

APPLIED ETHICS

Trainer's Course Book

A course prepared for the South Place Ethical Society
and the British Humanist Association
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Some definitions:

'Ethics': thinking about how we ought to live, about how we are to decide what are right and wrong actions, good and bad ways of living.

'Applied ethics': ethical thinking which focuses on specific kinds of dilemmas and decisions which typically arise in practice, and looks for practical conclusions about these.

The term 'ethics' is also used in a narrower sense to refer to the codes of conduct of particular professions or spheres of activity, e.g. 'medical ethics', 'business ethics'. Reflection on these is part of, but not the whole of, applied ethics.

The terms 'ethics' and 'morality' are often used interchangeably, but in popular usage the word 'morality' tends to carry with it certain associations such as a negative preoccupation with condemning certain kinds of activity, particularly sexual activity, as 'immoral'.

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Seminar 1: How should we think about ethical questions?

Humanist and religious perspectives

1. The Appeal to Authority

1.1. In this course we'll be looking at various practical questions of right and wrong, controversial questions such as these:

- How far ought we to go in making sacrifices for other people? Do we have obligations to help people we've never met – people suffering from poverty and starvation in other parts of the world, for instance?
- Do animals have rights? Is it acceptable to kill animals for food, or to use them in medical experiments?
- Is people's sexual behaviour a purely private matter? Are there kinds of sexual activity which are morally unacceptable?
- Is life sacred? In what circumstances, if any, is it right for a woman to have an abortion? Should the law be changed to permit voluntary euthanasia in certain circumstances?

Plenty of people have views about such questions, but in this course we're not just looking for answers. We're looking for *reasons*. We want to approach the questions in a rational and logical way. It's not enough just to sound off and display our prejudices and assumptions – we need to consider whether our views can stand up to scrutiny, whether we can defend them and make a case for them. We're looking for *arguments* – and here we're using the word 'argument' in the logical sense, to mean not a bad-tempered slanging match but *a series of reasons leading logically to a conclusion*. In this first session, therefore, we're going to be concerned with a preliminary question: what kinds of reasons are *good* reasons for moral views?

1.2. A common way of approaching ethical questions is to *appeal to authority*. The idea is that we need an authoritative set of rules or principles or commands to tell us how to act. This is assumed by many people who approach ethics from a religious perspective. They may appeal, for instance to the Ten Commandments in the Book of Exodus: 'Thou shalt not kill', 'Thou shalt not steal', and so on. Jesus said that we should feed the hungry, clothe the naked, visit those in prison (Matthew chapter 25). The Koran says that the righteous should give away their wealth to kinsfolk, to orphans, to the destitute, to the traveller in need and to beggars (2:177). That, for many Christians or Muslims, is reason enough to do it.

Many such injunctions are controversial, of course. Some Christians think that the morality of homosexuality is settled by the command in Leviticus (18:22) that 'Thou shalt not lie with mankind, as with womankind.' St Paul says that wives should submit to their husbands (Ephesians 5:22), and some Christians take this to be reason enough for rejecting sexual equality. The appeal to authority can also take the form of invoking not only scriptural texts but also tradition and ecclesiastical authority. The Roman Catholic Church condemns abortion and contraception, for instance, and for some Catholics that is enough to demonstrate that these things must be wrong. Behind all these examples is that idea that the rules rest on divine authority; that God speaks through the Bible or the Koran or the Church, and that what makes actions right or wrong is their being commanded or forbidden by God.

Humanists will not of course regard any such rules as authoritative, but where does that leave us? If right and wrong do depend on authoritative rules, and if humanists recognise no such authority, then they are in deep trouble! So we need to ask whether, even from a religious perspective, such an approach is defensible.

1.3. Discussion question:

1. If you were a Christian, would you regard ethical questions as settled by rules such as the ones cited above? (*Do take the 'If' seriously – don't just say 'But I'm not'. An important part of philosophical discussion is arguing from a point of view different from your own.*)

1.4. There are good reasons for answering 'No' to the question. Even the most extreme fundamentalist, who believes that a sacred book is the literal word of God, has to deal with conflicts between different texts. How do you reconcile the command to slaughter your enemies, or the statement that it's OK to have slaves, with the commandment to act with loving kindness towards your fellow human beings? And anyone other than an extreme fundamentalist must recognise that the Bible or any other religious text includes much that reflects the particular customs and attitudes of a particular epoch and society which should now be rejected. There has to be some way of distinguishing between these historical hangovers and authentic fundamental values.

