominant reasons why people would support such a procedure. When an animal like a dog or a cat is in a condition in which there is virtually no hope for a quality life, its owner, or perhaps the pet shelter in which it is kept, may decide that it's better for it to die rather than continue living in misery. While we may regret the loss of our beloved pet or lament the fact that there are so many unwanted dogs and cats, we say that euthanizing the animal is "for the best": It's better for the animal to die than to carry on a life of misery, suffering, or loneliness.

Similar kinds of thoughts may be had about humans. If a person's life has reached a point that the misery and suffering outweighs any positive value and there is little to no hope for any improvement, wouldn't it be better for the person to die rather than continue living in such a state?

Someone might respond that we should never give up hope, that there is always the possibility of a miraculous recovery. This might be; however, someone making the argument from mercy could reply by pointing out that most of us *do* recognize that there are times when it is appropriate to accept the inevitability of death, to acknowledge that attempting to prolong a life in such circumstances would be unnecessary and even cruel, and to take steps to hasten death. We recognize this by our acceptance of passive euthanasia. If considerations of mercy can justify refusing or withdrawing treatment in order to hasten an inevitable death, why shouldn't those same considerations justify hastening death even further through active euthanasia or assisted suicide?

Defenders of assisted dying might thus make the following argument:

1. There are situations in which pain and suffering become unbearable, and there is little to no hope for relief.
2. In such cases, we permit the refusal or withdrawal of treatment in order to end the suffering by hastening death.
3. Therefore, taking action in order to end suffering by hastening death is moral.
4. Assisted suicide and active euthanasia end suffering by hastening death.
5. Therefore, assisted suicide and active euthanasia to bring relief from pain and suffering are moral when refusal or withdrawal of treatment is moral.
6. Assisted suicide and active euthanasia end suffering more quickly than waiting for natural death.
7. Therefore, assisted suicide and active euthanasia are more merciful than requiring someone to wait for natural death.

If we combine both the argument from autonomy and the argument from mercy, we can formulate an argument for assisted dying that captures the perspective of many who defend it:

1. The right to refuse treatment implies a right to personal choice regarding "the timing and manner of one's death" (Dworkin et. al., 1997, p. 10).
2. This right pertains to a judgment about when life is no longer worth living that a person can only make for him- or herself.

3. There should be no moral or legal prohibition on respecting that choice in the case of withdrawing treatment.
4. There is no moral difference between granting a patient's wish to refuse or withdraw treatment and helping the patient hasten his or her own death (see the section titled "Killing Versus Letting Die").
5. Helping the patient hasten his own death may be "quicker and more humane" (Dworkin et. al., 1997, p. 11) and therefore morally better than merely withdrawing treatment (see the section titled "The Argument From Mercy").
6. Therefore, there should be no moral or legal prohibition on assisted suicide or euthanasia.

There are many steps in this argument that can be challenged. One of the most contested is step 4, and so it deserves some special attention.

Killing Versus Letting Die

As stated above, many people support passive euthanasia for those without any realistic hope of recovering from a life-threatening condition. Why do we think this is morally justified? Certainly considerations of mercy are important, as it would seem wrong to prolong a life using artificial means like tubes and respirators when doing so would only mean further suffering or degradation. Moreover, if a person has made a clear, uncoerced decision that they would rather not continue living in such a state, it seems that physicians would have a responsibility to honor that decision by discontinuing treatment that artificially prolongs a person's life. But if these are reasons to withdraw life support, why wouldn't they also be reasons to actively end their lives more quickly through assisted suicide or euthanasia?

One answer would involve distinguishing between the act of withdrawing treatment and *allowing* someone to die and the act of *actively killing* someone and arguing that actively killing an innocent person is never justified, even if it might result in less suffering or would satisfy a person's desire. Some might think that this distinction only applies when the issue is one of killing *others*, and this would explain why some may find assisted suicide (the killing of *oneself*) to be moral but not euthanasia (the killing of another person). Others maintain that the direct, intentional killing of *any* innocent person (including oneself) is wrong, which would mean that both assisted suicide and euthanasia are immoral.



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Is there a moral difference between allowing a person to die and killing that person, if the intentions behind the actions are the same?

But is there a morally relevant distinction between killing and allowing someone to die when the outcome is the same (or even better, in the case of killing) and the intention is the same (to minimize suffering or to honor a person's wishes)? The philosopher James Rachels (1975)

has argued that there is no morally relevant distinction. In his essay “Active and Passive Euthanasia,” Rachels provides examples in which it seems that the distinction between killing and allowing to die is not relevant—both acts have the same moral value. To paraphrase one of his examples, suppose that I stood to benefit financially from the death of my young nephew, and so one day while my nephew was taking a bath, I drowned him, making it look like an accident. Everyone would agree that would be terribly wrong. But suppose instead that I went in to drown my nephew and it happened that he slipped and knocked his head, became unconscious, and drowned, while I looked on and did nothing to help. Does the fact that in the first case I actively killed him while in the second case I “merely” allowed him to die make any difference to how terribly wrong that was? Most of us would agree with Rachels that the second case isn’t any less bad simply because I allowed my nephew to die rather than actively killed him, given that the outcome and my intentions were the same.

But if an act of killing and an act of allowing to die could be equally *wrong*, couldn’t they likewise be equally *right*? If it would be right for a doctor to withdraw lifesaving treatment in order to allow my terminally ill father to die, especially when he requested it, wouldn’t it be just as right for the doctor to actively end my father’s life when that was his request, since both the outcome and motivation are the same?

This is a powerful argument, and it’s often difficult for people to see what is wrong with that reasoning, no matter whether one takes a utilitarian, deontological, or virtue ethics approach. From a utilitarian perspective, the outcome is the same (or better) in the case of killing as it is in the case of allowing to die, and since outcomes are what determine moral value, both acts would seem to have (at least) the same positive moral value. From a deontological perspective, it may also seem that since the intentions are the same, the moral value of each choice (to kill or to allow to die) would be the same. Both acts would manifest virtues like compassion and mercy, which may make it seem like they are equally virtuous. But as we shall see shortly, critics of assisted dying, as well as some supporters, offer arguments from all three perspectives that there is a relevant distinction between killing and allowing to die that we must recognize.

Arguments that appeal to considerations of autonomy, mercy, or both in defense of assisted dying can seem quite compelling to many people, so much so that there has been a remarkable trend toward increased public support of it in recent years (Dugan, 2015). But the flip side of this trend is the fact that, not long ago, the majority of people opposed it, and many continue to do so today. Why is that? Is it because people don’t respect autonomy or don’t care about pain and suffering? That’s hardly plausible, and so it is important to carefully examine the responses that opponents make to such arguments and their reasons for believing that some or all forms of assisted dying should not be permitted.

Arguments Against Assisted Dying

The four most common arguments for why assisted dying should not be permitted are slippery slope arguments, utilitarian arguments that legalization will do more harm than good, deontological arguments from the inherent dignity of all persons, and teleological arguments that appeal to the role of the physician. We shall begin with the first.

Slippery Slope Arguments

A slippery slope argument maintains that even if one particular action or policy isn't necessarily wrong or we aren't sure whether it is, permitting it will inevitably lead to permitting other things that we can be reasonably sure *are* wrong. In other words, suppose that X is morally good or morally neutral, or we are unsure about its moral value, but we are pretty sure that Y is morally bad. The slippery slope argument holds that if X is allowed, then Y will inevitably follow, and therefore, X should not be allowed. We can see this kind of reasoning in phrases like "Give a person an inch, they'll take a mile" and in the arguments of some opponents of certain political policies, such as those who oppose legalizing marijuana on the alleged grounds that marijuana use is a gateway to the abuse of more dangerous drugs like heroin.

If you are familiar with the notion of a logical fallacy, you will know that slippery slope arguments are often fallacious; that is, they don't support their conclusions. When considering a slippery slope argument, then, we have to carefully consider how strong the reasons are for supposing that X (the good or neutral thing) will lead to Y (the bad thing), and whether there are good reasons to suppose that Y will *not* follow from X. If we believe that the slippery slope argument *is* strong, we can see that as a reason to think that the arguments in support of X are not as strong as they may first appear; on the other hand, we may also be led to change our views about the wrongness of Y.

In the case of assisted dying, most people believe that there should be *some* limits and restrictions (for instance, nowhere is involuntary euthanasia—euthanizing a mentally competent person without their consent—permitted). The slippery slope argument holds that if we allow one form of assisted dying, then other ones—those that cross the lines—will end up being permitted, or at least practiced. For instance, many people in the United States believe that assisted suicide is moral and should be permitted, but not euthanasia (hence the fact that none of the states that permit assisted suicide permit euthanasia). Those who oppose assisted suicide might do so by arguing that if we legalize it, eventually we will slide down the slope toward legalizing euthanasia. Thus, we shouldn't legalize assisted suicide.

Why might someone believe there is a slippery slope in this case? One reason might simply appeal to the fact that several other countries have gone down that slope. Similarly, someone might worry that legalizing euthanasia and assisted suicide for terminally ill adults, as Canada has, will lead down the slope toward legalizing it for nonterminal patients (such as those suffering from depression) and/or children, as Belgium and the Netherlands have. Or others might oppose voluntary euthanasia on the grounds that it could lead to nonvoluntary or involuntary euthanasia, and they might point to the case of the Netherlands law that allows for infant euthanasia as well as evidence that doctors in Belgium and the Netherlands routinely practice nonvoluntary or involuntary euthanasia (Hendin, 2002; Emanuel, Onwuteaka-Philipsen, Urwin, & Cohen, 2016).

But rather than appealing to evidence that the slide down the slippery slope *has* occurred, the strongest form of the slippery slope argument tries to show that, *logically*, the arguments in support of one form of assisted dying *also* support the other form and that people will recognize this, and then makes the case that if we allow this one form, we will be rationally compelled to allow the others. For instance, let's remind ourselves of the argument from autonomy in support of assisted suicide made in "The Philosophers' Brief" (Dworkin et al. 1997).

As stated previously, proponents of this argument appeal to the principle that “at the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life” (*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 1992, p. 851). On this basis, they argue that one has a right to personal choice regarding the “timing and manner of one’s own death” (Dworkin et. al., 1997, p. 10). Moreover, some people think that living on would “disfigure rather than enhance the lives they had created” (Dworkin et. al., 1997, p. 8), and we should respect that judgment. It’s morally and legally permissible for doctors to terminate life support when they know that’s what a patient wants. But in that case it’s also legitimate, Dworkin et. al. argue, to allow doctors to use “more direct and often more humane means to the same end when that is what a patient prefers” (1997, p. 11). That is, in both cases “the doctor acts with the same intention: to help the patient die” (Dworkin et. al., 1997, p. 11). Thus, “any paternalistic justification for an absolute prohibition of assistance to patients would of necessity appeal to a widely contested religious or ethical conviction many of them, including the patient–plaintiffs, reject. Allowing that justification to prevail would vitiate the liberty interest” (Dworkin et. al., 1997, p. 15).

If it’s true that individuals have a fundamental right to determine the timing and manner of their death and whether their life is worth living, why should that be restricted to those with terminal conditions? Don’t people without terminal conditions also have this right? If the argument from autonomy is correct, how can we justify not allowing persons suffering from excruciatingly painful but nonterminal conditions to end their lives, or those who have simply judged that they would rather die than continue living for *whatever* reason they might have? Moreover, why should exercising this right be limited to those who are able to take the lethal drugs themselves and denied to those who cannot (as in the example of the paralytic we considered earlier)? Or why should these rights be afforded to those who happen to have reached their 18th birthday but not to someone younger who may be in the same condition and who is just as capable of making an autonomous choice? Are laws that permit assisted suicide but not euthanasia, laws that permit assisted dying for terminally ill patients but not those without terminal conditions, or laws that permit assisted dying for adults but not minors discriminatory and thereby unjust?

Consider next the argument from mercy. We said that there are situations in which pain and suffering become unbearable and there is little to no hope for relief. In such cases, we permit the refusal or withdrawal of treatment in order to end the suffering by hastening death; but not only does assisted suicide achieve this end as well, it often is a much faster and more effective way of achieving this end, and thus more merciful than simply allowing the person to die. But so is euthanasia, and so it’s difficult to see why the argument from mercy would justify assisted suicide but not euthanasia, especially when, as we have seen, there may be situations in which euthanasia is the only way that a person can find relief from his or her suffering.

Moreover, to repeat the point made previously, some people have to endure great physical or psychological suffering with little hope for relief without also suffering from a terminal condition. Would it not be merciful to extend the option of assisted suicide or euthanasia to those people as well? And suffering is not simply endured by those who are adults, fully conscious, or capable of making rational, autonomous decisions. Why should an infant, a minor, or individuals incapable of making or communicating their choice be forced into prolonged suffering? Would it not therefore be merciful to permit nonvoluntary euthanasia? This is indeed what some philosophers have argued (Tooley, 1972; Singer, 1993).

In short, both the argument from autonomy and the argument from mercy might be taken to logically entail support for more permissive forms of assisted dying than those who offer such arguments intend. Many defenders respond by arguing that we can craft the laws in such a way as to place restrictions that avoid the more permissive forms; however, if the logical force of the argument is on the side of the more permissive laws, such restrictions may be recognized as unjustified. We may thus have reason to predict that, eventually, those more permissive laws will be enacted, as they have been in some countries, lending support to the slippery slope argument.

Now, as you probably noticed, slippery slope arguments against assisted dying rely heavily on people's existing beliefs or intuitions regarding where the limits on assisted dying should be placed. If one believes that children, people with depression, or those who cannot communicate their wishes should not receive assistance in suicide or be euthanized, then one may find the arguments from autonomy or mercy flawed if they seem to entail conclusions that one finds intuitively wrong. However, this does not mean that these conclusions *are*, in fact, wrong. So we need to look beyond slippery slope arguments and consider the more direct reasons someone may conclude that assisted dying, at least in certain forms, is wrong.

These arguments will also allow us to consider responses to the slippery slope arguments by defenders of assisted dying, for many of these arguments are ones that defenders can appeal to when attempting to justify the restrictions they believe should be in place, and thus why they don't agree that permitting some forms will inevitably lead to permitting other forms.

Utilitarian Challenges to Assisted Dying

Many utilitarians argue that permitting euthanasia and assisted suicide would have greater benefits than prohibiting it (Singer, 2003), and we saw this most clearly in the argument from mercy. But critics often point to significant harms that are not sufficiently considered by such arguments. First, as we saw in the argument from mercy, many proponents argue that legalization would diminish the amount of overall pain and suffering. Surveys of those who choose assisted suicide in Oregon, however, show that the relief of pain and suffering is not even among the top five reasons why they choose this option; instead, the primary motivations are losing autonomy; being less able to engage in activities that make life enjoyable; losing control of bodily functions; loss of dignity; and burdening family, friends, and caregivers. Concern about pain is a primary factor in only 25% of assisted suicide cases (Oregon Public Health Division, 2016; Emanuel et al., 2016). Advancements in palliative care treatment and hospice programs reduce the degree of pain and suffering that people with diseases or life-threatening conditions and their families have to endure. In addition to diminishing the strength of the argument from mercy, critics worry that legalizing assisted dying will compromise funding for research into palliative care and support for hospice programs, since they will be less of a priority if a person has the option to end his or her life or have it ended by a physician.

In response, many utilitarians maintain that autonomy and dignity are still positive values that would be promoted by legalization, thus showing that legalization results in greater overall utility even if the primary motivations for many people don't include relief of suffering. However, opponents may argue that the utilitarian arguments in favor of assisted dying are too focused on the individual experience and do not sufficiently consider broader harms that

may follow from its legalization (Emanuel, 1999). For instance, critics worry that autonomy will actually be *undermined* by legalization, partly because defenders focus too much on the consequences for a certain demographic—the relatively privileged—and do not sufficiently take into account the consequences for the underprivileged, such as minorities and the economically disadvantaged. Disability rights and patient rights organizations largely oppose assisted dying on the grounds that it primarily benefits those who are White, well-educated, and financially stable; that is, those who are accustomed to being able to make many of their own choices. The economically disadvantaged and other marginalized and vulnerable populations, who tend to have less control over their lives and choices, are put at risk by the legalization of the practice, according to this argument.

For instance, the cost of assisted suicide is far less than the cost of end-of-life care, and there have been cases in which a person's insurance company refused to pay for expensive treatment that would have prolonged his or her life but offered to pay for the much cheaper assisted suicide drugs (James, 2008). In a society in which medical costs are quite high and the pressure on insurance companies and medical providers to cut costs is rising, the concern is that those who are less able to meet those costs or understand their options will be coerced into choosing assisted dying when they may have preferred to continue living. They may feel that they are or will become a burden on their families and society and that they have a responsibility to end their lives even if they would personally prefer not to. So in this sense, some critics argue that legalization of assisted dying may *decrease* choice for many, especially those who are already marginalized and vulnerable.



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The cost of assisted suicide is far less than the cost of end-of-life care. Opponents of assisted suicide argue that legalizing assisted suicide may lead some people to feel they have a responsibility to end their lives to avoid leaving their loved ones with debt, even though they personally would not choose suicide otherwise.

2011). Further evidence comes in the form of euthanasia or assisted suicide being used on patients who should not have received it, due to mistakes in diagnosing a terminal illness or determining whether a patient was mentally competent (Emanuel, 1999).

More broadly, other critics point to a “social contagion” effect (Kheriaty, 2015); that is, the legalization and support of assisted suicide have a negatively contagious effect on the rest of society, much the same way that a contagious disease could affect a large number of people. One study, for example, shows a 6.3% increase in *total* suicides in states that legalized assisted suicide (Jones & Paton, 2015). As we mentioned previously, disability rights organizations fear that legalization will signal to people that when they become disabled or burdensome, as often happens to those suffering from terminal conditions, their lives are no longer worth living.

Other possible harms include undermining the medical profession and the trust that patients must have in their physicians, evidenced by reports of abuse and misuse in places where assisted dying is legal (Pereira,

If we think in terms of the utilitarian approach of striving for the greatest overall good, then, legal assisted suicide and active euthanasia seem clearly better for certain *individuals* who might desire it, but it's less clear whether either is better *overall*. Proponents may question whether the negative effects opponents point to (such as the surveys and statistics we referenced) are well supported by the data. Even if they are supported, proponents may argue that the positive effects of legalizing assisted dying outweigh the negative consequences, many of which we could attempt to control by placing further restrictions and regulations on the practice and reforming the health care system overall. However, the prospects of adequate restrictions and regulations would have to take into account the actual political climate. For instance, if there aren't health care policies that ensure that poor and marginalized people are given adequate end-of-life care, can we be sure that they are protected from coercion and pressure to end their lives earlier than they otherwise would wish?

Arguments From Dignity: Deontological Challenges to Assisted Dying

Could there be a fundamental duty not to intentionally kill oneself or another person no matter how much benefit that may bring to oneself or to others? Some people taking a deontological approach to ethical questions argue that there is such a duty because killing oneself or another violates the person's inherent dignity. Before we consider that argument, we must first address an argument we considered earlier that there is no moral distinction between killing someone and allowing a person to die.

The Moral Distinction Between Killing and Letting Die

As we discussed earlier, James Rachels argues that there isn't a meaningful moral distinction between killing and letting die. Some deontological views question whether Rachels's argument is sound (i.e., whether it holds up to rational scrutiny).

Remember that in a deontological view, we have duties to do or not do certain kinds of actions. Let's consider what a deontological view might say about the example of me and my unfortunate nephew given earlier. Suppose that there is *a duty not to directly and intentionally kill an innocent person*. This would, of course, explain why *drowning* him was wrong. But let's suppose that I also have a duty to *prevent a person's death when I can easily do so*. This would explain why *not saving my nephew* was wrong.

In each case, I made a morally wrong choice, but I violated *different duties*. By drowning my nephew, I violated the duty not to kill. By allowing him to drown, I violated the duty to save a life when I'm able to do so. Although each choice had the same result and even the same intention, and each choice was wrong, the *reason* why the choice was wrong was different in each case (Foot, 2002b).

By making this distinction, it's possible to say that in a different kind of situation, I may *still* have a duty not to intentionally kill someone, but I don't necessarily have a duty to do everything I can to prevent the person's death. We often recognize this distinction in the case of war. It is illegal to directly target an innocent civilian for death, but it's not necessarily illegal to bomb a building in which there are many enemy combatants, even though one knows that there are a few civilians who will also be killed by that action. Or we can think back to the trolley car scenario we discussed in Chapters 3 and 4, in which there were five people whose

lives were threatened by a runaway trolley car. In one case I could pull a lever to send the car to a sidetrack where a single worker happened to be, killing him but sparing the five; in another case I could push a large man over a bridge to stop the oncoming car. In the first case I'm taking an action to save the five lives, and I'm not *trying* to kill the sidetrack worker, but I am allowing him to die; whereas in the second case I'm directly killing the large man in order to save the five lives.

This does not settle matters when it comes to the question of assisted dying; it merely shows that there are reasons why we might want to distinguish between killing and allowing to die even when the outcomes and ultimate intentions are the same. Supporters of assisted dying could agree with this and yet maintain that while we *normally* have a duty not to kill, that duty does not apply in certain cases, just as the duty to prevent a person's death doesn't always apply. Opponents of assisted dying, however, often argue that while we *don't* have a duty to always prolong a person's life by any means possible, we *do* have an absolute duty to never intentionally and directly kill an innocent person. How might they support this claim in the case of assisted dying?

Dignity

One way to support such a claim would be to draw upon the idea of **inherent or absolute dignity**, the idea that all people have a special kind of value that is independent of the particular circumstances or characteristics they happen to have or even whatever they happen to think about themselves. If there is such a thing as dignity in this sense, it would not be lost even if a person is suffering or happens to believe that his or her life is no longer worth living. This notion of dignity is central to Immanuel Kant's view, and so we will now consider how a Kantian might argue against assisted dying on this basis.

You may remember from Chapter 4 that Kant identified the Categorical Imperative, or the supreme principle of morality, as the duty to act only on those maxims that could be willed to be universal law (the formula of universal law) and to always treat humanity as an end-in-itself, never as a mere means (the formula of humanity). You may also recall that one of the examples he used to illustrate this was suicide. Each of these ways of formulating the Categorical Imperative, he argued, points to the same conclusion: Suicide is morally wrong. It's not just wrong when suicide results in worse overall consequences or when a person isn't in his or her right mind, but it is wrong *period*. In recent years the philosopher David Velleman (1999) has applied these arguments to the issue of physician-assisted suicide, maintaining, like Kant, that even if a person has a terminal illness or is enduring great suffering, and even if a person has made the judgment that his or her life is no longer worth living, suicide and euthanasia violate the dignity that all persons have by virtue of their basic humanity.

What is this "basic humanity"? For some it might simply be membership in the human species, but for Kant the primary factor is the fact that I am an autonomous being who can reflect and make choices. In other words, the fact that I can reflect on what really matters, what gives life its meaning and value, and make my own choice about how best to act—this capacity *itself* has special value and should always be respected, even more so than the particular values I hold to or the particular choices I make.

Why should I respect your choice of whom to marry, whether to follow a certain religion or none at all, which political party to belong to, how to style your hair, whether to get a tattoo,

and so on, when I have different views, even views that, in some cases, I have good reason to think that I'm right about? It's because I respect and value *you*, as a *person*. Should it matter if you were Black or White, male or female, poor or rich, religious or atheist? If it's a matter of respecting people's free, autonomous choices, then no: Human dignity, in this sense, has nothing to do with those factors. My respect for your *choices* is based on my respect for *you*, as a person, not on whether I agree with your choices. In other words, I respect your *dignity*, in the Kantian sense.

Does Respecting Dignity Mean Respecting Every Choice?

Given what we just said, it might appear that "always respecting a person's dignity" means "always respecting a person's choices." But that's not the case: Sometimes we *restrict* freedom of choice when that choice involves the violation of the very dignity we're talking about. If you respect the dignity of all persons—male and female—and I choose to live in such a way that involves the abuse or degradation of women, there's no reason why you have to respect my choices, much less assist me in carrying them out; in fact, since my choices are morally wrong, assisting me with them would be morally wrong. There are many ways in which our respect for *all* persons involves placing limits on what individual people can do. Or, to put it differently, there are many ways in which our respect for human dignity *itself* involves restricting people's choices when such choices would violate that dignity.

For the Kantian, just as I can make choices that are immoral in that they violate someone else's dignity, I can also make choices that are immoral in that they violate my *own* dignity. "But wait," you may protest, "shouldn't I be the one to determine how well my life is going and whether my life has dignity?" Yes and no, replies the Kantian. It may be the case that I should be the one to determine how well things are going for me, what kinds of things are meaningful and valuable, and so on, but that's not the same thing as determining whether I have *dignity*. Again, a person's dignity is *independent* of his or her circumstances, especially those features of a person's life that seem—to others or to the person him- or herself—to increase or diminish his or her life's value.

Since dignity is tied to a person's autonomy, in the Kantian view, we fail to respect it when we treat this capacity merely as a means to some other end. One way I might do so is by killing someone when his existence causes me pain or diminishes my quality of life through no fault of his own. By killing him, I'm essentially saying that my pain or lack of satisfaction is more important than his very life, which is another way of saying that he has value only insofar as he is a means to my satisfaction or avoidance of pain. But Kant says, no, his dignity is above and beyond all that.

The Argument Against Assisted Suicide

This leads us to Velleman's (1999) conclusion that we don't have a moral obligation to respect someone's choice to end her life, and helping her do so would be wrong. If someone makes that choice, she is essentially saying, "My life no longer has value, and it would be better for it to end." But the very fact that she is reflecting this way and making that choice shows, in Velleman's view, that she *does* have that special kind of value we call dignity. Just as it would be wrong for me to place *your* dignity beneath my desire to avoid pain or a diminished quality of life, it would be wrong for me to place *my own* dignity beneath my desire to avoid pain or a diminished quality of life. Again, everyone's dignity is the same, and everyone's dignity

is independent of anyone's wants and desires, even their own. Thus, to kill myself because my existence involves suffering or a diminished quality of life is just as much a violation of human dignity as is killing another person for the same reason. As such, suicide is immoral, and we have no obligation to respect or assist someone in doing something immoral; indeed, assisting someone who is making an immoral choice would itself be morally wrong.

We can put the same point in a different way. If I choose to end my life and I demand that you respect that choice, I am implying that my choices have value simply because they are my choices. Why would my choices have this kind of value? Because *I* have value. But if I am making a choice based on the judgment that I *no longer* have value, then I have essentially denied of myself that very dignity that would make my choices worthy of respect. Of course, as we just saw, the very act of making judgments and choices means that I am wrong in my judgment that my life lacks dignity and should be destroyed. Once again, this means others are under no obligation to respect, much less assist me in, my choice to end my life.

It's worth pausing to make two quick points. First, you will notice that even though we have invoked a notion of *dignity* that is often tied to religious beliefs, this argument has made no appeal to religion at all; indeed, the notion that all persons have a special dignity independent of their characteristics or circumstances is foundational to modern society and is shared by many people of all faiths, as well as by people of no faith.

Second, some may argue that while a person has dignity now, he is justified in ending his life before he loses it. As we will see shortly, this is an argument many defenders of assisted suicide make from a deontological perspective. However, for deontological opponents like Velleman, it's the *presence* of dignity that makes it wrong to kill individuals *whenever they have it*, even if there is the prospect of losing that dignity in the future. If we start to import the idea that the *future* loss of dignity makes it justifiable to kill a person *now* (whether oneself or another), by what standard would we determine where the line should be drawn? As we said at the outset, we will all die, and so we all face the prospect of the future loss of dignity; that could be years down the road or minutes from now, but that makes no difference to the fact that every person has dignity *now* and that it would thus be wrong to kill me or another person *now*, regardless of what the future may hold.

Velleman believes that if this Kantian argument is successful, it undermines the case for assisted suicide. However, what about euthanasia? It would seem that if the argument successfully undermines the case for assisted suicide, it would undermine the case for *voluntary* euthanasia as well. If the fact that I can make a voluntary choice shows that I have dignity, and if having dignity makes it wrong for me to kill myself, it would likewise be wrong for someone else (like a doctor) to kill me. But what if someone already lacks this capacity? What if, for example, she has already lost (or never had) a developed capacity for reflective, autonomous choice? Would that mean she lacks dignity, and thus that it would not be wrong to perform nonvoluntary euthanasia?

Velleman himself is open to this possibility. Others, however, may respond by insisting that it's not merely the capacity for reason and autonomous choice that gives us our dignity, but something broader, such as the capacity for experiences of any sort, or mere membership in the human species. Disability rights advocates, especially those who advocate on behalf of those with severe mental impairments, and animal rights advocates often insist strongly on a broader notion of dignity. If we accept such a notion, we may conclude that active euthanasia

of any form would involve killing a person with dignity and thus would be wrong even when it is motivated by mercy.

Responding to the Argument From Dignity

How might a defender of assisted dying respond to the Kantian argument? We will briefly consider one response offered by the philosopher Michael Gill (2005), which is also a response to one of the slippery slope arguments we examined earlier. We discussed the claim that the argument from autonomy in favor of assisted suicide and euthanasia for the terminally ill logically entails that we ought to also extend one or both of these options to those who are not terminally ill. Gill disagrees. While the Kantian argument might provide sufficient grounds for thinking that suicide *normally* violates individuals' dignity by destroying the very autonomy that gives them their dignity in the first place, this does not apply to persons who are in the final stages of a terminal illness—for this autonomy is about to “disappear whether she commits suicide or not” (Gill, 2005, p. 55). As Gill puts it:

The ending of her decision-making ability is a foregone conclusion. She is simply choosing that it end in one way rather than another. The person who commits [physician-assisted] suicide . . . should be compared to someone who blows out a candle that has used up all its wax and is now nothing but a sputtering wick that is just about to go out on its own. She should not be compared to someone who snuffs out the bright, strong flame of a new candle. (p. 56)

In other words, the Kantian argues that the capacity to make rational, autonomous choices is what gives humans their dignity, and suicide violates human dignity by destroying that capacity in the name of some other good like avoiding pain and suffering; instead, we ought to respect their dignity by encouraging them to continue living as an autonomous person rather than helping them end their life early. Gill agrees that this holds in the case of nonterminal people, but he argues that this argument breaks down when a person is in a state in which they *won't* continue much longer as an autonomous person anyway. This, he argues, is why assisted suicide for nonterminal patients would be wrong but assisted suicide for terminal patients would not be wrong.

Opponents of assisted suicide will maintain, as we saw previously, that we will all inevitably die someday, whether that day comes in 60 years, 6 years, 6 months (the threshold for a terminal illness), or 6 days, and so there's a sense in which Gill's argument, if successful, would apply to all of us, even though he wants his conclusions to apply only to those at the very end of life. Moreover, even in the case of terminal patients, we can't know for sure when the “extinguishing of the candle” will occur. As long as the flame is alive, so to speak, a person has dignity, and that flame should not be intentionally snuffed out. Gill acknowledges these points and argues that the kind of autonomy that we have a duty to respect is the capacity to make what he calls “big decisions”—“decisions that shape your destiny and determine the course of our life” (2005, p. 57). He distinguishes these from “little decisions” that “concern matters that are momentary or insignificant” (Gill, 2005, p. 57). While a person in the last stages of his life may still be able to make “little decisions,” he generally won't be able to make any of the “big decisions” that a person without a terminal condition can make, and so once again Gill argues that we have a principled way of showing why assisted suicide can be justified for people with terminal conditions but not others.

At this point, we could consider whether this distinction between the capacity for “big decisions” and “little decisions” should form the basis for determining whether a person has the kind of dignity that deserves absolute respect. We could also consider whether Gill is right in holding that a person at the end of his or her life has lost the capacity for “big decisions.” Finally, there remains the question we raised before about whether it really is the capacity for autonomous choice of any kind that gives humans whatever dignity they may have.

Unfortunately, we don’t have the space to explore these difficult questions here, but from the perspective of some opponents of assisted dying, we don’t need to settle these questions in order to show why assisted suicide and euthanasia are wrong. Some arguments in opposition to assisted dying are based not primarily on whether legalization of assisted dying will have harmful consequences, whether suicide or killing *as such* is wrong, whether people have dignity and under what conditions, or other questions of the sort we have been considering. Rather, they are based on the meaning and role of the physician; what kinds of characteristics, attitudes, and behaviors are needed to fulfill that role; and what kinds of characteristics, attitudes, and behaviors would undermine it. In other words, some arguments against assisted dying are teleological, taking the kind of approach inspired by Aristotle, often called virtue ethics.

Arguments From the Role of the Physician: Teleological Challenges to Assisted Dying

In the 5th century BCE, around the time that philosophy was beginning to flourish in Ancient Greece, medicine also began to develop as a specialized discipline. Those entering this profession took an oath, swearing to abide by certain ethical standards, a pledge that, in some form, is still taken by many (though not all) doctors today upon graduating from medical school. This oath was attributed to Hippocrates, widely regarded as the father of Western medicine, and thus is called the Hippocratic oath. It is a statement of the standards regarded as essential to fulfilling the role of physician, acknowledging the great responsibilities that a person takes on by assuming a role that quite literally gives that person power over life and death. Among the promises that the aspiring physician makes is that “I will not give a lethal drug to anyone if I am asked, nor will I advise such a plan” (Hippocrates, 1923, p. 299). This shows, first of all, that the issue of assisted dying is far from recent: The fact that physicians would take an oath containing this clause reveals that they were called upon by their patients for both direct administration of lethal drugs as well as assistance in self-administration; in other words, for euthanasia and assisted suicide. Secondly, it shows that many in this culture believed that these activities would violate the role of the physician.



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While we cannot regard this oath as necessarily expressing some sort of timeless truth about the proper role and limits of a physician’s activity (after all, the oath also has the physicians pledge not to “use the knife,” i.e., perform surgery), it does compel

Some argue that doctors, who have taken an oath to do no harm, cannot assist in a patient’s suicide without compromising their role as a physician and a healer

us to consider why physicians—and the later cultures that had physicians take similar kinds of oaths—would have regarded euthanasia and assisted suicide to be a violation of the physician's proper role and thus unethical.

Before exploring this, let's remind ourselves of the form of ethical reasoning being employed here—teleology. It's a way of thinking about ethical responsibilities that emerged from the same Ancient Greek culture of Hippocrates, in particular the philosopher Aristotle, which starts from a conception of the *telos* of human life, whether we're concerned with human life as a whole or with some particular role or activity like that of the physician. The *telos* is the proper end or function of something and defines what it means to be *good*—a good human overall (one who is living well or flourishing in his or her life as a whole) or a good parent, soldier, farmer, athlete, or physician. Living a human life, or being a parent, soldier, farmer, athlete, or physician, involves certain *characteristic activities*, and a good human, parent, physician, and so forth is one who performs these characteristic activities well. To do so, one needs certain character traits or *virtues*. Hence, ethics involves working out what a virtuous human, parent, or physician would do, as well as what such would *not* do—what kinds of choices would be contrary to the person's *telos*. Naturally, the Ancient Greeks, and many others afterward, believed that administering a lethal drug or assisting in suicide was contrary to the *telos* of a physician. Why might they have thought this, and is this still relevant to us today?

One contemporary philosopher (and physician) who believes that this portion of the Hippocratic oath is still relevant is Leon Kass. In his 1991 article, "Why Doctors Must Not Kill," Kass argues that without a strict prohibition on killing, "medicine will have trouble doing its proper work; . . . medicine will have lost its claim to be an ethical and trustworthy profession; . . . [and] all of us will suffer—yes, more than we now suffer because some of us are not soon enough released from life" (p. 472). This is because, first of all, "the power to cure is also the power to kill" (Kass, 1991, p. 472). By virtue of their education and knowledge, as well as the trust that we place in them, physicians have tremendous power over their patients. This is something that we don't often think about when we go to doctors, perhaps because of the many restrictions and regulations that are placed on them. But if we reflect for a moment, we are reminded that we are in fact quite vulnerable when we place ourselves in the hands of physicians: They can, quite literally, determine whether we live or die, or at the very least how well we will live. And to invoke a well-known expression, with great power comes great responsibility.

What is that responsibility? Determining that involves, in Kass's view, determining in a strict sense of what the role of the physician (with all of his or her power) should be. Kass's answer, and the answer that the Ancient Greeks also gave, is that the physician's role should be strictly limited to the activity of healing. In Kass's words, "The central meaning of physicianship derives not from medicine's powers but from its goal, not from its means but from its end: to benefit the sick by the activity of healing" (1991, p. 474).

In short, when we consider the great power that physicians have and the corresponding vulnerability of patients in their hands, we recognize the need to place strong restrictions on the proper role and activity of physicians. In order to guard against the potential for horrific abuse of this power, Kass argues, we need to clearly and strictly limit the role of physicians to that of *healer*. Nothing in this definition prevents them from *withdrawing* treatment when such treatment is futile, that is, when their healing powers have reached their limit. But in Kass's view, it would be a gross perversion of the meaning of *physicianship* to give physicians the license either to directly cause or to assist in the opposite of healing—namely, death.

Now, taking an Aristotelian or *teleological* approach to the question of assisted dying does not mean that one must be opposed to it. One could, for instance, argue for a different view regarding the proper role of the physician, one that is compatible with assisted suicide or euthanasia. For instance, some have argued that the physician's role is not just to heal but also to minimize pain and suffering. When healing is not possible and only the minimization of pain and suffering is left, it may be appropriate for the physician to focus on the latter through such efforts as palliative care. But, the argument continues, if we allow that a physician may properly focus on the relief of suffering in such a way that is separate from the activity of healing, that may seem to allow for the physician to properly perform or assist in the ultimate form of pain relief—namely, death (Gill, 2005; Seay, 2005).

Taking this view of the physician's role, however, raises another set of concerns; namely, whether physicians should be *required* to participate in assisted dying when it is legally permitted, regardless of their personal views. The bioethicists Udo Schuklenk and Ricardo Smalling (2017) have argued that they should and that allowing physicians to refuse to accommodate a patient's request for euthanasia or assistance in suicide on the basis of "conscientious objection . . . constitutes an unacceptable infringement on the rights of patients" (p. 7). In other words, they argue that the proper role of the physician involves respecting a patient's choice to obtain treatments that are legally available; refusing to do so is an improper imposition of the physician's own personal beliefs and values on the patient. We generally accept the idea that by taking on the role of physician as *healer*, physicians have a responsibility to fulfill this role when they are able to and the patient desires it, even if they happen to believe that it might be better if a person was not treated in a particular instance. For example, if a person sustains life-threatening injuries as a result of criminal activity, the physician must still treat the person even if she considers that person reprehensible and deserving of death. By extending the role of physicians from that of healer to one that includes causing or assisting in the patient's death, does that mean that they will likewise have a responsibility to do so even when they believe that it is morally wrong?

Thus far, all of the countries or states that have legalized assisted dying in some form have allowed for physicians to opt out on the grounds of conscientious objection. But opponents worry that the day may come when this is no longer the case and physicians will be *required* to either assist with suicide or perform euthanasia; this is a slippery slope argument supported by, for instance, the arguments of Schuklenk and Smalling (2017). In such a view, limiting the role of physicians to that of healer is important not just to guard against abuse when physicians are allowed to apply their knowledge and skills to facilitate death, but to protect physicians themselves against the possibility that they may be required to participate in activities they believe to be deeply wrong.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out these features at the end of the chapter.

[A Short History of Assisted Dying](#)

[Laws Concerning Assisted Dying](#)

Conclusion & Summary

In this chapter, we have examined the two major arguments in favor of assisted suicide and active euthanasia—the argument from autonomy and the argument from mercy. The first could be considered a deontological argument, based on the idea of a fundamental right to determine for oneself the timing and manner of one’s death and the duty we have as a society to respect that right; and the second could be considered a utilitarian argument, based on the idea that it’s wrong to force individuals to suffer more than they need to. We have also considered four common arguments against assisted dying: the slippery slope argument, which could be considered a consequentialist argument in that it maintains that permitting some forms of assisted dying will eventually result in other forms that are bad; the utilitarian argument that legalization of assisted dying will lead to greater harms, such as undermining autonomy and devaluing the lives of the sick, disabled, and vulnerable; the deontological, and specifically Kantian, argument that assisted dying (at least in many forms) is a violation of human dignity; and the Aristotelian argument that it is contrary to the telos or role of the physician as healer.

When we encounter arguments on either side of this debate, typically we find a combination of the different forms of ethical reasoning at work. For instance, the argument from mercy might be invoked to bolster the view that we ought to respect a person’s autonomous choice to die rather than experience further suffering, or the argument from autonomy might be invoked to support the argument from mercy on the grounds that a person herself is the best judge of when her suffering has become unbearable (Singer, 2003). On the opposite side, the Kantian argument from dignity or the Aristotelian argument about the role of the physician might be used to support the consequentialist claim that the “slippery slope” that we set upon by permitting some forms of assisted dying will lead to destinations that are unacceptable.

This shows the complicated and difficult nature of this debate and why it is almost certainly a mistake to assume it is a simple black-and-white matter. Those who oppose assisted dying need to confront the implications of their opposition, particularly the fact that people who are suffering, and some who have virtually no hope of recovery or the alleviation of their suffering, will likely have to endure that suffering longer than they otherwise would, as well as the fact that we would be denying them a momentous choice about their lives. On the other hand, those who support assisted dying must confront the implications of their reasons for doing so. Are we willing to extend assistance in dying to those without terminal conditions or who simply want to end their lives, or to those who have not made that choice, if that’s where the logic of the arguments leads us? Are we prepared to face the implications and consequences of relaxing our notions of human dignity or expanding the powers of the physician beyond the role of healing? Would this be the sort of society we wish to live in?

Addressing such concerns with thoughtfulness and an open mind is not an easy task, but neither is it a task that should simply be left to others. After all, we are all vulnerable, and any one of us might find ourselves in a position in which we, or someone we care about, is directly affected by the choices to either allow or prohibit assistance in dying. We all have a stake in this matter, and so it’s imperative for all of us to reflect critically and clearly on the ethical issues involved.

Key Terms

active euthanasia Euthanasia that involves taking an action, such as administering a medication, that has the immediate and direct result of causing death.

argument from autonomy An argument in support of assisted dying based on the claim that just as all individuals have the right to determine for themselves how to live their lives, they should have the right to determine for themselves the timing and manner of their death.

argument from mercy An argument in support of assisted dying based on the claim that no one should have to endure more suffering than necessary.

assisted dying The general term for medical procedures that hasten the dying process.

euthanasia A procedure in which one person, usually a physician, hastens the death of another person in order to prevent further suffering or to honor the patient's wishes.

hospice Programs that offer palliative care and other services for those with terminal conditions, both in-home and in specialized facilities, with the goal of making the final stage of a person's life as comfortable as possible while relieving stress for patients and their families.

inherent or absolute dignity The idea that all people have a special kind of value that is independent of whatever particular circumstances or characteristics they happen to have, or even whatever they happen to think about themselves.

involuntary euthanasia Euthanasia that is undertaken without the explicit request of a mentally competent patient.

nonvoluntary euthanasia Euthanasia that is undertaken on a patient who is unable to give informed consent, such as infants or those with mental impairments.

palliative care A form of medical care designed to relieve the pain, suffering, stress, and other symptoms associated with serious illnesses.

passive euthanasia The removal or withholding of treatment that would otherwise prolong a person's life, thus indirectly hastening death.

physician-assisted suicide A procedure in which a physician provides a means of suicide, such as a prescription for lethal medication, and instructs the person in how to use it, but it is the person him- or herself who takes the final action resulting in death.

voluntary euthanasia Euthanasia that is undertaken in accordance with a competent patient's explicit wishes.

Additional Resources

Ethics of Suicide Digital Archive (<https://ethicsofsuicide.lib.utah.edu>). A large database of readings concerning suicide that span across history and culture.

Hastings Center (<http://www.thehastingscenter.org/briefingbook/physician-assisted-death>). A neutral website with up-to-date information about assisted dying.

Websites for organizations opposed to assisted dying:

- Disability Rights Education & Defense Fund: <https://dredf.org/assisted-suicide>
- Not Dead Yet: <http://notdeadyet.org>
- Patients Rights Council: <http://www.patientsrightscouncil.org>

Websites for organizations in support of assisted dying:

- Compassion and Choices: <https://www.compassionandchoices.org>
- Death With Dignity: <https://www.deathwithdignity.org>

Information about alternatives to assisted dying:

- American Academy of Hospice and Palliative Medicine: <http://aahpm.org>
- National Hospice and Palliative Care Organization: <https://www.nhpco.org>

Primary Sources

The following articles discussing the ethics of assisted dying can be found in the Ashford University Library (<http://library.ashford.edu/index.aspx>) or accessed through the link in the citation:

Emanuel, E. J., Onwuteaka-Philipsen, B. D., Urwin, J. W., & Cohen, J. (2016). Attitudes and practices of euthanasia and physician-assisted suicide in the United States, Canada, and Europe. *Journal of the American Medical Association*, 316(1), 79–90.

Gill, M. B. (2005). A moral defense of Oregon's physician-assisted suicide law. *Mortality*, 10(1), 53–67.

Kass, L. R. (1991). Why doctors must not kill. *Commonweal*, 118(14), 472–476. Retrieved from <https://www.commonwealmagazine.org>

Rachels, J. (1975). Active and passive euthanasia. *New England Journal of Medicine*, 292, 78–80. Retrieved from <http://www.jamesrachels.org/CEPA4.pdf>

Going Deeper

A Short History of Assisted Dying

- c. 400 BCE: The Hippocratic oath, attributed to Hippocrates of Cos, often called the father of medicine, includes, among other things, the pledge to never “administer a poison to anybody when asked to do so, nor . . . suggest such a course” (Hippocrates, 1923, p. 299).
- 469 BCE–c. 200 CE: Socrates, Plato, and Aristotle generally condemned suicide, but Plato seemed to allow for an exception in the case of a person “whose hand is . . . forced by the pressure of some excruciating and unavoidable misfortune” (Plato, 1997b, 873c–873d). Aristotle regarded it as an act of injustice toward the community rather toward oneself (Cooper, 1989). Many Stoic philosophers believed that suicide could be morally acceptable if undertaken in accordance with reason, which could include the judgment that pain and suffering would impair one’s commitment to virtue and rational action (Cooper, 1989).
- c. 350–c. 1400: Early and medieval Christians strongly condemned suicide. Augustine regarded it as a violation of the duty of responsible stewardship of the life and body we were given by God. Thomas Aquinas maintained that suicide is contrary to the natural law of self-preservation, and only God has the right to determine the timing of our death (Paterson, 2009).
- c. 1500–c. 1900: Most Renaissance and Enlightenment views affirmed the medieval Christian condemnation of suicide; however, a few—such as the French philosopher Michel de Montaigne (1533–1592), the Anglican poet and cleric John Donne (1573–1631), and the Scottish philosopher David Hume (1711–1776)—argued that suicide was not necessarily wrong in all circumstances (Cholbi, 2016).
- 1804: The discovery of the use of morphine as a pain reliever in the 19th century led some to open up the notion of using it for euthanasia. Nevertheless, suicide and assistance in suicide were legally prohibited in Europe and America until the 20th century and occasionally were accompanied by severe punishments if caught.
- 1930s–1940s: Along with their programs to exterminate certain religious and ethnic groups, Nazis undertook programs of involuntary euthanasia on those regarded as “unfit,” such as the mentally and physically impaired and those with certain diseases, leading to generally negative views of euthanasia for several decades afterward.
- 1973: American Dax Cowart came to national attention when he suffered major burns from an explosion, leading to months of excruciating treatment during which he begged doctors to euthanize him or help him commit suicide. He later earned a law degree and became an advocate for assisted dying.

- 1975: Twenty-one-year-old Karen Ann Quinlan fell into a persistent vegetative state after a night of hard partying. Her parents fought to have her ventilator removed, but her doctors refused. After a legal battle, the courts established the right to forgo extraordinary life-support measures, a position supported by the Catholic Church, to which her parents belonged. Quinlan's ventilator was removed 1976, and she died in 1985.
- 1985: The Netherlands began permitting voluntary euthanasia when legal authorities agreed not to prosecute doctors who performed it so long as certain guidelines were followed. The country formally legalized it in 2001.
- 1990: The Supreme Court case *Cruzan v. Director, Missouri Department of Health* established the right of patients to refuse treatment either directly, through a living will, or through a surrogate.
- 1994: Oregon passed the Death with Dignity Act, which was affirmed by popular vote in 1997. The first legal assisted suicide took place on March 26, 1998.
- 1995: Australia's Northern Territories legalized voluntary euthanasia, but this was overturned by the national parliament 2 years later.
- 1996: Two Supreme Court cases, *Compassion in Dying v. Washington* and *Quill v. Vacco*, ruled that there is no constitutionally protected right to assisted suicide. However, the court permitted individual states to establish their own policies on assisted suicide.
- 1999: Dr. Jack Kevorkian, called "Dr. Death" by critics, was sentenced to 8 years in prison for performing euthanasia on a patient. Kevorkian was the subject of headlines in the 1990s due to his assistance in the suicide of at least 130 patients using a machine that administered the poisonous gas carbon monoxide when a patient pushes a button.
- 2004: The Groningen Protocol, which established procedures for euthanizing newborns, was adopted in the Netherlands.
- 1998–2005: A series of court battles were fought over whether it was permissible to remove the feeding and hydration tubes from Terri Schiavo, a 35-year-old woman who had been in a vegetative state since 1990. Her husband and right-to-die advocates supported the removal, while her parents, disability rights groups, and the Catholic Church opposed it on the grounds that feeding and hydration were not the kinds of "extraordinary measures" that are permissible to withdraw. Her husband ultimately prevailed; her feeding tubes were removed on March 18, 2005, and she died on March 31.
- 2014: Brittany Maynard, a 29-year-old woman with terminal brain cancer, moved from California to Oregon in order to take advantage of Oregon's assisted suicide law. Her story and advocacy gained national attention and contributed to legalization of assisted suicide in California the following year.
- 2014: The Canadian province of Quebec became the first place in North America to legalize voluntary euthanasia (in which the doctor administers the lethal dose, instead of the patient administering it to him- or herself). In 2015 the Canadian Supreme Court declared bans on assisted suicide to be illegal, and in 2016 the Parliament passed legislation permitting assisted suicide, though there is controversy over whether the law permits voluntary euthanasia as well.
- 2016: Colorado became the sixth state in the United States to legalize assisted suicide, joining California, Montana, Oregon, Vermont, and Washington.

Laws Concerning Assisted Dying

The following is a summary of the laws concerning assisted suicide as of 2017. It's worth noting that popular support in the United States for legal assisted dying has fluctuated quite dramatically in recent decades. According to Gallup polls (Dugan, 2015), in 2015, 68% of Americans believed that assisted suicide should be legally allowed, which was a jump from 51% only 2 years before. (Only 56% said it was *moral* in 2015, up from a low of 27% in 2001, and that number dipped to 53% in 2016 [Swift, 2016]). This may indicate that the laws could change in the near future, though recent fluctuations may be attributable in part to the high-profile case of Brittany Maynard in 2014, and the recent peak of 68% support for legalization matches a level reached in 2001 that did not result in major legislative changes.

Laws in the United States

As of 2017, active euthanasia is not permitted anywhere in the United States. In 1990 the Supreme Court ruled in the case of *Cruzan v. Director, Missouri Department of Health* that a person (or someone the person has designated) may refuse life-sustaining treatment, whether by directly requesting that it be withheld or by expressing this wish in a living will or a do not resuscitate form. Thus, passive euthanasia under certain conditions is legal everywhere in the United States.

Moreover, five states, along with the District of Columbia, have legalized assisted suicide: California, Colorado, Montana, Oregon, Vermont, and Washington. In 1994 Oregon was the first state to pass a law legalizing assisted suicide, and after a series of stalls and court battles, the law was affirmed by a popular vote in 1997, with the first legal assisted suicide taking place on March 26, 1998. Also in 1997, the Supreme Court ruled that there is no constitutional right to physician-assisted suicide, but each state may establish its own policy. Vermont (in 2013) and California (in 2015) legalized assisted suicide in the legislature, while Washington and Colorado legalized it by popular vote in 2008 and 2016, respectively. In Montana, the state supreme court ruled that doctors may not be prosecuted for assisting in suicide, effectively making it legal, but thus far no laws have been passed explicitly legalizing it or establishing clear criteria and procedures. (A similar court order was issued in New Mexico, but a higher court overturned the New Mexico ruling in 2015, effectively making it illegal again in that state.) Thirty-seven states have laws that explicitly prohibit assisted suicide.

The laws in Washington, Vermont, California, and Colorado are largely the same as the Oregon law, so we will briefly look at some of the major components of that law. Called the Death with Dignity Act, the law requires that a person requesting assistance in suicide be “1) 18 years of age or older, 2) a resident of Oregon, 3) capable of making and communicating health care decisions for him/herself, and 4) diagnosed with a terminal illness that will lead to death within six (6) months” (Oregon Public Health Division, n.d.). If the person meets these criteria, then the person must take the following steps in order to obtain the lethal drugs:

1. The patient must make two oral requests to the attending physician, separated by at least 15 days;
2. The patient must provide a written request to the attending physician, signed in the presence of two witnesses, at least one of whom is not related to the patient;

3. The attending physician and a consulting physician must confirm the patient's diagnosis and prognosis;
4. The attending physician and a consulting physician must determine whether the patient is capable of making and communicating health care decisions for him/herself;
5. If either physician believes the patient's judgment is impaired by a psychiatric or psychological disorder (such as depression), the patient must be referred for a psychological examination;
6. The attending physician must inform the patient of feasible alternatives to the Act including comfort care, hospice care, and pain control;
7. The attending physician must request, but may not require, the patient to notify their next-of-kin of the prescription request. A patient can rescind a request at any time and in any manner. The attending physician will also offer the patient an opportunity to rescind his/her request at the end of the 15-day waiting period following the initial request to participate. (Oregon Public Health Division, n.d.)

As we can see, even when assisted suicide is legally permitted, it is highly regulated and restricted, which is important when considering some of the objections to assisted suicide and the responses by its defenders.

Laws in Other Countries

Of all the places where some form of assisted dying other than passive euthanasia is allowed, the United States has some of the most restrictive laws. Switzerland, for instance, also permits assisted suicide (but not euthanasia) but does not require a person to be a resident of the country or be suffering from a terminal condition. This has led to what some call "suicide tourism," in which people wishing to die travel to the country for the sole purpose of obtaining assistance in suicide (Gauthier, Mausbach, Reisch, & Bartsch, 2015).

Several countries permit active euthanasia: the Netherlands, Belgium, Colombia, Luxembourg, and most recently, Canada. In 1986 the Netherlands became the first country to start allowing euthanasia. Currently, voluntary euthanasia is permitted for terminal and nonterminal patients over age 12, and nonvoluntary euthanasia is permitted for infants under age 1 under what is called the Groningen Protocol (Verhagen & Sauer, 2005). Belgium passed similar euthanasia laws in 2002, and in 2014 it removed all age restrictions for cases of terminal illness, meaning that a child of any age with a terminal condition can obtain euthanasia upon request with his or her parent's consent.

Finally, in February 2015 the Canadian Supreme Court struck down a ban on voluntary euthanasia and assisted suicide, and in June 2016 both procedures were formally legalized by the legislature for terminally ill patients over age 18.

8

Biotechnology



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Learning Objectives

After reading this chapter, you should be able to:

- Describe the general subject matter of bioethics and some of the main ethical issues it considers.
- Describe the notions of genetic screening and modification, identify some of the procedures involved, and discuss the ethical arguments for and against it.
- Distinguish between the notions of therapy and enhancement as they apply to bioethics and describe their relevance to the ethical evaluation of problems in bioethics.
- Explain the notion of posthuman enhancement and discuss the ethical arguments for and against it.
- Explain how reproductive cloning and in vitro gametogenesis are used to assist reproduction and analyze the ethical arguments for and against their use.
- Distinguish between and apply utilitarian, deontological, and virtue ethics approaches to bioethical questions.

8.1 Introduction to Bioethics

The fundamental ethical question “How should one live?” has been around as long as there have been beings capable of asking that question; that is, as long as humans have been able to reflect on their choices and consider the reasons for acting. However, most of the questions falling under the heading of “bioethics” are far more recent in origin. As the philosopher Hans Jonas (1973) has argued, for the vast bulk of human history, humans had very little control over the natural world, and our activities had only negligible impact on that aspect of our world. So most of the ethical norms and standards that developed were limited to the scope of human–human interaction. However, the rise of modern science in the past few hundred years, especially during the 20th and 21st centuries, has resulted in an enormous expansion of our powers over nature. This has opened up many new and often unanticipated ethical questions that the great ethical thinkers of the past and major religious traditions couldn’t have envisioned.

So the predicament in which we find ourselves, Jonas argues, is that we have more possibilities open to us to control and manipulate our bodies and the broader natural world than ever before, but a lot of catching up to do when it comes to the question of the ethical uses of those capabilities. Accordingly, the subject of bioethics is one of the most dynamic, and divisive, in applied ethics.

Bioethics can be defined as the study of the ethical issues that arise in the contexts of medicine and the biological sciences. Many of these issues are specific to medical practice and are thus often categorized as issues within **medical ethics**, which would be a subset of bioethics. These include such topics as the following:

- Abortion
- Assisted dying (euthanasia and physician-assisted suicide)
- Stem-cell research
- The doctor–patient relationship
- Biomedical research on humans
- Health care policy

There are other issues that involve the applications of biological science, and while they have significant impacts on medical practice, they aren’t always limited to that domain. Sometimes their ethical import extends to nonmedical uses of biotechnology in human life, its use on nonhuman animals and plants, and the effects of biotechnology on the broader ecosystem. Such issues include the following:

- Genetic modification (of humans, animals, and crops)
- Biological research on animals
- Biotechnological enhancement
- Assisted reproduction
- Cloning

Some of these issues, such as abortion, euthanasia and assisted suicide, and the doctor–patient relationship, have been around in some form since the earliest days of recorded human history (though these questions have been significantly transformed by modern science). Others, such as cloning, stem-cell research, and genetic modification, are very recent

and would have been regarded as the subject of myth and legend up until recent times. And there are other possibilities that still remain out of reach, but considering them now can prepare us for a future in which they may become reality and can help us identify and clarify values and principles that would apply to current debates within, and even beyond, biomedical ethics. In short, the advances in biomedical science affect our lives in profound ways, and how we choose to use them, the research programs we judge worth pursuing, and the limits we place on their use and development are some of the most important ethical questions confronting us today.

Three of these issues—abortion, assisted dying, and research on animals—are discussed in other chapters. Others, such as health care policy and the doctor–patient relationship, are ones that we won’t be able to cover in this book. But the most recent questions—those arising from recent advancements in biotechnology and its application—are ones that arguably reflect most clearly the gap Jonas noticed between our increased capabilities and our ethical values and judgments, so these will be the focus of the present chapter.

8.2 Introduction to Biotechnology

Many people love a good science fiction book or movie. Perhaps one reason why is that such tales allow us to imagine what life and the world might be like if scientific knowledge were far more advanced than it is today. This is especially intriguing when it comes to our capacity to control and manipulate the biological world, including the human body. What if we could eliminate disease or greatly extend the human life span? What if we could clone ourselves or produce beings with superhuman capabilities? Would that make for an unambiguously better world, or would that open up problems that would lead us to question the ethical use of such scientific powers?

As we already indicated, the extraordinary advances over the past few decades in our knowledge of biology and capacity to apply that knowledge make these questions much less far-fetched than they once seemed. The development of *in vitro* fertilization in the 1970s, the first successful attempt to clone animals and the mapping of the human genome in the 1990s, and the development of techniques for manipulating genes in the current century, to name some of the most significant advances, have opened up real possibilities that were mere fantasies not that long ago. With these possibilities come the very real and important questions regarding the proper uses and limits of biotechnology.

For instance, as we shall see in more detail later, technologies that allow us to help otherwise infertile couples conceive a child have developed, or are expected to soon develop, to the point that a child can have just one parent, more than two biological parents, or parents of the same sex. Developments in medicinal drugs and techniques allow us to treat and often cure debilitating conditions, but they also may allow us to expand the boundaries of human capabilities by enhancing our minds and bodies and prolonging our lives. The increase in our knowledge of **genetics** (the study of the way that genes function in the possession of various conditions and traits) allows us to examine and manipulate genes in order to screen for and/or correct disabilities and diseases, and this may also provide the capacity to determine various characteristics of our children and greatly expand human capabilities far beyond what would have been possible a short time earlier. Some have even

predicted and advocated development of biotechnology to the point that we would no longer be recognizably human.

The Ethical Questions

When it comes to such technologies either in existence or in development, what are the ethical questions that must be raised? Since we can assume that all biotechnologies are intended to provide benefits and reduce or eliminate harms, a primary question is what do we mean by *benefit* and *harm*, and how should they be compared? Are capacities like physical strength and cognitive ability always benefits, and are they the sorts of things such that more is better? Are conditions like blindness, depression, or even death to be regarded as harms, such that their reduction or elimination is always better? Even if we can answer those kinds of questions, further questions arise regarding how we should weigh physical or biological benefits and harms, such as increased life span or the reduction of a particular disease on one hand and the possible introduction of further unanticipated maladies on the other hand. These consequences must also be weighed against benefits and harms that aren't physical or biological, such as a more (or less) healthy, prosperous, and peaceful society; increased (or decreased) social equality; the support (or violation) of rights; and the promotion (or erosion) of important virtues and common goods.

Thinking about many of these problems will likely raise the question of whether there are certain aims and actions that are always right or always wrong, such that no amount of benefit or harm could supersede that judgment. In other words, according to some views, if certain enhancements in health, choice, life span, abilities, or other areas can be gained only by violating rights and duties, then we must forgo those enhancements. For example, there are very strict standards that medical researchers must adhere to when experimenting on human subjects. There's little doubt that if they were not subjected to such standards, they could conduct their research more efficiently and effectively, potentially leading to great medical advancements. Indeed, some medical knowledge we have today, which has saved countless lives, is the product of experiments that we would find horrific (Lifton, 1986). Nevertheless, most countries, international bodies, and medical and scientific associations prohibit certain



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Due to ethical concerns, restrictions regarding human testing are very tight. This protects people's rights but also might be keeping doctors from making important medical advances.

forms of experimentation and research on the grounds that they would violate certain duties and rights (National Institutes of Health, n.d.). So an important ethical question is whether there are duties and rights that would be violated, or at least put at risk, by some uses of biotechnology, and what those duties and rights are.

Finally, a central question is whether there is a significant ethical distinction between therapy and enhancement, and where such a distinction could be drawn. Since this is an important and contested ethical distinction, any definition of these terms will be controversial, but for our purposes we shall define **therapy** as medical treatment intended to

bring people from a state of dysfunction to a state of normal functioning, and **enhancement** as intended to bring people from a state of normal functioning to a state in which they are functioning significantly above normal levels. As you may have noticed, these definitions depend on some conception of “normal functioning,” in comparison to which certain conditions are considered disabilities, diseases, pathologies, and other *dysfunctions*, and other conditions to be enhanced or *beyond* normal functioning. This conception, in turn, depends on a vision of an ideal kind of life and society, which science alone cannot provide. Instead, we must reason philosophically about the kinds of individual and social goods we *ought* to be striving to achieve through biotechnology, as well as the kinds of goods that might be put at risk or undermined through its application.

These three sets of questions—questions about the meaning and balance of benefits and harms, questions about fundamental rights and duties, and questions about the ideal kind of life and society that should orient the development and application of biotechnology—correspond to the three ethical theories that have been covered at length in this book: utilitarianism, deontology, and virtue ethics, respectively. However, while it’s important to recognize when a utilitarian may come to a different conclusion than a deontologist, for instance, typically bioethical debates involve a range of different considerations rather than relying exclusively on one particular form of ethical reasoning.

Our Procedure

Since there are far more technologies and procedures that raise important ethical questions than we can hope to cover here, we will focus on three that could be considered representative: genetic screening and modification, enhancement and posthumanism, and radical forms of assisted reproduction, namely, cloning and a new technique called *in vitro* gametogenesis that could allow for more than two genetic parents and genetic parents of the same sex. These topics are strongly interrelated, raising many of the same issues as well as eliciting similar kinds of objections and defenses; and so much of what we say about one issue would be relevant to the others, even though we may not explicitly discuss that relevance.

8.3 Genetic Screening and Modification

When humans are conceived, they are given two sets of chromosomes: 23 from the mother and 23 from the father. Each of these chromosomes carries hundreds or thousands of different genes that determine many of our physical characteristics, including our sex (male or female); hair, skin, and eye color; height; the shape of our nose; and whether we have freckles or can wiggle our ears. Our genes also seem to play some role in determining how strong or fast we can become, whether we are disposed to be thin or overweight, whether we are more likely to be attracted to persons of the same or the opposite sex, how good our memory or eyesight is, or whether we are more susceptible to depression or alcoholism.

It is a matter of great controversy to what extent these characteristics—especially the latter set—are due to genetics, upbringing and environment, or personal choice, but it’s much less controversial to say that genetics plays at least *some* role in determining those characteristics. And it’s not controversial at all to say that genetics plays a significant role in whether a

person is susceptible to certain diseases or conditions. Sometimes those are the product of chromosomal anomalies, like Down syndrome or certain forms of leukemia; sometimes they are mutations inherited from parents, such as cystic fibrosis or Huntington's disease. And in many cases, like Alzheimer's disease or some forms of mental illness, we don't really know yet how genetics plays a role, if any. Regardless, what we can say with a fair amount of confidence is that the ability to read and alter the human genome can have a significant impact on the physical characteristics and, some may add, the quality of life of present and future generations.

For most of human history, the only way to exercise any control over a child's genetic characteristics was through choice of mate, and even then people were almost entirely subjected to the genetic lottery. This has changed significantly in the past few decades. One way to control for a child's genetic characteristics is through **screening**, a process by which only embryos with certain genetic characteristics are selected to be carried to term. One method of screening involves testing an embryo or fetus, and if it tests positive for certain genetic conditions, the woman can choose to abort the pregnancy. For instance, some studies estimate that around 90% of the time that fetuses are detected as having Down syndrome, they are aborted (Schrad, 2015). A second method is called **preimplantation genetic diagnosis**. This begins with **in vitro fertilization (IVF)**, a process by which a woman's eggs are removed from her ovaries and fertilized in a laboratory. The fertilized embryos can then be tested for certain genetic characteristics, and the woman can select certain ones (or none at all) to be inserted into her womb (or that of a surrogate), while the remaining embryos are discarded, frozen, or used for research. In many cases in which a potential mother or father carries a certain genetic disease, the couple undertakes IVF and preimplantation genetic diagnosis to better ensure that their children will not also be carriers of this disease.

Both methods are controversial, partly because one involves abortion and the other involves the likely destruction of early stage human lives (the embryos that are not implanted), both of which are considered morally wrong by some people. Moreover, while these methods may help *avoid* having children with certain characteristics, they don't guarantee that a person *can* have a child without those characteristics; for example, a woman may be unable to conceive a child without an inheritable disease.

A more promising way to control a child's genetic characteristics than screening is through **genetic modification**. For many years now, we have had the technology to identify the portions of a person's **genome** (genetic code) that cause certain traits or conditions. A new technology called Clustered Regularly Interspaced Short Palindromic Repeats (CRISPR) emerged in the 2010s that allows scientists to modify parts of the genetic code much more easily and cheaply than ever before (Ledford, 2016; *Wired*, 2017). Much like the way that you can highlight a section of a page and either delete it or change it, we can do the same with portions of an individual person's genetic code. This holds enormous potential for curing diseases that are caused by problems in a person's genetic code.

There are two additional facets of genetic modification that need to be mentioned before we start unpacking the ethical issues. First, as we have indicated, genetic modification holds the potential not just to cure diseases and correct disabilities, but to alter a person's **phenotype** (the physical manifestations of the person's genome), such as height or eye color, and it can be used to try to greatly enhance certain characteristics like cognitive and physical capacities. None of this is currently possible, given our level of genetic knowledge, but the rapid pace at

which our knowledge and technology advances means it's quite conceivable that such things will be possibilities in the not-too-distant future.

Second, genetic modification can be applied to particular genes in a particular person without such changes being passed down to future generations, the same way that LASIK eye surgery or heart bypass surgery would correct a particular person's problems but wouldn't mean that the person's children have good eyesight or hearts. But it can also be applied to the germ line, either by modifying the genes in an egg, sperm, or an early stage embryo. The **germ line** contains the genetic material that is passed on to future offspring. This material is set aside early in an embryo's development, so any changes that are made to the DNA after that will not be passed on. However, if a change is made to an egg, sperm, or very early embryo, those changes will be passed on. In other words, modifying the genetic material in a **somatic cell**—which contains genetic information that is not inherited—affects only one person; modifying the genetic material in a germ line can affect many generations of people. Currently, the United Nations Education, Scientific and Cultural Organization, the Council of Europe's Convention on Human Rights and Biomedicine, the European Union directive on clinical trials, and more than 40 countries have opposed or prohibited germ line genetic modification (Center for Genetics and Society, 2015). The United Kingdom has permitted some researchers to conduct germ line editing on embryos, but they are not permitted to allow those embryos to develop past 14 days (Center for Genetics and Society, 2015).

Benefits and Harms of Genetic Screening and Modification

This section will first consider the consequences that would need to be taken into account, which would be directly relevant to the utilitarian approach but would also be relevant to deontological and virtue ethical perspectives (for instance, a deontologist may want to know if something would lead to a violation of people's rights, and a virtue ethicist may want to know if something would lead to a corruption of humanity or the erosion of important virtues).

Positive consequences of genetic screening and modification are not difficult to imagine, since they often motivate and drive the research and application of biotechnology. These include the potential to correct or eliminate a condition that would otherwise cause suffering and hardship for the bearer of the condition and for those who have to care for him or her, and the possibility that in time this condition may be greatly reduced or eliminated from society altogether. We need only to familiarize ourselves with the effects of various diseases and conditions (some of which readers may have experienced themselves or alongside loved ones) to recognize the great suffering many of them bring and the great good of reducing or avoiding such suffering.

Moreover, given the enormous costs associated with treatment and care for people affected by such conditions, correcting a condition could spare an individual or family thousands or even millions of dollars, and its reduction or elimination could mean millions or billions of dollars saved for society. As the cost and effectiveness of such treatments and procedures decreases (as it has with the development of CRISPR, for instance), the potential benefits may increasingly be regarded as outweighing the risks of harm.

Despite the potential benefits of genetic screening and modification, there are potential harms that must be considered as well. First, focusing on genetic modification, there remain

significant limits on our knowledge of human genetics. Manipulating the basic genetic code may actually introduce other unanticipated problems that are just as harmful, if not more harmful, than those we were trying to correct. These are known as **off-target effects** and include increased risk of cancer or other diseases (Darnovsky, 2014; Newman, 2000). Should we subject people to medical or scientific experiments that may leave them worse off than they were?

This is a primary reason for the general prohibition on germ line editing of individuals that are intended to be born. The germ line, we recall, contains the genetic material that will be passed on to future generations. If editing genes in somatic cells (whose genetic information will not be passed on) results in unforeseen negative consequences, only the person whose genetic code was edited will suffer those effects. We may judge this to be an acceptable risk, especially if the individual has given **informed consent** to the procedure knowing the possible harms that may result. However, if the germ line is edited, the negative consequences could be passed down to future generations, compounding the harm and causing suffering to those unable to consent to an experiment with such risks.

Moreover, there are potential *social* harms that would need to be considered as well. If, through genetic screening or modification, we pursue a program of trying to eliminate traits that are “undesirable” from our gene pool, some people worry that this would be a form of eugenics and could lead to increased marginalization of those who still have those conditions. **Eugenics**, which comes from a Greek term that means something like “well born” or “from a good stock,” was a program championed by many scientists, intellectuals, and policy makers in the early part of the 20th century that involved deliberately trying to eliminate certain “undesirable” characteristics from humanity’s gene pool, largely through programs of forced sterilization. This program was influenced by the findings of Darwinian evolutionary theory, according to which nature selects in favor of animals with increased fitness and against those with less fitness. The aim of eugenics was to accomplish the same thing through deliberate human action, rather than waiting for it to occur naturally, by preventing people with certain characteristics from reproducing, thereby ensuring that eventually only those with “beneficial” traits were left to continue the species (Goering, 2014).

This program came to a crashing halt in the 1940s when it was discovered that Nazi leader Adolf Hitler had been inspired to undertake a program of eugenics that went a step further than forced sterilization, actively killing those whom he deemed to be inferior. This included people with physical and mental disabilities, homosexuals, and those he regarded as being an inferior race, such as Jews and Gypsies. These revelations led many to seriously question any project that involves labeling certain classes of individuals as “inferior” or “undesirable” and deliberately attempting to eliminate them.



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Genetic modification of embryos holds the power to eliminate harmful diseases and conditions. However, we must be cautious in drawing the line between diseases and conditions, such as fatal heart defects, and traits that are simply “undesirable,” such as having crooked teeth or being nearsighted.

Similar concerns persist today among critics of genetic selection and engineering. For instance, many people are quite disturbed by the widespread abortion of Down syndrome fetuses mentioned earlier, especially if this trend implies that those with this condition have lives that are less valuable or that the world would be better if they are never born. In 2014 the famous geneticist Richard Dawkins (2014) was asked by a woman on Twitter what she should do if she became pregnant with “a kid with Down syndrome,” to which he responded by advising, “Abort it and try again. It would be immoral to bring it into the world if you have the choice.” He later added:

If your morality is based, as mine is, on a desire to increase the sum of happiness and reduce suffering, the decision to deliberately give birth to a Down’s baby, when you have the choice to abort it early in the pregnancy, might actually be immoral from the point of view of the child’s own welfare. (“Richard Dawkins Apologises,” 2014, para. 7)

Unsurprisingly, this sparked a strong backlash, especially from friends, relatives, and advocates of persons with disabilities who took Dawkins’s remarks to diminish and demean those with Down syndrome.

As we can see by the way he phrased his remarks, Dawkins was expressing utilitarian reasoning. This does not imply that all utilitarians would agree with his conclusions; some may maintain that the social harms of genetic selection or modification, at least when directed at certain conditions and characteristics, would outweigh the benefits (we will consider this perspective shortly). Moreover, those who support a view like Dawkins’s could argue that advocating reduction of genetic disease and suffering by screening for or trying to correct it is quite different than advocating the elimination of *persons* with such conditions who are already in society. By trying to avoid *producing* children with a disease, some argue, we aren’t harming those *already in existence*; we are merely preventing someone from coming into existence with such a condition. If one believes that an embryo or fetus is not yet a person, as many defenders of abortion rights maintain (see Chapter 6), then aborting or not implanting an embryo with a genetic disease would not necessarily involve harming a person with that disease (those who regard embryos as having a right to life, however, may disagree).

Nevertheless, we must remember that in the utilitarian view, we ought to aim to bring about a *world* with as much happiness and as little suffering as possible; as we discussed in Chapter 3, one objection to utilitarianism is that it undermines the notion that people have a special dignity that cannot be weighed and compared against the amount of happiness and suffering in the world. Those who raise the red flag of eugenics in connection with genetic selection and modification fear that *lives* will inevitably be judged as having more value or less value depending on the presence of certain diseases or conditions like Down syndrome, as when we say that it would have been better if a person with such a condition had never been born. If we take this to imply that a world without those lives would have less suffering and thus would be a better world, this may strike us as worryingly close to eugenics and a violation of the dignity that persons have, no matter their condition. It may also lead us to overlook the positive role that those with certain “diseases” and “disabilities”—and even those conditions themselves—play in society (Gorvett, 2012).

Again, appreciating these concerns does not necessarily lead to the conclusion that genetic screening and modification directed at certain diseases and conditions is wrong, nor that it

necessarily leads us to devalue the lives of those carrying such diseases; after all, treating nongenetic diseases and conditions doesn't imply that the world would be better off if people with cancer or pneumonia were not in it. However, just as there are restrictions on how far we may ethically go to try to treat or eliminate diseases by conventional methods, we may be led to defend certain restrictions on the use of genetic screening and modification in the name of other, higher values, such as human dignity or ensuring that those with conditions that cannot be treated are adequately cared for, respected, and valued. Such limits are often defended by advocates of deontological views, such as the principle that a person should never be regarded as a mere means, or virtue ethical views that maintain that the medical profession and society as a whole can only flourish when its most vulnerable and dependent members are adequately valued and cared for.

The implications of deontological and virtue ethical approaches on the moral uses and limits of genetic modification and other forms of biotechnology can perhaps be seen more clearly when we consider not just their uses in the treatment and elimination of disease and disability but their potential use in *enhancing* human lives beyond normal levels.

8.4 Biotechnology and Enhancement

Many people are familiar with the controversies surrounding athletes such as baseball players Barry Bonds and Alex Rodriguez, cyclists Lance Armstrong and Floyd Landis, sprinters Marion Jones and Ben Johnson, and the Russian Olympics teams. These are all notorious cases involving the use of performance-enhancing drugs (PEDs) in sports. Such cases result in tarnished reputations, the stripping of awards and achievements, bans, and sometimes the end of careers. Why do we take such a negative view of PEDs, and is it really unethical to use them to enhance athletic performance?

One important feature to notice about almost all forms of athletic doping is that they usually involve using drugs and treatments that were designed for therapeutic use. Steroids, testosterone, erythropoietin, and other drugs commonly used by athletes to gain a competitive edge were originally developed with the intention of treating people with certain diseases and deficiencies like muscle or blood disorders and allowing them to live more normally. But athletes have taken these same drugs to allow their bodies to perform feats of strength and endurance that would be extremely difficult, if not impossible, without those drugs. In other words, instead of being used for therapy, such drugs and treatments are used for athletic *enhancement*.

In a similar fashion, drugs that were developed for cognitive therapy (treating people with poor memories or attention-deficit disorder, for instance) are commonly used on college campuses, law offices, and other places where *enhanced* memory and concentration could be a significant advantage (Talbot, 2009). We can draw similar distinctions between therapy and enhancement with respect to medical techniques like plastic surgery, which may be used to help a severe burn victim or someone born with a cleft lip look more "normal" or may also be used to help a pop star change the shape of his nose or a business executive lose some wrinkles. And conceivably, parents who use biotechnology to select against having children with traits deemed undesirable like a genetic disease or condition could someday be able to select *in favor* of or genetically engineer children with traits deemed desirable, like a certain eye color or height or the genetic potential to be great athletes, great artists, or great intellectuals.

The term often used for children who would be the product of such selection and engineering is **designer babies**.

Thus far, genetic selection and modification are not normally used for nontherapeutic purposes such as enhancing athletic or cognitive ability, changing characteristics like height or hair color, and the like (the notable exception is sex selection, which is a legal procedure that involves selecting sperm that carry either the male or female chromosome and using that in the IVF process; this is discussed later). This is in large part due to the state of the technology: We don't yet have the knowledge or ability to accurately and reliably determine the genetic basis for most of the traits that may be the target of nontherapeutic uses, and we are even further away from being able to modify genes to change or enhance those traits. But many scientists believe that such knowledge and ability is a realistic possibility in the foreseeable future (Regalado, 2015).

In fact, some scientists, philosophers, and **futurists** (those who make predictions about future scientific and technological developments on the basis of their analysis of current trends) predict that we will soon be in a period of "transitional humanity" in which we will have the technology to alter ourselves to such a degree that we will have moved past what could meaningfully be called "humanity" and entered into a stage of **posthumanity**. In other words, the characteristics and capacities of a posthuman will "greatly exceed the maximum attainable by any current human being without recourse to new technological means" (Bostrom, 2008, p. 1). The movement of those who predict and advocate such advancements is sometimes called **transhumanism** or **posthumanism**.