Religious believers may say that they still rely on divine authority to make this distinction. They may claim to know that love for one's neighbour, or loving one's enemies, unlike slavery or massacre, really are fundamental moral values, because God has told them so, or has revealed this through his prophets or through the Church and its religious leaders. But the same problems arise again. How do they know that the voice of conscience really is the voice of God? People's consciences have sometimes told them to do terrible things. Churches and religious leaders likewise don't have an immaculate track-record – they are fallible and contradictory institutions. In the end there is no alternative to doing some real ethical thinking. Religious believers therefore need to engage in the same exercise as humanists – thinking for themselves about what these fundamental values are, and why.

But how are we to do this? Even if there are no authoritative rules, we may feel that we need something like guidelines, or a framework, on which to base our decisions. It's tempting to suppose that before we engage in applied ethics, we first need an *ethical theory*. For how, it may be asked, can we decide about the rights and wrongs of abortion or euthanasia, the treatment of animals or action to combat global poverty, unless we have a theory to apply to these dilemmas. Without a general theory of right and wrong, won't we just be thrashing around in the dark, or parading our prejudices?

In the remainder of this seminar we'll look briefly at three standard ethical theories which figure regularly in philosophical ethics. We'll consider how satisfactory each of the theories is, whether they stand up to criticism, and in the process we'll also be assessing the merits of a theory-based approach to applied ethics.

2. Utilitarianism

2.1. Once we try to move beyond an appeal to simple received rules, and once we recognise the inadequacy of a purely religious approach to ethics, utilitarianism can look attractive as an ethical theory. It is what's often called a *consequentialist* theory. It says that actions are to be judged by their consequences. Whether an action is right or wrong is to be decided by assessing how much good it will do and/or how much harm it will do. 'Doing good' is typically taken to mean promoting happiness for those affected by the action, and 'doing harm' is typically equated with producing pain and suffering – states of affairs which, even if they can't be precisely measured, can at any rate be roughly judged by looking at the facts. So the attractions of utilitarianism are that it has the appearance of sound common sense, and that we know how to apply it – by trying to foresee what the results of our actions will be. Prediction may be difficult, but there's no mystery about what we're trying to do.

Versions of utilitarianism can be found in some of the ancient Greek philosophers. A classic defence of the theory was made by the nineteenth century philosopher John Stuart Mill. More recently the Australian philosopher Peter Singer, in his influential writing on applied ethics, has employed a broadly utilitarian approach, and we'll be looking at his use of it in future sessions. The theory has also been the subject of a vast amount of critical discussion. For this seminar we'll concentrate on just two of the standard criticisms.



John Stuart Mill

“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.”

2.2 Utilitarianism is often said to endorse the principle that ‘the end justifies the means’. That of course is not to say that absolutely any end justifies absolutely any means – that we can do what we like as long as it enables us to achieve what we want to achieve. But what utilitarianism does seem to say is that the ultimate end – the promotion of happiness and prevention of suffering – can in principle justify any kind of action if it really will do the most good on balance in the long run. So actions normally thought of as wrong – lying, cheating, stealing, killing – can sometimes be right if they do more good than harm. Utilitarianism can give a convincing account of why such actions are *usually* wrong. If you lie to people you destroy trust and undermine the cooperation from which we all benefit. If you kill people you normally create terrible grief and suffering and deprive people of the happiness they could otherwise have enjoyed. But there are also cases where the benefits accruing from such actions arguably outweigh the harms. A hungry person who steals food from a supermarket may benefit greatly and the supermarket’s loss will be so small as to be unnoticeable. According to the utilitarian theory, it would seem, stealing would then be the right thing to do.

Maybe it is – maybe this example should be seen as confirming that the utilitarian way of thinking about moral decisions is acceptable. But what about other examples? What about torture? Does that become acceptable if it’s a way of preventing great harms? What about slavery? Is it OK to enslave people if the slaves are treated well and the slave-owners are able to enjoy a greatly enhanced quality of life? What about terrorism? If it seems to be the most effective way of overthrowing a cruel and oppressive regime, is it morally justifiable? Many people would say no – that however laudable the goal, killing innocent people is not a morally acceptable way of trying to achieve it. If that’s what you think, it seems that you may have to reject utilitarianism as an ethical theory.

2.3 That’s not the end of the argument. One way in which many utilitarians have responded to that criticism is to propose a more complex formulation of the theory. A common move is to propose a *two-level* version of utilitarianism. We should not, it is suggested, apply the utilitarian test directly to each separate individual action. That would in any case be highly impractical and inadvisable: we don’t have time to stop and predict all the possible consequences every time we act, and if we try to do so in the heat of the moment our

judgements are liable to be distorted by bias and ignorance. Rather we should guide our actions, at least most of the time, by a set of *rules*, and it is these rules that we should assess according to their utility. There are a number of different versions of this idea. One popular and persuasive formulation is:

We should act in accordance with that set of moral rules whose general adoption would be likely to do the most good.

So the distinction between the two levels is: assess actions by reference to rules, and assess rules by considering how much good it would do if they were generally adopted. This position is often referred to as *rule-utilitarianism* (in contrast to *act-utilitarianism*). It's easy to see how it can make sense of ordinary everyday morality. Rules such as 'Never kill innocent people', 'Never resort to torture', 'Keep your promises', 'Tell the truth' and so on are widely regarded as being at the heart of morality. The objection which we have been considering is that utilitarianism can justify breaking these rules, but the rule-utilitarian will say that these are the right rules to stick to because if people in general did so, everyone would benefit. If we focused on individual actions, it might appear that one could sometimes do more good overall by killing someone or breaking a promise, but the rule-utilitarian says: don't look at the consequences of the individual action, look at the consequences of the general adoption of the rule.

The attraction of rule-utilitarianism is that it seems to accord with commonsense moral rules, but at the same time it doesn't require us to conform to those rules uncritically. We should assess moral rules rationally, sometimes we should reject moral rules which have in the past been conventionally accepted (some of the traditional rules about sexual behaviour, perhaps) – and those are the decisions which we should make on utilitarian grounds.

Another version of utilitarianism could introduce a further degree of complexity, by combining elements of rule-utilitarianism and act-utilitarianism. Normally, it might be said, we should follow moral rules, but if two rules come into conflict with one another, that is when, to resolve the conflict, we have to consider the consequences of the individual action in the particular case. Normally we should tell the truth, for instance, and normally we shouldn't put the lives of innocent people at risk – but suppose that in a particular case telling the truth (to a would-be murderer, perhaps) will risk an innocent person's life. That, perhaps, is when an act-utilitarian approach properly comes into play to resolve the conflict. (John Stuart Mill sometimes seems to have taken this position.)

You need to consider, then, whether the initial objection to utilitarianism – that it could justify immoral actions – can be met by reformulating utilitarianism along these lines.

2.4 We could put that first objection by saying that utilitarianism appears to set *too low* a moral standard – it could be used to justify actions which are in fact morally wrong. A second objection to utilitarianism seems to come from the opposite direction. In some respects utilitarianism seems to set *too high* a moral standard. It demands too much of people. Bear in mind that the happiness and the benefits it tells us to promote are not just our own, but the well-being of people in general. That may seem fair enough. Surely any ethical theory which is to be plausible will say that we should not just act for our own good but also try to help others. But utilitarianism seems to say more than this. It seems to say that *whenever* I have a choice between doing something which will benefit me and doing something which will do *more* good overall for others, the second action is what I should do. After all, what counts, from a utilitarian point of view, is simply how much good you can do overall. In the next seminar we'll see that Peter Singer appears to say something like this about the problems of global poverty and hunger. If the money which I am inclined to spend on a new iPhone or computer game would do more good if it were donated to feeding the hungry, then that's *always* what I should do. According to the utilitarian, it would seem, I should go on giving, and stop only at the point where I'm in danger of making myself worse off than the people I'm trying to help. And that looks like an incredibly demanding morality.

OK, the defender of utilitarianism may say, morality *is* demanding. Nobody ever supposed that doing the right thing is always easy. But the problem for utilitarianism seems to be more than that. It appears to require a way of life which nobody could ever live up to. And what use is an ethical theory which does that?

At this point you could again consider whether a reformulation of utilitarianism could meet the objection. Maybe some version of rule-utilitarianism, or some combination of rule-utilitarianism and act-utilitarianism, is in a stronger position here. If what utilitarian morality requires is that we ask ourselves not whether each of our individual actions will do the greatest possible good, but whether the rules we normally respect are rules whose general adoption would do the most good, then perhaps utilitarianism is not as impossibly demanding as it seems. Think about how this response to the objection could be filled out.