For example, futurist Ray Kurzweil (2015), who is a successful inventor and author as well as director of engineering at Google ("Ray Kurzweil Biography," 2017), has predicted that advances in artificial intelligence will allow us to connect human brains to the Internet cloud so that we will be able "to send emails and photos directly to the brain and to back up our thoughts and memories" (Miles, 2015, para. 3). This will be a new type of evolution that enables us to be "more creative, more capable of expressing higher sentiments, like being loving" (Miles, 2015, para. 11). And all of this would be, according to Kurzweil, "moving in the direction of qualities that God is described as having without limit" (Miles, 2015, para. 11). The new technology will mean that "we are going to expand the brain's neocortex and become more godlike" (Miles, 2015, para. 12).

Others, like philosopher Nick Bostrom (2008), typically avoid such pseudoreligious language and instead base their description and defense of posthumanism on reasons like those discussed below.

Defenses of Biotechnological Design and Enhancement

We agree that living a long, healthy life; having cognitive capacities like memory, reasoning ability, and concentration; and the "capacity to enjoy life and to respond with appropriate affect to life situations and other people" (Bostrom, 2008, p. 2) are good things, which is why we generally think it is worthwhile to use biotechnology to correct deficiencies in these areas, that is, to improve people to the point that they are no longer deficient but "normal." And we already make efforts to *improve* them beyond what's "normal" in ways that don't involve biotechnology.

For instance, we may think it's good to eat healthy and exercise for the sake of a longer, healthier life; we heap praise on athletes who work tirelessly to bring their physical capacities to the highest levels possible. We might read, take classes, meditate, or memorize poetry or Bible verses to improve cognitive capacity, and we may read self-help books, go to a therapist, or go to church to become happier, more caring, and so on. We may do these things not because we think we're deficient in any of these areas, necessarily, but because we think that *more* life, health, athletic ability, cognitive capacity, and emotional capacity would be better than less. So if we think that it's good to use biotechnology to improve ourselves in the sense of correcting deficiencies and that it's good to make efforts to improve ourselves even beyond what's "normal," it follows, according to this argument, that it would be good to use biotechnology to improve ourselves in the way we already strive to do but far beyond what we could do without such technology.

Moreover, the argument continues, this would not only improve the lives of those who have such higher capacities, it would improve the world as a whole. Those who have higher cognitive abilities, for instance, could use them to improve the world in ways far beyond what we can currently imagine. Similar arguments are made about physical capacities as well, as those familiar with superhero stories might appreciate. Heroes like Superman and Wonder Woman elicit awe and admiration due to their superhuman capabilities, and one superhero, Captain America, even gained his capacities as a result of the application of biotechnology not unlike the kind that posthumanists predict we will have available in the near future. Part of the appeal of these stories is surely how such superhumans are able to fight injustice and promote peace beyond what standard, "real-world" law enforcement and military forces can accomplish. In short, there's certainly something attractive and appealing about the posthumanist ideal of using biotechnology to empower us to more fully carry out a drive that we already have: to become the best we can possibly be.

Turning away from posthumanism for a moment, similar arguments are made in defense of genetic selection and engineering of offspring, or "designer babies." Again, we start with the assumption that it would be good to produce offspring who are free from disease and disability if possible (noting the disagreement over the acceptable means of doing so). We also recognize that parents and societies strive in countless ways to improve their children's capacities, indeed that a basic aim of good parents is to nurture their child into becoming the best he or she can be. We also appreciate that parents will have a certain conception of who they want their child to be that orients their decisions about how to raise him or her or even their choice of partner.

If these are normal and praiseworthy aims of parenting, and if biotechnology can be used to fulfill those aims more fully and more reliably, then supporters argue that we should embrace and support the use of genetic selection and engineering of babies. Indeed, some would argue that insofar as parents and societies have a moral obligation to ensure the best lives for children, we may have a moral obligation to pursue genetic enhancement of children (Savulescu, 2005).

Problems With Biotechnological Design and Enhancement

We have discussed two nontherapeutic uses of biotechnology: exercising greater control over the characteristics of children and radically enhancing human capabilities. We should again

stress that at this point, we are not yet capable of most of these; they remain in the realm of prediction and possibility. Nevertheless, as stated at the outset of this chapter, one characteristic of the field of biomedical ethics is that scientific advances have often outpaced ethical assessment, so we would do well to reflect carefully on the ethical issues that would be involved if and when such possibilities become realities. Moreover, reflecting on future possibilities can help us uncover and clarify the values and principles that would be relevant to debates and current possibilities, much the same way that thought experiments like the trolley problem function in ethical reflection (see Chapter 3 for more on the trolley problem).

We have already discussed many of the ethical justifications for biotechnological design and enhancement, primarily the claim that these uses would allow us to fulfill to a greater degree aims that we already have, such as desiring children with certain characteristics; ensuring that our children become the best they can be; striving for longer, healthier lives; seeking greater physical, cognitive, and emotional capacities; and building a more peaceful and just society. Despite these defenses, there are several important objections that can be raised against such uses of biotechnology.

Enhanced Characteristics Versus Enhanced Lives

We will begin by raising a general concern with enhancement; namely, that enhancing various characteristics does not mean we are improving a person overall. First, to return to the superhero theme for a moment, we know that for every Superman, Wonder Woman, or Captain America who uses his or her superhuman abilities for good, there are others who use such abilities for evil. This recalls a point made by Immanuel Kant that was discussed in Chapter 4: We don't regard particular abilities and capacities *themselves* as good and worth bringing about, since any ability or capacity can be used for good or for evil. It's the goodness of the person's *will* that determines the goodness of that ability, and Kant argued that a good will is one that strives to use one's talents and capacities in ways that respect certain universal rights and fundamental duties. Utilitarians might disagree with Kant and other deontologists about fundamental rights and duties but agree that a person's abilities and capacities can be used in ways that reduce *overall* well-being, even if they happen to benefit certain individuals. And virtue ethicists can maintain that the goodness of any skill or capacity (like physical or cognitive ability), trait (like attractiveness or charisma), or circumstance (like length of life or social status), depends on whether it supports or undermines a well-lived life and a flourishing society as a whole. We shall develop these ideas further as we go along, but the basic point is that, according to these ethical theories, if we focus squarely on enhancing particular capacities and characteristics, we risk undermining deeper and more fundamental goods.

Before examining those goods, we may first notice that even though we may generally agree that enhancing certain abilities and characteristics is *often* better, this does not mean that it is *always* better, especially when such enhancements extend radically beyond the limits imposed by nature. To take an example, consider the difference between someone who would be considered "unhealthy" and someone who would be considered "healthy." This contrast was humorously presented in a *Saturday Night Live* sketch from 1990 that pitted Chris Farley and Patrick Swayze in a competition to become a Chippendales dancer (view the sketch in its entirety here: <http://www.nbc.com/saturday-night-live/video/chippendales/3506016?snl=1>).

The lean, muscular physique of Swayze was presented as the epitome of “healthy,” in contrast to Farley’s overweight body. If we take this to mean that “lean” and/or “muscular” is good, then we might be tempted to say that *more* lean or *more* muscular is better. Often this is the case, but is it always? Consider the following pairing.



Reproduced with permission of Gregg Valentino; Remy de la Mauviniere/AP Photo

Gregg Valentino (left) versus a runway model (right). They have both taken ideals of attractiveness to the extreme.



The man on the left (Gregg Valentino) took the notion that “more muscular” is “better” to a radical extreme (with the help of steroids) and, by his own reckoning, became “disgusting” (Aarnio & Bell, 2008). The woman on the right is a model who represents what may happen when the notion that “leaner” is “better” is extended to an extreme. If Patrick Swayze is healthy because he is muscular and lean in comparison to Chris Farley, it doesn’t mean that Valentino or the model are *more* healthy because they are *more* muscular or *more* lean; if anything, they are far *less* healthy.

People do strive to be healthy, and being healthy is good. Part of striving for health may involve gaining muscle or losing fat. But if we say that “gaining muscle” or “losing fat” is good because it makes one healthier, it would be a mistake to reason that *maximizing muscle* or *minimizing fat* makes one *maximally healthy* (that is, as healthy as one can be). Critics of posthumanism raise similar points about the kind of reasoning described earlier, according to which the fact that we work to correct cognitive or physical deficiencies with biotechnology, and the fact that we strive to improve cognition and physical capacities, means that we ought to be using biotechnology to *radically* improve cognition and physical capacities, even to posthuman levels. Gaining muscle and losing fat are aimed at a notion of “health” that isn’t *quantitative* but *holistic*. That is, it’s not a matter of adding up various components of health (muscle

mass, leanness, etc.) and concluding that the healthiest person is the one with the greatest degree of certain characteristics that make up a healthy body, like muscle mass and leanness. Rather, health is a matter of how those various characteristics fit together to compose a body in which everything is working in harmony the way that it should *as a whole*.

Similarly, while we all recognize the importance that memory, reasoning abilities, concentration, and other cognitive capacities hold in a flourishing life, and thus strive to improve them and correct deficiencies, this doesn't mean that enhancing these capacities as far as possible would necessarily make for a *more* flourishing life if the notion of a flourishing life is, like that of health, holistic rather than quantitative.

You may have noticed that by invoking notions of a flourishing life as a whole and contrasting that with reasoning that invokes the maximization of particular characteristics, we have taken up a form of ethical reasoning in line with Aristotelian virtue ethics. The holistic notions of a healthy body and a flourishing life refer to the telos of the human body or of a human life. In the case of the body, this is easier to see. A body that is *healthy* is one in which all the parts—the levels of muscle mass and fat content; the various organs like the heart, lungs, and liver; and so on—are where they should be and working in harmony. An *unhealthy* body is one in which one or more of these components is out of whack, so to speak: There is too much (or too little) fat, too little (or too much) muscle, or certain organs aren't working properly, causing dysfunction.

The Aristotelian would speak in similar terms about flourishing in a particular role or activity, like a sport, and flourishing in one's life as a whole. For instance, a flourishing life, in Aristotle's view, usually includes a healthy body (Aristotle, 1931). However, there would be much more included in the notion of a flourishing life. It would also include the quality of one's relationships; the well-being of one's community; and even whether one is living into the purposes prescribed by a higher standard of justice, God, or a similar ideal that reaches beyond human satisfaction and suffering.

PEDs in Sports

This same kind of reasoning might help us make sense of many people's condemnation of the use of PEDs in sports. Athletes who use such drugs may appeal to a form of defense familiar to us by now: We use drugs like steroids to correct physical deficiencies, showing that their use is not wrong *in itself*, and we praise athletes who strive to push their bodies to the highest levels of athletic performance. So why shouldn't the use of steroids and other PEDs be a legitimate means for the athlete to try to achieve that aim?

It wouldn't do to simply say that it's wrong because it's against the rules. For one thing, that means the problem is with *cheating*, not doping itself. It doesn't explain why doping *should* be against the rules or why the rules shouldn't be changed. Nor does it address the attitude that many athletes have, illustrated by a former professional cyclist and teammate of Lance Armstrong, Tyler Hamilton:

[Lance Armstrong] believed—still believes—that he wasn't cheating, because in his mind all the contenders in the race . . . were doing everything they could to win and, if they weren't, they were choads [an insult coined by Armstrong

that combines the words *chump* and *toad*] and didn't deserve to win. (Hamilton & Coyle, 2012, p. 95)

In other words, Armstrong held the attitude that the ultimate goal of cycling is winning, and that a cyclist who doesn't do *whatever it takes to win* (even bending the rules) is unworthy.

Moreover, many people's condemnation of doping cannot be captured adequately by the notion that PEDs are dangerous for the simple reason that most sports are *inherently* dangerous, and athletes are often willing to accept those dangers in pursuit of excellence. Hamilton also reports his former teammate Jonathan Vaughters as remarking, "If you want to feel what it's like to be a bike racer, strip down to your underwear, drive your car 40 mph, and leap out the window into a pile of jagged metal" (Hamilton & Coyle, 2012, p. 57).

When certain rules restrict what an athlete may or may not do to achieve success, or when certain risks are regarded as acceptable or not, these judgments are made in light of what we sometimes speak of as "the spirit of the sport"; in other words, a vision of the telos of baseball, football, cycling, and so on. So while taking steroids may allow a baseball player to hit more home runs and taking erythropoietin may allow a cyclist to climb an Alpine pass faster than ever, it doesn't necessarily make the athlete achieve greater *success*, when success is understood in light of the telos of the sport. This is why many would want to place an asterisk next to some players' names in the home run record books or strip PED users of the titles they won.

Control Versus Givenness

Turning back to the focus on using biotechnology for human enhancement, we can invoke this Aristotelian view to make sense of an important ethical question we raised earlier—whether there is a significant ethical distinction between *therapy* and *enhancement*. If we suppose that *therapy* simply means something like "raising the levels"—raising the levels of a person's cognitive abilities or physical capacities, enabling freedom from suffering, and the like—then it might be difficult to make sense of the distinction between therapy and enhancement, since both would involve the same aims. But if *therapy* is taken to mean something more like "restoring to wholeness," then we can make better sense of the idea that medical procedures performed on a person who is, say, lacking in certain cognitive capacities, has certain physical impairments, or has a disease that causes her to suffer would be good in the sense of bringing her closer to a state of human wholeness, understood in light of a conception of the telos of human life. A *further* increase in cognitive or physical capacities or avoidance of suffering *beyond* what is needed for human wholeness might actually be detrimental in that they bring a person *out* of that state of wholeness.

To put it another way, for the Aristotelian, happiness means one's life is going well as a whole, which is not a matter of maximizing some particular feature of it like intellectual ability, experiences of pleasure, or length of life; rather, we must consider our nature, function, or characteristic activity, which will often be complex and take into account a wide range of features and activities, how they relate to each other, and what it means for them to fit together into a well-lived life as a whole. With that in mind, why might we suppose that the pursuit of enhancement through biotechnology could undermine human flourishing rather than promote it? And to bring our discussion back to the issue of designer babies, why might we suppose that the effort to use biotechnology to give our children certain characteristics

and advantages could undermine our responsibilities toward future generations rather than fulfill them?

The philosopher Michael Sandel (2007) has argued that an excessive focus on enhancement or “perfection,” whether that means conquering disease, death, or other undesirable parts of life; trying to control our children’s characteristics; or striving to enhance ourselves as much as possible, risks undermining other essential features of a human life. In particular, he argues,

the main problem with enhancement and genetic engineering . . . is that they represent a kind of hyperagency, a Promethean aspiration to remake nature, including human nature, to serve our purposes and satisfy our desires. The problem is not the drift to mechanism but the drive to mastery. And what the drive to mastery misses, and may even destroy, is an appreciation of the gifted character of human powers and achievements. (Sandel, 2007, p. 27)

Sandel argues that our humanity, including a great many of the features and characteristics that we find good and admirable, is to a significant extent something *given as a gift*, rather than something we have made or created or over which we exercise control. While it’s true that we do—and ought to—strive to improve ourselves and the world, this always takes place within a world and a life into which we have been thrown, so to speak, and we cannot escape the fact that much of our life always has this character of givenness that we can never completely escape. Many of the uses of biotechnology that are the subject of controversy can be seen as attempts to wrest as much *control* as possible over ourselves and others, which would be the opposite of accepting something as given. If it’s true that much of our lives always remain out of our control, then the attempt to wrest too much control may be futile, but more importantly, we may fail to appreciate the *ethical implications* of appreciating the extent to which our lives and characteristics are given, rather than objects of control.

What are these ethical implications? Sandel (2007) identifies “three key features of our moral landscape” put at risk by the “genetic revolution”: “humility, responsibility, solidarity” (p. 86). Humility involves an “openness to the unbidden” (Sandel, 2007, p. 45) that “invites us to abide the unexpected, to live with dissonance, to reign in the impulse to control” and “restrains our tendency toward hubris” (Sandel, 2007, p. 86). Moreover, genetic enhancement leads to “the explosion . . . of responsibility” whereby “we attribute less to chance and more to choice. . . . The more we become masters of our genetic endowments, the greater the burden we bear for the talents we have and the way we perform” (Sandel, 2007, p. 87). For example, to return to the example of Down syndrome, Sandel (2007) remarks, “Once, giving birth to a child with Down syndrome was considered a matter of chance; today many parents of children with Down syndrome or other genetic disabilities feel judged or blamed” (p. 88), which we can see reflected in the remarks of Richard Dawkins quoted earlier.

One could add that with the explosion of responsibility may come a diminishing of virtues like unconditional love, acceptance, and encouraging a child’s own independence, autonomy, and self-determination. Sandel (2007) associates genetic design and engineering with the same cultural forces that give rise to a tendency toward “hyperparenting” (p. 52), in which parents seek to exercise greater control over what their children do and who they become rather than nurturing them into becoming independent persons with their *own* values, goals, and the like.

Author and activist Bill McKibben (2003) expresses this concern when he questions the effects that might follow from seeing our children as products to be manufactured or programmed in specific ways.

Perhaps the programming doesn't work very well, and your kid spells poorly, or turns moody, or can't hit the inside fastball. In the present world, you just tell yourself that's who he is. But in the coming world, he'll be, in essence, a defective product. Do you still accept him unconditionally? Why? If your new Jetta got thirty miles to the gallon instead of the forty it was designed to get, you'd take it back. You'd call it a lemon. If necessary, you'd sue. (McKibben, 2003, para. 30)

In other words, both authors are concerned about the ramifications of genetic engineering in a consumerist culture in which much of our world—including our children—are regarded as products to be designed, manipulated, and controlled to satisfy our own visions and desires. While all parents raise their children according to a certain vision of what a good life is and what values and goals are worthwhile, the appreciation of givenness limits the extent to which we can expect them to fulfill that vision. This opens up the space for unconditional love and acceptance when they don't, reinforcing the importance of nurturing a child's own independence and relieving parents of the enormous burdens that would follow from a heightened sense of responsibility for who the child is and will become. The drive toward greater mastery and control over children that many people observe in contemporary society may already be narrowing this space, and genetic design and enhancement would, according to critics like Sandel and McKibben, exacerbate this problem to a much greater degree and reinforce a perception of a child as yet another "product" within a consumerist world.

Finally, the appreciation of our lives and characteristics as gifts we have been given supports an attitude of solidarity with those who are less fortunate, for we gain a greater appreciation of the fact that our fortune, and others' misfortune, is not something for which we are wholly responsible. This grounds the sense that those with more have obligations toward those with less, if for no other reason than the recognition that their struggles *could have been mine*. The danger, Sandel (2007) argues, is that "genetic enhancement, if routinely practiced, would make it harder to foster the moral sentiments that social solidarity requires" (pp. 90–91).

In other words, when we recognize and appreciate the fact that humans essentially are, in the words of another philosopher, *dependent* rational animals (MacIntyre, 1999), we can make sense of many core ethical virtues and values like the responsibility to support and care for the poor, the weak, the ill, and the misfortunate; the need for limits on what we may do to advance our own interests or even to improve the world; the responsibility of parents to nurture their children rather than attempt to dominate or control them; and so on. If, as Sandel worries, certain uses of biotechnology—especially those aimed primarily at enhancement—are reflections of an excessive drive toward mastery and control of our lives and our fate, we risk undermining the sense of givenness and dependency and the virtues and values that follow on that.

Genetic Engineering and Social Inequality

Sandel's concern about the undermining of social solidarity is closely connected to a further concern; namely, that the use of biotechnology for enhancement could widen the gap between

those who benefit from that technology and those who are left behind (Fukuyama, 2009). After all, such technology is expensive, and it's often only the "elite" who can afford to benefit, especially when we are talking about enhancement, which may lead to widening social inequality. Even supporters of genetic engineering acknowledge this. For instance, geneticist Lee Silver (1997) says that "anyone who accepts the right of affluent parents to provide their children with an expensive private school education cannot use 'unfairness' as a reason for rejecting the use of reprogenetic technologies" (p. 9).

However, many would maintain that when we recognize that certain social conditions lead to greater inequality, we should seek ways to overcome them rather than promoting policies and conditions that would further increase inequality. If we believe that we have a fundamental obligation to respect the dignity of all persons, including those who would be left behind by the increased use of genetic enhancement, this may call for significant restraint on its use.

Moreover, McKibben (2003) and others worry about a "biological arms race" (para. 17) that could be set off by genetic engineering. As more people take advantage of it, and as the technology and associated possibilities advance, children who would once have been considered "above average" in areas such as intellectual or athletic ability or physical characteristics would now be regarded as "average" or "below average." Even children whose characteristics were enhanced through biotechnology would soon be outstripped by those enhanced through more advanced technologies.

We already see this in sports, for instance. Tyler Hamilton (Hamilton & Coyle, 2012) has observed how the introduction of erythropoietin in the early 1990s meant that "clean" cyclists, including the American three-time Tour de France winner Greg LeMond, could no longer compete for major wins. This radically increased the pressure on cyclists and their teams to find or develop more sophisticated ways of doping just to remain competitive.

We also see this in the world of technology in general, in which people must constantly upgrade in order to avoid being left behind. Those who regularly use computers know this all too well. A computer that is "cutting edge" one year will be excruciatingly slow, even obsolete, a few years later. And those who cannot—or choose not to—upgrade are placed at a significant disadvantage in many respects.

Critics of enhancement worry that something similar is likely to take place in society as a whole if genetic engineering were to become available. Those with the opportunities and financial means to have their children "upgraded" in ways that give them advantages in their society would be those who already were advantaged, which means that social inequalities would increase. Those without such opportunities or means—that is, those who are already disadvantaged—would be thrust even further down. McKibben (2003) remarks that "the vision of one's child as a nearly useless copy of Windows 95 should make parents fight like hell to make sure we never get started down this path" (para. 21).

Similar questions about the social consequences of giving parents control over their children's genetic characteristics could also be raised about the uses of biotechnology for genetic selection that are already available. There are currently companies that provide prospective parents the choice of whether to have a male or female baby by selecting sperm carrying an X (female) or Y (male) chromosome. Should we allow parents to exercise a preference for a male or female child? In the future, we may gain a better understanding of whether there is

a genetic basis to homosexuality. Some people regard homosexuality to be a disorder, while others object to this way of characterizing homosexuality. Should we permit those in the “disorder” camp to select against children who might be more likely to have same-sex attractions, if we come to have that capability? These and other forms of selection and engineering, some may worry, could reinforce the inequalities and stigmas often associated with being female, homosexual, having a certain skin or hair color, being short, and other such potentially selectable or modifiable characteristics.

Limiting the Uses of Biotechnology

Do these arguments entail that *all* uses of biotechnology to treat disease and improve the quality of people’s lives are wrong? Sandel and others who are skeptical of more radical uses of biotechnology would answer no to this question. After all, any time we go to the doctor, we are calling on her to use her training and skill to manipulate our bodies in ways that relive suffering or improve our physical condition. We wear ribbons and hold fund-raisers to support research into the elimination of diseases. We accept (albeit sometimes grudgingly) the fact that some people have access to better health care than others. If someone were to suggest that all illnesses, diseases, or handicaps must simply be accepted as what people have been “given,” in Sandel’s terms, we would regard that as not just nonsense, but downright cold and heartless. And many people take into consideration the characteristics their children would likely have when deciding whether to marry or have a child with someone.

Defenders of genetic selection and engineering point to such facts to support their contention that these uses of biotechnology are merely extensions of behaviors and choices that most people regard as normal, natural, and morally acceptable. And they worry that if we followed the logic of the critics, we would be left to conclude that the kinds of choices and behaviors mentioned in the previous paragraph would also be immoral, which seems outlandish (Kamm, 2005). This is a point worth taking seriously, since even if the kinds of considerations and arguments made by Sandel and others seem compelling in the abstract, when they are applied to particular, concrete cases in the process of dialectical reasoning (see Chapter 1), they may seem much less compelling, or at least would need to be revised or clarified.

How might the critics of genetic selection and engineering respond? One response would be to concede that there are no clear, black-and-white distinctions between what are and are not moral uses of biotechnology. Some, like using chemotherapy to treat cancer or penicillin to treat a bacterial infection, are clearly good. Others, like those that would involve genocide or the development of biological weapons, are clearly bad. But within that range there may be much ambiguity, and we have to look at each proposed use to consider whether it involves too much risk compared to the rewards; whether it violates human nature or dignity in some way or threatens to lead to greater social inequality and marginalization of those who are left behind; whether it alters human life to such an extent that it undermines rather than promotes human flourishing; whether it undermines and corrodes important values like humility and solidarity, values that are rooted in human dependency and mortality and put at risk by the drive toward mastery and control; and whether it tends too far toward a merely mechanistic view of the human body and the values of a human life.

Considerations like these have led most societies to recognize that there must be lines drawn and limits placed on acceptable uses, even if we cannot say with precision why those limits must be placed exactly where they are. For example, we can recognize that while parents naturally do have *some* control over the characteristics of their children through their choice of mate, the mother's choices and behavior during pregnancy, and how they raise their children, parents are well aware that there is still a very limited extent to which they can exercise control over what their children are like. This recognition leads to the need for virtues like the capacity to love children for who *they* are rather than whether they satisfy our image of what they should be, the capacity to respond with care to the unexpected, and the need to give children an appropriate degree of independence and freedom to form their own identities, even if that means allowing them to experience suffering that could be prevented if we exercised more control. Some argue that once we start overriding the natural limits of our control over a child's characteristics, within which such parental virtues are intelligible and strongly supported, those parental virtues are threatened. This has the potential to be enormously detrimental to children and to society, and thus (one could maintain) we should not cross the line into the territory of radical control or manipulation of a child's characteristics, even if we believe that it is for the child's own benefit.

Similar considerations applied to our social relationships might lead us to place limits on those uses of biotechnology that have the potential to drastically increase social inequality. While it's true that access to health care is unequally distributed, many people wouldn't consider the fact of such inequality to be a *justification* for it, much less to be a reason to promote programs that could expand it. As in the case of children, while we can and do strive to cure disease and improve people's lives, appreciating and respecting the significant limitations on our ability to do so reminds us that there are other values and goods that are just as important, if not more so, and on this basis we establish clear boundaries on what may be done in the name of medical advancement. For instance, there are notorious cases in which marginalized humans have been the subject of medical experiments aimed at increasing our knowledge and fighting disease, but which we now recognize as having involved a gross violation of their rights and dignity (Beauchamp & Faden, 1986). In response, we place strict limits on who can be the subject of medical experiments and the conditions under which such experiments can be conducted on a person or group of people.

For similar reasons, some argue that genetic selection, engineering, and enhancement, at least in certain forms, will introduce too much inequality and erode our concern for the weak and vulnerable to justify the gains. At the very least, the burden is on the champions of such technology to show that it *won't* lead to further inequality or violations of dignity before such programs should be undertaken, just as the burden is on medical experimenters to show that their experiments do not violate the dignity and autonomy of the subjects of those experiments.

Finally, while we do, of course, seek to improve ourselves and our condition, it's clearly the case that not all efforts to do so are good. Sometimes this is the case when such efforts involve doing things that are inherently wrong or violate the rights of others. Sometimes this is the case when we are so narrowly focused on a particular aspect of our lives and are so willing to do "whatever it takes" that we corrupt our lives as a whole. For instance, most of us aim to

have enough money to live comfortably and avoid too much worry, but when individuals are so fixated on acquiring wealth that they take advantage of others; destroy their relationships; neglect much more important features of a well-lived life; become cold, proud, and uncaring; and so on, we recognize that something has gone terribly wrong. In similar fashion, while improving health, avoiding suffering, enhancing our characteristics, and so forth can be good and worthwhile aims, when we are willing to go to almost any length to achieve such aims, such as radically altering our bodies or those of our children, we can corrupt our humanity rather than fulfill it.

The question thus has to be asked, for what purpose do we seek to acquire wealth, manipulate our bodies, alter our genetic code, and so forth? Are we overemphasizing some narrow sphere of human life at the expense of others? Are we mistakenly confusing what we desire for what is good? Are we pursuing certain aims merely because we *can*, rather than because we *ought*?

As mentioned earlier, if considerations like these lead us to think that lines should be drawn and respected regarding the proper use of biotechnology, this does not mean that it's always easy to see where they *should* be drawn. Determining this involves ongoing dialogue and conversation about the proper goals of medicine and biomedical technology, which itself must take place within a broader conversation about the goods of human life and of human society. As the reader was warned earlier, we have only scratched the surface of the current and future possibilities opened up by advances in genetics and the ethical questions that they raise, but I hope that at least we have come to a clearer sense of some of the most important questions and how to approach them. As we will now see, very similar kinds of questions and considerations need to be raised about the last issue this chapter will consider—namely, the prospect of babies being produced without the standard one male and one female genetic parent.

8.5 Biotechnology and Assisted Reproduction

Most animals and plants create offspring through **sexual reproduction** by combining genetic material from a single male with that from a single female to produce a new individual. In some living things, such as bacteria, the genetic information of the offspring is provided by a single parent during the process of **asexual reproduction**. Some plants and animals that normally reproduce sexually can, under certain conditions, reproduce asexually. And scientists can now produce in a laboratory living, healthy offspring of many animals, including dogs and cats, that are genetically identical to a single parent. An organism that is an exact genetic replica of a single parent is called a **clone**, and the natural or artificial process of producing a clone is called **cloning**.

Scientists are also able to produce offspring of animals that depart from standard sexual reproduction in other ways as well. For instance, they can produce offspring that have genetic information from more than two parents or that have only male or only female genetic parents. While no human babies have been born using these techniques (with one exception that we will discuss later), as with genetic engineering, these techniques have been used to produce offspring of other mammals, and many people believe and/or hope that they will be used in human reproduction in the future. And these techniques raise many of the same

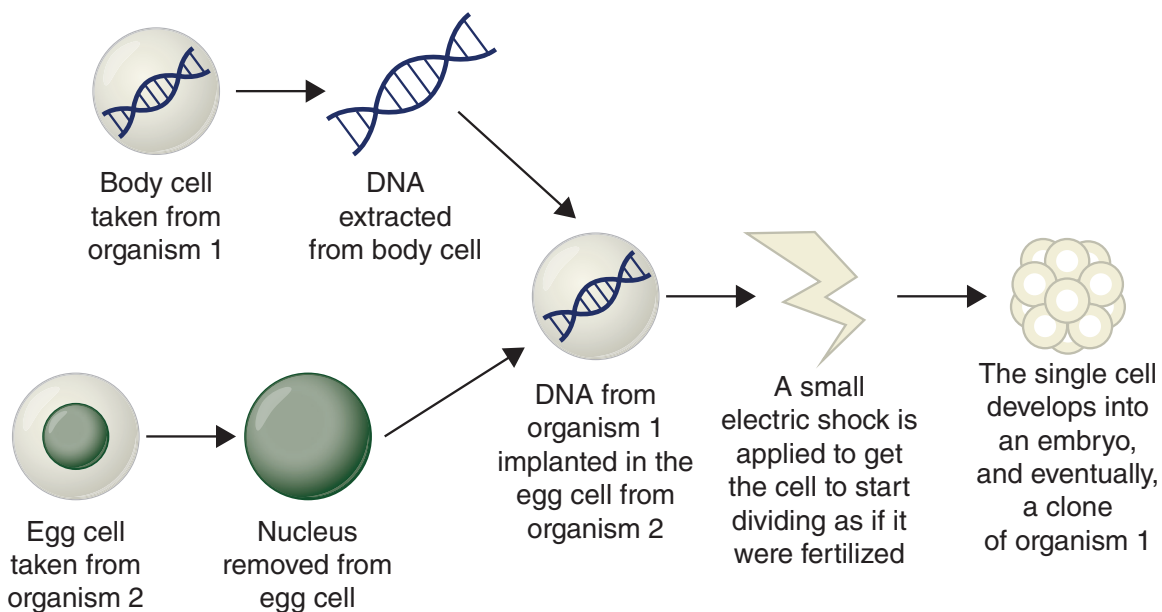
ethical issues, both in support and in opposition, raised by genetic selection and modification. We will raise but won't focus on those same ethical issues here, but will instead use this topic as a chance to explore three kinds of ethical considerations we have not yet examined; namely, the notion of a right to reproductive choice, the relevance of emotional responses to certain uses of biotechnology, and the question of whether a certain conception of nature should be morally relevant.

Cloning

Some forms of cloning are quite simple. For instance, any backyard gardener can produce a cloned organism: Just take a clipping from a basil plant, put it in some water until roots start to grow out of the stem, stick it in the dirt, and voilà, you've produced a clone. Cloning animals, especially more complex ones like mammals, is much more difficult and has only been accomplished relatively recently. The basic process, called **nuclear transfer**, has been around since the 1960s. The nucleus of a cell contains almost all of an organism's genetic information. In cloning, one takes a cell from the host (the one to be cloned) and removes the nucleus containing the genetic information. One then takes an egg cell from a donor and removes its nucleus. So now there is an egg cell without a nucleus, and into that cell goes the host nucleus with its genetic information. Then the egg is activated with a small electric shock so that it starts to divide in the way it normally would if it were fertilized, and if the process is successful, it develops into an embryo, grows into a fetus, and then is born alive.

Figure 8.1 The cloning process

This diagram offers a brief overview of the cloning process.



Adapted from *Cloning animals - Higher tier*. (n.d.). BBC. Retrieved from http://www.bbc.co.uk/schools/gcsebitesize/science/add_ocr_gateway/living_growing/cloningrev3.shtml

In the 1970s, when scientists were first able to obtain human egg cells for use in in vitro fertilization, we gained an important step along the process toward human cloning, and this led to much discussion and debate as well as literature and movies exploring that theme. In 1996 Dolly the sheep became the first successfully cloned mammal, and that event again brought the realistic prospect of human cloning to people's attention. Then-president Bill Clinton ordered that no federal funds should be allocated for the cloning of human beings; however, no laws were passed prohibiting human cloning (although he did call for a voluntary moratorium on private sector cloning efforts, which, as we will see, wasn't followed). Why was this?

The main reason was that scientists and other advocates had made the case that cloning could be very important to stem-cell research and therapy. Stem-cell research is another area of controversy within bioethics that we won't explore in depth here, but suffice it to say it holds great promise for the treatment and cure of many debilitating conditions. (It also involves the destruction of human embryos, which is its main source of controversy, given that some people hold that an embryo has a right to life, as we know from debates about abortion.)

Notwithstanding the controversies over stem-cell research itself, the argument was that if we could produce cloned human embryos from which stem cells could be extracted, we could make great strides in stem-cell research. What's more, the treatments that could be available from stem cells obtained from cloned embryos could be much more effective than those obtained from embryos produced by in vitro fertilization (the normal source of embryonic stem cells). The great potential that cloning offered for treating disease convinced some lawmakers that it should not be banned outright.

It also highlights a very important distinction within the issue of cloning itself; namely, the distinction between **therapeutic cloning** and **reproductive cloning**, which are distinguished in terms of the *purpose* of cloning. In therapeutic cloning, cloned embryos are produced for the purpose of extracting stem cells either for research into the treatment of diseases and other conditions or for the treatments themselves. This is different than reproductive cloning, which would be done for the purposes of producing a new living organism that can survive on its own and is the kind of cloning encountered most often in literature, movies, and popular discussions. As of 2013, scientists had succeeded in producing an embryo cloned from an adult somatic cell (e.g., a skin cell), from which stem cells can be extracted; in other words, the therapeutic form of cloning is well underway (Tachibana, 2013). Regarding reproductive cloning, while scientists can now routinely engage in reproductive cloning of mammals like sheep, dogs, and cats, no cloned primate (and thus no human) has made it to birth. Moreover, no organization is known to be pursuing human reproductive cloning.

When we turn to the ethical issues, we will focus primarily on those surrounding reproductive cloning, for three reasons. First, there may be ethical objections to cloning *in itself*, and these would become most evident when we focus on reproductive cloning. Second, if therapeutic cloning is objectionable in that it involves the destruction of a human embryo, the objections will likely be the same as objections to abortion, and so it would be best to refer the reader to Chapter 6. Third, and most primary, is the fact that most discussion and debate about cloning tends to focus on the reproductive dimensions.

In Vitro Gametogenesis

While cloning departs from standard sexual reproduction by forgoing the need for two genetic parents, a recently developed technology called in vitro gametogenesis (IVG) makes it possible to produce offspring that depart from standard sexual reproduction in other ways. This technique is a product of stem-cell research that has found ways to transform somatic cells (such as skin cells) into other kinds of cells, such as gametes (eggs and sperm). This opens up extraordinary possibilities for reproduction (Cohen, Daley, & Adashi, 2017; Lewin, 2017).

First, it would allow people who are otherwise infertile to have genetically related children. A couple may be infertile because the woman is unable to produce fertile eggs, the man is unable to produce fertile sperm, or both. Using IVG, an egg and/or sperm may be produced that would allow the couple to overcome infertility.

Second, IVG would allow same-sex couples to have a child genetically shared by each of them. Currently, if a same-sex couple want to have a child, they would either have to adopt a child genetically unrelated to either of them or use various procedures such as sperm or egg donation to produce a child related to one but not the other. With IVG, a skin cell from a woman could be transformed into a sperm cell, or a skin cell from a man could be transformed into an egg; this would be combined with the egg of the other woman or the sperm of the other man, producing a child with half of its genetic information from each parent.

Third, IVG could present another method of essentially cloning a child. Skin cells from a single person could become both sperm and egg, be fertilized in vitro, then implanted into a woman's womb, producing an offspring with all of its genetic information from a single genetic parent.

Fourth, IVG could theoretically allow for an indefinite number of genetic "parents." Imagine a group of four people that wanted a child genetically related to all of them equally. As one researcher puts it, "You could have two pairs who would each create an embryo, and then take an egg from one embryo and sperm from the other, and create a baby with four parents" (Lewin, 2017, para. 7). Doing this twice could create an embryo with eight parents, and such a procedure could theoretically be extended to include many more genetic parents of a single child. (Technically, one could say that they wouldn't be parents but grandparents, great-grandparents, and so on, but then we would have the extraordinary phenomenon of a child with "parents" who were just embryos.)

Thus far, IVG has only been successfully performed on mice; primates, especially humans, are far more complex, and there would need to be far more advancements before such a technique could be performed on humans. But as this chapter and the book have said repeatedly, examining the ethics of a possible use of biotechnology can prepare us to address the ethical issues if and when such possibilities become reality and can uncover important values and principles relevant to current ethical debates.

Reasons for Pursuing Reproductive Cloning and IVG

Reproductive cloning and the possibilities opened up by IVG may strike some people as strange, unnatural, or even repugnant, and in a moment we will consider the arguments of philosophers who think we should take these reactions seriously. However, it's important to consider the reasons in support of them.

First, some have argued that cloning and IVG could be beneficial to parents, children, and society as a whole in ways that mirror the benefits of genetic selection and engineering discussed earlier. For instance, philosopher Gregory Pence (2008) has suggested that unlike children arising from natural methods of procreation, “a child created through cloning would know that he was wanted by his parents” (p. 150), given the effort, expense, and deliberate choice involved. This point would presumably also apply to IVG. Moreover, assuming these processes could be made safe and effective (which is a big assumption, as will be discussed below), the child may be more likely to have positive genetic characteristics and less likely to suffer from negative conditions. For instance, to echo many of the arguments in favor of genetic selection and modification, if one parent carries a genetic condition that could be passed on to the child, a couple could create a clone of the other parent and thus avoid that risk while maintaining a biological link to at least one of the child's parents. So again, the arguments in favor of reproductive cloning are very similar to the arguments in favor of other methods of assisted reproduction like in vitro fertilization that, although not without controversy, are commonly practiced and widely accepted.

Second, some philosophers regard cloning and IVG as a fulfillment of the general right of reproductive freedom (Pence, 2008; Strong, 2005). In other words, we recognize that people have a right to decide whether to have a child, with whom to have one, and so forth, without the state or anyone else placing restrictions on this, unless that choice violates someone else's rights or would have significant social harms. If we're only thinking about “normal” cases, such as a heterosexual couple who is able to conceive and give birth to a child with few problems, we may take this right for granted. But if such a couple were to encounter problems, most people would agree that they have a right to seek fertility treatments from their doctor to overcome that problem. Indeed, many people have used in vitro fertilization or artificial insemination to overcome limitations on their ability to naturally conceive a child, and these procedures are widely (though not universally) supported on the basis of a right to have a biologically related child.