2.5. Discussion questions:

2. Should we reject utilitarianism as an ethical theory
 - (a) because it would justify actions which are immoral?
 - (b) because it is too demanding?
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3. Deontological ethics

3.1. A second kind of ethical theory to consider is what is sometimes called a 'deontological' theory. This is roughly the view that certain kinds of actions are right or wrong *as such* – simply because of the kinds of actions that they are, not because of their consequences. Killing the innocent is wrong *just because it is killing the innocent*. Lying is wrong *just because it is lying*. Stealing is wrong *just because it is stealing*. We can see how this view arises directly out of the first criticism of utilitarianism. Yes, killing the innocent will nearly always create suffering which will greatly outweigh any possible benefits. But even if it doesn't, it is still wrong. Suppose you and your mates, on a night out, come across a tramp lying in the gutter and you think it will be fun to kick him to death. He'll feel a bit of pain but he's drunk so he won't feel much and he'll soon be unconscious. He has a wretched life so you'll spare him further suffering, he has no friends or relations who will miss him – and you'll enjoy it. But, surely, it would be wrong.

Notice that a deontological theory can find room for what is plausible in utilitarianism. Yes of course, we ought to help others, and we ought to do what we can to relieve other people's suffering. These are what are sometimes called, rather grandly, 'duties of beneficence'. We ought to do these things because they are, by their very nature, right actions. But they are not the whole of morality. Other kinds of actions, also, are right or wrong because of the kinds of actions they are.

Notice also that a deontological theory need not say that wrong actions are *always and without exception* wrong. Immanuel Kant, the eighteenth-century German philosopher often seen as one of the sources of deontological ethics, defended the highly implausible claim that if a murderer comes looking for your friend who has taken refuge in your house, and asks where he is, you have a duty to tell the truth. Advocates of deontological ethics don't in fact need to say this. They can accept that in extreme cases there may be exceptions. They can say of Kant's example that the duty to tell the truth is in this exceptional case overridden by the stronger duty to save your friend's life. Here again they are able to take on board what makes utilitarianism look plausible, without having to say that a wrong action becomes right whenever it will do more good than harm.



Immanuel Kant

“An action done from duty derives its moral worth, not from the purpose which is to be attained by it, but from ...the principle of volition by which the action has taken place, without regard to any object of desire.

In these ways, then, a deontological theory may seem to hold the advantage over a utilitarian theory. In its turn, however, it invites objections which may send us back to utilitarianism. Two problems stand out.

3.2 First, how does a deontological theory enable us to decide *which* actions are right or wrong in themselves? I may confidently assert that killing the innocent is wrong simply and solely because it is a wrong kind of action. Suppose you then assert that pre-marital sex is simply wrong, or that homosexuality is simply wrong, without there being any need to give any further reason. Suppose I disagree. There seems to be nothing we can say to one another. We appear to be trapped in our opposed dogmatisms. Utilitarianism can claim to surmount the problem. It can explain what makes wrong actions wrong. What makes killing the innocent normally wrong is that it almost always creates terrible grief and suffering, whereas pre-marital sex and homosexuality, provided they are by consent, harm nobody and hence are not wrong. (Rule-utilitarianism may at this point seem particularly attractive as a way of getting the best of both worlds, combining what is plausible in deontological and in utilitarian ethics.)

3.3 A second problem arises once we allow that the wrongness of wrong actions can be overridden in extreme cases. How do we decide whether the case is sufficiently extreme to warrant an exception? Why is it OK to tell a lie to save my friend's life, but not OK to tell a lie to get myself out of an embarrassing situation? All that a deontological theory can say, it seems, is that it is a matter for judgement in particular cases. The utilitarian theory claims to be able to say more than this. In the first case, it says, the consequences of telling the truth are much worse than the consequences of telling a lie, but not in the second case. That's why we should make an exception in the first case but not in the second.

3.4. Discussion question:

3. Can you think of ways in which a defender of deontological ethics could meet the following criticisms?
 - a) A deontological theory cannot provide any way of deciding which actions are right or wrong in themselves.
 - b) A deontological theory cannot provide any way of deciding when it would be permissible to make an exception to the duty not to perform a wrong action.