Now, imagine a heterosexual couple that desires to have a child that is biologically connected to both of them but is unable to do so, and existing methods like IVF or artificial insemination won't help. Or imagine a homosexual couple or a single person with the same desire. Do they also have the right to reproductive freedom? Does this right extend to having a child with a genetic connection to one or both of them? If so, cloning or IVG could mean that more people are able to exercise the right to have a child, to do so in a way that fulfills the desire for the child to be biologically connected to at least one of them, and seek the assistance of medical technology when conditions prevent them from doing so otherwise.

Third, focusing on cloning and IVG could allow us to replicate someone who has died, such as a loved one, or someone who had great talents and abilities. For instance, a story from NBC News (Sommerfeld, 2013) describes a woman named Katherine Gordon who lost her beloved daughter to a drunk driver and, by her account, “became obsessed with bringing a part of her daughter back in some way” (para. 6). People like her realize, of course, that cloning wouldn't

literally bring her daughter back; it would be more like creating a twin, but there would undoubtedly be a strong connection, at least in the mother's mind, between the clone and the original person. Moreover, we already have an industry in which people can create a clone of a lost pet, and despite the great cost, one scientist estimates that he produces "around 15 cloned puppies a month" (Cyranski, 2014, para. 16). And it's not just lost loved ones that we might be able to clone, but great athletes, scientists, world leaders, and so on. With respect to IVG, as one reporter notes, "some scientists even talk about what they call the 'Brad Pitt scenario' when someone retrieves a celebrity's skin cells from a hotel bed or bathtub" (Lewin, 2017, para. 6) and uses the technique to create a person genetically identical to him or her. Again, the fact that someone is a genetic replica of someone else does not guarantee that they will be just like that person; they may even turn out to be quite different (as is the case with some pairs of identical twins). Still, some people might think that there could be great value in producing someone genetically identical to someone else.

Repugnance

While some or all of these aims of reproductive cloning and IVG may strike us as good and worthwhile, others may find some of them to be deeply misguided. And even when the value of the *aims* can be appreciated, the *procedure* of cloning or IVG as a way of achieving those aims may strike many as being, as philosopher Leon Kass (1998) puts it, "repugnant." Taking what may be considered an Aristotelian approach, Kass (1998) holds that feelings like horror, revulsion, and repugnance can be an "emotional expression of deep wisdom, beyond reason's power fully to articulate it" (p. 6). If we recall from Chapter 5, in Aristotle's view, virtues are character traits or dispositions that enable us to flourish, given a certain conception of the telos or proper end of a particular area of human life or of human life as a whole. One of the ways that virtues affect our lives is not just by affecting our choices and behavior, but our emotions as well. With this background, Kass (1998) asks,

Is cloning a fulfillment of human begetting and belonging? Or is cloning rather, as I contend, their pollution and perversion? To pollution and perversion, the fitting response can only be horror and revulsion; and conversely, generalized horror and revulsion are prima facie evidence of foulness and violation. (p. 7)

In other words, reproductive cloning and IVG concern those areas of life involving procreation or "begetting" as well as the many things that follow from bringing new life into the world, such as family, social relationships, and other modes of "belonging." When we consider these aspects of human life; what their nature, meaning, and significance is; and what their good or telos involves, Kass (1998) maintains, we can recognize how cloning would be a "pollution and perversion" (p. 7) of that rather than its fulfillment. While sometimes our sense of the good and what perverts or pollutes that can be articulated in words and philosophical arguments, often we possess an understanding of it that is deeper than words can adequately express; instead, our emotional responses might indicate when something has gone wrong, perhaps deeply wrong. When we experience revulsion and horror at the news of another terrorist attack; a person violated or killed because of their race, gender, sexuality, or religion; video footage showing the abuse of animals on an industrial farm; or a politician or businessperson destroying lives for his or her personal gain, do we need to be able to provide a cogent, rational justification for those emotional responses before we can endorse those responses or consider the acts they respond to as "evidence of foulness and violation" (Kass, 1998, p. 7)?

An emotional response such as repugnance is not a sufficient justification for an ethical judgment. After all, emotional responses can be heavily influenced by culture (think of the revulsion a person might have about eating foods that another culture regards as delicacies); unwarranted prejudice (many White people were repulsed at the idea of interracial marriages or even the idea of sharing a water fountain with Black people until the latter part of the 20th century, and some continue to have such emotions today); or mere personal taste. Some philosophers have raised serious worries about the use of emotions like disgust and repugnance as justifications for certain policies and behaviors (Nussbaum, 2004a, 2004b). Kass (1998) agrees that “revulsion is not an argument” (p. 6), but he takes issue with those who would respond to such worries by discounting the role of emotional responses altogether. Many philosophers—not just Aristotelians—believe that this discounting of emotions is *itself* a form of prejudice toward very modern (and some might add Eurocentric, scientific, or masculine) conceptions of knowledge and rationality (Held, 1990). Nevertheless, almost all would agree that we cannot take our emotional responses, such as repugnance at the prospect of cloning or IVG, at face value, but we must examine them and consider whether they are supported by good reasons.

What would be the reasons to support feelings like repugnance or revulsion at the idea of cloning and/or IVG? We will highlight some utilitarian (outcome-based), deontological (duty-based), and teleological (virtue-based) reasons.

First, our knowledge of the effects of reproductive cloning and IVG of humans is virtually nonexistent. As noted above, even though these procedures have been successfully performed on many mammals, we have not yet cloned or performed IVG on a primate, much less a human, that has survived to birth. And of those other cloned mammals that have been born and survived, few have yet lived a life span considered normal for that species. Perhaps more disturbingly, for all of those mammals that have survived for a few years, there are countless more that suffered from serious birth defects (Manninen, 2017). We should thus expect that if we could ever successfully clone or use IVG to produce a human being who could survive past birth and grow and develop in the ways that have been characteristic of humans for millennia, this would be at the expense of countless failed experiments. Some utilitarians might reckon that the suffering endured by these failed experiments, given what we know of attempts to clone other mammals, is too great to justify the gains that might accrue from any eventual success in reproductive cloning or IVG.

Moreover, we would have to account for the social consequences of cloning and IVG. For instance, would a clone lack of a sense of individuality? This is hard to predict, but we may worry that if clones are made aware of the fact that they are clones, they may experience a sense of identity crisis that those conceived in ways that are more natural (involving the less predictable combination of multiple genomes) experience. Further social consequences might be similar to those raised in the previous discussion of genetic engineering. Cloning and IVG are undoubtedly radical departures from the ways that humans have always come into being and their characteristics determined, and particularly a radical increase in the degree of control that we have over that. So it is little surprise that both philosophical critics and popular culture have envisioned equally radical social consequences arising from such practices. These include concerns about eugenics in which those with “better genes” are favored over those with ones that are “less fit”; the erosion of certain virtues and values, like unconditional love and acceptance or encouraging a child’s own independence, autonomy, and self-determination, that are closely tied to a recognition and acceptance of the limits to

our ability to control reproduction; and a tendency, prevalent in modern consumerist societies, to regard our own lives and the lives of others as *products* rather than as having inherent dignity and value.

Natural Law

While considerations of the negative consequences of cloning may lead some to be wary of it, from a utilitarian perspective, those potential negative consequences would have to be weighed against the potential positive consequences to determine whether reproductive cloning and IVG are, all things considered, moral or immoral. But in a deontological approach, if cloning or IVG involves doing something that is inherently wrong, no amount of positive consequences could justify it.

This book has devoted much time to discussing deontological approaches that derive from the thought of Immanuel Kant, but one other form of deontological ethics that was briefly discussed in Chapter 4 and has particular application to these issues is the natural law approach. This is the view that our moral responsibilities are determined by the natural order such that any action that is a direct violation of the natural order is inherently wrong. Chapter 4 noted that it is often quite difficult to determine whether there really is such a thing as the “natural order” or what that might be (especially when we leave aside religious views invoking God’s purposes and so forth). However, if there is such a thing as the natural order and actions that would violate it, surely cloning and IVG would be among the strongest candidates. As we have said, when we consider how procreation occurs naturally, all but the simplest forms of animal life procreate sexually—that is, by combining the genetic information from a single female and a single male; and there are certainly no incidences of natural clones within the human species nor any instances of natural offspring with only male, only female, or more than two genetic parents. So one could make the case that if anything is unnatural, cloning and IVG are, and thus they are inherently immoral from the natural law point of view.

Someone may respond by observing that identical twins contain identical genetic information, and of course twins are quite natural. But this is not quite the same thing as saying that cloning can be natural, since twins are not clones. A clone, remember, contains the genetic information of a single genetic parent. In the case of identical twins, there is an original being with the genetic information from *two* parents, and when twinning occurs, that being is split into two or more separate individuals, each containing the genetic information from the two parents. So it’s not the case that there is a single host that provides all the genetic information for the child; rather the hosts are two parents, and the one child becomes two (or more) children.

Interestingly, invoking a sense of what is natural to support a certain ethical judgment may also underline some of the arguments in favor of cloning and IVG, particularly those that defend the right to have a child who is biologically connected to a person. One can appreciate a very natural desire of individuals and couples to have a child who is biologically related and recognize that many individuals and couples are unable to fulfill this desire through the natural means of sexual procreation for a variety of reasons. This does not mean they cannot have a child at all; after all, they could adopt a child. Why, then, should we consider the possibility of the biological connection so important that it would justify the use of extraordinary measures like cloning or IVG?

One reason might be that a genetic link between parent and child is such a fundamental aspect of human nature that it has special moral significance; indeed, some advocates of reproductive cloning point to this factor when defending it despite the availability of adoption (Pence, 2008). If the genetic link is morally significant because it is a *natural* dimension of the parent–child relationship, then, to be consistent in our reasoning, we may have to concede that *other* natural dimensions of the parent–child relationship are also morally significant, such as the child’s being conceived from two parents, a male and a female.

From the point of view of natural law theory, defenders of cloning and IVG might be accused of trying to have it both ways. They are drawing on a notion of what is natural to defend the right of individuals and couples to have a child who is genetically linked to themselves (as opposed to adopting). But from the point of view of what is natural, this genetic link is the result not of cloning a single genetic code but of combining the genetic code of a male and a female. So it is hard to see how supporters of cloning and IVG can appeal to the moral significance of the natural genetic link without also granting the moral significance of the natural male–female combination. In other words, if what is natural has no bearing on what is morally significant, then the natural genetic link between parent and child can’t be appealed to as support for human cloning and IVG. But if what is natural *is* morally significant, then other aspects of what is natural should be considered relevant, in which case it is more difficult to see how a radically unnatural process like cloning and IVG could be regarded as being in accordance with that.

Conclusion & Summary

The 1997 film *Gattaca* is about a world in which genetic engineering and cloning have become routine. An early scene depicts prospective parents discussing their options with a geneticist:

Geneticist: You have specified hazel eyes, dark hair, and fair skin. I’ve taken the liberty of eradicating any potentially prejudicial conditions. Premature baldness, myopia . . . alcoholism and addictive susceptibility . . . propensity for violence, obesity, etc.

Marie Freeman: We didn’t want. . . Diseases, yes, but—[looks at Antonio]

Antonio Freeman: We were just wondering if it’s good to leave a few things to chance?

Geneticist: We want to give your child the best possible start. Believe me, we have enough imperfection built in already. Your child doesn’t need any more additional burdens. Keep in mind, this child is still you. Simply the best of you. You could conceive naturally a thousand times and never get such a result. (DeVito & Niccol, 1998)

The film presents this world as one in which the seemingly good intentions represented here give rise to a horrific dystopia. From classic novels like Aldous Huxley’s *A Brave New World* and Mary Shelley’s *Frankenstein*, to modern films like *Gattaca* and *Blade Runner*, writers and filmmakers have warned about the dangers of becoming overzealous about the possibilities that biotechnological developments open up. On the other hand, there may also

be a tendency toward irrational fear of the unknown represented in some of these works. Either way, they reveal the need for clear philosophical thinking and ethical reasoning about the issues raised.

Whether we are talking of cloning, genetic selection and modification, human enhancement and engineering, or any of the many other possibilities opened up by advances in biotechnology to treat diseases, change the way humans are brought into the world, and alter the human condition and other aspects of our world, there is tremendous potential to improve the human condition and better fulfill our aims. However, these technologies also carry the potential for risk—the risk of harm that could outweigh the benefits; the risk of undermining certain deep and fundamental values, principles, and other ethical ideals; and the risk of corrupting our lives rather than improving them. In the opening of the section on bioethics, we took note of Hans Jonas’s observations that the kind of powers that advances in science have given us over the past century, especially in the latter part of the 20th century and into the 21st, put us into a predicament in which we are having to wrestle with ethical questions hardly envisioned, much less carefully considered, by earlier generations. In this predicament, there will be those who zealously champion scientific progress with few, if any restraints; and there will also be those who fear and oppose almost anything that seems to threaten standards, values, beliefs, and modes of life. If either of these is to be defended as having the greatest ethical support, or if it is rather a position within the wide expanse between these extremes, all of us have a stake in how these questions are approached and answered, and we will continually need to think about what those questions are, what ethical values and standards ought to govern our reflections and choices, and indeed what it means to live a good human life.

Key Terms

asexual reproduction A form of reproduction in which the genetic information of the offspring is provided by a single parent.

bioethics The study of the ethical issues that arise in the contexts of medicine and the biological sciences.

clone An organism that is an exact genetic replica of a single parent.

cloning The process by which clones are produced.

designer babies A term for children produced through the use of genetic selection or engineering.

enhancement Medical treatment intended to bring a person from a state of normal functioning to a state in which he or she is functioning significantly above normal levels.

eugenics A program that involves deliberately trying to eliminate certain undesirable characteristics from humanity’s gene pool.

futurists Those who make predictions about future scientific and technological developments on the basis of their analysis of current trends.

genetic modification A process of altering a being’s genetic code.

genetics The study of the way that genes function in the possession of various conditions and traits.

genome A person's genetic code.

germ line The genetic material that is passed from parent to offspring.

informed consent The free, uncoerced agreement of someone with sufficient understanding of the goals and risks to participate in a medical treatment or scientific experiment.

in vitro fertilization (IVF) The procedure by which an egg is fertilized by a sperm in a laboratory before being implanted into a womb.

medical ethics The subset of bioethics concerned with ethical questions that arise within the context of medical practice.

nuclear transfer A process by which the nucleus is removed from an egg cell and replaced with the nucleus from a donor cell. The egg is then activated so that it will grow into an exact genetic replica (clone) of the donor.

off-target effects Unintended effects of genetic manipulation.

phenotype The physical manifestations of a person's genome.

posthumanism The movement that predicts and advocates biotechnology that will enable people to develop beyond levels that are recognizably human.

posthumanity Having characteristics and capacities that radically exceed those that humans can attain, given the current levels of technology.

preimplantation genetic diagnosis A process by which embryos are created in a laboratory using IVF and tested for certain genetic characteristics, allowing individuals to select which (if any) will be implanted into a womb and carried to term.

reproductive cloning Cloning for the purposes of producing a new, independent being.

screening A process by which only embryos with certain genetic characteristics are selected to be carried to term.

sexual reproduction The method of reproduction in which a child receives half of his or her genetic information from a single male parent and half from a single female parent.

somatic cell A cell containing genetic material that is not passed on to offspring, as opposed to gametes (sperm and egg cells). After about 4 weeks of embryonic development, all bodily cells other than gametes are somatic cells, and thus any genetic modifications made to them will not be passed on.

therapeutic cloning Cloning for the purpose of extracting stem cells either for research into the treatment of diseases and other conditions or for the treatments themselves.

therapy Medical treatment intended to bring a person from a state of dysfunction to a state of normal functioning.

transhumanism The movement that predicts and advocates transitioning into a period of posthumanity.

Additional Resources

- Bioethics Research Library at Georgetown University (<https://bioethics.georgetown.edu>). The library tracks and archives important developments and news articles on bioethical issues.
- Center for Genetics and Society (<https://www.geneticsandsociety.org>). This nonprofit organization studies and advocates the responsible use of new genetic and reproductive technologies.
- Council for Responsible Genetics (<http://www.councilforresponsiblegenetics.org>). The council fosters public debate about the numerous implications of genetic technologies in all aspects of life.
- Hastings Center (<http://www.thehastingscenter.org>). The Hastings Center is an independent, nonpartisan bioethics research institute. Its website has many good resources on all of the major issues, including a “Bioethics Briefing Book” that provides concise summaries of the major issues in bioethics.
- Humanity + (<http://humanityplus.org>). This organization researches and advocates the ethical use of technology for expanding human capacities.
- President’s Council on Bioethics (<https://bioethicsarchive.georgetown.edu/pcbe/index.html>). This group of physicians, ethicists, scientists, and policy makers advises the president on bioethical issues.

Primary Sources

The following articles discussing the ethics of biotechnology are available through the Ashford University Library (<http://library.ashford.edu/index.aspx>) or through the link in the citation.

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9

Animals and Eating



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Learning Objectives

After reading this chapter, you should be able to:

- Explain the ethical significance of our eating choices, especially as they pertain to eating animal products.
- Describe some of the common forms of animal agriculture in today's society and assess their ethical features.
- Explain the notion of speciesism and how it plays a role in moral arguments regarding the treatment of animals.
- Apply utilitarianism to the treatment of animals and explain the different conclusions utilitarian reasoning may draw.
- Apply deontology to the treatment of animals and explain the way some deontological philosophers defend the notion of animal rights.
- Apply virtue ethics or teleological reasoning to the treatment of animals and explain some of the central values and aims of agrarianism.
- Discuss what utilitarianism, deontology, and virtue ethics forms of ethical reasoning might conclude about consumers' obligations with respect to food choices.

9.1 Introduction

Eating is one of the most common and familiar activities that people engage in. We usually eat several times a day, and oftentimes eating can be boring and mundane or seem like a chore. Accordingly, we often give very little thought to what we eat, choosing our meals on the basis of what would best satisfy our hunger, what would taste good, what is most affordable, what is most convenient, or some combination of such factors. It may seem that the activity of shopping for food at the supermarket or ordering a meal at a restaurant has very little to do with ethics.

This is an assumption that we will challenge in this chapter, suggesting instead that eating has profound ethical importance. First, eating itself can be a deeply significant human activity. Many important occasions in our lives revolve around eating, such as wedding feasts, birthday parties, Christmas or Thanksgiving dinners, special dates, or dinner parties and barbecues with friends. Almost all religions have important practices and observances that involve some central relation to eating, such as the Christian Eucharist and the Jewish Passover, and many others involve abstaining from certain foods, such as periods of fasting or dietary restriction. At a personal level, we may eat in certain ways to feel a sense of comfort during stressful times. We recognize that the way we eat has a strong impact on our health and our performance in various activities, and it can connect us to our own labor and communities, whether we're farmers, backyard gardeners, or regular customers at the local diner.

To take this a bit deeper, we can observe that *when* we eat can have profound meaning, as is the case with special feasts and celebrations and periods of fasting. *With whom* we eat is also deeply significant, given the ways it can deepen friendships and romances; forge business relationships; and solidify bonds among members of a social group, religious community, team, squadron, and the like. And *what* we eat must also be included as an important aspect of the significance of eating. The choice of food can be an important aspect of the ritual or occasion, such as wine and bread at the Eucharist, lamb on Passover, turkey on Thanksgiving, or cake at a wedding. It can signal devotion to a culture, religion, or lifestyle choice, such as a Jew's or Muslim's avoidance of pork, an athlete's adherence to the strict regimen prescribed by her coach, or following a doctor's advice to eat more of certain things and less of others in order to promote health. What we eat can also reflect our ethical beliefs and commitments, as in the choice to eat locally sourced foods, the choice to avoid genetically modified foods, or the choice of whether to eat meat and other foods that come from animals.

Before we expand on this last point, it is important to emphasize that by highlighting the profound significance that eating has in various aspects of human life, we have good reason to think that when, with whom, and what we eat *matters deeply* when it comes to the central ethical question of how one should live. In other words, these are important matters for ethics and, by extension, for philosophy.

A full discussion of the ethics of eating might consider questions of when and with whom we eat, but this chapter will focus on the question of *what* we should and should not eat. Given the importance that our choice of what to eat has had for human life culturally, religiously, and individually, it would be a mistake to regard the choice of what to eat as *merely* a matter of individual preference, at least not without seriously considering the reasons to think that it is much more than that. In particular, many of the ways cultures, religions, and ethical views restrict and regulate what we ought to eat refer to other *animals*.

As noted above, some cultural and religious traditions involve consuming certain animals, such as turkeys on Thanksgiving or lamb on Passover. Others involve not eating certain

animals. For instance, Jews and Muslims abstain from pork; many Hindus abstain from beef; and most modern Americans abstain from eating dogs, cats, and horses or consuming animal blood. So again, the idea that we *ought not* kill or eat certain animals is not unusual or new; rather, this is an idea that has been a part of most people’s lives throughout history and across many different cultures. Many people today continue to adhere to this idea that we ought not kill and eat certain animals or consume certain animal products. Some do so because they are part of certain religions and cultures, but many draw on independent, universal moral principles, values, and beliefs in the same way that people support racial or gender equality for reasons independent of cultural or religious tradition.

Many people agree on such grounds that we should not treat *any* animal with cruelty, abuse, or exploitation and should avoid consuming animal products produced in these ways, but they maintain that it is not immoral to consume meat and other animal products produced from humane farming methods. Let’s call such a view **ethical omnivorism**. Other people believe that we should not eat any food produced from the death of an animal (though they may consume other animal products like dairy and eggs), a position we shall call **vegetarianism**. Still others argue that we should not consume *any* food or other products that come from animals, which we shall call **veganism**. (There are many positions that make more specific discriminations when it comes to which animal products they might consume, which you can see in Table 9.1. Moreover, some people are vegetarians, vegans, and so on simply for reasons of health or taste, and others consider their choice to be merely personal, but we shall focus on claims that these eating choices reflect general moral responsibilities that all or most people have.)

Table 9.1: Different kinds of ethically based diets

Unrestricted omnivorism	A diet in which one consumes a range of meats and other foods without any ethical restrictions.
Vegetarianism	An ethical position and lifestyle in which one does not eat any food produced from the death of an animal but will eat animal products that do not result from an animal’s death.
Veganism	An ethical position and lifestyle in which one abstains from all animal products.
Ethical omnivore/ flexitarian	A diet that includes meat and other animal products but limits them in various ways for ethical reasons.
Lacto vegetarian	A diet in which the only animal products consumed are dairy, such as cheese, milk, and yogurt.
Ovo vegetarian	A diet in which the only animal products consumed are egg products. Many ovo vegetarians raise their own hens or obtain eggs from local sources to ensure quality living conditions for the hens.
Pescetarian	A diet that includes fish but not land-based meat. This is often based on a belief that the fish have not suffered in the ways that land-based animals typically do.
Polloitarian	A diet that includes poultry and fowl but not any other meats. When combined with pescetarianism, this may be based on the view that only mammals have the characteristics that would make killing them wrong.
Non-cerebritarian*	A diet in which the only animal products consumed are from animals without a brain, such as shellfish.

*This term was coined by the author, so it is not one that readers are likely to encounter in other contexts.

The stance of the ethical omnivore, vegetarian, and vegan would challenge the vast majority of eating choices that most people make. Thus, it is important to consider whether we have an ethical responsibility to make certain choices about the way we raise and consume animals, which begins with the question of whether nonhuman animals deserve moral consideration, and if so, why. Do they have experiences that we should take into account, rights that we should respect, or modes of well-being and flourishing that we should seek to nurture? Should we treat them as individuals with their own interests, personalities, cares, and concerns or as resources to be used at our disposal? Are there inconsistencies between the way we regard our pets and the way we regard farm animals that are important to consider? As Michael Pollan (2002) remarks, “Half the dogs in America will receive Christmas presents this year, yet few of us pause to consider the miserable life of the pig—an animal easily as intelligent as a dog—that becomes the Christmas ham” (p. 2). Philosophers who work on animal ethics often seek to reconcile such apparent inconsistencies either by showing why some differences in treatment can be morally justified or how they reveal serious ethical problems.

Before we can address these questions, though, we must establish a context for them by briefly considering the ways that our understanding of, relation to, and treatment of animals has varied profoundly throughout human social, cultural, and intellectual history.

A Short History of Human–Animal Relations

Animals have played an integral role in human life since before the dawn of recorded history. However, their roles have changed dramatically, along with our attitudes toward them and the way they are treated. We can highlight four significant stages in human–animal relations to give us a clearer sense of where we are today and what we may have gained or lost along the way.

The earliest humans were hunter-gatherers, which means they survived by hunting animals and gathering other foods like fruits and vegetables. This was not only difficult, it could be quite dangerous. If humans did not understand and respect the animals on which they depended, they could die of starvation or be killed or hurt by the animals they were hunting. Anthropological evidence suggests that early humans did, in fact, have deep respect for the animals they hunted, attributing to them souls, spirits, personalities, and other “human” characteristics (Armstrong & Botzler, 2008). We can still see some of this reflected in modern hunter-gatherer societies, such as some indigenous American, Australian, and African cultures.

Around 12,000 years ago, humans began to settle down and transition from hunter-gatherer societies to agricultural ones. Along with this transition came the domestication of the animals that would develop into modern-day pigs, cows, sheep, horses, and chickens (“The Development of Agriculture,” 2017). This provided much more security, both in terms of the availability of the animals for food and of freedom from danger. However, respect for the animals themselves remained vital. Farmers had to have intimate understanding of an animal’s natural mode of life and care for its well-being if the animal was to survive, flourish, and help sustain the community.

Moreover, until the past few centuries, the vast majority of people lived in close proximity to the animals that provided food, clothing, and other goods on which they depended

(Armstrong & Botzler, 2008). They would have been aware that the meat they were eating may have come from the cow or pig they saw wandering in the fields a few weeks ago or that the wool coat that was protecting them from winter's icy grip came from the flock of sheep in the barn down the lane.

The late 18th and 19th centuries witnessed a profound change in the way humans related to animals in many parts of the world in at least three respects. First, people began to migrate from rural agricultural towns and villages to large urban areas, detaching themselves from their food sources. Second, some domesticated animals, like dogs and cats, came to be regarded on a much wider scale as pets—animals whose primary role is that of companionship—as distinguished from other domesticated animals like cows, pigs, and sheep, whose primary role is the provision of food, clothing, and other goods and services. (Indeed, the primary role of dogs and cats had been for work—dogs were primarily used for hunting, guarding flocks, and so on, and cats were primarily kept to kill vermin that would otherwise eat the crops and grains).

Third, the Industrial Revolution profoundly changed the ways that goods were produced, emphasizing efficiency, mass production, and mechanization, and these techniques found their way into the raising and slaughtering of animals. Animals came to be seen less as independent living beings that needed to be nurtured and cared for in terms of their own natural modes and more along the lines of raw material or machines. In other words, think about the difference between a human and a hammer. A hammer exists solely to serve our needs, whereas another human has his or her own ends, purposes, and goods that need to be respected. We noted that hunter-gatherer and agricultural societies had to regard animals more along the lines of humans, but the Industrial Revolution began a shift toward regarding animals more like the way we think about hammers—mere things or instruments whose sole value and purpose is to meet our needs, and which thus can be manipulated and used in whatever way best fulfills that purpose.

The fourth major shift in human-animal relations began in the late 1940s, following World War II, with the technologies, governmental policies, and farming practices that gave rise to the **concentrated animal feeding operation (CAFO)**, sometimes called a “factory farm.” As Pollan (2006) recounts, ammonium and nitrogen had been produced in large quantities for military operations during World War II. When the war ended, the United States had a massive supply of these chemicals and the factories designed to produce them, but after the war there was no use for such chemicals. As it turns out, nitrogen and ammonium are great fertilizers for corn and soybean (even though they are harmful to the environment in other ways, as we later learned), and using them on those crops led to massive surpluses. Farmers learned that by feeding corn and soybeans to cows, they grew fatter much more quickly than by letting them graze on grass their whole lives (even though they are naturally adapted to eat grass rather than corn and soybeans). Governmental subsidies on corn and soybeans introduced in the 1970s encouraged farmers to focus on these crops; the later development of genetically modified varieties of these crops allowed them to be grown in even higher quantities, which is why such crops are so prevalent in the Midwest. This, in turn, further fueled the CAFO.

Understanding the realities of a CAFO—on which 99% of animals destined for human consumption are raised—and what that means for the animals that live on them, as well as the broader environmental and human health implications, is crucial to any honest assessment of the ethical questions surrounding our eating choices. The details can be quite disturbing

to many people, and their impact is often felt much more vividly by watching one of the many undercover videos depicting the conditions that are readily available on the Internet (such as this one: <https://youtu.be/32IDVdgmzKA>).

We can only mention a few of the details that we know from sources such as trade magazines and papers, court cases, reports from workers, and undercover investigations. According to the Humane Society of the United States (n.d.), the 9 billion broiler chickens slaughtered each year are packed into grower houses by the tens of thousands and are bred to have breasts so disproportionately large that they have trouble standing up. Egg-laying hens often spend their entire lives in “battery cages” so small that they are “given less space than the area of a letter-sized sheet of paper in which to eat, sleep, lay eggs, and defecate” (p. 2). Not only can they not engage in natural behavior like “dustbathing, foraging, or nesting,” they “can’t even spread their wings” (p. 2) and must have their beaks snipped with a hot knife to prevent them from cannibalizing one another.

Pigs, which are among the most intelligent and social animals on the planet, are also typically raised crowded together with thousands of others, never seeing the sun or breathing anything but fetid air until they are taken to slaughter.

Female pigs are customarily put through consecutive cycles of impregnation, giving birth, and nursing, all while intensively confined. During their four-month pregnancies, approximately 80% of sows are kept in stalls—individual metal “gestation crates” that are 0.6 m (2 ft) wide and 2.1 m (7 ft) long—so small, the animals are unable to turn around. (Humane Society of the United States, n.d., p. 2)

Michael Pollan (2002) reports that piglets are

weaned from their mothers 10 days after birth (compared with 13 weeks in nature) because they gain weight faster on their hormone- and antibiotic-fortified feed. This premature weaning leaves the pigs with a lifelong craving to suck and chew, a desire they gratify in confinement by biting the tail of the animal in front of them. A normal pig would fight off his molester, but a demoralized pig has stopped caring. (p. 16)



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This picture shows the conditions in which many breeding pigs are kept. The cages are so small that they are unable to turn around.

To deal with this problem, their tails are snipped off with no anesthetic.

Beef cattle are allowed to graze for the first 7 months of their lives, but after that they are confined to massive feedlots, where they are fed an unnatural diet of corn, soy, and growth hormones to fatten them more quickly, standing ankle-deep in their own waste. Because of the unnatural diet and the unsanitary conditions, they are highly susceptible to disease, so they are fed antibiotics. Dairy calves are separated from their mothers within days of giving birth, with

the females beginning a life in which they endure several years of being artificially inseminated and, through the use of hormones, made to produce 120% more milk than dairy cows produced 40 years ago (Solotaroff, 2013), which is exhausting for the cow and shortens her life span considerably. Meanwhile, she rarely sees the light of day and stands in waste so long that her hooves start to rot. The male offspring of dairy cows are usually raised for veal, most of which are “intensively confined and tethered in individual stalls so small that they can’t turn around during their entire 16- to 18-week lives before slaughter” (Humane Society of the United States, n.d., p. 3).

In each of these cases, the animals are transported from the farm to the slaughterhouse, a journey that can take several days, often without food, water, or protection from extreme hot and cold temperatures. At the slaughterhouse, pigs and cows are protected by the Humane Methods of Slaughter Act of 1958, which mandates that they be rendered unconscious before being killed. Reports have shown that this does not always occur and that some animals are hung upside down and have their throats cut while still conscious (Humane Society of the United States, n.d.), and this does not even take into account the extreme stress, fear, and manhandling they have to endure as they are led to slaughter. Birds, however, are not protected by the act, so they are typically still conscious when they are slaughtered and, sometimes, when dumped into scalding water for defeathering.

There are many more details that are surprising and disturbing to people who have in their minds animals in bright pastures on Old MacDonald’s farm like those we see on milk cartons and bacon packages. This is not to say *all* farms raise animals in these ways; indeed, the section on virtue ethics will discuss a farmer named Joel Salatin, whose methods are about as far removed from industrial practices as one could imagine, and readers may have had personal experiences of very different ways of raising and slaughtering animals. Some of the practices we’ve mentioned are being outlawed in other areas, especially in Europe, and phased out by companies in the United States, often under popular pressure or pressure from large purchasers like fast-food chains and supermarkets.

Nevertheless, 99% of farm animals in the United States are raised in conditions similar to what we’ve described. Once we become aware of this, we must choose either to look away and ignore it or to confront the ethical issues and consider whether such practices can be justified and what our responsibilities are as consumers.

Briefly, before examining the most prominent contemporary arguments surrounding these issues, it’s worth establishing the context a bit further by catching a glimpse of some of the history of thought regarding animals.

History of Philosophical and Religious Views About Animals

As we have seen, human–animal relations have changed quite a bit throughout history, and we can observe a remarkable contrast between the earliest periods, in which animals were regarded with a level of respect not far from that of humans, and today’s mechanistic view. There has also been significant variation in the religious and philosophical views on animals throughout history, though we will only briefly mention some of the highlights.

In the ancient world, there was often vigorous debate over the status of animals and whether humans should eat them. Philosophers like Pythagoras (ca. 570–ca. 495 BCE), Empedocles (ca. 490–ca. 435 BCE), Plutarch (ca. 46–120 CE), Plotinus (ca. 204–270 CE), and especially Porphyry (ca. 234–ca. 305 CE) adopted and defended vegetarianism, and some have argued that Plato was probably a vegetarian, though that's not certain (Dombrowski, 1984). On the other hand, Aristotle defended meat eating as part of the natural order. He held that

plants are for the sake of animals, and the other animals are for the sake of human beings, domestic ones both for using and eating, and most but not all wild ones for food and other kinds of support. . . . If then nature makes nothing incomplete or pointless, it must have made all of them for the sake of human beings. (Aristotle, 1998, 1256b 15–22)

Moreover, Aristotle maintained that while nonhuman animals have souls and can experience sensations like pleasure and pain, they lack rationality and thus have a lower moral status than humans.

Aristotle's view were heavily influential on the medieval Christian philosopher and theologian Thomas Aquinas (1225–1274), who shared Aristotle's belief in the lower status of nonhuman animals and their proper role as providers of food for humans. Aquinas did advocate that compassion and charity be shown toward animals, but this was largely because he thought such virtues are important to cultivate in order to behave ethically toward other humans. Other Christians, especially some early Christian saints, are depicted as showing great concern and compassion toward animals for their own sake, and monastic communities usually adopted vegetarian or mostly vegetarian lifestyles (Ryder, 1989).

In the modern period beginning roughly in the 16th century, views like those of René Descartes (1596–1650) combined with the social changes described earlier to diminish the moral status of animals considerably. Descartes argued that what we humans are, essentially, is a rational soul, and this soul is radically distinct from any physical characteristics we have, such as our animal bodies. Indeed, Descartes (1985) compared the human body to a ship and the person or soul to the captain of the ship, signifying that our animal bodies are nothing more than impersonal vessels to be used for whatever purposes the rational soul gives to them. Our soul is the source of all consciousness, emotion, and feeling, and since animals themselves lack a soul, in Descartes's view, they are nothing more than machines, operating according to fixed mechanical laws like clocks and incapable of feelings or experiences like pleasure and pain.

Immanuel Kant (1724–1804)—who, along with Descartes, was one of the most important philosophers of the modern period and the main inspiration of most contemporary deontological views—argued that we only have direct duties toward other rational beings; thus, we do not have any direct duties toward animals. He did maintain that we may have duties to treat animals in certain ways, but these are *indirect* duties, meaning they fall out of direct duties we have toward other people. For instance, we would have an indirect duty to avoid harming another person's dog because in doing so, we would be failing to respect the *person* whose dog it is. Or we may have an indirect duty to avoid cruelty toward animals because that can cause us to treat other people cruelly. Kant's view will be discussed further in the section on deontological animal rights arguments.

Finally, the founder of utilitarianism, Jeremy Bentham (1748–1832), famously said that “the day may come when the rest of the animal creation may acquire those rights” (Bentham, 1823, Chap. 17, sec. 1) that Black slaves were being given at that time in parts of Europe and European colonies. The reason, in anticipation of the arguments given by the utilitarian philosopher Peter Singer in the 20th century, is because the source of moral consideration is a being’s capacity for happiness and suffering. Bentham maintained that “the question is not, Can they reason? nor, Can they talk? but, Can they suffer?” (as cited in Singer, 1989, p. 4). Nevertheless, Bentham himself

defended eating animals on the grounds that “we are better for it, and they are never the worse. . . . The death they suffer in our hands commonly is, and always may be, a speedier and, by that means, a less painful one than that which would await them in the inevitable course of nature.” (Pollan, 2002, p. 13)

9.2 The Moral Status of Animals: Modern Perspectives

As we have seen, there has been a wide variety of ways that people have understood the status of nonhuman animals and the ethical demands that places on us, and there have been arguments against the mistreatment, killing, and eating of animals dating back to ancient times. Starting around the early 1970s, though, there has been a powerful movement to change the way we relate to animals coinciding with movements advocating equality and civil rights for minorities and women.

Even though animal activists are often united in many of their criticisms of modern industrial agriculture and their goals of promoting animal welfare, reducing or eliminating of the use of animals in agriculture and scientific experimentation, and advocating vegetarian or vegan lifestyles, they have not always agreed on the reasons for these views. This disagreement has to do with the different ethical approaches to questions concerning the moral status and treatment of animals, some following the Australian philosopher Peter Singer (1946–) in taking a utilitarian approach and others following the American philosopher Tom Regan (1938–2017) in taking a deontological, rights-based approach.

While a lot can be said about the ethics of using animals for scientific experiments, product testing, entertainment, and many other purposes, we will focus primarily on the uses of animals as sources of food; the reader can consider how these arguments might apply to other uses and treatments of animals. (Read a short introduction to the topic of animal experimentation in *Going Deeper: Animals and Scientific Experimentation* at the end of the chapter.) In short, Singer argues that the interests, well-being, and especially the suffering of animals should be given equal consideration alongside the interests, well-being, and suffering of humans when determining which actions or policies produce the greatest overall balance of happiness over suffering. He concludes that whatever positive benefits humans gain from most forms of animal agriculture are outweighed by the suffering the animals have to endure, and thus, these ways of treating animals are immoral. Regan agrees that the ways that animals tend to be raised and used causes great suffering, but this isn’t the *primary* reason he thinks farming animals is wrong. Rather, he argues that animals have a fundamental *right* not to be

treated as sources of food, and they would have this right regardless of whether raising or hunting them for food results in greater overall suffering or happiness.

Speciesism

Before examining these arguments, it is important to focus on a crucial point of agreement; namely, the opposition to a form of discrimination against animals called **speciesism**.

We noted earlier that the modern animal advocacy movement arose in roughly the same period that saw a rise in advocacy for the rights of Black people and women. Laws, policies, and social attitudes that favored White people over Black were called *racist*, and those that favored men over women were called *sexist*. In similar fashion, laws, policies, and social attitudes that favored certain species over others were called *speciesist* by animal activists. To understand the comparison of speciesism to racism and sexism, let's first examine what *racism* and *sexism* mean and, assuming they are wrong, what makes them wrong.

When we call a certain way of treating people *racist* or *sexist*, it means they are treated differently (i.e., worse) than others simply because of their race or simply because of their sex. Examples of racism might include a restaurant owner refusing to serve someone for no other reason than that he happens to be Black, a policy that requires Black people to give up their seat in the front of a bus to a White person, or routing a freeway through a largely Black community rather than a largely White one even though routing it through the White community would be more efficient. Examples of sexism could include a business paying its female employees a lower wage than its male employees even though the females have the same or greater levels of education, experience, and performance; movies and advertisements that depict women in sexually suggestive ways in contrast to men, who are portrayed as intelligent and strong; or voting for a male political candidate over a female one simply on the assumption that the male can handle the stress and demands of the position better than the female.