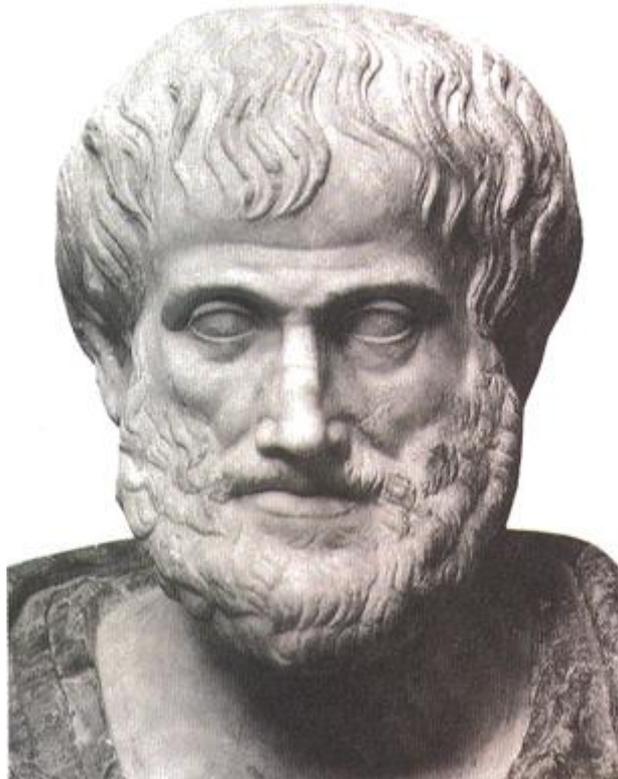
4. Virtue Ethics

4.1. Let's go back to the second criticism of utilitarianism – that it is too demanding, because it seems to impose on us an unremitting obligation to promote the general good, in which one's own well-being is simply submerged. One possible utilitarian response is to say that utilitarianism only tells us what our *moral* obligations are, and that morality is not the whole of life. But then this tells us nothing about where morality

stops and other concerns take over. The trouble with utilitarianism, we might say, is that it offers us no picture of the place of such obligations in a good human life.

This is where an approach sometimes called 'virtue ethics' can look attractive. The term 'virtues' is a rather old-fashioned word for the qualities which make someone a good person. So whereas utilitarianism focuses on the idea of producing good *consequences*, and deontological ethics focuses on the idea of right *actions*, virtue ethics focuses on the idea of being a good *person*. The virtues – kindness ('benevolence'), compassion, fairness, honesty, and so on – are the qualities of a good person, and a person who possesses these qualities will act accordingly. So a good person, being kind and considerate, will certainly try to do the sorts of things which utilitarianism commends, but these virtues will take their place alongside the other qualities which go to make up a good human life.

It's an approach which goes back to the ancient Greek philosophers, Plato and Aristotle. It has obvious affinities with a certain strand in Christian ethics, but it does not stand in need of any specifically religious underpinning. In recent years the philosopher Philippa Foot and others have done a lot of work on expounding and defending it on an entirely non-religious basis.



Aristotle

"Happiness is an activity of the soul in accordance with perfect virtue..."

4.2. Let's look at its advantages. We've already seen one advantage which it has over utilitarianism – it does not make doing good to others the one overriding obligation. In this it is akin to deontological ethics; it makes beneficence a part of morality but not the whole of morality. But it also has an advantage over the deontological approach. Whereas the latter has difficulty in giving any further account of why certain kinds of actions are right or wrong, virtue ethics can claim to offer an account of why the virtues are good qualities to possess. They are qualities which any human being *needs*. Because human nature is what it is, we cannot

flourish and prosper without these qualities. We are social beings. We need other people, we need to cooperate, we need to have harmonious and if possible affectionate relations with other human beings. That is why we need qualities such as kindness and fairness and honesty, as well as less specifically social qualities such as good sense and courage and self-control.

4.3. So much for the merits of the theory. Once again let's now limit ourselves to a couple of criticisms. First, as an approach to ethics it may seem to be too preoccupied with the self. That's not to say that it encourages selfish behaviour. It values altruistic virtues such as fairness and consideration for others. But it appears to value them as means to making oneself a better person, and that seems to get things the wrong way round. If it's right for me to act in ways which help others, that should surely be because they need my help, not because in that way I can improve my personality.

4.4. This is closely linked with a second criticism – that virtue ethics doesn't seem to be much help as a guide to action. It tells me what I should *be*, but not what I should *do*. Suppose I have to decide whether to tell a lie to a friend in order to spare her feelings. Suppose she asks me whether I like a poem which she has written. I know it means a lot to her and that she feels insecure about it and badly needs approval. If I'm a kind and considerate person I will not want to upset her, but if I'm an honest person I will feel that I ought to tell her the truth. What should I do? Virtue ethics offers no ethical guidance. All it does it explain why I have the dilemma in the first place, not how I might try to resolve it.

In this respect it shares the drawbacks of a deontological ethics which lists a number of moral duties and obligations but cannot say how we should decide what to do when they conflict. This is a problem for any pluralistic theory, one which recognises a number of distinct values, and it is where utilitarianism can look attractive by comparison. It looks good as a tie-breaker. If I am torn between telling the truth and sparing someone's feelings, utilitarianism tells me that I should work out what will do the most good in the long run. Will my friend benefit most by having to face the truth, or by having her confidence boosted? Not an easy thing to decide, but at least utilitarianism seems to be able to tell us what to look for.

4.5. Discussion questions:

4. In what sense, if any, could it be said that virtue ethics is 'self-centred'?
 5. How, if at all, do you think virtue ethics can serve as a guide to action?
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5. Reflective Equilibrium

5.1. We've considered briefly three theories - utilitarianism, deontological ethics, and virtue ethics – and also noted possible variants of the utilitarian approach. In the light of the discussion you may feel that one of these theories is superior to the others and seems plausible as a general approach to ethics. Or you may feel that each theory has its merits and its problems and that we're left in a quandary, unable to adopt any of them. That's for you to decide, but for now, think about what we've been doing. We've been testing each theory against moral examples and our own moral experience, asking whether the theories match what we want to say about these. If a theory seems to have implications which are morally unacceptable, that counts against it. If a theory appears to provide a good explanation of why the things which we are inclined to regard as right and wrong are indeed right and wrong, that's a merit of the theory.

This tells us something about the relation between ethical theory and applied ethics. Quite simply, we can't *first* adopt a theory and *then* apply it in order to decide how to act. To adapt an analogy used by the philosopher Hegel in another context, that would be like thinking that we first have to learn how to swim before getting into the water. We are able to assess competing theories only because we *already* have moral beliefs and commitments – what are sometimes called moral 'intuitions'. The test of a good theory is whether it can make sense of our intuitions.

However, if moral intuitions come first and an ethical theory has to be built on them, that looks equally unsatisfactory. Maybe our moral intuitions are mistaken. How do we distinguish authentic and reliable moral intuitions, which are fit to be the test of a good theory, from irrational prejudices? And of course people's moral intuitions differ. Do we really want a theory built on the intuition that gay men and adulterous women should be stoned to death? So we seem to be at an impasse. We need a sound theory in order to separate rational moral intuitions from irrational prejudices. But we also need prior moral intuitions to serve as the test of competing theories.

5.2. Perhaps the impasse is not as debilitating as it sounds. The twentieth-century American philosopher John Rawls has suggested that this two-way testing is actually the right method in ethics. He called it the method of *reflective equilibrium*. We start with those moral convictions of which we feel most confident, such as perhaps that gratuitous cruelty is wrong. We look for one or more general principles which will best explain those convictions. In the light of plausible-looking principles we go back to our prior moral convictions and try to sort out those which do and those which do not seem to fit the principles. From this sifted body of convictions we return to the general principles and consider whether they now need to be modified to provide a better or more nuanced account of our convictions. This two-way process continues back and forth as we search for a harmonious balance between those general principles which look most secure in the light of our particular moral convictions, and those particular moral judgements which look secure in the light of our considered principles. So though our existing moral intuitions may be our starting point for the process of reflection, none of them is sacrosanct, any one of them may have to be modified as the process continues.

That will in effect be our method in the remainder of this course. As we look at particular areas of moral concern and controversy, we won't presuppose any one theory. We'll start from the sometimes competing convictions which people tend to hold about these controversial issues, we'll try to assess how far they'll stand up to scrutiny, we'll look for values and principles and approaches which emerge as plausible candidates to guide our thinking, and we'll try to work towards some practical conclusions about the issues.

By the end of the course you may feel that one of the general theories which we've been considering so far has emerged as a plausible rational ethical framework. Or you may think that some other theory altogether has presented itself as a plausible candidate. Or you may decide that no one theory will do the job, and that our moral thinking perhaps has to draw on a mix of values and considerations from the various competing theories. That will be for you to decide.