These policies and behaviors are racist or sexist because someone's race or sex is *irrelevant* to how the person should be treated in these kinds of contexts. It's not that there are no differences between races and sexes or that race and sex are irrelevant in *all* matters of treatment. Clearly there are differences, and there may be cases in which someone's race or sex can be important, such as in one's romantic relationships, policies designed to aid disadvantaged or vulnerable groups, or policies that can only apply to one group, such as the granting of abortion rights. But when it comes to matters like being served in a restaurant, where to sit on a bus, how much one should be paid, or carrying out duties in public office, differences in race and sex are irrelevant.



Everett Collection/Superstock

Around the time that these Freedom Riders were fighting against segregation, arguments were beginning to arise advocating that discriminating against animals without good cause is wrong for the same reason that racism is wrong.

In short, what makes a law, policy, or attitude *racist* is when we take someone's *race* to be a reason to treat that person differently when it's not actually a good reason to do so. What makes a law, policy, or attitude *sexist* is when we take someone's *sex* to be a reason to treat that person differently in a certain way when it's not a reason to do so. What makes a law, policy, or attitude *speciesist*, according to Singer and Regan, is when we take a being's *species* to be a reason to treat that being differently when it's not actually a good reason to do so.

Again, Singer and Regan are not saying that there are no significant differences between species, nor that we should never treat a member of one species differently than another. Just like there might be good reasons to treat White people differently than Black people in certain matters, or males differently than females, there are clearly circumstances in which it is perfectly appropriate to treat humans differently than cows, chickens, and the like. We would never suggest that cows should be given a right to vote or that chickens should be allowed to marry pigs. That would be absurd. White, Black, male, and female adults all have the intellectual capacity to fully participate in the democratic process of voting; humans under age 18 are, in general, thought to lack this capacity, which is why we restrict voting rights to those over 18. For the same reason, we would never suppose that nonhuman animals should be given the right to vote. Similarly, the concept of marriage presumes a certain intellectual grasp of concepts like love and commitment that pigs and chickens lack, so there's no reason to think that they have a right to marry. Denying other animals the right to vote or marry isn't speciesist, because it's not based on their *species* (human vs. cow, pig, or chicken), but on factors directly relevant to the right or treatment in question, such as intellectual and emotional capacities.

But what if we were to consider differences in the way we treat dogs and pigs? Is there a difference that explains why, in American and European culture at least, we regard pigs as food sources but not dogs? It's insufficient to say that this is what we've always done; such excuses have been given to defend racist and sexist attitudes and policies. Instead, it's important to seek *reasons*. In terms of intelligence, the ability to form relationships and bonds, the capacity to experience suffering, and other characteristics that lead many people to think that eating dogs and treating them with cruelty is morally wrong, pigs are at least equal to, if not superior to dogs. Accordingly, if no other reason can be given for treating pigs worse than dogs than mere difference in species, such treatment is, according to Singer and Regan, speciesist.

While they agree in their objections to speciesism, they disagree over why it's wrong to treat animals in certain ways and our moral responsibilities regarding animals. So let us turn now to each of their accounts, beginning with Singer's.

9.3 Utilitarian Approaches

Peter Singer is frequently credited with spearheading the modern animal rights movement with the publication of his groundbreaking book, *Animal Liberation*, in 1975. In his 1989 article, "All Animals are Equal," which contains a shortened version of the book's main arguments, Singer adopts the utilitarian view that actions are right or wrong by virtue of their consequences, and in particular the amount of happiness and suffering that they produce and interests satisfied. When determining the overall effects of different actions, utilitarians maintain that we must give *equal consideration* to the happiness, suffering, and other

interests of anyone affected. As Singer (1989) puts it, “the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of every other being” (p. 3).

This, Singer argues, is why racism and sexism are wrong. As explained earlier, racist actions or policies might favor the interests of White people over Black, leading someone to act in a way that results in greater overall harm than if we were to give the interests of Black people equal weight; similar things could be said about actions that give less weight to the interests of women compared to men. Black people and women are just as capable of happiness and suffering as White people and men, and since this capacity for happiness and suffering is what ultimately matters when determining the best overall outcomes, and thus which actions are moral and immoral, one’s race or sex is irrelevant.

But, Singer (1989) argues, the same reasoning applies to *any sentient* being—that is, any being capable of perceiving and feeling things, especially pleasure and pain—including non-human animals. Singer (1989) argues:

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being.
(p. 4)

In other words, when Singer asserts that all animals are equal, he doesn’t mean that we are all the same, or even that we should be treated exactly the same, any more than the claim that all races are equal or all genders are equal means that we must treat all people exactly the same. Rather, he means that everyone’s interests, in particular people’s happiness and suffering, should *count* the same when considering the overall good.

If we reject speciesism and give equal weight to the interests of animals, how would that affect our judgment about whether raising and killing animals for food is morally justified? The first thing we would have to consider is the reasons we might have for doing so. Obviously, we need to eat. But do we need to eat *animals*? The fact that millions of people live perfectly healthy lives on a vegetarian or vegan diet strongly suggests not (Humane Research Council, 2014). Indeed, people in modern industrialized countries consume on average far more meat than most societies ever have (Pollan, 2006), and there is evidence that diets consisting mostly of plant-based foods are much healthier than those consisting of a lot of animal products (McEvoy, Temple, & Woodside, 2012; Song, Fung, & Hu, 2016). To be sure, there are some people who do depend on animals for survival, perhaps because they are unable to get an adequate supply of plant-based foods due to poverty, living in remote and unfertile locations, and so on. But Singer is addressing his argument primarily to the majority of people for whom eating animals is not a necessity.

If we don’t *need* to eat animals, and we may even be better off eating less animal meat and products, why do we eat them? Singer suggests that we typically do so because it’s enjoyable and convenient for consumers and profitable for producers. So now the crucial question is, how do benefits like enjoyment, convenience, and profit stack up against the harms inflicted on animals?

To answer this question, we might simply consider whether enjoyment, convenience, and profit are sufficient grounds for inflicting harm on other *humans*, or for that matter, on dogs and cats. Slavery is a case in point. When we consider whatever benefits may have been gained by the practice of slavery, they are trivial compared to the suffering and other harms inflicted on the slaves. Today many people are appalled at the working conditions endured by men, women, and children in sweatshops. Though this means we may not pay as much for our shoes or gadgets, it's highly questionable whether such savings offset those conditions. Or we might imagine someone who finds enjoyment in torturing cats or dogfighting. Again, the suffering experienced by the animals would seem to most people far more significant and severe than the pleasures gained from those activities. Singer argues that a similar comparison should be made between the suffering that farm animals endure, especially on industrial farms, and the comparatively trivial pleasures gained from a juicy steak or gooey grilled cheese sandwich.

Therefore, Singer concludes, the suffering caused to animals outweighs whatever benefits we gain from raising and eating them, especially given that killing and eating animals is not necessary for our survival or health. In other words, the best overall world—the world with the least amount of overall suffering—would be one in which animals were liberated from their roles as food sources and everyone who could become vegetarian or vegan did so.

Problems With Utilitarian Approaches

Singer's argument can be challenged in several different ways. First, one might generally agree with his utilitarian approach as well as his rejection of speciesism—agree, that is, that the interests of *all* sentient animals, human and nonhuman, should be given the same weight in our calculations of the greatest overall good—but come to a different conclusion regarding the overall consequences. One may argue that significant harm to humans and other animals would result if vegetarian or vegan diets were to become the norm.

Some defenders of industrial agriculture methods like CAFOs maintain that this is necessary to adequately feed a world with a rapidly expanding population (Hribar, 2010). CAFOs make the cost of meat much cheaper, so if we stopped using these methods, the less advantaged members of society might suffer more from having to pay more to feed themselves. The merits of such claims, however, are highly controversial. For one thing, societies tend to eat more meat as they become wealthier, suggesting that meat eating is more of a luxury people can enjoy as they become wealthier rather than a necessary means of feeding the poor (Organisation for Economic Co-operation and Development, 2017). Second, to assess these claims, we would need to consider alternative ways of ensuring that people, especially the poor, have adequate food. How much land that is currently used for raising animals or for raising crops to feed animals could be converted into crops for human consumption? Could corn and soybean subsidies that encourage farmers to grow crops humans won't eat be diverted instead to farmers growing fruits, vegetables, and grains for human consumption, which would almost certainly increase overall human health and reduce the environmental harm of industrial animal agriculture? In other words, it's not clear that industrial animal agriculture is necessary to adequately feed the world or that people, especially the poor, would be harmed by its reduction or elimination to an extent that outweighs the suffering of the animals and the broader harms that it causes.

Nevertheless, there are other reasons one might think that adopting Singer's approach could be harmful to humans and animals. Pollan (2002), for instance, points out that animals like cows, chickens, and pigs have been domesticated for so long that they have become dependent on farmers for their own survival and well-being, such as it is (though Pollan's overall argument in support of limited meat eating is more Aristotelian than utilitarian, as the chapter discusses later). Moreover, even though far fewer people practice farming nowadays, it remains the case that a significant number of people and communities rely on animal agriculture and would suffer if most people stopped consuming animal products. Instead, perhaps the proper response to the harms of *industrial* animal agriculture isn't to stop practicing it altogether but to encourage more humane, more sustainable, and less industrialized forms. As the chapter will discuss below, advocates of this approach, which is sometimes called *agrarianism*, believe that it not only reduces or eliminates animal suffering, it actually promotes human and animal well-being.

A second kind of response to Singer would be to agree with his utilitarian approach but argue that we are morally justified in favoring the interests of humans over those of animals. In other words, these utilitarian critics reject Singer's claim that raising and killing certain animals for food is speciesist and wrong. Raymond Frey (1980), for example, argues that to have interests worthy of moral consideration, individuals must have a *conception* of those interests; that is, they must be able to understand those interests as their own and to form beliefs about their importance, which requires language. While animals may have raw sensations like pleasure or pain, they lack the linguistic and cognitive capacity to understand and form beliefs about those sensations, so they don't have *interests* in the morally relevant sense. Thus, giving more weight to the interests of humans isn't speciesist, since it's not based merely on species membership but on what it means to have interests in the first place. However, this argument would seem to entail that many humans—such as infants and the severely mentally disabled—lack interests as well and thus don't deserve moral consideration, which is objectionable to many people, as discussed below when we consider the “argument from marginal cases.”

A third kind of response to Singer is the reverse of the one we just considered. It agrees that raising and killing animals for food is speciesist and wrong but disagrees with Singer's utilitarian reasons for *why* it's wrong. Instead, it presents an alternative argument based not on the aim to bring about the greatest happiness and least suffering but on respect for the fundamental rights of animals and the duties we owe toward them, most notably defended by Tom Regan, to whose arguments we will turn shortly.

Utilitarianism and Consumer Obligations

Before we examine deontological and teleological/agrarian approaches, it's worth spending a moment to consider how utilitarian approaches to the treatment of animals might apply to those of us who aren't involved in the raising and slaughtering of animals but instead are consumers of animal products, especially food. Even if one thinks that the manner in which animals are raised and slaughtered on industrial farms is wrong, does that mean that it's necessarily wrong for us to eat them?

One reason to suppose that it may not be wrong according to utilitarianism is that an individual's choice to purchase and/or consume animal products has a vanishingly small effect on

the ways animals are treated, if it has any effect at all. In an industry with over \$100 billion in sales every year (U.S. Department of Agriculture, 2017a, 2017b), the choice to spend \$6 on a package of beef or \$12 for a chicken salad at a restaurant is nothing more than a grain of sand on a large beach. When we compare the impact that choice might have on the suffering of animals with the pleasure gained from the consumption of that meat, the pleasure decidedly outstrips the harmful impact.

In response, Singer and other utilitarians argue that this only considers the small rather than the big picture. When we look at the effects of many such choices over time, something else emerges. As noted above, various forms of pressure on industrial agriculture have had some positive effects for animals. The exposure of animal abuse leads to decreased sales of meat, eggs, and dairy produced in those ways. This not only hurts the large agriculture corporations, it hurts the businesses that sell their products, such as Walmart and McDonald's. Those other businesses, in turn, place added pressure on the agriculture industry to change its practices.

So the utilitarian might argue that if we look only at the individual choice itself, it may indeed be the case that the pleasures outweigh the suffering that *directly* results from the choice. But if we look at an individual choice as part of a *collection* of similar choices, we might see that collection leading to industrial policy changes that can have significantly positive effects.



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Our individual choices at the grocery store may not seem like they matter much in the grand scheme of things. But Singer and other utilitarians argue that those choices and the choices of everyone else add up and over time can put pressure on large corporations.

rimental to his health. As his health degrades, he suffers more and is less happy. So in order to maximize happiness and minimize suffering, he shouldn't simply consider the immediate effects of one particular choice but see that choice as part of a larger collection of choices and consider what the effects would be overall of that collection of choices. If Bruce reasons that choosing salad over hot dogs would result a greater overall benefit to his health when seen as part of a collection of eating choices, it would be better for him to choose the salad rather than the hot dog on a particular occasion, or at least adopt a general policy of eating more salad than hot dogs.

This may be easier to grasp if we compare it to the way a particular eating choice contributes to a person's *individual* happiness. Suppose Bruce finds himself with a choice on a particular occasion to have either a salad or a hot dog. Suppose he enjoys hot dogs much more than salads, but he knows that salads are healthier. He may reason that the harms from eating the hot dog and the benefits from the salad are quite small in the grand scheme of things and are overshadowed by the much larger satisfaction he will get from eating the hot dog as compared to the salad. So he reasons that the hot dog is the better choice.

We can see how this would be faulty reasoning. If Bruce reasons this way in every instance, he's going to be eating a lot of hot dogs and very little salad, which will be det-

Similarly, if Bruce reasons that choosing salad over hot dogs would result in greater overall benefit (or less suffering) to *animals* when seen as part of a collection of eating choices, it would be morally better to adopt a general policy of eating more salad than hot dogs, or perhaps even no hot dogs, no meats, or no animal products at all.

Similar points could be made about the consequences that Bruce's eating choices would have for his community (he may encourage more people to eat less meat through his example, for instance), the environment, and so on. Nevertheless, some may maintain that the argument we started with—that the pleasures of eating meat on a particular occasion outweigh the suffering that is caused—shows that it's at least unclear whether on strict utilitarian grounds we have a moral responsibility to eat less or no animal products. If, on each particular occasion, the pleasure gained from the choice to eat the hot dog outweighs the negative effects, could it still be the case that the *overall* pleasures experienced outweigh whatever suffering animals experience as a direct result of our choices?

Some people would contend that if we are asking these kinds of questions, we've already gone down the wrong road. There are certain considerations that are simply more *important* than how much pleasure or suffering results from a choice or even a series of choices. One consideration might be *health itself*, not just bodily health but the health of the animals, the land, and the community, understood not in terms of pleasure and suffering but in terms of wholeness and flourishing. This is the view that will be examined in the section on virtue ethics. Another consideration might be that there are moral rights and duties that are more important and fundamental than pleasure, pain, or other effects of our actions. This is the view to which we now turn.

9.4 A Deontological Approach: Animal Rights

The previous section noted that slavery, as practiced in the United States, involved giving greater weight to the relatively trivial interests of White people than to the interests that Black people had in not being subjected to the suffering that slavery involves. The reader may recall from Chapter 4's discussion of deontology that some people object to this kind of reasoning on the grounds that it doesn't adequately explain *why* slavery is wrong. Certainly, the suffering of slaves is important, but if slavery didn't cause suffering, or if someone could convincingly show that slavery actually *benefited* slaves, would that make it morally justified? The deontologist would say no because slavery, in this view, is a violation of a fundamental *right* that people have not to be completely subjected to the will of another person. Immanuel Kant argued that we have a basic duty to treat all persons as ends-in-themselves, never as mere means. In other words, we should respect the fact that people care about their own lives and their freedom to make their own choices and never treat people as if their value was merely *instrumental*, serving some other purpose like the satisfaction of someone else's desires or aims. Saying that we have a *duty* to treat others this way is, according to deontology, the same as saying that persons have a *right* to be treated as having *intrinsic* or noninstrumental value. Since slavery, by definition, involves forcing people to submit to the will of someone else, it violates this right, and thus it is *inherently wrong* regardless of any benefits or harms that may result.

While Kant focused on rational beings, contemporary animal rights activists have argued that these same considerations should apply to *any* being that can have experiences and cares about its own good. Certainly, most of the animals raised or hunted for food, including cows, pigs, sheep, and chickens, seem to care about their own lives. Thus, according to this view, they have intrinsic value, or to put it differently, they have a right not to be treated as if they are merely resources to be used at our disposal. But defenders of the animal rights view maintain that most of the ways we treat animals, whether in farming, sport hunting, scientific experiments, or product testing, violate their fundamental right not to be treated as mere resources, and thus these kinds of activities are morally wrong.

This is the gist of what Tom Regan argues in his 1983 book, *The Case for Animal Rights*, and the 1985 article by the same name included in this chapter's readings. If we think back to Kant's defense of the principle that we must always treat persons as ends-in-themselves, it follows from the fact that we value the ability to make our own choices and pursue our own good and expect others to respect that. We can only have that expectation if we assume that we are *worthy* of respect, that we have intrinsic value or dignity. But this means that *anyone* with the capacity to make their own choices and pursue their own good is inherently valuable and worthy of respect, hence we have a duty to treat them accordingly.

Now, Kant thought that this argument only applied to rational beings, not to animals. In one passage he said:

Beings . . . without reason have only a relative worth, as means, and are therefore called things, whereas rational beings are called persons because their nature already marks them out as an end in itself, that is, as something that may not be used merely as a means. (Kant, 1785/1997a, p. 79, 4:428)

Kant's view will be examined in more detail later, but for now note that Regan agrees with Kant that people have a fundamental right not to be treated means, but he wants to extend this right to animals as well. Why should we think that animals have this right even though they aren't rational beings? One reason might appeal to the fact that we already *do* extend this right to beings who lack or have significantly diminished rational capacities, such as newborn babies or severely disabled persons. They can't make rational choices or give autonomous consent to be treated certain ways, or at least their capacity to do so is severely diminished, yet we don't take this as a good reason to treat them as mere resources to be used; we must still respect their inherent dignity. If we think newborn babies or severely disabled persons have a right not to be merely used, then it seems animals can have that right as well (or vice versa—if animals lack this right, then infants and disabled persons do as well). This is what is referred to as the **argument from marginal cases**, since it maintains that whatever status "marginal cases" of humanity have must be shared by animals with similar characteristics (Norcross, 2004).

Of course, someone might respond by arguing that babies, severely handicapped people, and the like *don't* have inherent value, and thus animals don't either. But if we accept the view that all humans have inherent value regardless of their rational capacities, Regan (1985) asks what it is that gives us value if it's not mere species membership (which would make us guilty of speciesism) or rational capacity. His answer is that

we are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our lives, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of those animals that concern us (the ones that are eaten and trapped, for example), they too must be viewed as the experiencing subjects of a life, with inherent value of their own. (Regan, 1985, para. 29)

The Kantian philosopher Christine Korsgaard (2004, 2015) similarly argues that what makes us ends-in-ourselves isn't our rational autonomy *itself*; rather, it's the fact that we care about our ends and our good. As we said before, the starting point for moral obligations is the fact that we regard some things as good or bad and that this *matters*. But if it matters in *our own* case, it matters for *any* being for whom some things can be good and bad and for whom that fact matters. "But we are not the only beings for whom things can be good or bad; the other animals are no different from us in that respect," Korsgaard argues. "So we should regard all animals as ends in themselves" (2015, p. 163).

We will raise some possible problems with this view in a moment, but for now let's ask what concrete implications this might have for our relation to animals. Regan offers a clear and rather striking answer. Respecting animal rights requires "the total abolition of the use of animals in science; the total dissolution of commercial animal agriculture; the total elimination of commercial and sport hunting and trapping" (Regan, 1985, para. 1). It's important to notice that in the rights view, respecting a person's or an animal's rights comes first, *before* we consider the impact that certain choices would have on ourselves and others. Thus, some of the possible harms of changing the ways animals are treated that we discussed in the section on utilitarianism would be irrelevant to the *fundamental* duty not to treat animals as mere resources. This corresponds to a deontological view regarding human rights. If humans have a fundamental right not to be treated as mere resources by being enslaved, experimented on without consent, or intentionally imprisoned or killed when they are innocent, it doesn't matter if such practices could be beneficial to others and improve the world; we simply must not do such things.

In this respect, the rights view could be more demanding than utilitarianism. Depending on how we understand exploitation and treatment as a mere resource, it could be argued that respecting the rights of animals involves, as Regan maintains, the total abolition of animal agriculture, not just an end to killing them—which means that raising animals for dairy, eggs, or wool might be regarded as immoral. It could also mean that it takes longer for diseases to be cured, medicines to be developed, and so on. And it may also entail that circuses, zoos, and other ways in which animals are used are also wrong (Regan, 1996).

Problems With the Animal Rights View

The notion that treating people as mere resources or as having only instrumental value is inherently wrong and violates their fundamental rights is powerful. And when we combine that with the argument from marginal cases—that lacking certain intellectual capacities or

abilities doesn't remove this right—many people are persuaded that animals must also have the right not to be treated as a resource. Nevertheless, there are several questions one might raise about these arguments.

First, one might agree that we have a duty to treat rational beings as ends-in-themselves, and that rational beings thus have a right not to be treated as a mere resource, but question whether these arguments successfully show that this duty extends to nonrational beings like other animals. As we noted earlier, Kant did not think that we have duties of this kind toward animals, only toward other rational beings. Animals lack rational nature, so according to Kant, they lack the inherent dignity that demands respect; thus, there's nothing immoral about treating them as mere means (Kant, 1997a, 4:428; Kant, 1797/1997b, 6:442). A full explanation of why he seemed to think this would be, as with most Kantian ideas, challenging and complicated and would take us beyond the scope of the chapter (see Korsgaard, 2004, 2015), but the basic idea is outlined below.

If I act involuntarily, instinctively, or simply obey whatever desires I happen to have, there's no reason why I should expect others to respect and value what I do, since I didn't act that way because I thought it was *good*; I was merely following an impulse, and there's nothing about an impulse that demands respect. It's my deliberate, conscious *choices* that I think others should respect, and so it's my capacity to make such choices that I regard as having inherent value. Accordingly, I have a duty to respect *anyone's* capacity to make such choices if I'm going to say that others should respect mine, but I *don't* necessarily have a duty to respect other people's impulses, desires, and so on if they aren't backed up by their rational choices. Animals lack the capacity to make rational choices or judge that some desire or instinct is *good*, so they lack the characteristic that demands respect.

Regan, as noted previously, observed that we regard infants and the severely mentally handicapped as sharing this intrinsic value that gives us the right not to be merely used even, though they also lack that capacity. He concluded that this shows that the capacity for rational choice and judgment isn't necessary for a being to have intrinsic value; rather, all that is needed is for the being to be able to experience its life. But, one could argue in response, the reason we should treat infants as having intrinsic value is because they have the *potential* to develop the capacity for rational, autonomous choice, so by treating them as ends-in-themselves, we are respecting the rational autonomy that they will come to acquire. Other animals will never acquire such a capacity, so we have no reason to respect them as *potential* autonomous agents.

Similarly, the reason we should respect those with mental handicaps is that we recognize that rational autonomy comes in degrees, some exercising more, some less, depending on circumstance. Moreover, I can recognize that I *might have been* that person with the handicap and someday might *become* such a person. I could never accept a policy according to which respect for my dignity depended on someone else's judgment about the degree of autonomy I can exercise in some particular circumstance. Thus, one could conclude, if I'm the type of being that is *normally* capable of rational autonomy, I should be treated *as if* I had this capability. But other animals *never* have this capacity. Thus, there is no "as if" to consider and no duty that applies to the being that any of us "might have been" or "might become."

Nevertheless, many people are appalled by the ways animals are treated on industrial farms as if they were nothing more than raw material with no more value than the dirt in which we grow our flowers. This provides intuitive support for the view that treating them as mere

resources is wrong, whatever the arguments just provided might say to the contrary, and thus that we have a moral responsibility to respect them as having their own intrinsic good. Even if we grant this, does that necessarily mean that *all* forms of raising and hunting animals would be wrong?

In other words, we may consider whether it's possible to treat animals as resources and respect their intrinsic value *at the same time*, and what that would involve. After all, according to the deontological view, it's perfectly appropriate to treat *humans* as resources so long as we are respecting their own inherent dignity at the same time. This is what we do when, for example, a friend helps us move, a doctor treats our sickness, or a person volunteers to be the subject of a study or experiment. We can respect them by trying to ensure that our friend feels our appreciation or offering to return the favor, by paying the doctor, and by trying to ensure that the subject of an experiment has not been coerced or manipulated into consenting.

The difference between these cases and those of animals is that the humans can (ideally) offer their rational, autonomous consent to be used in certain ways, while animals cannot. However, the arguments we just considered in favor of animal rights maintained that the source of inherent dignity doesn't have to be rationality or autonomy; a being's inherent dignity derives from being an experiencing subject of a life or the sort of entity that cares about its well-being. It would seem to follow that showing respect for an animal's inherent value would involve respecting and caring for its well-being, so, one might conclude, it would not necessarily be a violation of an animal's rights to treat it as a resource if, *at the same time*, we are respecting and caring for its well-being.

It's difficult to see how this kind of respect is compatible with industrial farming. (And one could add that such forms of animal agriculture seem to conflict with respecting all *humans* as ends-in-themselves, especially when we consider the conditions that workers in these industries have to endure as well as the harms that these methods inflict on the environment and communities.) The next section will describe alternative methods of animal farming that aspire to this kind of balance between treating animals as resources and respecting their inherent value. One of the most difficult questions that arise, however, is whether we could ever reconcile respect for animals with *killing* them. Even if we were to ensure as far as possible that they are killed in ways that avoid suffering, fear, breaking the bonds between mothers and babies, and so on, one may argue that all animals display a basic interest in continuing to live, and so any form of killing—no matter how humane—violates a basic right that animals have.

Once again, comparing the treatment of farm animals with the treatment of humans and pets can be instructive. We can treat humans as resources while still respecting their inherent value, but could we ever intentionally *kill* a human without violating his or her dignity? Some would maintain that we can, such as in cases of war, self-defense, or when a person is suffering from a terminal illness, expresses a desire to die, and the like. But with few exceptions, nothing parallel to these circumstances pertains to the intentional killing of animals for food. So those who defend humane agriculture would have to show why humanely killing healthy, nonthreatening animals that would otherwise continue to enjoy life doesn't violate their dignity even though similar actions *would* seem to violate a human's dignity. (We will leave the reader to think about whether it's morally justified to euthanize a healthy, nonthreatening dog or cat and the implications that might have for killing cows, pigs, or chickens.)

Animal Rights and Consumer Obligations

This chapter has discussed deontological arguments that animals have inherent value or dignity that we have a moral duty to respect, which is to say that they have a right to never be treated as mere resources. We considered whether these conclusions are correct, and if so, whether that calls for the “total dissolution of commercial animal agriculture” and “elimination of commercial and sport hunting and trapping,” as Regan (1985, para. 1) maintains, or whether some forms of agriculture and/or hunting may be morally justified.

Leaving aside the issue of hunting, what implications do these arguments have for our choices as consumers of meat and other animal products, especially those who aren’t involved in the raising or killing of farm animals? Is it wrong for us to buy a slab of bacon or a block of cheese at the supermarket or a steak from a restaurant? After all, when we do so, *we* aren’t the ones killing or directly causing suffering to the animals.

Addressing this question from a deontological perspective involves considering in more general terms whether we have a moral duty to avoid participating, even indirectly, in activities that involve the violation of another being’s rights, especially when our choice to participate won’t have any significant or noticeable impact on those activities.

From a deontological perspective, we have to first remember that the *actual impact* of our choices doesn’t determine our moral responsibility. Some choices are *inherently* right or wrong, and if we establish that something is inherently wrong, the fact that this choice wouldn’t make a difference in the grand scheme of things doesn’t lessen our duty to avoid it.

We might think about this in terms of the Kantian duty to only do those actions that we could will *everyone* to do. For instance, suppose Karen discovers that a local restaurant refuses to serve Black people or that a clothing company uses child labor. She might know that these businesses will continue to engage in these behaviors even if she doesn’t go to that restaurant or buy those clothes, but she could reason that if *no one* went to that restaurant or bought those clothes, the businesses would either have to change their practices or would no longer be able to operate; either way, this unjust behavior would end. Or to put it another way, if Karen goes to that restaurant or purchases those clothes, she’s saying that it would be okay for *everyone* to support a business that discriminates against a certain race of people or exploits child labor.

Karen might ask herself, *what if I was the one discriminated against or exploited?* What would she think about a policy in which everyone supported those businesses and bought those products? Intuitively, at least, we can assume that she would object to such a policy, and that she should therefore not do those things she couldn’t accept everyone doing; namely, supporting unjust business practices by going to certain restaurants or buying certain products.

Similar considerations could apply to food choices. If Karen knows or suspects that her cheese, bacon, or steak was produced in ways that violated animals’ rights, it’s not enough for her to simply ask, “Will my purchase of this product have an impact on this industry?” She must instead ask, “What if everyone decided not to purchase these products?” As with the other examples, producers of meat, dairy, and eggs would have to change their practices to avoid violating animals’ rights or they would no longer be able to operate. Either way, in this ideal world the animals’ rights would no longer be violated. Even if Karen doubts that

this world would ever come about, her moral duty is still to act *as if* everyone else would act in similar ways.

In Regan's terms, Karen might ask herself, "What if *every experiencing subject of a life* was treated as a mere resource when doing so was convenient and profitable to others? And what if everyone who could choose whether to purchase the products of that exploitation continued to do so?" Karen is an experiencing subject of a life, so that would mean she could be treated as a mere resource. Not only could she not accept that policy, she could not accept a policy in which others supported *her* exploitation by purchasing the products that she helped produce.

So we have at least some initial reasons to think that we might have duties to avoid supporting industries and businesses that unjustly treat beings as mere resources instead of with the dignity and respect they deserve, whether that's humans or animals, and this duty applies even if we don't think that our choices will have much of an impact. But there's another angle that this same kind of reasoning might expose, which we can see if we pose the question "What if everyone acted in the ways I propose?" to the ethical omnivore, the vegetarian, or the vegan. What if everyone chose not to eat animal products from industrial farms, animal products that involve killing, or any animal products at all? What would such a world be like, and is it one we could accept?

This is a difficult question that we will not explore in depth here. Addressing it would involve considering the health and environmental harms of animal farming and how those could be lessened if everyone became an ethical omnivore, vegetarian, or vegan. On the other hand, we would also have to consider the impact this universal policy would have on people whose lives depend on animal agriculture as well as on the animals themselves. What would happen to cows, chickens, pigs, and other animals if they were no longer raised for food? Have they become so dependent on humans that they would end up suffering or largely dying off? How does this scenario weigh against one in which they continue to be raised for food but in ways that (according to some) attempt to respect their dignity and natural well-being? What would a universal policy against eating animals mean for small-town communities?

With this thought, the chapter now turns to an examination of the Aristotelian virtue ethical approach to animal agriculture, especially one interpretation that would be very concerned with some of the answers to these questions.

9.5 A Teleological Approach: Agrarianism

When we outlined the history of humanity's relation to food, we observed two major transitions. The first was the transition from hunter-gatherer to agricultural societies. A second was the more recent transitions to societies in which (a) food has come to be increasingly produced by industrialized methods dictated and controlled not by farmers but by large corporations and focused primarily on efficiency and profit; (b) most people live in urban and suburban areas away from the farms and animals that provide their food; and (c) consumers are largely ignorant of the processes by which their food finds its way to the supermarket or their dinner plate, many of which they would find troubling.

Recent years, however, have witnessed a growing awareness and concern over the high cost of these changes. Some critics point to the ways that industrialized agriculture has detrimental environmental and health impacts. Some, like Singer and Regan, have focused on the ways that we have become ignorant or desensitized to animal suffering or have come to regard other animals as nothing more than resources to be exploited for our benefit (Regan, 1985; Singer, 1989). Some highlight the devastating impact that these trends have had on rural communities (Berry, 1977). And some regard all of these as interconnected, reflecting a broader shift in values, priorities, and even deep philosophical (and theological) understandings of human life and its relation to the world around it.

This section will focus on this last perspective, using the term **agrarianism** to identify it (though there are many views that don't use this term yet share much with it). The most prominent and respected advocate of agrarianism is the farmer, teacher, novelist, essayist, and poet Wendell Berry. Though he doesn't identify himself as a philosopher, we will examine his and similar perspectives as representing an Aristotelian *teleological* approach (also called virtue ethics) to the raising and consuming of animals.

While there is no easy definition of agrarianism itself, it can be characterized by the idea that the values, virtues, and ends of an ideal farmer can serve as a standard for the values, virtues, and ends that should govern human life in general. Berry contrasts it with industrialism and exploitation. When applied to farming, he describes farming in broad terms as “the proper use and care of an immeasurable gift” (Berry, 2002, para. 4). This contrasts with *industrial* farming that regards the land, plants, animals, and even humans merely as resources to be used. So we might define agrarianism, as a philosophical position, to be one that seeks to articulate and embody, in thought and practice, a commitment to proper and careful treatment of the land, plants, animals, and humans as a gift rather than as a mere resource.

Let's unpack this definition, and as we do so, we will see how it relates to a teleological approach to ethics. The first thing to notice is that it is *holistic* and *integrative*. Agrarianism focuses on how the land, plants, animals, and humans fit together to form an integrated *whole*, which means that each is characteristically interdependent with the other, and so each *depends* on the other for flourishing and well-being. That is, we draw on a conception of what it means for the *land* and *plants* to flourish, as well as what it would mean for *animals* and *humans* to flourish, and how all of these fit together in interdependent relationships.

We must consider not just how certain farming methods might maximize human and/or animal flourishing, nor whether the flourishing of humans, animals, plants, or the land should be given greater weight (as if it were a competition, a notion that is highly characteristic of modern ways of thinking), but how we can respect the interdependency of all and seek to find a holistic balance. This reflects the Aristotelian notion that the flourishing of someone or something is not merely an individual matter but concerns the ways in which its relationships, its communities, and its environment are flourishing or failing to flourish, as discussed in Chapter 5. Just as one isn't flourishing as a wife, father, or teammate if one is only concerned about one's own well-being and not those with whom one is interconnected, the agrarian argues that, as people who are by nature interconnected with the land, plants, other animals, and other humans, we must understand our own flourishing as integrated with theirs—which, as discussed below, is incompatible with seeing them merely as resources.

Second, according to this definition, the ways we use the land, plants, animals, and humans must be rooted in *care* or, as Berry often puts it, *nurture*. This is clearly seen when we consider our relation to children. What does it mean to care for a child? For a parent, guardian, or community, the responsibility to *care for* a child involves considering the kinds of actions, behaviors, and rules that will best enable the child to live well and develop into a flourishing adult. Some things are universal; for instance, caregivers must provide adequate nutrition, education, and discipline to the child. Others involve recognizing and fostering what is unique to the child, such as a gift for music, athletics, or intellectual accomplishment. Sometimes we may hope that the child will embody characteristics, virtues, and skills that are more parochial, such as commitment to a religious tradition, cultural forms of etiquette and respect, or the maintenance of the family farm.

These examples of what it means to care for or nurture a child refer to a broad set of characteristics and goods, including those of the individual child, human nature more broadly, and those of communities, environments, and traditions. All of these play a role in the child's present and future well-being, and so all must be considered when caring for a child. To do so *properly* requires an intimate acquaintance with the child, which is why we generally defer to parents and other caregivers when it comes to questions about how best to rear the child. Similarly, to properly care for the land, plants, and other animals, one must be intimately acquainted with them, have a grasp of their natural functions or behaviors, and as emphasized above, how they interrelate with one another.

One reason why industrial agriculture is often so problematic is because it embodies what Berry (1977) regards as the *opposite* of nurture and care; namely, *exploitation*, regarding the land and animals merely in terms of how they can be exploited for certain goals unrelated to their characteristic flourishing. Berry (1977) describes the difference between nurture and exploitation in this way:

The standard of the exploiter is efficiency; the standard of the nurturer is care. The exploiter's goal is money, profit; the nurturer's goal is health—his land's health, his own, his family's, his community's, his country's. Whereas the exploiter asks of a piece of land only how much and how quickly it can be made to produce, the nurturer asks a question that is much more complex and difficult: What is its carrying capacity? (That is: How much can be taken from it without diminishing it? What can it produce *dependably* for an indefinite time?) The exploiter wishes to earn as much as possible by as little work as possible; the nurturer expects, certainly, to have a decent living from his work, but his characteristic wish is to work *as well* as possible. The competence of the exploiter is in organization; that of the nurturer is in order—a human order, that is, that accommodates itself both to other order and to mystery. The exploiter typically serves an institution or organization; the nurturer serves land, household, community, place. The exploiter thinks in terms of numbers, quantities, "hard facts"; the nurturer in terms of character, condition, quality, kind. (pp. 7–8)

Nurture and care, in Berry's sense, is an essential part of the telos (end, purpose, or function) of the farmer, and to fulfill his telos, the farmer must understand and respect the telos of the land and animals under his or her care. To do so properly requires the possession and

exercise of certain virtues that display themselves in characteristic activities. Berry (1977) describes some of those virtues and characteristic activities in another passage:

A competent farmer is his own boss. He has learned the disciplines necessary to go ahead on his own, as required by economic obligation, loyalty to his place, pride in his work. His workdays require the use of long experience and practiced judgment, for the failures of which he knows that he will suffer. His days do not begin and end by rule, but in response to necessity, interest, and obligation. They are not measured by the clock, but by the task and his endurance; they last as long as necessary or as long as he can work. He has mastered intricate formal patterns in ordering his work within the overlapping cycles—human and natural, controllable and uncontrollable—of the life of a farm. (p. 44)

Let's consider how the concepts of nurture and virtuous farming that Berry describes are strikingly opposed to what we find on the farms from which we get the vast majority of our meat, dairy, and eggs nowadays. Looking back to the description of CAFOs given earlier, they appear to be largely focused on producing the greatest amount of product at the lowest possible financial cost, embodying what Berry called exploitation. Cows are naturally adapted to eat grass, and their stomachs don't process corn as well; yet farmers feed them corn because it fattens them up more quickly, thus allowing more of them to be slaughtered. Chickens that are bred to have breasts so large that they can barely walk may mean greater profit for the producer, but the practice intentionally subjects chickens to what is essentially, for them, a crippling and painful deformity. Separating piglets from their mothers at a young age deprives both of the bond that is important to their emotional health of these intelligent creatures. There are concerns that by giving so many antibiotics to animals, we are enabling the evolution of dangerous antibiotic-resistant bacteria. And farming animals at a massive scale contributes to the pollution of water supplies, climate change, and other environmental harms that run contrary to the kind of sustainable harmony Berry describes for the sake of greater short-term financial profit.

Moreover, agrarians often claim that when agriculture is industrialized, this ends up being degrading to the farmer; in other words, farmers are unable to exercise the characteristics of the virtuous farmer Berry describes. Decisions about how crops and animals are to be raised are made most often by corporate executives on the advice of economists and scientists, none of whom have the intimate acquaintance with the land, plants, animals, and human workers we mentioned earlier as essential to proper care.

Some might respond that claims about the conditions and harms of industrial agriculture are exaggerated or not supported by scientific evidence. Even if this were true, it would not necessarily undermine the agrarian objection that industrial agriculture violates a deeper ethical commitment to treat the land, plants, animals, and humans as *gifts* to be nurtured and cared for in accordance with their own natural mode of flourishing.

What does it mean to appreciate something as a gift? It does not mean that we cannot make use of it, but it does *constrain* the ways we use it, and it requires us to take certain attitudes toward that which we have been given. It requires a degree of humility, recognizing the gift not as the product of our own efforts and wills, which in turn constrains the extent to which

we impose our own wills on it in an effort to conform it to whatever goals and purposes we might have for it. It places on us a responsibility to ensure that it is not treated as something frivolous or having only instrumental value (if someone gave me a beautiful Persian rug, it would be ungrateful and indecent of me to put it in the mudroom of my house as a place to wipe my feet).

This is the kind of attitude that Native Americans express toward animals when they thank the animal that they kill. It's also, according to many religious believers, the proper attitude toward animals when we regard them as God's gift over which we have been given responsibility or "dominion" (Genesis 1:26, New Revised Standard Version). Thinking back to the example of raising children, the dominion parents have over children is, according to this view, proper to parents, but if we are to appreciate our children as gifts, we must seek to nurture and care for the child with a view to the child's own flourishing and well-being; it would be a gross violation of parental dominion to treat a child irresponsibly, or worse, as if the child were merely an object to be brought under our control to suit our own needs and ends. Indeed, in many religious views, children, animals, and the world itself still *belong* to God; they are merely *entrusted* to us, partly for our benefit but also for their *own* benefit, and to treat them as objects to be exploited would dishonor God as well as ourselves and those for whom we have been entrusted to care.

Most religious traditions hold that exercising the virtues of responsibility, nurture, and care does not necessarily conflict with killing animals and using them as a source of food, since that (along with animal sacrifice) is also permitted or even required (though it may be difficult to reconcile religious views about the proper use of animals with modern forms of industrial agriculture). More broadly, we can ask whether an Aristotelian view of farming such as agrarianism might be compatible with raising and killing animals for food.

Pollan (2002) argues that it is (though he only makes passing reference to Aristotle, his argument as a whole exhibits distinctly Aristotelian themes). He draws on the example of a farmer named Joel Salatin, who runs a farm called Polyface Farms, to show how one could raise and kill animals for food while exhibiting the virtues associated with the agrarian ethic we have been discussing. Pollan (2002) describes Salatin's operation this way:

Polyface Farm occupies 550 acres of rolling grassland and forest in the Shenandoah Valley of Virginia. Here, Joel Salatin and his family raise six different food animals—cattle, pigs, chickens, rabbits, turkeys and sheep in an intricate dance of symbiosis designed to allow each species, in Salatin's words, "to fully express its physiological distinctiveness." What this means in practice is that Salatin's chickens live like chickens; his cows, like cows; pigs, pigs. As in nature, where birds tend to follow herbivores, once Salatin's cows have finished grazing a pasture, he moves them out and tows in his "eggmobile," a portable chicken coop that houses several hundred laying hens roughly the natural size of a flock. The hens fan out over the pasture, eating the short grass and picking insect larvae out of the cowpats all the while spreading the cow manure and eliminating the farm's parasite problem. A diet of grubs and grass makes for exceptionally tasty eggs and contented chickens, and their

nitrogenous manure feeds the pasture. A few weeks later, the chickens move out, and the sheep come in, dining on the lush new growth, as well as on the weed species (nettles, nightshade) that the cattle and chickens won't touch. Meanwhile, the pigs are in the barn turning the compost. All winter long, while the cattle were indoors, Salatin layered their manure with straw, wood chips and corn. By March, this steaming compost layer cake stands three feet high, and the pigs, whose powerful snouts can sniff out and retrieve the fermented corn at the bottom, get to spend a few happy weeks rooting through the pile, aerating it as they work. All you can see of these pigs, intently nosing out the tasty alcoholic morsels, are their upturned pink hams and corkscrew tails churning the air. The finished compost will go to feed the grass; the grass, the cattle; the cattle, the chickens; and eventually all of these animals will feed us. (pp. 9–10, copyright © 2002 by Michael Pollan. Reprinted by permission of ICM Partners.)

Salatin has described himself as a “grass farmer” (Pollan, 2006, p. 125), which, although perhaps a bit euphemistic, reflects an understanding of his farming practice as holistic and integrative in Berry's sense. In his operation, the animals are integrated with each other and with the land (the grass) in a cooperative relationship in which each is *using*, but also *contributing to* the flourishing of the others. There is no *exploitation* here, since the operation is designed to ensure that chickens, cows, pigs, and the other animals are allowed to flourish according to their own natural modes of life; they sustain and enrich the land itself, as well as the humans who care for them and benefit from the products (some renowned chefs have declared the food that comes from Salatin's farm as incomparably delicious [Pollan, 2006]).

In short, while there are many conclusions that someone from a virtue ethics point of view would share with a utilitarian like Singer or a deontologist like Regan, especially regarding industrial farming, there are major differences in their approaches—just as there are major differences between the approaches of Singer and Regan—and these differences may lead to different conclusions on other questions.

Problems With the Teleological/Agrarian Approach

We have focused on applications of virtue ethics that support limited forms of raising and killing animals for food. There are several responses that an advocate of vegetarianism or veganism might give to these arguments. First, the vegetarian could object that even if animals are raised in ways that respect their own natural modes

Agrarianism and Speciesism

Speciesism is a key part of the utilitarian and deontological arguments about animals and eating, but it may rest on assumptions about the source of ethical obligations that an Aristotelian or agrarian approach doesn't share. You can explore these matters more deeply in *Going Deeper: Agrarianism and Specieism* at the end of the chapter.

of flourishing, the fact remains that these animals are deliberately *killed* in order to feed our appetites for meat, which most people don't need. Surely any animal, by nature, seeks to avoid death, so by killing them we are violating, rather than respecting, this aspect of their nature, no matter how much we try to ensure a happy life while they are living.

Some philosophers who take a virtue ethics approach agree with this sort of objection (Hursthouse, 2006). Except for those circumstances in which killing an animal is necessary for survival, doing so displays vices like greed and intemperance or immoderation by prioritizing our own desires for pleasure ahead of this crucial dimension of an animal's flourishing; namely, its continued existence.

Others, however, argue that it's not clear that death is bad for animals in the way that it's bad for humans, and this has to do with the way that we *conceive* of our own or another's death. As the philosopher Charles Taylor (1989) argues, we humans make sense of our lives "as an unfolding story. . . . In order to have a sense of who we are, we have to have a notion of how we have become, and of where we are going" (p. 49). In doing so, various aspects stand out as *matter*ing in particular ways, including the relationships that constitute my life and the goals, projects, aspirations, fears, regrets, and commitments that provide much of its meaning. Killing someone isn't wrong simply because it causes pain (which it may not), nor because it violates some abstract right to life, but because the person's life and its continued existence *matters* to him or her and to those who stand in meaningful relationships to the person, like son, friend, husband, and so on.

Moreover, this narrative understanding of ourselves that makes a person's death normally so tragic is a function of our capacity for language, for it is through language that we tell the story of our lives to ourselves and to others. Language, for Taylor and many other philosophers, isn't just a tool that is used to communicate; it's what *constitutes* the meanings and values that give us our identities and shape our lives. It's because we are, in Taylor's (2016) words, "language animals" that our lives, and thus our death, have the peculiar significance that they do, not merely because we have sentient experiences. Since other animals lack language in this robust sense (which is far more than the capacity to follow linguistic commands or mimic the use of certain words), it would be a mistake to attribute to them the same kind of concern for their lives and their continued existence that we humans have. Thus, it's not clear that killing them necessarily wrongs or devalues them in the same way it does for humans.

This is not at all to say that we can just kill them willy-nilly for no good reason. We can recognize, for instance, that many animals form social bonds, such as between parent and child, and nurturing those bonds is important to the animal's flourishing. But when killing does not deprive animals of those bonds, and it is done painlessly and without causing the animal anxiety, some would argue that it need not be contrary to respect for the animal's flourishing. The philosopher Benjamin Lipscomb (2016) makes this point about chickens:

What are the characteristic activities and satisfactions of chickens? Well, scratching for food, establishing and maintaining a social hierarchy that is nevertheless compatible with communal nesting behaviors, mating and brooding as opportunity presents. They nest together, and find it distressing

to be separated from the rest of the flock, but do not seem to mourn one another deeply. Is it the case that any of the central goods of a chicken's life are denied or cancelled if members of the flock are, at several months of age (as is typical with broiler hens) killed quickly and relatively painlessly? It would be otherwise if the characteristic activities of chickens included (as they do for humans) narrating their lives to themselves, ritually marking life transitions, reminiscing about youth, and anticipating maturity or ensconce or the community of generations. This is the paradigmatic shape of a human life, the shape we must take care to not willfully spoil in the lives of others. It is not the paradigmatic shape of a chicken's life. As Mary Midgley (herself a vegetarian) points out, to notice and respond practically to these details is not speciesism in any vicious sense. (p. 67)

Similarly, Pollan (2002) argues that over the course of thousands of years of domestication, animals like cows, sheep, chickens, and pigs have evolved in such a way that their *characteristic* mode of life is defined in terms of the mutual, symbiotic relationship they have with humans on the farm:

Humans provided the animals with food and protection, in exchange for which the animals provided the humans their milk and eggs and yes—their flesh. Both parties were transformed by the relationship: animals grew tame and lost their ability to fend for themselves (evolution tends to edit out unneeded traits), and the humans gave up their hunter-gatherer ways for the settled life of agriculturists. . . . From the animals' point of view, the bargain with humanity has been a great success, at least until our own time. Cows, pigs, dogs, cats and chickens have thrived, while their wild ancestors have languished. . . . Nor does their loss of autonomy seem to trouble these creatures. It is wrong, the rightists say, to treat animals as "means" rather than "ends," yet the happiness of a working animal like the dog consists precisely in serving as a "means." Liberation is the last thing such a creature wants. To say of one of Joel Salatin's caged chickens that "the life of freedom is to be preferred" betrays an ignorance about chicken preferences—which on this farm are heavily focused on not getting their heads bitten off by weasels. (p. 10, copyright © 2002 by Michael Pollan. Reprinted by permission of ICM Partners.)

In other words, Berry, Pollan, Salatin, Lipscomb, and others who have defended limited forms of raising and killing animals for food regard it as consistent with the telos or characteristic function and activity of cows, chickens, and so on and the mutual relationship that they have come to share with humans, rather than a form of degradation, harm, or violation of rights. However, they all hasten to distinguish the kinds of farming practices they have in mind from the modern industrial farm.

As in the previous sections, this section has focused mostly on farming practices and whether certain ways of raising and killing animals for food are ethical or unethical from the teleological perspective. What does all of this mean for us as consumers? That's what this final section will consider.

Agrarianism and Consumer Obligations

Chapter 5 discussed how, in the teleological account, ethics is not fundamentally a matter of choosing actions that follow a certain moral principle, like the principle of utility, or following certain duties; rather, the primary concern is with what it means to live well overall and the kinds of character traits needed for that. One of the four primary virtues—temperance, or moderation—directly relates to our eating choices, for it is the virtue concerned with how much our desires and appetites govern our choices. When it comes to eating, the temperate person will choose the right kinds of foods, eat the right amounts at the right times, and so on—neither too much nor too little.

We also noted that this intermediate or right amount is relative to us, not in the sense that there's no right or wrong but in the sense that recognizes that people's bodies, circumstances, aims, and other features of their lives can vary, and we used the example of an athlete to illustrate that. Given what is needed to be a successful athlete, the right amount for him or her will often be quite different than for a nonathlete. In short, what it means to exercise virtue in one's eating choices makes reference to the person's telos, some aspects of which will be universal and some particular to a person or group.

But there's a deeper sense to this notion of a telos and how it can affect our eating choices, which takes us back to the remarks at the beginning of the chapter on the deep significance that eating and food characteristically has in human life. Our deliberate eating choices can reflect a stand that we take on our identity and what matters in the sense that we discussed in the previous section. So Jewish individuals may choose to follow the dietary guidelines in the Torah, or Mormons may choose to abstain from alcohol and tobacco as a reflection of their commitment to their religion and to God.

In the same way, the choice of whether to consume meat, dairy, eggs, and other kinds of animal products reflects our deep commitments and values as they pertain to animals. The children's show host Mr. Rogers used to explain his choice to be a vegetarian by remarking, "I don't want to eat anything that has a mother," reflecting both his commitment to the importance of family as well as his commitment to "be a vehicle for God, to spread his message of love and peace" (as cited in Long, 2014, para. 1–3). Those who find modern industrial agriculture to be deeply wrong may choose to eat only animal products produced ethically or choose to abstain from eating meat or any animal products altogether, not necessarily because they think that it will make a significant difference or even because of some abstract notion of rights or duties, but simply as an expression of their views about the industry. In other words, they are saying that standing against this form of agriculture is part of *who they are*, an aspect of their telos; accordingly, exercising virtue would involve eating choices that enable them to live out that stand, identity, and telos.

Of course, most people aren't virtuous, especially when it comes to eating choices. Not only do we often choose pizza rather than salad when we know we ought to choose the latter for our health, many people might be moved by the philosophical arguments against some or all forms of animal agriculture but find themselves unable or unwilling to change their habits. Some of the reasons may be financial, believing that eating ethically would simply be too expensive. Some reasons might have to do with not knowing where to find ethically sourced animal products, not being able to obtain them easily, or not having the time or energy to seek them out, learn how to prepare more vegetarian or vegan meals, and so on. And for many (if

not most) people, the major barrier is simply that they are used to and enjoy certain foods and find it difficult to imagine parting with those foods or having less of them in their diet.

As for the financial concerns, though switching to a different diet may involve financial adjustments, it's not at all uncommon for people to make such adjustments when the circumstances of their lives change, such as when they have a child, lose or change jobs, or pursue an education. Adjusting to a more ethical diet may require eating less of certain things and more of others, and that adjustment may require some creative and deliberate planning as well as willpower, just as it does in adjusting to other life changes.

But this is where the other barriers to changing one's eating habits often come in. One may *want* to change but not know how or not have the time and energy to do so in a way that sticks. And this becomes even more difficult when one's *desires* for certain foods remain strong.

The end of this chapter contains resources on how to find ethically sourced animal products and how to adjust to more plant-based diets, but we will focus our final remarks on the problem of adjusting our desires and habits. We should first remember that in the Aristotelian account, virtue itself is a habit. Not only do habits of any kind strongly affect our behavior as well as our ways of thinking, the habits we do have are heavily influenced by the ways we were raised, the communities to which we belong, and our past choices. It should come as no surprise, then, that we often find ourselves with habits that are not conducive to flourishing, which, as we have just discussed, includes living in ways that express our values and commitments.

Moreover, Aristotle admits that habits are not easily acquired or lost. Anyone who has, say, given up smoking can attest to that. Few people who try to give up smoking are able to do so cold turkey—that is, all at once. Instead, the process is usually gradual, smoking less and less each day, and sometimes requires weeks or months before the urge to light up a cigarette is gone. It often requires other lifestyle changes, such as giving up coffee or alcohol for a while, if one strongly associates smoking with drinking those beverages, or committing oneself to exercising more to stave off the jitters and provide extra motivation to keep one's lungs clear. On the positive side of acquiring new habits, one may wish to become a kinder person or to focus better when reading one's schoolbooks. Again, one can rarely just will that to happen all at once; instead, one has to *practice*, doing the kinds of things that virtuous people would do until the new habits become ingrained and are no longer difficult.

So breaking bad habits and acquiring good ones is certainly possible, but to do so successfully requires time, patience, some broader lifestyle changes, and above all, *commitment*. The same can be said of changing one's eating habits. One study has shown that 86% of people who decide to become vegetarian eventually go back to eating meat, half within the first year (Humane Research Council, 2014). Similar statistics would probably apply to those who decide to become ethical omnivores or agrarians. This is undoubtedly for the same reasons that those who try to give up smoking cold turkey rarely succeed.

Because one's eating habits manifest themselves several times a day, and because they are so strongly tied to custom and social relationships, changing them can be immensely difficult. This suggests that the best approach is *gradual*. For instance, one might start by choosing to stop going to McDonald's or to eat vegetarian once a week. Then one could increase the vegetarian meals to twice or three times a week and replace the factory-farmed meat on the

other days with more ethically sourced meat. And one could continue this process over time until one's habits—and desires—align more closely with one's ethical commitments.

But as noted earlier, the strength of one's commitment to a certain lifestyle is perhaps the most crucial aspect. This is where philosophy can be of particular use. Pollan (2002) cites Benjamin Franklin as remarking that “the advantage of being a ‘reasonable creature’ . . . is that you can find a reason for whatever you want to do” (p. 4). But if we continue to educate and inform ourselves about the realities of where our food comes from, how it is produced, and the philosophical reasons for and against using animals as sources of food, we can find the motivation needed to sustain our characteristically human drive to live lives of integrity, consistency, and authenticity.

Going Deeper

Did something in this chapter catch your interest? Want to get a little more in depth with some of the theory, or learn about how it can be applied? Check out these features at the end of the chapter.

[Animals and Scientific Experimentation](#)

[Agrarianism and Speciesism](#)

Conclusion & Summary

This chapter began by observing how eating is often a mundane, thoughtless activity governed by everyday considerations like cost, convenience, and taste. But the chapter also observed that eating can be highly significant, expressing cultural, religious, and individual values, beliefs, and commitments. This significance can be seen strikingly in the ways that we treat other animals.

Animals have been a source of food and survival for as long as there have been humans, but once people began to reflect on their reasons for acting in various ways, they started questioning whether we *ought* to use other animals to satisfy our needs and desires. While some early philosophers argued against this, almost all human cultures practiced animal farming. Those cultures, along with the animals, evolved into a relationship of interdependence: The animals depended on the humans for protection and sustenance, and the humans depended on the animals for food, clothing, and other goods.

The modern period brought several major changes that paved the way for the modern industrial farm, such as wide-scale movement away from rural areas into cities, separating more people from the sources of their food; the industrialization of much of life; and philosophical and scientific shifts that distinguished the inner world of experiences from a mechanistic and controllable outer world. Modern agriculture began to treat animals as mechanical objects to be controlled and exploited as mere resources to satisfy our desires, and as people became aware of these conditions many started to question the ethical justification of such practices and of consuming animal products in general.

Utilitarians like Peter Singer argued that many of these practices are wrong because the suffering caused to animals outweighs the pleasures gained from their consumption. Deontological approaches like those of Tom Regan sought to show that animals have a fundamental right not to be treated as resources by extending to animals Kantian arguments for a duty to treat persons as ends-in-themselves. These views are rooted in a critique of speciesism, a form of discrimination that gives less weight to the interests and experiences of other animals simply because they are a different species, which is, in this view, no different than racism or sexism that gives less weight to the interests and experiences of Black people or women simply on the basis of their race or sex.

Agrarians like Wendell Berry, who could be classified as taking a teleological or virtue-based approach, have advocated instead a return to older ways of understanding humans and animals, as well as communities and the land, in terms of their holistic interrelations and recovering farming practices that seek to nurture and care for the natural health and flourishing of all. Appreciating the particular characteristics of different animals and how they interrelate with communities and the land imposes ethical responsibilities on farmers as well as consumers to act in ways that respect our interdependency and regard animals and the land as gifts to be nurtured rather than as material to be exploited.

Advocates of each of these approaches have come to a variety of conclusions with respect to the treatment of animals both on farms and in other contexts, like scientific experimentation and product testing, as well as our responsibilities as consumers of food and other products. Some maintain that all or nearly all uses of animals are morally wrong and that we have moral obligations to be vegetarians or vegans. Others maintain that while many ways of treating and consuming animals is wrong, some can be morally justified, and while we don't necessarily have obligations to become vegetarian or vegan, we do have an obligation to be more conscientious in our food choices, not just for the sake of animals but for the sake of living better lives ourselves.

Few ethicists believe that animals don't matter morally, that all forms of modern industrial agriculture are morally justified, or that our choices about how to eat are merely personal. To reflect honestly and carefully on how we eat is to acknowledge and embrace the significance that eating has always had to human life; the ways that eating forges meanings and connections between ourselves, other beings, and the world that we inhabit; and the special gift we have to deepen and enrich ourselves by posing to this most common and fundamental of human activities the basic ethical question of how one should live.

Key Terms

agrarianism The idea that the values, virtues, and ends of an ideal farmer can serve as a standard for the values, virtues, and ends that should govern human life in general; a position that seeks to articulate and embody, in thought and practice, a commitment to proper and careful use of the land, plants, animals, and humans as a gift rather than as a mere resource.

argument from marginal cases An argument that animals have the same moral status as "marginal cases" of humanity, such as infants and those with severe mental impairments.

concentrated animal feeding operation (CAFO) A method of farming that involves confining large numbers of animals into relatively small enclosures and typically using structures and equipment in place of land and labor for managing the animals and their environment.

ethical omnivorism The belief that we should not treat any animal with cruelty, abuse, or exploitation and should avoid consuming animal products obtained in these ways, but it's not immoral to consume meat and other animal products obtained via humane farming methods.

sentient Able to perceive and feel, particularly pleasure and pain.

speciesism A form of discrimination in which certain beings are treated differently than others merely on the basis of species membership.

vegetarianism An ethical position and lifestyle in which one does not eat any food produced from the death of an animal but will eat animal products that do not result from an animal's death.

veganism An ethical position and lifestyle in which one abstains from any food products that come from animals.

Additional Resources

Philosophy of Food Project (<http://www.food.unt.edu>). Among other things, this website provides arguments for and against eating meat.

These websites provide lots of information about factory farming and other unsustainable agriculture practices, as well as alternatives:

- Farm Sanctuary works to end cruelty to farm animals: <http://www.farmsanctuary.org/learn/factory-farming>
- People for the Ethical Treatment of Animals (PETA), the largest animal rights organization in the world, was inspired by Peter Singer's 1975 book *Animal Liberation*: <http://www.peta.org>
- Michael Pollan's website has a large number of links, resources, and FAQs about the farming industry as well as finding and cooking healthy, sustainable, and ethically sourced foods: <http://michaelpollan.com/resources>

Information on the benefits of food that has not been produced by factory farming and how to find it can be obtained from these sites:

- Eat Well Guide and Eat Wild have information about the benefits of eating sustainable food and where to find it: <http://www.eatwellguide.org/i.php?pd=Home>
- Local Harvest has information about alternative farmers, searchable by ZIP Code: <http://www.localharvest.org>
- The Animal Welfare Institute audits and certifies family farms: <http://animalwelfareapproved.org>
- Certified Humane Raised & Handled is a food labeling program dedicated to improving the welfare of farm animals: <http://certifiedhumane.org>

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Going Deeper

Animals and Scientific Experimentation

In the United States, around 25 million animals are used every year to research and test medical drugs and treatments, to learn more about biological systems, to test consumer products like cosmetics, and for similar purposes (Hastings Center, 2012). Defenders of the use of animals in scientific experimentation, such as the American Medical Association (2017) and many scientific organizations (Americans for Medical Progress, n.d.), maintain that it has led to major progress in science and medicine and thus has greatly improved human health and society. Without experimenting on animals, defenders argue, scientific and biomedical progress, such as progress on curing diseases, would be much slower, the products we use may not have been adequately tested for harmful effects, and so on (Brody, 2012; California Biomedical Research Association, n.d.).

Criticisms of animal experimentation come from many different angles (LaFollette, 2011). For instance, we might distinguish between the use of animals in finding cures and treatments for devastating diseases and conditions and the use of animals to test the effects of other, less vital products, such as cosmetics (Moran & Locke, 2014). While the benefits of the first sort may justify the use of animals, even in ways that cause them harm, using (and especially abusing) animals to determine the effects of relatively unimportant products like cosmetics is unjustified.

Going a bit further, some dispute the effectiveness of animal experimentation, even experimentation aimed at important and vital medical advances (Harris, 2017). Such arguments might try to show that advances in science and medicine depend far less on the use of animals—at least using animals in ways that cause them harm—than proponents claim. There are methods of research that do not involve causing harm to animals, and we should seek to develop and expand such methods (Marks, 2012).

Third, philosophers like Tom Regan (1985) and Peter Singer (1989) argue that we should apply the moral standards we use when considering experiments on *humans* to animals as well. These standards are meant to ensure that no humans—especially the most vulnerable—are treated as mere means to an end and that the pain and suffering of all is given equal consideration. In the past, minority races, the disabled, the economically disadvantaged, those in prison, and other vulnerable groups have been subjected to harmful medical experiments. Today it is widely agreed that the scientific and medical gains from such experiments did not justify them and that no human should be treated as a mere “guinea pig” (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1978). But what about the *actual* guinea pigs, mice, chimpanzees, and other animals that are routinely used in experimentation? Do they also have a right not to be treated as a mere means to an end, no matter how beneficial that end might be?

In short, according to defenders of animal experimentation, using animals in scientific and medical experimentation can lead to important and lifesaving benefits that justify their use, albeit many would add that using animals for less important or nonvital ends is not justified. On the other hand, many people argue that the availability of, or at least potential for, scientific and medical advances that do not involve harm to animals means that most, if not all, uses of animals in experimentation is wrong. Finally, according to some opponents, the justification for the use of animals in experimentation is independent of the benefits or harms; instead, we must first consider the rights that animals may have not to be used for our benefit.

Despite these differences, there is widespread agreement on a set of protocols aimed at minimizing harm to animals in experimentation, known as the “three Rs”:

- Replace a procedure that uses animals with a procedure that doesn’t.
- Reduce the number of animals used in a procedure.
- Refine a procedure to alleviate or minimize potential animal pain.

These protocols can reflect a utilitarian attempt to continue increasing overall happiness while reducing suffering as much as possible. They may also reflect a duty to avoid treating animals as a mere means to the greatest extent possible while also respecting a duty to improve human health, and in this way they could be conclusions of deontological arguments. Or they may reflect an attempt to harmonize the telos of the medical researcher with a concern for the telos or good of animals, recognizing that compassion and concern for animal welfare is an important virtue along with the virtues needed for successful research.

While abiding by these protocols won't satisfy everyone (some might think that it slows scientific progress, others might think that it doesn't go far enough to protect animals), it shows that forms of compromise are possible among people with very different views about the moral treatment of animals.

Agrarianism and Speciesism

According to utilitarians like Singer and deontologists like Regan, most forms of animal agriculture are speciesist; that is, they involve treating farm animals differently than humans and other animals (like dogs and cats) simply because they are different species, and this is objectionable because species membership is not directly relevant to our ethical responsibilities. However, this position reflects conceptions of ethical responsibility that many Aristotelian approaches do not share.

Both Singer and Regan locate the ethically relevant feature of any being's life in consciousness or the internal life—the experience of suffering, experiencing oneself as the subject of a life, and so on. Not only is the source of ethical responsibility conceived in terms of internal experience, one could argue that the ethically relevant experiences are conceived in rather simple terms so as to show that they are experiences, feelings, and interests that are shared in the same way by humans and other animals. Again, the aim is to show that animals deserve the same moral consideration that humans receive.

For example, as a utilitarian, Singer argues that the experience of pleasure and suffering is the primary moral consideration, and the pleasure or suffering of animals should be given equal weight to that of humans. This implies that the *suffering* animals experience, in Singer's view, would be the same *kind* of suffering that humans experience. As will be discussed further in a moment, critics might object that this is a rather stripped-down notion of suffering that ignores the significance of the *meaning* that suffering has for humans as linguistic creatures, and the *meaningfulness* of human suffering makes it substantially different than the suffering animals experience. Regardless, the key point is that if suffering (in the simplified sense that abstracts its meaningfulness) is the primary moral consideration, species membership is irrelevant.

The Kantian argument for why we have a duty to treat persons as ends-in-themselves is rooted in our capacity to autonomously make our own rational choices and pursue our own freely determined ends, not in anything about our animal nature or respect for the natural order of things, which doesn't have moral significance in the Kantian view. Species membership *as such* is irrelevant to Kant; what matters is whether a being possesses rational autonomy, for if it does, we have a duty to treat it as an end-in-itself. But in practice this ends up meaning that only humans have dignity in Kant's account. Regan wants to extend this notion of dignity to animals, but to do so he has to simplify the source of dignity by eliminating the rational, autonomous dimension and identify it only with the capacity to experience one's life. If this is the ultimate source of a being's dignity, species membership is irrelevant.

For the Aristotelian, however, a being's species is directly relevant to the moral responsibilities we have toward it, since it factors into the account of a being's telos and thus informs an account of what it means to nurture and care for a being's characteristic mode of flourishing. In other words, understanding our ethical responsibilities *depends* on recognizing the significance of a being's particular species and how it naturally interconnects with other animals and the broader environment. Thus, the Aristotelian would also object to the utilitarian and deontological focus on *internal* experiences as the source of moral responsibility. Accordingly, treating some animals differently than others on the basis of the natural characteristics of their particular species is not a morally objectionable form of speciesism but the way we *fulfill* our moral responsibilities.

What does this mean when we consider the specific forms of treatment that Singer and Regan object to? Aristotelian virtue ethicists and agrarians would agree that causing unnecessary pain and suffering to animals is wrong, but not for the reasons a utilitarian like Singer would. Wendell Berry's view is clearly opposed to the reductive and calculative approach of utilitarianism. He would regard the attempt to reduce all value to some impersonal, measurable element like a stripped-down notion of suffering to reflect the very same mind-set he criticizes in his description of the exploiter given in the main text. Characteristics of Berry's "exploiter"—like having a singular goal (money, profit, or maximizing preference satisfaction and minimizing suffering), considering first and foremost questions like "how much" conceived "in terms of numbers, quantities, 'hard facts'" (Berry, 1977, pp. 7–8)—are emblematic of utilitarian thinking.

Instead of thinking about suffering as a raw negative factor that we weigh against positive factors, the Aristotelian considers the *significance* that suffering has in relation to a being's overall flourishing. Is the suffering an integral part of something that is, overall, good, like in a strenuous workout or a religious fast? Or is the suffering in the service of something unworthy, like greed, base pleasure, or mere efficiency? The suffering experienced by most farm animals would fall in the latter category and would thus be morally indefensible in the Aristotelian account, not because it is *painful* or *feels bad*, but because it inhibits the animals' flourishing. However, this account leaves open the possibility that other forms of pain that farm animals may experience are not objectionable if they contribute to the animal's characteristic flourishing.

Virtue ethicists and agrarians would agree with deontological animal rights advocates that we ought not to treat animals as mere resources, but again, that's not quite for the reasons Regan and others like him offer. In a word, we shouldn't treat *anything* in nature as a mere resource, because that fails to appreciate the responsibility we have as beings whose own well-being is interwoven with the well-being of other animals and our environment, and it fails to appreciate other beings as gifts over which we have been given dominion, understood in terms of nurture and care. In Kant's view, the responsibility not to treat other beings as mere means or resources applies only to beings that can make autonomous, rational choices. Thus, Kant thought that we have no direct moral responsibility toward animals. Even if we accept Regan's argument that this duty extends to other animals (or more precisely, any being

that experiences itself as the subject of a life), it only does so because of the animal's capacity for *internal experiences*, reinforcing the view that direct ethical obligations only apply to those with internal, conscious experiences. Thus, it seems that in Regan's view, we have no direct moral obligations toward the land and other aspects of our environment that have no such experiences, a conclusion that many virtue ethicists would reject.

In the Aristotelian virtue ethics view, our ethical responsibility is not directly due to something *internal* to creatures, like experiences of pleasure or pain or experiencing oneself as the subject of a life. Instead, it is due to something *about* creatures, such as their characteristic activities and modes of life, how they flourish or fail to flourish, given characteristic activities and modes of life. Accordingly, certain ways in which animals are farmed for food can manifest respect for these interdependent conceptions of flourishing, and other ways can undermine them.

To speak of "characteristic activities" and "modes of flourishing" is to refer to specific features of particular species or kinds of things; in other words, paying attention to species differences is vital to treating them ethically rather than a barrier to ethical treatment. It's by recognizing and appreciating the characteristics of particular species, as well as how they form relationships of mutual interdependency, that we can act in ways that promote health and flourishing. Singer and Regan agree that it can be appropriate to appreciate species difference when it comes to *some* rights and forms of treatment, but our basic ethical obligations are independent of species. The Aristotelian account maintains that we can't adequately know what an animal's interests really are, the ethical significance of suffering, or what it means to respect them as ends-in-themselves without considering what they are as a species.

This may, in turn, lead us to different conclusions on certain questions than the ones defended by utilitarians and deontologists. It might justify some ways of using animals that Singer or Regan believe to be unethical. But on the other hand, it might be *more* stringent than utilitarianism or deontology in certain respects—it builds in responsibilities toward plants and the land, it may provide reasons to oppose certain policies that the utilitarian would defend due to its noncalculative approach, and it shows why we have responsibilities toward nonhuman creatures even if they don't suffer the way we do or have the same basic rights.

10 Other Issues in Applied Ethics



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Learning Objectives

After reading this chapter, you should be able to:

- Explain the reasoning behind the major arguments for and against war, torture, and terrorism.
- Explain the reasoning behind the major arguments for and against capital punishment.
- Explain the reasoning behind the major arguments for and against same-sex marriage.
- Understand the major ethical theories and viewpoints in the category of environmental ethics.

War, Torture, and Terrorism

Introduction

On September 11, 2001, two hijacked airplanes crashed into the World Trade Center buildings in New York City, another crashed into the Pentagon in Washington, D.C., and a fourth crashed into a field in Pennsylvania after being diverted from its original target. These attacks, and the invasions of Afghanistan and Iraq that followed, sparked a renewal of vigorous discussion and debate over questions such as the justification for going to war, the proper limits on the use of military force, and the definition of torture and whether it is justified. Since these and many previous and subsequent attacks were carried out by terrorists rather than by sovereign nations, questions concerning the meaning of *terrorism*, whether it is always wrong, and whether war against terrorists is subject to the same moral standards as other kinds of war have also been of great concern.



Greg Martin/SuperStock

The terrorist attack on September 11, 2001, set off a worldwide discussion concerning terrorism, war, military force, and torture.

Even though these kinds of questions have been the subject of renewed interest in recent decades, they are far from new; indeed, they are some of the oldest ethical issues. This is hardly surprising, both because there has likely never been a time in human history in which no one was at war or threatened by war and because of the utterly devastating and horrific nature of war.

Because war is so terrible—involving not just the shattering of lives and the ruination of towns and cities but also the participation of combatants in acts of violence that would be horribly wrong in normal circumstances—some people have supposed that

war simply has nothing to do with ethics, except perhaps in a minimal way. That is, because of the extraordinary circumstances of war, military actions are outside the realm of the moral or immoral. Instead, the only relevant questions are those of prudence and effectiveness, such as how we can best achieve success with minimal cost. This position is called **realism**, or sometimes **nihilism**, about the morality of war and peace. (It should be noted that the terms *realism* and *nihilism* have different meanings here than they do in other philosophical contexts. Read about that distinction with respect to *realism* in the *Ethics FYI: Moral Realism* feature box).

Ethics FYI

Moral Realism

Moral realism, as discussed in Chapter 2, is the view that there are moral facts and thus that moral claims can be true or false depending on whether they correspond to those facts. Within discussions about the ethics of war, however, the term *realism* refers to a position unrelated to *moral* realism; in fact, the two may be opposed to each other. In the context of war, the realist maintains that moral ideals do not apply and that restricting military actions out of regard for morality prevents the state from using the most effective means of ensuring its security or survival. *Realism* has the sort of meaning as when someone says, “Realistically, we have to accept that fighting a war will involve the killing of innocent people, and so the usual moral prohibition on such action is suspended.” Some realists may regard morality as a kind of construct or contract that emerges out of and applies to a society, but war involves different societies in conflict (or a society that has broken down), rather than a coherent society to which moral standards would apply. Regarding morality as a social construct that only applies in certain conditions contrasts strongly with the view of many *moral* realists that moral facts are independent of particular societies; in other words, since they are facts, they apply no matter the society or circumstances.

On the opposite end of the spectrum from realism, some hold that all war is fundamentally immoral, a position called **pacifism**. Pacifists maintain that since war necessarily involves actions that are inherently wrong, like intentionally killing other human beings, war itself is always wrong. Some pacifists maintain that *all* forms of violence are wrong, and thus war is also wrong. Other pacifists allow for the justified use of violence in some situations, such as self-defense, but argue that warfare goes far beyond such justified uses. Regardless, unlike the realist/nihilist, the pacifist maintains that moral considerations *do* apply to war; however, since all war is immoral, in this view, the pacifist agrees with the realist/nihilist that there is little point in debating whether certain reasons for going to war or certain actions within war are morally right or wrong, at least when it comes to making practical decisions. For the pacifist, this is because all war is immoral. For the realist/nihilist, it is because decisions concerning war fall outside morality altogether.

Realism/nihilism and pacifism are not common positions. Instead, most believe that war can sometimes be justified but that there should be very strict limits placed on both the circumstances under which wars may be entered and the means by which wars may be carried out. The explanation and defense of the principles and conditions that justify war constitute what is called **just war theory**. While various philosophers have discussed elements of just war theory for millennia, it was Thomas Aquinas who, in the 13th century, provided a systematic foundation that has remained influential to this day. We will begin by providing a brief overview of the main elements of just war theory that Aquinas presented and later philosophers have developed. Afterward, we will examine some of the ethical issues concerning torture and terrorism.

Just War Theory

First, we must make an important distinction. When we think about questions concerning the justice of war, sometimes we are considering whether it is right to go to war in the first place, and other times we are thinking about certain actions that are part of the *conduct* of war. In Latin, the conditions that determine whether going to war is justified are called *jus ad bellum* (literally, “justice of war”), and the conditions for the just conduct of war go by the term *jus in bello* (literally, “justice within war”). We will now consider the principles of each.

Jus ad Bellum

There are many reasons a country or group may want to go to war—to conquer new territory, gain wealth and resources, spread a religion or ideology, or defend itself against a threat. Not all of these are legitimate reasons, according to just war theory. Specifically, a war must meet six conditions to be considered just, the first three of which are discussed by Aquinas, with the last three added by others in the just war tradition.

1. Proper legal authority

Given the gravity of war, most nations desire to restrict the persons or entities who may justifiably wage a war as much as possible. Thus, countries designate a particular legal authority (such as a congress) as having the role of protecting its citizens against foreign threats by waging war when necessary (assuming other conditions are met). Ordinary citizens and other parts of the government are not given that role. Therefore, it would be unjust for such entities to wage war without the proper authorization.

In the United States, this has been a point of contention in recent decades, since technically only Congress has the power to declare war, yet all of the armed conflicts since the 1960s have been fought without a formal declaration of war by Congress. Thus, whether or not this condition has been met is a matter of dispute.

2. Just cause

The *reason* a country goes to war with another entity must be just for the war itself to be just. The least controversial cause that justifies war is self-defense; that is, defending one’s country against an outside aggressor. This is often regarded as analogous to the basic right that individuals have to defend themselves when threatened.

However, disputes arise over whether the aggression must have already taken place or is merely anticipated. In other words, there are disputes over the justice of **pre-emptive war**—wars to prevent a possible attack, such as the second war in Iraq. Even when preemptive war is considered justified, there are still questions that must be asked, such as how imminent and severe the threat must be. Again, we recognize the need to consider similar factors in situations of self-defense and law enforcement. Merely suspecting that a person *might* pose a threat to oneself or another is often not sufficient grounds for violent action, especially when the supposed threat is not well grounded or not severe enough to justify lethal action.

Another dispute arises over whether the threat must be ongoing or whether a country has the right to go to war in order to *punish* or *avenge* an attack. Aquinas (1988)

seems to regard this as a just cause when he quotes another medieval philosopher, Augustine, as saying:

Just wars are normally defined as wars that avenge injuries, where the nation or city to be punished is one that has either neglected to make amends for what was done unjustly by its subjects or refused to restore what was lost through injury. (*Summa Theologiae*, II-II, Q.40, A.1)

Others maintain that punishment is not a legitimate reason for war, and if punishment must be taken, it should be in nonviolent forms such as economic sanctions or disarmament.

Finally, there are questions over whether a country can only go to war in the name of **humanitarian intervention**. These would be wars waged not in response to attacks or threats against the country *itself* but in defense of others, such as another country that is attacked by an outside force, or citizens of another country threatened by their own government (Miller, 2010). In the 21st century, conflicts such as those in Sudan and Syria have brought these questions into focus, and humanitarian intervention was invoked as part of the justification for the 2003 invasion of Iraq.

3. Right intentions

Aquinas argues that even when the cause is just and the proper legal authorities are involved, a war may be unjust if it is carried out with the wrong intentions. For instance, suppose Country A attacks Country B, and B responds by going to war with A. But suppose that B does so out of “a disordered desire to do harm, a cruel thirst for vengeance, a restless and implacable mind, a savage spirit of rebellion, a lust for domination, and other such things,” rather than to establish peace. Aquinas holds that this sort of attack is “rightly condemned” (*Summa Theologiae*, II-II, Q.40, A.1).

For instance, many countries condemned Russia’s invasion of the Ukrainian territory of Crimea in 2014 for violating this condition of right intentions. Even though Russia claimed that it was acting in defense of Russian-speaking people in that region and in response to a vote by the Crimean people, many observers, including the International Criminal Court (2016), argue that Russia had other, illegitimate motives. Similarly, some have argued that the true intentions of the United States’ 2003 invasion of Iraq was establishing control over the region’s oil production rather than self-defense or humanitarian intervention. According to these claims, the supposition that the Iraqi government had weapons of mass destruction or that Iraqi leader Saddam Hussein was supporting terrorists or persecuting his people were merely pretexts for invading the country in order to gain access to its oil.

It’s not necessary to agree on the true reasons for the invasions in order to recognize an important point. In both cases, the invading country felt the need to justify its invasion by associating it with certain reasons like self-defense or liberating oppressed people. In other words, the governments understood that aiming to control a region’s oil supply, ports, or population are not legitimate reasons to go to war, even if they had the beneficial side effect of liberating oppressed people or reducing a possible threat. This shows that the governments acknowledge “right intentions” as a condition for a just war.

4. Last resort

Even when a *cause* for war is just, depending on how one defines that, it does not necessarily mean that the war *itself* is just. The country must first attempt to resolve conflicts through nonviolent means such as diplomacy, economic sanctions, and third-party intervention (by nations friendly to the other country, for instance).

For example, in the 2010s North Korea has made threats against South Korea, the United States, and other countries and conducted tests of long-range missiles and nuclear weapons to support these threats. Rather than responding to these actions through military intervention, countries like the United States have attempted to weaken North Korea through economic sanctions, and they have tried to work with China—an ally of both the United States and North Korea—to influence North Korea in mutually beneficial directions.

To outside observers, and to those accustomed to superhero movies and the like, war may not always appear to be as destructive and horrific as it really is. This may encourage a view of military personnel and civilians affected by war that disregards their humanity and the suffering they endure in war. Establishing the condition that war must be a last resort helps avoid such problems.

5. Proportionality

Wars inevitably involve destruction, death, suffering, and other great evils, so for a war to be just, these must be offset by the goods that are expected to result. A war that causes immense evil for the sake of relatively small gains is not just, even if the cause is just, the proper authorities are involved, and so on.

6. Reasonable prospect of success

Related to the proportionality condition, many just war theorists argue that wars with little to no chance of success should not be fought, for this will involve death, destruction, and other great evils without a corresponding benefit.

As we have mentioned several times, the toll that war takes on all parties involved is immense. This means that debates over the conditions for a just war and how they apply to specific circumstances can be extremely difficult and contentious but also extremely vital. But whether *a war itself* is just is only the beginning of the debate; it is also important to consider *the ways in which wars are fought* and *what uses of military violence can be justified*, to which we now turn.

Jus in Bellum

Some just war theorists maintain that if a war itself is unjust, all military actions that are conducted as part of the war are unjust as well. Others would draw a distinction between the justice of a war *itself* and the justice of the *conduct* of war, allowing that actions undertaken during war may be just even if the war itself is not.

Regardless, just war theory holds that actions undertaken as part of the conduct of war must meet several conditions to be morally justified. Before examining those conditions, let's recall an aspect of Thomas Aquinas's moral theory that we discussed in Chapter 4. Aquinas defended a natural law theory of morality, and the most important part of that theory for our purposes was the doctrine of double effect. This is a set of moral principles concerned with

actions that have both good and bad effects, of which war is a prime example—a good effect of violent military activity might be defeating an enemy that is threatening one’s country, but bad effects include death and destruction.

When determining whether actions taken in war are moral, an act utilitarian would simply weigh the positive and negative effects of the different available options and determine which action has the best effects overall. The doctrine of double effect adds some additional moral restrictions on our actions that are independent of the consequences. Specifically, in circumstances in which an action has both positive and negative effects, there are four requirements for moral permissibility:

1. The action itself is inherently either morally good or morally neutral.
2. A bad action or effect is not used to produce a good effect.
3. The intention is to bring about the good effect, and there is no way to do so without the bad effect also occurring.
4. The good effect must be sufficiently important and outweigh the bad effect.

As we shall see, according to this way of reasoning about the morality of our actions, some military actions might be morally permissible even though they have harmful effects, such as the loss of innocent lives. On the other hand, some military actions are morally wrong even though they may have significant positive effects, such as a quicker end to conflict.

With that background, we will identify five conditions that most just war theorists identify as necessary for actions in war to be justified.

1. Discrimination

According to just war theory, acts of war must discriminate between combatants and noncombatants, and noncombatants must never be the direct targets of military action (Nagel, 1972; Anscombe, 1981).

The difference between a combatant and **noncombatant** typically has to do with whether a person is willingly and/or directly engaged in violent activities. However, in some situations it can be difficult to draw this distinction. Children, the elderly, and the sick are often unambiguously innocent, but sometimes they are *used* by combatants to do things like carry a bomb into a crowded marketplace or a group of enemy soldiers. People who do not pick up weapons may aid in manufacturing them, transport combatants and supplies, or harbor combatants in their homes. There is also the matter of those who are not directly engaged in violent activities but are involved in ways such as providing money and material support, political backing, or religious encouragement and justification.

While situations like these can complicate the combatant/noncombatant distinction, most just war theorists agree that people who are not combatants—however the term is defined—are not legitimate targets of direct military action, even if targeting them would seem to provide significant military advantages. This does not mean, however, that it is always wrong to engage in activities that have the *effect* of causing harm or death to noncombatants, which is where the doctrine of double effect comes in. It’s not always wrong for a bad side effect—such as the death of civilians—to be the *result* of one’s action if that bad effect wasn’t one’s *intention* and was the *unavoidable* side effect of a morally justified action.

For instance, if you go to the dentist to fill a cavity and her drilling causes you pain, that's not morally wrong; it would, however, be morally wrong for her to perform the exact same action with the *intent* of causing you discomfort and pain. Similarly, if soldiers engage a group of enemy combatants in a firefight in an urban area and stray bullets accidentally kill some innocent women and children, that's not necessarily wrong; it would be wrong, however, to intentionally target those women and children in an attempt to compel the enemy combatants to surrender.

There are many ways in which philosophers explain and defend the moral importance of this distinction, including the approach of Thomas Nagel in his 1972 article "War and Massacre," which is rooted in the deontological theory of Immanuel Kant that was examined in Chapter 4. Nagel argues that, as a matter of absolute necessity, any act of violence should be "aimed specifically against the threat presented by a dangerous adversary" (p. 138). In other words, if someone is engaged in hostile activities against another, the other can try to stop the hostility by using force but should only direct that force toward the person *directly engaged in the hostile activities*. Directing the force toward bystanders or noncombatants treats them as, in Kant's terms, mere means, and thus is acting in a way that is morally wrong.

2. Military necessity

Even when an attack is directed toward combatants, it must be reasonably regarded as necessary to defeat the enemy; in other words, there must not be any alternatives that would have a similar effect without causing as much destruction, death, and so on.

To return to the dentist analogy, while a dentist would not be acting wrongly by causing pain when pulling a tooth that needed to be removed, if there was another way to treat the problem that was just as effective without causing as much pain, the dentist *would* be blameworthy for the pain she caused. Similarly, military leaders must consider all available options and only use lethal and destructive force when there is no viable alternative.

3. Proportionality

Similar to military necessity, the good to be achieved must outweigh the harms that result from the military action. This follows from the fourth principle in the doctrine of double effect, that the good effect must be sufficiently important and outweigh the bad effect.

For example, earlier we remarked that it would not necessarily be wrong for a soldier to kill an innocent civilian if the killing was an accidental consequence of fighting with an enemy combatant. However, it could be the case that the danger posed to civilians by engaging an enemy combatant is much greater than the advantages gained by attacking that enemy, and thus that the negative effects, even when unintended, are disproportionate to the positive effects.

4. Benevolent quarantine

When enemy combatants surrender, are captured, or otherwise no longer pose a threat, it is wrong to mistreat or intentionally kill them, since they are no longer combatants. Instead, they should be provided adequate food, water, shelter, and other

basic necessities. From the perspective of self-interest, countries can recognize that their own soldiers would stand a better chance of being treated humanely by captors if everyone respected this principle. But it also can reflect a belief that humans do not lose their basic dignity in war or even when they have failed to respect the dignity of others.

5. No evil means

Most just war theorists maintain that there are certain actions or tactics that are wrong in themselves and should never be used, no matter what gains might come. For instance, the use of biological and chemical weapons, rape, and genocide are generally regarded as never justified. Other tactics often cited as absolutely wrong (though not always without controversy) include the use of nuclear weapons and torture.

While the ethics of nuclear weapons is a topic that has received substantial attention and debate for more than half a century, recent years have seen increased discussion of the other controversial tactic we just mentioned, torture. In order to gain an understanding of how ethicists approach such controversies, we will spend some time focusing on that issue.

Torture

Whether or not a country is at war, there may be situations in which gaining information is vital to successfully defeat an enemy or eliminate a major threat. In such situations, it may be tempting to use techniques designed to cause substantial physical and/or psychological suffering in order to acquire such information. Such techniques may also be used to punish a person or a group, to send a message to one's enemies, or even for perverse enjoyment. We can define **torture**, then, as intentionally causing severe pain or suffering for one's own advantage (including gaining information), as punishment, or for intimidation. (This definition of *torture* is more vague and imprecise than most philosophers would like, but attempting to make it more precise would introduce controversial ideas that we don't have the space to discuss here.)

Is torture ever morally justified? One of the difficulties in answering this question has to do with disagreements over whether certain techniques count as torture. In the early 2000s, for instance, many people debated whether waterboarding—a technique that simulates drowning—is torture (Hitchens, 2008). Proponents of its use as well as other disputed methods preferred to call them “enhanced interrogation techniques” rather than “torture.” Addressing the ethics of torture thus requires us to avoid getting lost in terminological battles and instead clarify the kind of technique or procedure under question, regardless of what we call it.

The philosopher David Sussman (2005) takes a Kantian approach to this issue by focusing on the way that torture violates the victim's inherent dignity, which Kant identified with a person's autonomous, rational will, and which must always be treated with respect. The intent of torture, in this view, is to override individuals' will by inflicting pain and suffering to such a degree that they feel they have no choice but to concede to whatever the torturer wants. Thus, the person is treated as a mere means, which is always wrong. (It's important to add that in the Kantian view, individuals' dignity—their right to never be treated as a mere means—does not depend on the circumstances, such as the information they may have or whether they have committed any crimes.) Whether we go by a view like Sussman's or some other

view, addressing controversies over whether some particular technique is torture might involve clarifying what makes torture wrong and determining whether that technique fits that description. In other words, if a technique like waterboarding inflicts a form of suffering so as to override a person's will or otherwise violates a fundamental duty, it is wrong regardless of whether we call it "torture" or "enhanced interrogation."

This, of course, assumes that such techniques *are* always and absolutely wrong, which some would dispute. One may argue that torture is morally justified in certain circumstances, or one may argue that it's always morally wrong but *less* wrong than the alternative choices. An illustration commonly invoked to defend these ideas is the "ticking time bomb" scenario.

The Ticking Time Bomb Scenario

Suppose it's New Year's Eve, an hour before midnight. Millions of people are gathered in Times Square in New York City, and law enforcement officials learn that a nuclear bomb has been planted somewhere in the vicinity and is set to go off at the stroke of midnight. Luckily, they have found someone they think might know where the bomb is located, but unluckily, the person isn't talking. Should they torture this person to determine the whereabouts of the bomb, potentially saving millions of lives?

In an act utilitarian view, the answer is pretty straightforward: The amount of suffering that would be avoided far outweighs the suffering inflicted on the torture victim, so torture is the morally right thing to do in this case. A deontologist might argue that torture violates a moral duty and thus should not be done, even in an extreme case such as this. Many philosophers, however, do not consider the answer to be so clear-cut, and some object that this scenario can mislead us as we attempt to determine the morality of torture in real-life situations.

Political theorist Michael Walzer (1973), for instance, argues that situations like this present a conflict between different duties—a duty not to torture and a duty to protect citizens. In certain extreme situations like this one, the person(s) involved will inevitably do something morally wrong, so there is no way to avoid, in Walzer's terms, "dirty hands." The question is thus not which action is morally right, but which action is less wrong—and in this case, torturing the person may be less wrong than allowing millions of people to suffer and die.

Nevertheless, in Walzer's view, we should not suppose that torture is thereby morally right, as if we can exonerate the person performing the torture. We might see this more clearly if we consider a case in which we aren't torturing the person who knows the bomb's whereabouts, but that person's innocent child. Suppose the person refuses to divulge the location of the bomb even under torture, but we think that torturing his child will cause him to do so. Is torturing an innocent child a morally right action, even if it could save millions of lives? Again, some might argue that it is, but many would argue instead that it might be the correct *choice* even if it is still *morally wrong*.

Can this scenario help us resolve real-life questions about torture, such as the ones raised by the practice of waterboarding or the actions undertaken by American soldiers at Abu Ghraib and Guantánamo Bay? Lawyer and author Alan Dershowitz (2002) argues that the ticking time bomb scenario can help us establish policies that define the extreme emergency situations in which torture can be legally (even if not morally) justified.

Others have argued, from both utilitarian and deontological perspectives, that the ticking time bomb scenario is too extreme to provide a useful basis for any official policy or standard and that it's best to ban torture outright (Waldron, 2005). Utilitarians, as well as deontologists who would otherwise accept the dirty hands argument, may maintain that torture is a highly unreliable way of gaining information, since victims tend to say whatever they think the torturer wants to hear, regardless of whether it's true (Miller, 2017). And as we have already indicated, many would maintain that torture is a fundamentally evil act and that evil means should never be used to bring about good ends.

These questions about torture have become especially important in recent years because of the threats posed by terrorism. Along with discussions of torture, its definition, and its moral status have arisen questions about what terrorism is and its moral status, to which we now turn.

Terrorism

Since the events of September 11, 2001, terrorism has been at the forefront of most discussions of war and political violence. Like torture, however, defining terrorism is difficult and controversial. According to the U.S. Department of State's definition, **terrorism** is "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents" (22 U.S.C. § 2656f(d), 2004).

A characteristic mark of terrorism contained in this definition is that it disregards the distinction between combatant and noncombatant when it comes to direct, intentional attack. Moreover, as the term *terrorism* implies, the aim of such violence is to instill terror in the target population, which can have numerous advantages for the aggressors. What is controversial in this definition, however, is that it restricts the term to violence perpetrated by "subnational groups or clandestine agents," implying that actions perpetrated by states do not count as terrorism.

Some of the most notorious uses of terrorism in the 20th and 21st centuries have certainly been by individuals and subnational groups with nationalist, ideological, or religious agendas. These include the Irish Republican Army in the United Kingdom and Ireland, Communists groups in Asia and the Americas, extreme right-wing actors such as Timothy McVeigh in the United States and Anders Behring Breivik in Norway, and the various Islamic extremists in different parts of the world that have been the most high-profile terrorists since around the mid-1990s. However, many would include various state-sponsored activities as examples of terrorism, such as those undertaken by the Nazis in Germany, the Soviets in the USSR, the Khmer Rouge in Cambodia, and many dictatorships around the globe. These are examples of "premeditated, politically motivated violence perpetrated against noncombatant targets" aimed at instilling terror in certain target populations; the only difference with the official State Department definition is that they were not perpetrated "by subnational groups or clandestine agents" but by the state governments themselves.

If we allow that governments and militaries can be agents of terrorism, some raise questions about whether countries like the United States and its allies have been involved in terrorist activities and whether terrorism is ever justified. For example, the Allied forces engaged in indiscriminate area bombing of German cities in World War II, and the United States dropped a nuclear bomb on two Japanese cities; each of these examples could arguably be regarded

as falling under the definition of terrorism. If such activities indeed fit that definition, some might consider them as evidence of atrocities committed by the Allied powers, while others might regard them as indicating that terrorism may sometimes be justified.

Even under the official State Department definition that limits terrorism to “subnational groups or clandestine agents,” some have argued that there may be situations in which the only way for a persecuted group—such as a minority religion or ethnic group—to overcome oppression by a brutal regime is through the use of terrorism. In such cases it may be excused, similar to the way that some believe torture may be excused in certain extreme situations. This notion is reflected in the saying “One man’s terrorist is another man’s freedom fighter.” However, others, such as Walzer (2004), strongly disagree, maintaining that terrorism can never be morally justified no matter the aim or cause.

Conclusion

For people who are not actively engaged in military activity or residing in places where it is occurring, the issues we have discussed may seem remote or ones that should be left to others to figure out. However, we all have a stake in them, partly because the answers may come to have a direct impact on us or our children someday and partly because of the humanity that we share with those directed affected by war, terrorism, and torture. Few things threaten people’s humanity more than these, and few things can define a country or group more than how it treats humanity in the ways that it conducts or responds to political violence. Thus, all citizens have a stake in these debates, and reflection on the philosophical arguments should not merely be left to those pulling the triggers.

War, Torture, and Terrorism Key Terms

humanitarian intervention War in defense of others, such as another country that is attacked by an outside force or citizens of another country threatened by their own government.

jus ad bellum The conditions that make entering into war just or unjust.

jus in bello The conditions that make actions within war just or unjust.

just war theory An explanation and defense of the principles and conditions that justify war.

noncombatant A person who is not willingly and/or directly engaged in military and/or violent activities against an enemy.

pacifism The view that all war is fundamentally immoral.

preemptive war War intended to prevent a possible attack.

realism or nihilism The view that moral considerations do not apply to war; instead, the only relevant considerations are those of prudence and effectiveness.

terrorism According to the U.S. State Department, “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents” (22 U.S.C. § 2656f(d), 2004). Other definitions expand this definition to include actions by nations.

torture Intentionally causing severe pain or suffering for one’s own advantage, including gaining information, punishment, or intimidation.

Further Reading on War, Torture, and Terrorism

The following articles and book chapters are available in the Ashford University Library (<http://library.ashford.edu/index.aspx>).

- Boyle, J. (2013). Just war doctrine and the military response to terrorism. In H. LaFollette (Ed.), *Ethics in practice: An anthology* (pp. 611–619). Malden, MA: Wiley.
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Capital Punishment

Introduction

In the 1970s John Wayne Gacy and Ted Bundy each sexually assaulted and murdered dozens of teenagers and young adults. In 1995 Timothy McVeigh set off a truck bomb in front of the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people, including 19 children. Dictators like Saddam Hussein and Muammar Gaddafi and Nazi leaders like Adolf Eichmann were responsible for the torture, persecution, and death of millions. What do all of these notorious figures have in common? They were all put to death for their horrific crimes. On the other hand, also executed were Cameron Todd Willingham, Carlos DeLuna, Jesse Tafero, Johnny Garrett—people convicted of murder but later shown to be very likely innocent—as well as figures like Socrates, Jesus and most of his disciples, William Wallace (“Braveheart”), and many other important and admired intellectual, cultural, political, and religious figures.

Lists like these can help us understand why capital punishment is a highly controversial and divisive topic. As we shall see shortly, some believe that it’s an important way to keep society safe and to ensure that the worst criminals receive the punishment they deserve. Others believe that the death penalty cannot be applied without major



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While some advocate capital punishment in cases of horrific crimes, it is also likely that many innocent people have been wrongfully executed, leading others to call for the abolishment of the death penalty.

injustices, such as innocent people put to death, or that it is never right to deliberately kill a person who is no longer a threat. Polls have shown support for the death penalty in the 60% to 80% range since the early 1970s, with a high of 80% in the mid-1990s and hovering in the low 60% range in the early 2010s (Gallup, 2017). However, those numbers decrease significantly when people are presented with life imprisonment as an alternative to the death penalty (Dieter, 1993).

Capital punishment is a form of **legal punishment**, which is the imposition of a form of hardship by a legally sanctioned authority (such as the criminal justice system) in response to an offense that a person is judged to have committed. **Capital punishment**, or the death penalty, is the form of legal punishment that involves putting someone to death as punishment for a capital offense (i.e., the worst kind of offense). Typically, the only capital offense for which the death penalty is imposed in the United States is **first-degree murder**, which can be defined as “unlawful killing that is both willful and premeditated” (FindLaw, 2017), though it is also authorized for use in cases of treason or espionage. In the past, and in some contemporary societies outside the United States, it has been used in response to many other offenses, such as rape, adultery, and witchcraft.

Many forms of execution have been used to carry out the death penalty, including hanging, beheading, burning at the stake, firing squads, and electrocution. The most common method nowadays is lethal injection, in which the offender is injected with a series of drugs designed to cause unconsciousness first and then death. Twenty-eight executions were performed in the United States in 2015, which continues a decline in the number of executions since 2009 and is a significant decline since a high of 98 in 1999. As of the end of 2015, there were 2,881 prisoners on death row, down from 2,942 in 2014 (Death Penalty Information Center, 2017).

The Moral Arguments

In countries that permit capital punishment, the belief that it is wrong and should no longer be practiced is called **abolitionism** (those who support this are called abolitionists), while the belief that it should continue to be used is called **retentionism** (those who support this are called retentionists). Both sides have a set of utilitarian as well as deontological arguments that they commonly invoke in support of their view.

Recall that utilitarian arguments maintain that an action or policy is right if it results in the greatest overall good compared to alternatives. In this case, utilitarians would consider whether the availability of capital punishment makes people better off overall than if we did not have it. There are two ways in which retentionists usually suppose it does: as a preventive measure and as a deterrent.

Retentionists may argue that capital punishment can have positive overall effects by **preventing** murderers from murdering again; after all, if a person is dead, he cannot murder again, whereas as long as he is alive, there is the possibility he may escape and kill again, or he may kill other inmates, guards, and so on. Retentionists more commonly invoke an argument from **deterrence** in support of capital punishment, which is the idea that it can deter or discourage people from committing certain crimes if they know they may be put to death for it.

Whether these claims, especially those about deterrence, are true is an empirical matter, and it's quite difficult to determine whether legalized capital punishment deters people from committing murders they otherwise would commit. Studies have to be able to compare the murder rates in places that permit capital punishment with rates in places that ban it (or the same place before and after permitting it or banning it), and those comparisons have to rule out the many other factors that could account for different murder rates, such as economic conditions, family and community dynamics, education, and so on.

Moreover, aside from the difficulty in showing whether capital punishment is an effective deterrent, the utilitarian would have to consider negative effects that capital punishment might have and compare those with the positive effects. One of the most significant negative effects is the wrongful execution of innocent people.

It's difficult to determine how many innocent people are executed. According to a group called the Innocence Project (2017), 350 people sent to prison for various crimes have been exonerated by DNA evidence since 1992, including 20 on death row. In other words, these were people condemned to death despite their innocence but fortunate enough to be exonerated prior to their execution. There are likely many more either currently on death row or who have already been executed who are or were not so fortunate. There are also cases in which evidence came to light after individuals' execution that strongly suggested they did not commit the crime for which they were put to death (Bedau, 2012).

In addition to the negative consequences of wrongful executions, other harms include the possibility that capital punishment may incite murderers toward further violence in order to evade capture, may have harmful social effects by officially sanctioning killing, and is much more costly than imprisoning a person for life (Bedau, 2012). Finally, the suffering of the person executed must be considered. While modern methods of capital punishment are intended to be quick and humane, this has not always been the case. Many methods, such as firing squads and the electric chair, were abandoned in favor of lethal injection in the late 20th century for this reason, and recent findings suggest that lethal injection can cause significant suffering as well (Radelet, 2016). The political scientist Austin Sarat (Sarat & Miller, 2014) remarks, "With each development in the technology of execution, the same promises have been made, that each new technology was safe, reliable, effective and humane. Those claims have not generally been fulfilled" (para. 10).

Again, determining the consequences of capital punishment is quite difficult, which makes resolving the moral issues on utilitarian grounds accordingly difficult. Some philosophers, such as Louis Pojman (2004), have argued that we don't need conclusive evidence for a deterrent effect to have good, commonsense reasons to believe in this effect and thus that capital punishment can save innocent lives. Others, like Ernest van den Haag (1986), believe that it's enough to suppose that the death penalty *may* have a deterrent effect for it to be justified, since the value of the lives that *may* be saved outweighs the lives of the criminals that are executed.

Many of the most compelling and influential arguments on both sides, however, have been deontological rather than utilitarian, based on a notion of justice or duty that is independent of the consequences. Opponents of capital punishment may hold that it is always wrong to

intentionally kill another person except in the special circumstances in which doing so is necessary to save innocent lives. In other words, while most deontological moral views would support killing a person in defense of oneself or another or in the context of war, many would argue that aside from such cases, we have a duty not to intentionally kill another person. A person on trial for a capital crime is no longer a direct threat (or at least no more of a threat than any other prisoner). Therefore, the defense justification for killing does not apply, and if that's the only morally legitimate reason for killing a person, capital punishment violates a duty not to otherwise kill.

Other abolitionists may argue that even if killing a person guilty of capital crimes can be justified in principle (for reasons such as those we will examine in a moment), the judicial system is too unjust for capital punishment to be carried out justly. One problem is that of innocent people being sentenced to death, as mentioned earlier. We could add concerns that the judicial system in general, and the capital punishment system in particular, is biased against minority races, the poor, and so on, making the imposition of the death penalty arbitrary and thus unjust (Nathanson, 1985). Others argue that that it cannot be carried out without violating the constitutional prohibition on cruel and unusual punishment. In fact, the U.S. Supreme Court drew this conclusion in the 1972 case *Furman v. Georgia*, though that ruling only applied to the ways in which the death penalty was administered at the time, allowing states to revise their procedures to comply with the ruling.

What reasons could one give to suppose that capital punishment is just, representing an exception to the duty not to kill? The typical deontological argument appeals to the notion of **retributionism**, or punishing someone in accordance with what they deserve. The most famous argument in support of capital punishment from a retributionist perspective was offered by Immanuel Kant (1797/1996) in a short passage from *The Metaphysics of Morals*. Kant defended a version of **lex talionis**, the principle that the just punishment for a certain kind of harm is to have that harm inflicted on the perpetrator, often summarized by the phrase "An eye for an eye." According to Kant (1797/1996), this fulfills the principle of equality, which in this case means that "whatever undeserved evil you inflict upon another . . . , that you inflict upon yourself" (6:332). In other words, if I harm another, that harm is "equalized" by having the same harm inflicted on me, though Kant is also clear that only the state (as opposed to private individuals) have the authority to carry out the punishment that is to serve as retribution.

When considered literally, applying the notion of *lex talionis* may seem impossible, ridiculous, or abhorrent. For instance, should we rape rapists, burn arsonists, or lie to liars? Instead, Kant and others have argued for a policy of **proportional retribution**, according to which the punishment doesn't necessarily inflict the same *kind* of harm on the perpetrator of a crime but inflicts a harm that is *proportional* to the crime committed (such as a fine, community service, or a certain amount of prison time), thus giving the perpetrator what he or she deserves. Retentionists often argue that since the *ultimate* crime is murder, it deserves the *ultimate* punishment, which is death. Abolitionists may respond by arguing that once we allow for proportional retribution, there's no *necessary* reason why the proportional punishment for killing *must* be killing as opposed to, say, life in prison, and if we consider the reasons we may have for favoring imprisonment over capital punishment, retribution may better be carried out without resorting to execution (Nathanson, 1987).

Conclusion

Do some people deserve to die? Does the practice of executing people enhance the safety and stability of society or diminish it? Should the deliberate killing of people who are no longer threats be officially sanctioned by the government? Is it possible to have a system of capital punishment that is justly administered, and if not, is the system itself unjust?

These are some of the key questions that divide people on multiple sides of the debate over capital punishment. Like all significant moral issues, grappling with the questions and the arguments for different answers is important for all who live in a society in which such policies can make the difference between, quite literally, life and death.

Capital Punishment Key Terms

abolitionism The view that capital punishment is wrong and should be abolished.

capital punishment The form of legal punishment that involves putting someone to death as punishment for a capital crime.

deterrence The potential that capital punishment may have to deter people from committing murder.

first-degree murder Murder that is both premeditated and willful.

legal punishment The imposition of a form of hardship by a legally sanctioned authority (such as the criminal justice system) in response to an offense that a person is judged to have committed.

lex talionis Literally, “law of retribution”; the view that the proper punishment for an offense is doing the same kind of action to the offender that he or she did to the victim. Often summarized as “An eye for an eye.”

preventing The potential that capital punishment may have to prevent those who have already committed murder from murdering again.

proportional retribution The view that the proper punishment for an offense does not need to be of the same kind of harm as the offense but should be proportionate to it in severity.

retentionism The view that capital punishment is morally and legally justified and should be retained in places that practice it.

retributionism The view that people should be punished in accordance with what they deserve.

Further Reading on Capital Punishment

The following articles are available through the links in the citations or through the Ashford University Library (<http://library.ashford.edu/index.aspx>).

Bedau, H. A. (2012). The case against the death penalty. American Civil Liberties Union. Retrieved from <https://www.aclu.org/other/case-against-death-penalty>

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Same-Sex Marriage

Introduction

In the 2015 case *Obergefell v. Hodges*, the U.S. Supreme Court issued a historic ruling that legalized marriage between two people of the same sex throughout the country. Same-sex marriage had already been legalized in several states and the District of Columbia, but there were still over a dozen states in which it had either not been made legal or had been banned outright. The ruling held that a state may not refuse to issue a marriage license merely because a couple is of the same sex and that states must recognize same-sex marriages performed in other states.

This represented the culmination of a rapid and dramatic shift on the issue of same-sex marriage in both the law and public opinion. For instance, in 1996 only 27% of Americans supported same-sex marriage, while 68% opposed it; by 2016 this had shifted to 61% in support and 37% opposed. But what is perhaps even more remarkable is that we did not begin to see more than 50% support until 2011. Moreover, at the level of the federal government, support for same-sex marriage jumped from 33% to 45% from just 2012 to 2014 (Human Rights Campaign, n.d.), and in the 2008 Democratic presidential primaries, both of the major candidates for the Democratic nomination—Hillary Clinton and Barack Obama—stated their opposition to same-sex marriage, with Obama only declaring his support for it in 2012 (Weinger, 2012) and Clinton in 2013.



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The percentage of Americans who support same-sex marriage jumped from 27% in 1996 to 61% in 2016.

This is important to bear in mind for two reasons. First, it is a reminder that what is “ethical” is not necessarily what most people believe; rapid shifts in popular opinion like this call us to back away from popular beliefs and critically examine the arguments on both sides. Second, it should provide us with a bit of humility when it comes to the certainty of our ethical views, in particular when that sense of certainty leads us to shift from making judgments about ethical views to making judgments about the *people* who hold certain ethical views. Not long ago someone who supported same-sex marriage was often regarded not just as wrong but as morally corrupt for holding that view. Just a few years later, however, similar judgments

are often made about those who oppose same-sex marriage. The fact that such judgments would have applied to the majority of people less than a decade ago, and the *vast* majority of people just 2 decades ago, should make us wary of the quick assumption that either support for or opposition to same-sex marriage is a sign that a person is himself or herself morally corrupt. We can avoid this dilemma by seeking to consider the arguments with the assumption that they can be respected even if we don’t agree with them.

Arguments in support of same-sex marriage are typically based on the right to equal treatment and nondiscrimination. Factors like race, ethnicity, religion, class, or parental approval have been the basis for restricting who can marry whom in various time periods and societies, but most modern Western countries have rejected such restrictions. Rather, with few exceptions, the only determining factor should be whether the couple has made a mutual choice to marry. For instance, the 1967 Supreme Court case *Loving v. Virginia*, which struck down laws banning interracial marriage, ruled that the due process clause and the equal protection clause of the 14th Amendment guarantee that “the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State” (p. 388). In other words, prohibiting interracial couples from marrying is a form of unjust and unconstitutional racial discrimination.

If a homosexual couple makes the same kind of choice to marry and satisfies all other conditions (such as age requirements), a compelling reason must be given as to why the same right to marriage should not be granted. Without such a reason, refusing to extend marriage rights to homosexual couples would seem to be discriminatory, unjust, and contrary to the fundamental freedom to make one’s own choices about whom to love and spend one’s life with, just like refusing to allow people of different races or different religions to marry, forcing someone into an arranged marriage, and other marriage practices that we no longer recognize as justified in Western society. This was, in fact, a primary argument in the 2015 Supreme Court case legalizing same-sex marriage, which drew heavily on the *Loving v. Virginia* ruling.

This is a deontological argument, since it is based on the notion that there is a basic right to marriage (and a corresponding duty to recognize legitimate marriages), and that right applies to all couples unless a compelling reason can be given as to why they do not have that right. There are also arguments in support of same-sex marriage that could be considered utilitarian in that they try to show why allowing same-sex marriage has better overall consequences than not allowing it.

First, marriage is a powerful form of social recognition and affirmation. The fact that many homosexual couples choose to enter into a marriage rather than just live together or form a civil union attests to this, as does the fact that we still require marriages to be performed by a person with a particular kind of license to do so—like a minister or judge—and that there be at least one or two witnesses (depending on the state). Moreover, in most cases marriages are celebrations that bring together family and friends. These factors point to the deep social significance of marriage—that it involves more than just two people loving each other or sharing a life but also entering into a special kind of socially recognized bond.

Social recognition is especially important for homosexual individuals, given that they have been subjected to abuse, ridicule, and marginalization in most cultures and continue to be today, even in places that are generally more accepting. Even those who oppose same-sex marriage or believe that homosexual behavior is immoral often deplore such treatment of homosexual individuals; however, advocates of same-sex marriage worry that by depriving homosexual people of an important form of social recognition, we might be perpetuating the notion that they are of less worth because their relationships are not worthy of being recognized by society in the same way that heterosexual relationships are. Thus, those who deplore the mistreatment of homosexual people would need to consider carefully whether denying marriage rights to same-sex couples may be encouraging that very kind of treatment they deplore.

If marriage is a basic right that we must have good reasons to deny to certain people, and if allowing same-sex couples to marry can have important benefits while denying that opportunity can be harmful, why do some believe marriage should be restricted to heterosexual couples?

Many do so for religious reasons, believing that the Bible condemns homosexual relationships or that God ordained marriage to be between heterosexual couples. However, there are many different interpretations of the Bible and other religious texts, as well as many different theological positions. Some of these are supportive of homosexual relationships and marriage. On the other hand, some entail that marriage (and other aspects of life and society) should be restricted far more than even most contemporary conservatives believe. Recognizing the fact of religious disagreement, the First Amendment of the Constitution established a separation of church and state so that no particular set of religious beliefs would be the basis of laws and rights that apply to all, including those with no religious commitments. The more sophisticated arguments against same-sex marriage thus claim to be independent of religious assumptions or interpretations of religious texts.

What are these arguments? The strongest and most commonly invoked argument attempts to establish that marriage is, *by definition*, a union between one man and one woman, and so it is often called the **definitional argument** against same-sex marriage.

The Definitional Argument Against Same-Sex Marriage

If we consider the ways that cultures, religions, and other traditions have understood and practiced marriage throughout the world and throughout time, we find quite a variety. Some practice monogamy (only two partners); others practice various forms of polyamory (more than one partner); some require that each partner be an adult; others have permitted the marriage of minors, even young children. Such differences could be multiplied endlessly. But for all of this variation, one nearly universal feature (with a few exceptions) has been the assumption that the partners must be of the opposite sex. Why would this be the case?

One plausible reason for this assumption is that marriage has traditionally been closely connected to the bearing and raising of children, and until relatively recently in human history, that was only possible when the partners were of the opposite sex. So if “marriage” has traditionally been understood—by definition—as a union oriented toward the bearing and raising of children, and if that kind of union is (or was) only possible when the partners are of the opposite sex, then marriage itself is (or was) only possible between a man and a woman. In other words, it wasn’t the case that societies *forbade* “marriage” between persons of the same sex; rather that such a thing couldn’t even be conceived, any more than a “square circle” or a “married bachelor.” A circle cannot, by definition, be a square, and a bachelor cannot, by definition, be a married person. Similarly, in this view, marriage cannot, by definition, be between people of the same sex, since this cannot be a union naturally oriented toward the bearing and raising of children.

Hence, while supporters of same-sex marriage often describe it in terms of *expanding* marriage rights to include homosexual couples, many opponents prefer to describe it as a *redefinition* of marriage—reconceiving the very notion of marriage itself, replacing one concept of marriage with another.

In their article “What Is Marriage?” (later expanded into a book by the same name), philosophers Robert George, Sherif Girgis, and Ryan Anderson (2010) call the view that defines marriage as the union of one man and one woman the **conjugal view**. In defending that view, they first have us consider what makes marriage distinctive. At the very least, it’s a certain kind of relationship in which distinct individuals come together to form a certain kind of union. What does it mean to form a “union”?

Humans form all kinds of unions—friendships, romantic partnerships, churches, businesses, teams, clubs, colleges and universities, and so on. We can also talk about things like bodies or machines as unions. When we speak of a union, we have distinct beings or entities—students and teachers, players, bodily organs, car parts, and so on—*coordinating* toward a *common purpose or common good*. So if marriage is a kind of union, it would likewise involve the coordination of the marriage partners toward a common purpose or good. What is distinctive about the marriage union as opposed to other unions people might form?

Obviously, marriage is a hugely significant union, perhaps more significant than any other—which is why few people enter into it lightly and why divorce (the breaking of the union) is often so difficult. One reason marriage is so significant might be that this union involves one’s whole person, more so than any other kind of union; in George, Girgis, and Anderson’s (2010) terms, it is a *comprehensive union*—encompassing all of the most significant aspects of human lives. Thus, when people join together in a marital union, they live together, strive toward common goals, share emotional intimacy, and so on. One could describe it as a union of hearts, minds, and wills. What’s crucial for the view under consideration, however, is that human life involves not merely heart, mind, and will, but also *body*, and so a comprehensive union will include, in George and colleague’s terms, *bodily union*. We see this reflected in the familiar phrase that in marriage, the two “become one flesh.” What does it mean to form a *bodily union*?

To answer this, George et al. (2010) argue, we need to consider the body itself, its various parts, and the natural function of those parts. The natural function of the heart is to pump blood, of the lungs to breathe, of the stomach to digest food, and so on. Each of these coordinates with the other parts to form a unity oriented toward the life and health of the individual, similarly to the parts of a car. But what about the sex organs: the penis and vagina? What is their natural function, and how does that fit into a bodily unity? In the conjugal view, the natural function of the sex organs includes procreation. But procreation, at least naturally, requires two individuals, and not just *any* two individuals, but ones whose sex organs are different and complementary. That is, fulfilling the bodily function of the sex organs requires coitus—penis–vagina sex.

So just as the heart and lungs can form part of a bodily unity within an individual by coordinating in their natural ways toward the health of the individual person, the sex organs can form a bodily unity between two people by coordinating with the sex organs of another person, in the act of coitus, toward procreation. Another term for this kind of unity is **conjugal unity**. Moreover, conjugal unity, or bodily unity between two persons, can *only* occur through coitus. Coitus is only possible between a male and a female, and thus, in the conjugal view, bodily unity of the conjugal sort is only possible between a male and a female. Therefore, if marriage is, *by definition*, a *comprehensive* unity—a unity of hearts, minds, wills, *and bodies*—marriage is only possible between a male and a female.

This is an Aristotelian or teleological argument, since it is based on a conception of the telos, or purpose, of marriage as forming a comprehensive union. Thus, it does not rely on considerations of the consequences of granting or denying same-sex couples the right of marriage (though there are utilitarian considerations that George et al. [2010] believe support their view, as we shall see later). Moreover, defenders of the conjugal view of marriage would object to the deontological claim that they are violating a fundamental right to marriage or a right to equal status. Rather, in the view of George et al., the question is not whether homosexual individuals should have the *right* to marriage; rather, the question is whether marriage is even a *possibility* for them by definition, which they argue it is not.

Why must marriage be defined as requiring conjugal union (i.e., a bodily union of a man and a woman)? In George et al.'s (2010) view, it follows from the notion of marriage as a *comprehensive* union, which distinguishes marriage from other forms of union like friendships and sibling relationships. Similarly, this view also justifies the exclusion of other kinds of unions from the scope of marriage, such as unions of three or more people. Defenders of the conjugal view often argue that "revisionists" (those who want to revise our view of marriage to include same-sex couples) cannot provide principled reasons why we shouldn't recognize, say, three-way marriages or marriages between two brothers who love but have no romantic interest in each other, so long as each partner has freely chosen to be married. The limits we place on what can be considered a legitimate marriage show that we do recognize the importance of defining marriage to include some kinds of union and not others, and George et al. argue that the conjugal view offers the most defensible and coherent definition.

Responses to the Definitional Argument Against Same-Sex Marriage

Defenders of same-sex marriage can appeal to utilitarian considerations, like the ones we mentioned earlier, to argue that defining marriage in ways that can include same-sex couples, and extending marriage rights to those couples, results in greater overall happiness and well-being than abiding by the traditional definition that would exclude them. Defenders of the conjugal view, however, often argue that society is better off when we adhere to the norms of the "traditional" household; namely, a mother and a father raising their children. It is difficult to establish which claim is stronger. One reason is that there are many variations in "traditional" and "nontraditional" households. For example, households that are "traditional" (according to the conjugal view) may include mothers and/or fathers who are absent or abusive. Those that are "nontraditional" may include single mothers or fathers and households in which relatives, friends, and other community members participate in the raising of children, all of which have been common in human societies. Second, it is difficult to establish whether society would be better off with or without same-sex marriage because of strong disagreements over what makes children and a society "better off" in the first place.

So the primary response to the definitional argument against same-sex marriage has been to reject the notion that marriage *must* be defined in the ways that defenders of the conjugal view propose, as if there is only one strict definition that applies. The philosopher John Corvino (2014), for instance, proposes that we "treat marriage as a family-resemblance concept" (p. 285). A family-resemblance concept (introduced by philosopher Ludwig Wittgenstein) is distinguished from a concept in which there are clear and straightforward conditions of application. This is analogous to the ways that a child, nephew or niece, or cousin may resemble

another family member in ways you can't quite pin down but can still *see*—something makes it clear that they are part of the same family. On the other hand, to be a “nephew” of someone means, by definition, that one's mother or father is the sibling of that person—a clear and straightforward application of a concrete concept.

The notion of “family resemblance” is a metaphor for the way Corvino proposes we should think about marriage. When we think about the various meanings that a term like *marriage* can have, we notice that it refers to “a collection of practices with overlapping similarities” (Corvino, 2014, p. 283) that allow us to recognize these different uses of the term as belonging to the same *family*, so to speak. But when we attempt to provide a clear and straightforward definition of marriage that applies to all cases, we run up against cases in which couples that *seem* (by family resemblance) to fall under the concept of “married” are excluded by the definition.

Consider the following cases.

1. Donald and Joan are both in their 90s, widowed, and live in the same retirement community. Many years have passed since their spouses died, and they have each grown quite lonely. They have become very fond of each other through participation in various community activities; indeed, they have fallen in love. They wish to live out their remaining years together and want to celebrate their love by getting married. However, they both lost all sexual desire long ago, and even if they hadn't, Donald has physically lost the ability to engage in sexual activity. So they know that they will never engage in coitus. Nevertheless, with the full support of their children, they start planning their wedding.
2. Jacob and Molly were high school sweethearts, active together in their church youth group, and committed to not having sex until marriage. Upon graduation from high school, Jacob felt called to join the military, and Molly supported that decision. By that time, however, they had also resolved to get married, and Jacob proposed to Molly before he was shipped off to Afghanistan (Molly accepted). One day, while Jacob was out on patrol, a bomb exploded next to him; even though his life was miraculously spared, his lower body was destroyed, and he lost all sexual function. Molly, ever true, never reconsidered her commitment to marry Jacob, despite the fact that they could never have sex or have their own biological children. Shortly after his return, they made plans to get married.
3. Lionel and Jasmine have both had a rough life, being shuffled among various family members and foster homes; enduring periods of homelessness and stints in jail; and dealing with violence, drug abuse, and rape. But they emerged from it all with a sense of hope and purpose, thanks to the efforts of community volunteers and their own strength of will, and each obtained a college degree and a good job. When they met and fell in love, they decided to do what they could to alleviate the suffering of children in similar situations by resolving not to have their own children but to adopt and care for children who would otherwise face difficulties similar to those they had faced. Knowing that this commitment could be compromised if they had their own children, they decided not to have sex until each of them had been surgically made infertile—Lionel underwent a vasectomy and Jasmine a tubal ligation. By doing so, they ensured by their own act of will that having sex could never result in procreation. They then start to plan their wedding.

Each of these cases presents a problem for the conjugal view of marriage insofar as none of these couples can form a “bodily union” in the way the view describes, strictly speaking, yet even most opponents of same-sex marriage would agree that these individuals can nevertheless form a true marriage. In the first two cases, the couples are simply incapable of engaging in the act of coitus that is necessary for bodily union. In the third case, the couple can engage in the act of coitus but have intentionally taken steps to ensure that this act will not produce children, thus removing marriage’s “unitive” function. Corvino argues that if couples like these can form a true marriage despite not forming a bodily union in the sense described by the conjugal view, there’s no reason two men or two women couldn’t also form a true marriage.

This does not mean that bodily union or other aspects of the conjugal view of marriage are not important; we can still recognize the importance of some features of marriage without regarding them as necessary and essential. Indeed, if we’re talking about a “traditional” view of marriage, we have to recognize that there is no single traditional view; rather, as noted earlier, there have been, and remain, a wide variety of conceptions of marriage, and some of them do not clearly involve what George et al. (2010) call a comprehensive union. For instance, while we might assume that marriage involves love, shared interests, and other dimensions of a union of hearts, minds, and wills, these were not always regarded as essential. So if a couple is not unified in their hearts, minds, and wills, have they not formed a comprehensive union, and if not, are they not truly married? If defenders of the conjugal view maintain that our society would be making a mistake by defining marriage in a way that does not require bodily union, do other societies make a similar kind of mistake by defining marriage in a way that does not require the union of hearts, minds, and wills?

Conclusion

The issue of same-sex marriage is not as prominent as it was in the years leading up to its 2015 legalization, and unlike the issue of abortion, few people seem interested in reversing the Supreme Court’s decision. Yet even though same-sex marriage appears to be here to stay, there are many people who remain opposed to it. This has led to other controversies and debates, such as whether a bakery or photographer should be able to refuse to provide services for a same-sex wedding. This controversy is usually described as a question of discrimination versus religious freedom, but examining the moral arguments behind the opposition and support for same-sex marriage can help us understand these current controversies in broader terms, and perhaps allow us to meet the continuing challenges that arise over the question of same-sex marriage.

Same-Sex Marriage Key Terms

conjugal unity A bodily union between two people formed through an act of sexual intercourse oriented toward procreation.

conjugal view The view that marriage requires partners to be able to form a conjugal union, which is only possible between partners of the opposite sex.

definitional argument The argument that marriage is, by definition, a union between one man and one woman, and therefore marriage cannot be between persons of the same sex.

Further Reading on Same-Sex Marriage

The following articles and book chapters are available through links in the citations or through the Ashford University Library (<http://library.ashford.edu/index.aspx>).

Corvino, J. (2014). Same-sex marriage and the definitional objection. In A. I. Cohen & C. Wellman (Eds.), *Contemporary debates in applied ethics* (pp. 13–26). New York: Blackwell.

George, S., Girgis, R. P., & Anderson, R. T. (2010). What is marriage? *Harvard Journal of Law and Public Policy*, 34(1), 248–287. Retrieved from http://www.harvard-jlpp.com/wp-content/uploads/2013/10/George_Final.pdf

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Environmental Ethics

Introduction

If one turns on the news nowadays, one is likely to hear a lot about climate change—whether the average temperature of the earth is increasing, and if so, how much of that is due to human activity; what impacts climate change might have on the economy, human well-being, and the nonhuman worlds; and what responsibilities, if any, individuals, societies, and governments have to combat it. In recent decades, similar debates have taken place over issues such as air, water, and land pollution; the depletion of the ozone layer; the destruction of rain forests; the protection of endangered plant and animal species or wilderness areas; and many others.

Recent years have also seen significant developments in renewable energy sources such as solar, wind, and hydroelectric power as alternatives to nonrenewable fossil fuel sources like coal and natural gas, and electric or hybrid vehicles as opposed to vehicles that run only on gasoline or diesel fuel. The consumption of **organic** products (produced in accordance with certain standards, often including the avoidance of fertilizers, pesticides, hormones, or genetic modification) “more than doubled from 1994 to 2014 with a steady uptick of about 10% annual growth in retail sales over the past several years” (Funk & Kennedy, 2016). These trends seem to indicate that people are increasingly aware of the negative impact that human activity has on the environment and feel that we ought to try to make things better.

Nevertheless, there is a lot of opposition to these trends. For instance, some believe that claims about climate change are a hoax or that human activity is not the primary cause, and some are skeptical that changing our policies and behavior will significantly affect it. Similar skepticism is expressed about other environmental concerns. Some argue that efforts to protect the



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Wind power has become cheaper and more efficient in recent years.

environment can have negative impacts on jobs and the economy, especially in poorer regions, while defenders of environmental protection argue that everyone, especially the disadvantaged, will be harmed far more severely in the long run if we fail to protect the environment.

The Landscape of Environmental Ethics

These kinds of debates—the ones we’re likely most familiar with—are important, but they only scratch the surface of environmental ethics. For one thing, they depend a lot on the empirical evidence we have and how we interpret that evidence; but science cannot answer the *ethical* questions such as what goals we ought to prioritize, how we ought to weigh various benefits and harms, what our attitudes should be, and whether we have certain duties or obligations independent of what the scientific facts may be.

Second, these debates seem to presume that the ethical responsibilities that individuals and societies have toward the environment depend, ultimately, on how the environment affects *us*. But environmental ethics considers whether we have ethical responsibilities toward the environment *itself*, independently of how our treatment of the environment affects us.

This is a question about whether nonhuman entities such as other animals, plants, or nonliving things have **direct moral standing**. To say that an entity has direct moral standing is to say that we have a responsibility to respect and protect it. For instance, most people agree that humans have direct moral standing, but some cultures and societies, such as Nazi Germany and the pre-Civil War United States, did not recognize certain classes of humans as having direct moral standing, and today there is much debate over whether fetuses, for instance, have such standing.

Environmental ethics thus considers which beings or entities have direct moral standing and why. Closely related to this is the question of what has intrinsic value, or value *in itself*. Intrinsic value contrasts with instrumental value, which is the notion that something has value only in relation to something else. For instance, a computer only has instrumental value—its value lies in its capacity to help us achieve certain goals, or it might have value because it is someone’s property. If it didn’t serve our purposes or if it didn’t belong to anyone, it wouldn’t have value. On the other hand, many people believe that a human has intrinsic value and should never be treated as a mere means or as someone’s property. Some people also regard certain properties or experiences to have intrinsic value, such as aesthetic beauty or experiences of pleasure or pain.

Again, environmental ethics typically considers which entities or properties have intrinsic value, what gives them this value, and how they relate to other intrinsically valuable things. The answers to questions about direct moral standing and intrinsic value will have crucial implications for an account of our moral responsibilities toward the environment.

For example, we mentioned the view that only humans have intrinsic value and direct moral standing, which is called **anthropocentrism**. This implies that other animals, forests, rivers, mountains, and other nonhuman entities do not have intrinsic value; their value is only instrumental. We may still have moral responsibilities regarding them, though. For instance, we may have a responsibility to protect our air and waterways from pollution for the sake of human health, or we may have a responsibility to protect pristine natural landscapes so that

humans can enjoy their beauty. But in these cases, *human health* and *human enjoyment of beauty* are what have intrinsic value and provide the reasons for our moral responsibilities. If these reasons don't apply, or if they are outweighed by the benefits we may gain from using pollution-causing factories or mining or building homes in a certain area, we may not have any reason to protect the air and water or natural landscapes.

Many environmental ethicists reject anthropocentrism, but there is a wide variety of alternative viewpoints. **Sentientism** is the view that any being capable of experiences has direct moral standing. The utilitarian philosopher Peter Singer (1989), for example, argues that experiences of pleasure and suffering have intrinsic value, and we thus have a moral responsibility to consider the experiences of *any* being capable of pleasure and suffering—including nonhuman animals—when determining which actions or policies result in the greatest overall good. The deontological philosopher Tom Regan (1985) goes a step further, arguing that beings that are the “experiencing subject of a life” (p. 6) are *themselves* intrinsically valuable and should never be treated as mere resources. Thus, he argues for the abolition of most forms of animal agriculture, hunting, product testing on animals, and the use of animals in medical research, as these activities violate our duties toward animals. Moreover, in these views we must consider the impact that other activities, such as deforestation or pollution-causing activities, have on the well-being of other sentient creatures. (See Chapter 9 for an extended discussion of these and other views about the ethical treatment of animals.)

A related but somewhat broader view holds that all animals *as such* have direct moral standing, which is called **zoocentrism**. In this view, it's not merely the capacity for experiences that gives a creature moral standing, for this would seem to rule out or greatly diminish the standing of animals that have little to no capacity for experiences. Many ethicists, however, argue that if an entity can have direct moral standing even though it doesn't have experiences, it shouldn't matter whether it is an animal or not; instead, *all* life-forms have intrinsic value and must be treated with due respect, a position called **biocentrism**. The German philosopher, theologian, and humanitarian Albert Schweitzer (1875–1965) pioneered this approach in defending what he called an “ethic of reverence for life” (Schweitzer, 1923, p. 251). Schweitzer (1923) argued that all philosophy, and thus all ethics, must begin from the fundamental fact that “I am a life which wills to live, and I exist in the midst of life which wills to live” (p. 253). On this basis, he proposes,

ethics . . . consists in this, that I experience the necessity of practicing the same reverence for life toward all will-to-live, as toward my own. . . . A man is really ethical only when he obeys the constraint laid on him to help all life which he is able to succor, and when he goes out of his way to avoid injuring anything living. . . . To him life as such is sacred. (p. 254)

Following Schweitzer's lead, philosopher Paul Taylor (1981) defends a “life-centered” ethic, arguing that all living things have a “teleological center of life,” (p. 207) which is to say each has its own good that it pursues in its own way. There's no good, unbiased reason to suppose that the good of one kind of thing (such as the human good) is superior to that of any other kind of thing; rather, we should regard all living things as having equal worth.

One feature common to anthropocentrism, sentientism, zoocentrism, and biocentrism is that they are all **individualistic**; that is, they only regard *individuals* as having direct moral standing, whether individual beings or individual species. A fifth view, **ecocentrism**, holds

that the **ecosystem as a whole** has direct moral standing. This view was championed in the 20th century by the ecologist Aldo Leopold. In his text *A Sand County Almanac*, he proposed a “**land ethic**,” which is the notion that a person is a “member and citizen” of a “community” that includes “soils, waters, plants, and animals, or collectively: the land” (Leopold, 1949, pp. 239–240). Many people recognize duties toward various communities of which they are a part, such as families, neighborhoods, and country. These responsibilities involve more than merely caring for other individuals within that community; they also involve ensuring that the community *itself* is healthy and strong. Leopold was writing just after World War II, when there was a growing sense of global awareness and concern; in other words, the notion of community was being expanded to include the rest of the world. According to Leopold (1949), “the land ethic simply enlarges the boundaries of the community” (p. 239) to include the **biotic community**, or the various organisms that live together in a certain habitat in interdependent relationships with each other and with the land and water.

On this basis, Leopold (1949) offers the principle that “a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise” (p. 262). Since ecocentrism prioritizes the health and well-being of the ecosystem as a whole, it is a **holistic**, rather than individualistic environmental ethic. Nevertheless, it shares with sentientism, zoocentrism, and biocentrism the view that something other than humans has direct moral standing—in this case the ecosystem as a whole.

Environmental Ethics and Ethical Theory

There are many other philosophies and viewpoints regarding the moral status of the environment and our responsibilities, such as deep ecology, ecofeminism, and bioregionalism. Some are independent of spiritual or religious beliefs and even regard religion as a source for anthropocentric attitudes and environmental destruction (White, 1967). Others, however, argue that theistic religious beliefs like Christianity and Judaism mandate environmental awareness and concern. For instance, Pope Francis (2015) issued a document called *Laudato Si'* that calls environmental destruction, along with the consumerism, short-sightedness, and selfishness behind it, sinful and calls followers to respect and care for the environment as God's creation. Others, such as Wiccans and some Native Americans, base their environmental ethic on pantheistic or animist views that regard all parts of nature, even nonliving entities, as sacred or divine.

As we saw earlier when we compared the sentientism of Peter Singer and Tom Regan and noted significant differences between Singer's utilitarian and Regan's deontological forms of sentientism, the other environmental ethics we have discussed—anthropocentrism, zoocentrism, biocentrism, and ecocentrism—can take utilitarian, deontological, and teleological (virtue-based) forms when it comes to the question of our specific moral responsibilities. One way of understanding these environmental ethics is as a framework or basis for the application of utilitarian, deontological, or teleological reasoning.

For instance, recall that utilitarianism is the view that we ought to do those actions that have the best overall effects when we weigh all the good and bad consequences of different possible choices. Perhaps the most common way of arguing for moral responsibilities regarding the environment is anthropocentric utilitarianism, maintaining that we have responsibilities to preserve the environment and avoid activities that harm it because doing so results in the

best overall good for humanity. However, many utilitarians, like Peter Singer, identify good and bad consequences in terms of sentient experiences like pleasure or pain that can be had by many nonhuman animals. Others may hold that the consequences we ought to try to bring about are not limited to human interests or the interests of sentient creatures but extend to other forms of life (zoocentrism and biocentrism) and nonliving things (ecocentrism; though these latter views are often called nonutilitarian consequentialism).

In a utilitarian (or any consequentialist) view, if certain actions or policies result in the greatest overall consequences, however this is defined, those are the ones that are morally right. However, deontological views recognize certain duties and rights that are more important than the results of our actions. Thus, if a being has a right to be treated in a certain way (such as a right not to be treated as a mere resource or a right to be protected), we have a duty to respect that, even if there would be greater overall benefits from violating that right. On the other hand, if a being does not have such a right, we do nothing wrong in treating it as having only instrumental value. Anthropocentrism, sentientism, zoocentrism, biocentrism, and ecocentrism are sometimes understood as providing the basis for our understanding of which entities have such rights and which do not. To put it differently, they are different ways of specifying a moral duty to respect and promote an entity's intrinsic value.

Philosopher William Baxter's (1974) book *People or Penguins* takes a Kantian deontological approach rooted in the notion that only humans, and specifically our freedom, have intrinsic value and should be treated as an end-in-itself. On this basis, Baxter maintains that our moral responsibility toward the environment depends on whether certain activities enhance or take away from our exercise of freedom; considerations having to do strictly with effects on other animals or the broader environment are irrelevant; thus, he defends anthropocentrism.

On the other hand, Tom Regan's (1985) sentientist view, as noted above, tries to extend this notion to all sentient animals, and Paul Taylor's biocentrist view is based on the attempt to extend the Kantian notion of intrinsic value to include all of life. So Baxter, Regan, and Taylor all take a Kantian deontological approach to ethics. The difference lies in which beings they regard as having direct moral standing; in other words, they have different views on which beings are intrinsically valuable, and thus which beings have the right to be treated accordingly rather than as mere resources or instruments.

In other words, Baxter (1974) argues that we have a duty to respect human freedom. This may entail duties to treat other animals and the broader environment in certain ways, but there aren't any *independent* duties toward animals or the environment. Regan (1985) argues that there are duties toward sentient creatures that *override* any benefits that humans may gain from treating them as mere resources, and Taylor (1981) argues that there are duties toward all life-forms that *override* any benefits that humans (or other sentient creatures) may gain from treating them as mere resources.

Ecocentrists like Aldo Leopold and J. Baird Callicott (1989) hold that our primary duty is to respect and promote the ecosystem or biotic community itself and that this takes precedence over any duties we may have toward particular members of that community, such as individual humans, animals, or species. This is, then, a very different notion of duty than the *individualist* notions discussed in the previous paragraphs. In other words, as discussed above, anthropocentrism, sentientism, zoocentrism, and biocentrism are individualistic in the sense that our primary moral responsibilities are toward *individuals*. Ecocentrism is *holistic* (or

nonindividualistic) in the sense that our primary moral responsibilities are toward *wholes* (like *communities* or *ecosystems*) rather than individuals.

This is based on the notion that each individual being (human, animal, or plant) depends on other beings and on the wider ecosystem (including soil, water, and air) for its flourishing. In other words, the *telos* (end, function, or purpose) of any individual being is intertwined with the *telos* of many other entities, and thus an individual cannot flourish if this interconnected system is not in good order. So one's primary ethical responsibility is to seek to understand and promote the well-being of that *whole* (the family, community, or ecosystem) to which one belongs.

Ecocentrists like Leopold can thus be understood as defending a teleological view of moral responsibility, one that begins from a consideration of the *telos* of human life, how that relates to the *telos* of interrelated beings, and what is required for all to flourish. This is often called virtue ethics because it focuses on the virtues needed to flourish. A somewhat different virtue-based approach is taken by philosopher Thomas Hill (1983) in his article "Ideals of Human Excellence and Preserving Natural Environments." Hill asks us to consider various attitudes and behaviors toward the environment and the kind of character they display. What kind of character is it good for a human to have, and are certain attitudes and behaviors incompatible with that kind of character? In other words, Hill is less concerned with some of the themes we have focused on, such as direct moral standing and intrinsic value, and more concerned about what it means to live a good, virtuous human life and the kinds of attitudes and behaviors toward the environment that calls for.

Conclusion

Environmental ethics is a relatively new area of ethical concern compared to some of the other issues discussed in this chapter. This is partly because the Industrial Revolution, which began around 200 years ago, vastly increased the impact that human activity has on the environment, and as people became more aware of the potentially negative impacts human activity has on the environment, they became increasingly concerned with our moral responsibilities toward it. Yet despite its relative youth—or perhaps because of it—there is a wide variety of philosophical positions on what our responsibilities are and the reasons for them.

Yet few who carefully consider the issues and arguments involved could deny the importance of thoughtful and conscientious choices on the part of individuals, societies, and governments regarding the environment. Whether it's because we appreciate the potentially negative—indeed catastrophic—effect that environmental neglect can have on humanity; because we recognize that entities other than humans, such as animals, plants, or the ecosystem as a whole, have moral standing and value; or because we see concern for the welfare of the environment as manifesting important virtues, many people recognize the deep significance that environmental ethics has to answering the fundamental question of how one should live.

Environmental Ethics Key Terms

anthropocentrism The view that only humans have intrinsic value and direct moral standing.

biocentrism The view that all living things have direct moral standing and equal intrinsic value.

biotic community The various organisms that live together in a certain habitat in interdependent relationships with each other and with the land and water.

direct moral standing A moral status that an entity can have that imposes a responsibility on people to respect and protect it for its own sake.

ecocentrism The view that the ecosystem as a whole has direct moral standing.

ecosystem A complex community of organisms and their physical environment that interact with it and with each other.

holistic Primarily concerned with wholes rather than individuals.

individualistic Primarily concerned with individuals rather than wholes.

land ethic An ethical system based on the notion that people are part of a biotic community, and as such have a responsibility to nurture and preserve that community. This view is often closely associated with ecocentrism.

organic Produced in accordance with certain standards, often including the avoidance of fertilizers, pesticides, hormones, or genetic modification.

sentientism The view that any being capable of experiences has direct moral standing.

zoocentrism The view that all animals have direct moral standing.

Further Reading on Environmental Ethics

The following articles and book chapters are available through the links in the citations or through the Ashford University Library (<http://library.ashford.edu/index.aspx>).

Gardiner, S. M., & Hartzell-Nichols, L. (2012). Ethics and global climate change. *Nature Education Knowledge*, 3(10), 5. Retrieved from <https://www.nature.com/scitable/knowledge/library/ethics-and-global-climate-change-84226631>

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Glossary

abolitionism The view that capital punishment is wrong and should be abolished.

abortion The intentional termination of a pregnancy.

active euthanasia Euthanasia that involves taking an action, such as administering a medication, that has the immediate and direct result of causing death.

act utilitarianism The branch of utilitarianism that holds that the morally right action is the one that produces the greatest overall utility in each particular circumstance.

adaptability A feature of a moral theory that allows for variation in moral judgments depending on the specific features of each circumstance.

agrarianism The idea that the values, virtues, and ends of an ideal farmer can serve as a standard for the values, virtues, and ends that should govern human life in general; a position that seeks to articulate and embody, in thought and practice, a commitment to proper and careful use of the land, plants, animals, and humans as a gift rather than as a mere resource.

anthropocentrism The view that only humans have intrinsic value and direct moral standing.

applied ethics The area of ethics that focuses on concrete moral problems.

argument from autonomy An argument in support of assisted dying based on the claim that just as all individuals have the right to determine for themselves how to live their lives, they should have the right to determine for themselves the timing and manner of their death.

argument from indeterminacy An argument that starts with the assumption that the fetus's moral status cannot be conclusively determined by rational argument but maintains that this calls for opposition to abortion (in one version) or support for abortion (in another version).

argument from marginal cases An argument that animals have the same moral status as "marginal cases" of humanity, such as infants and those with severe mental impairments.

argument from mercy An argument in support of assisted dying based on the claim that no one should have to endure more suffering than necessary.

asexual reproduction A form of reproduction in which the genetic information of the offspring is provided by a single parent.

assisted dying The general term for medical procedures that hasten the dying process.

autonomy The capacity to freely determine one's own action by following a principle that one's own reason has determined.

biocentrism The view that all living things have direct moral standing and equal intrinsic value.

bioethics The study of the ethical issues that arise in the contexts of medicine and the biological sciences.

biotic community The various organisms that live together in a certain habitat in interdependent relationships with each other and with the land and water.

capital punishment The form of legal punishment that involves putting someone to death as punishment for a capital crime.

cardinal virtues Traditionally, the central and most important virtues: courage, temperance or moderation, justice, and practical wisdom.

Categorical Imperative An action that is necessary in itself, independent of any ends or purposes.

civil laws The local, national, and international laws that govern people's common political life.

clone An organism that is an exact genetic replica of a single parent.

cloning The process by which clones are produced.

concentrated animal feeding operation (CAFO) A method of farming that involves confining large numbers of animals into relatively small enclosures and typically using structures and equipment in place of land and labor for managing the animals and their environment.

conjugal unity A bodily union between two people formed through an act of sexual intercourse oriented toward procreation.

conjugal view The view that marriage requires partners to be able to form a conjugal union, which is only possible between partners of the opposite sex.

consequentialist ethics Ethical systems that maintain that the moral value of actions or policies depends on their consequences.

courage The virtue concerned with feelings of fear and confidence in the face of potential harms and dangers. Too much fear is *cowardice* and too little fear is *rashness* or *recklessness*.

cultural relativism A belief system that denies there are any judgments of right and wrong that extend across cultures with different beliefs, values, and customs.

definitional argument The argument that marriage is, by definition, a union between one man and one woman, and therefore marriage cannot be between persons of the same sex.

deontological ethics Ethical systems that maintain that the moral value of actions depends on some feature of the action itself.

designer babies A term for children produced through the use of genetic selection or engineering.

dialectic A process of reasoning that involves moving back and forth between abstract and concrete judgments.

direct moral standing A moral status that an entity can have that imposes a responsibility on people to respect and protect it for its own sake.

deterrence The potential that capital punishment may have to deter people from committing murder.

dilation and evacuation (D&E) A type of surgical abortion in which the cervix is dilated and the fetus extracted using tools and a suction device.

dualism A philosophical view according to which the physical body is strongly distinguished from the inner dimensions of human life, such as the mind or soul.

duty An action that one is required or obligated to either do or refrain from doing.

ecocentrism The view that the ecosystem as a whole has direct moral standing.

ecosystem A complex community of organisms and their physical environment that interact with it and with each other.

egoism The assumption that each individual is primarily concerned with his or her own benefit.

elective abortion Abortion performed for reasons other than protecting the life or health of the mother.

emotivism The theory that we use moral expressions such as *wrong* or *right* to express our attitudes and feelings about certain actions, rather than to convey a belief about the way things really are.

end-in-itself Someone or something that has value beyond what its uses or purposes may be. Respect for this value should always be part of the end or purpose of one's choices. This is opposed to having value merely in terms of usefulness for attaining some other end.

enhancement Medical treatment intended to bring a person from a state of normal functioning to a state in which he or she is functioning significantly above normal levels.

equal consideration The principle that each particular individual's happiness, suffering, preferences, welfare, or other interests should be accorded equal weight when determining the best outcomes of an action; that is, no one's interests should figure more or less than anyone else's.

error theory The claim that people are systematically in error about moral values being real.

ethical omnivorism The belief that we should not treat any animal with cruelty, abuse, or exploitation and should avoid consuming animal products obtained in these ways, but it's not immoral to consume meat and other animal products obtained via humane farming methods.

eudaimonia The Greek term for the ultimate end or chief good of human life. Usually translated as *happiness*, *well-being*, or *flourishing*.

eugenics A program that involves deliberately trying to eliminate certain undesirable characteristics from humanity's gene pool.

euthanasia A procedure in which one person, usually a physician, hastens the death of another person in order to prevent further suffering or to honor the patient's wishes.

fertilization or conception The joining of the male gamete (sperm cell) with the female gamete (egg) to form a distinct organism.

fetus A developing human organism from 8 weeks until birth. In this text, the term refers to a developing human organism from conception until birth.

first-degree murder Murder that is both premeditated and willful.

formula of humanity The formulation of the Categorical Imperative that says to use humanity, whether in your own person or in the person of any other, always as an end and never merely as a means.

formula of universal law The formulation of the Categorical Imperative that says, "I ought never to act except in such a way that I could also will that my maxim should become a universal law."

futurists Those who make predictions about future scientific and technological developments on the basis of their analysis of current trends.

genetic modification A process of altering a being's genetic code.

genetics The study of the way that genes function in the possession of various conditions and traits.

genome A person's genetic code.

germ line The genetic material that is passed from parent to offspring.

golden mean The intermediate between excess and defect of some quality, which is characteristic of virtue.

habit A settled state of character that strongly affects our actions and feelings, developed over time by repeating similar kinds of activities.

hedonism The view that pleasure is the most basic positive value, and pain is the most basic negative value.

hedonistic utilitarianism The form of utilitarianism that identifies utility as pleasure and the absence of pain or suffering.

holistic Primarily concerned with wholes rather than individuals.

hospice Programs that offer palliative care and other services for those with terminal conditions, both in-home and in specialized facilities, with the goal of making the final stage of a person's life as comfortable as possible while relieving stress for patients and their families.

humanity In Kant's use of the term, humanity is the capacity to freely and rationally set one's own ends and pursue them.

humanitarian intervention War in defense of others, such as another country that is attacked by an outside force or citizens of another country threatened by their own government.

hypothetical imperative An action that is necessary in order to achieve something else.

impartiality The attitude or disposition that does not give preference to the beliefs, values, or interests of any particular individual or group when making moral judgments or decisions.

individualistic Primarily concerned with individuals rather than wholes.

informed consent The free, uncoerced agreement of someone with sufficient understanding of the goals and risks to participate in a medical treatment or scientific experiment.

inherent or absolute dignity The idea that all people have a special kind of value that is independent of whatever particular circumstances or characteristics they happen to have, or even whatever they happen to think about themselves.

instrumental value Also called "extrinsic value," this is the value that something has insofar as it produces occurrences of positive value or prevents occurrences of negative value.

intrinsic value The value that something has in itself, regardless of what it produces or prevents.

in vitro fertilization (IVF) The procedure by which an egg is fertilized by a sperm in a laboratory before being implanted into a womb.

involuntary euthanasia Euthanasia that is undertaken without the explicit request of a mentally competent patient.

jus ad bellum The conditions that make entering into war just or unjust.

jus in bello The conditions that make actions within war just or unjust.

justice The virtue concerned with treating people fairly and in accordance with what they deserve with respect to the distribution of goods and services as well as rewards and punishments.

just war theory An explanation and defense of the principles and conditions that justify war.

land ethic An ethical system based on the notion that people are part of a biotic community, and as such have a responsibility to nurture and preserve that community. This view is often closely associated with ecocentrism.

legal punishment The imposition of a form of hardship by a legally sanctioned authority (such as the criminal justice system) in response to an offense that a person is judged to have committed.

lex talionis Literally, “law of retribution”; the view that the proper punishment for an offense is doing the same kind of action to the offender that he or she did to the victim. Often summarized as “An eye for an eye.”

maxim The policy or principle that a rational person follows when he or she makes a conscious, deliberate choice.

medical ethics The subset of bioethics concerned with ethical questions that arise within the context of medical practice.

medical or drug-induced abortion Abortions performed using medicines or drugs.

metaethics The area of ethics focused on the underlying status of ethical concepts, such as whether values are real, whether moral beliefs can be true or false, and whether moral standards are universal or relative.

moral duties Obligations that one must respect regardless of the situation, one’s identity, or the consequences.

moral intuitions The deep-down sense we have of some things being good or right and other things being bad or wrong.

morally permissible An act that is not contrary to duty and thus may be performed but is not required.

morally prohibited An act that must not be performed.

morally required An act that must be performed.

moral skepticism Doubts about whether the values, principles, and standards normally associated with morality represent objective truths.

moral virtues The virtues that are essential to a flourishing human life as a whole.

natural law theory The theory that objective moral standards and laws for governing human behavior can be derived from the nature of humans and the world.

negative duties Actions we are required to avoid, such as lying or killing.

noncombatant A person who is not willingly and/or directly engaged in military and/or violent activities against an enemy.

nonvoluntary euthanasia Euthanasia that is undertaken on a patient who is unable to give informed consent, such as infants or those with mental impairments.

normative ethics The area of ethics focused on the kinds of actions that are right and wrong, the rules and principles we ought to follow, the virtues we ought to cultivate, and the character of a good human life.

nuclear transfer A process by which the nucleus is removed from an egg cell and replaced with the nucleus from a donor cell. The egg is then activated so that it will grow into an exact genetic replica (clone) of the donor.

objectivity The view that a belief can be justified independently of the beliefs and values of a culture or individual.

off-target effects Unintended effects of genetic manipulation.

organic Produced in accordance with certain standards, often including the avoidance of fertilizers, pesticides, hormones, or genetic modification.

pacifism The view that all war is fundamentally immoral.

palliative care A form of medical care designed to relieve the pain, suffering, stress, and other symptoms associated with serious illnesses.

passive euthanasia The removal or withholding of treatment that would otherwise prolong a person's life, thus indirectly hastening death.

person A being with full moral rights; a member of the moral community toward whom we have responsibilities.

phenotype The physical manifestations of a person's genome.

physician-assisted suicide A procedure in which a physician provides a means of suicide, such as a prescription for lethal medication, and instructs the person in how to use it, but it is the person him- or herself who takes the final action resulting in death.

positive duties Actions that we are required to perform, such as helping others in need or respecting one's elders.

posthumanism The movement that predicts and advocates biotechnology that will enable people to develop beyond levels that are recognizably human.

posthumanity Having characteristics and capacities that radically exceed those that humans can attain, given the current levels of technology.

practical reasoning Reasoning about what to do. This is contrasted with moral reasoning, which is concerned with the way things are.

practical wisdom The virtue that makes a person good at making the right choices in particular circumstances; the capacity to recognize and assess the relevant features of a situation and determine what should be done.

preemptive war War intended to prevent a possible attack.

preference utilitarianism The form of utilitarianism that identifies utility as the satisfaction of individual preferences.

preimplantation genetic diagnosis A process by which embryos are created in a laboratory using IVF and tested for certain genetic characteristics, allowing individuals to select which (if any) will be implanted into a womb and carried to term.

preventing The potential that capital punishment may have to prevent those who have already committed murder from murdering again.

proportional retribution The view that the proper punishment for an offense does not need to be of the same kind of harm as the offense but should be proportionate to it in severity.

realism or nihilism The view that moral considerations do not apply to war; instead, the only relevant considerations are those of prudence and effectiveness.

reflective equilibrium A state of balance between the general principles we affirm and the particular, concrete judgments we make.

relativism A belief system that is dependent on the beliefs and values of a culture or individual.

reproductive cloning Cloning for the purposes of producing a new, independent being.

retentionism The view that capital punishment is morally and legally justified and should be retained in places that practice it.

retributionism The view that people should be punished in accordance with what they deserve.

rights Certain entitlements, privileges, or other goods owed to a person or entity such that others (such as the state, other persons, or other entities) either have a duty to provide them or to not interfere with their pursuit of them, so long as doing so doesn't violate another's rights.

rule utilitarianism The branch of utilitarianism that holds that the morally right action is the one that would lead to the greatest happiness for the greatest number when followed as a general rule.

screening A process by which only embryos with certain genetic characteristics are selected to be carried to term.

sentient Able to perceive and feel, particularly pleasure and pain.

sentientism The view that any being capable of experiences has direct moral standing.

sexual reproduction The method of reproduction in which a child receives half of his or her genetic information from a single male parent and half from a single female parent.

situationism The view that social psychology experiments call into question the notion of character traits and thus virtues.

skepticism Holding doubts that some belief or claim is true.

somatic cell A cell containing genetic material that is not passed on to offspring, as opposed to gametes (sperm and egg cells). After about 4 weeks of embryonic development, all bodily cells other than gametes are somatic cells, and thus any genetic modifications made to them will not be passed on.

speciesism A form of discrimination in which certain beings are treated differently than others merely on the basis of species membership.

spontaneous abortion or miscarriage Termination of a pregnancy as a result of natural causes, rather than deliberate interference.

subjectivism The view that right and wrong are ultimately relative to the values of each individual.

surgical abortion Abortion performed using surgical procedures.

teleological A form of reasoning that considers the dispositions, feelings, and actions necessary to fulfill someone or something's telos.

telos The end, purpose, or function of something.

temperance The virtue concerned with desires and pleasures, particularly those of the body like food, drink, and sex. Too much is *overindulgence* and too little is *insensitivity*.

terrorism According to the U.S. State Department, "premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents" (22 U.S.C. § 2656f(d), 2004). Other definitions expand this definition to include actions by nations.

therapeutic abortion Abortion performed to preserve the life or health of the mother.

therapeutic cloning Cloning for the purpose of extracting stem cells either for research into the treatment of diseases and other conditions or for the treatments themselves.

therapy Medical treatment intended to bring a person from a state of dysfunction to a state of normal functioning.

torture Intentionally causing severe pain or suffering for one's own advantage, including gaining information, punishment, or intimidation.

transhumanism The movement that predicts and advocates transitioning into a period of posthumanity.

trimester One of three 13-week periods into which a pregnancy can be divided.

unity of the virtues The notion that virtues are not discrete, independent traits, but rather the position of any virtue involves the possession and exercise of other virtues.

utilitarianism A consequentialist ethical theory that holds that morally right actions, laws, or policies are those whose consequences contain the greatest positive value and least negative value compared to the consequences of available alternatives.

utility A measure of well-being and the ultimate standard of value in utilitarianism. This is often defined as happiness, pleasure, and the absence of suffering, or the satisfaction of preferences.

veganism An ethical position and lifestyle in which one abstains from any food products that come from animals.

vegetarianism An ethical position and lifestyle in which one does not eat any food produced from the death of an animal but will eat animal products that do not result from an animal's death.

viability The stage of fetal development at which the fetus may be able to live outside the uterus.

virtue A quality or trait essential to flourishing; a disposition to act and feel in the right ways, at the right time, toward the right objects, and for the right reasons.

virtue ethics Ethical systems that focus on identifying and describing the kinds of character traits or virtues that are integral to living a good human life.

voluntary euthanasia Euthanasia that is undertaken in accordance with a competent patient's explicit wishes.

zoocentrism The view that all animals have direct moral standing.

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