Some resources

You don't need to get lots of books to study this course. The notes we've provided should be sufficient. But if you want to read more widely, here are some suggestions.

We've already mentioned the philosopher Peter Singer, and will encounter him again. One of his books covers many of the topics we'll be dealing with:

Peter Singer, *Practical Ethics* (Oxford University Press)

He also edited an anthology which contains some classic pieces of writing on applied ethics by other philosophers:

Peter Singer (ed.), *Applied Ethics* (Oxford University Press)

A bigger anthology, excellent and comprehensive, is:

Hugh LaFollette, *Ethics in Practice* (Basil Blackwell)

The third edition of this anthology includes useful introductory essays on utilitarianism, deontological ethics, and virtue ethics. For a succinct summary of rule-utilitarianism see also Brad Hooker's essay 'Rule-Utilitarianism and Euthanasia' in that anthology.

A very good book, addressing especially topics which we'll be dealing with in the fifth session but also covering more general approaches, is:

Jonathan Glover, *Causing Deaths and Saving Lives* (Penguin)

For three examples of a humanist approach to ethical questions you could look at chapters 4 and 6 of

Peter Cave, *Humanism* (Oneworld Publications)

and chapter 4 of

Richard Norman, *On Humanism* (Routledge)

and chapter 4 of

Stephen Law, *Humanism: a Very Short Introduction* (Oxford University Press)

There are masses of resources on the web – some good, some bad. It's worth seeing what you can find. Two reliable internet encyclopaedias of philosophy are the Stanford Encyclopedia of Philosophy at:

<http://plato.stanford.edu/>

and the Internet Encyclopedia of Philosophy at:

<http://www.iep.utm.edu/>

The BBC's website has an ethics section which is clear and basic, though sometimes oversimplified:

<http://www.bbc.co.uk/ethics/>

Do make use of the British Humanist Association's website, especially the resources on ethical issues for students at:

<http://www.humanism.org.uk/education/students>

Brendan Larvor's course *Humanism*, a companion course to this one, includes a session on ethics in Week 3, including some more good discussion questions to think about and some more suggestions for further reading.

Seminar 2: Concern for Others – Charity, Justice and Equality

1. Concern for Others

A common feature of all moralities seems to be that we should shown concern for others. It's central to Christian morality – 'You should love your neighbour as yourself' - and is to be found in the moral codes of all the great world religions. Often it takes the form of some version of the Golden Rule: 'Treat others as you would want them to treat you.' And concern for others is built into all three ethical theories which we looked at in the previous session – utilitarianism, deontological ethics, and virtue ethics.

If this were a course on ethical theory, we might want to examine critically the assumption that we ought to show concern for others. We could ask *why* we should do so, *why* it is assumed to be a central feature of morality – and there's a lot that could be said about that. But for the purposes of this course I suggest that we accept it as a given, and in this session we're going to look at its practical applications. *Which* others should we show concern for, how far should it go, and what form should it take?

In practice, at any rate, the prevailing attitude would be something like this: that we should care for our nearest and dearest, help our friends in times of need, and lend a hand to passing strangers if the occasion arises. But is that enough? Christians and other religious believers often imply that their morality demands more than that, and they sometimes claim that their religion motivates them to a greater degree of altruistic concern than worldly moralities would promote. But the question remains, how much? When asked by a rich young man what he should do, Jesus replied 'Go and sell all that you have and give to the poor'. A few sincere Christians take that literally and apply it to themselves, but it does not appear to be standard practice, and most Christians seem more inclined to say that this was advice for one particular individual in particular circumstances, and that Christians have to decide for themselves what love for one's neighbour requires of them. So, as always, religious doctrines provide no short cut to moral conclusions. Believers and non-believers alike have to do some moral thinking and look at the arguments.

2. Global Duties

2.1. I mentioned in the previous session the views of the philosopher Peter Singer about how we should respond to the problem of global poverty and hunger. He first set out these views in an article published in 1972 called 'Famine, Affluence and Morality'. More recently he has expanded his ideas in a book *The Life You can Save*, published in 2009.

At the beginning of the 1972 article he uses this example:

If I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing.

Note that he doesn't just say that it would be nice of you to save the child. You *ought* to do so, you have a *duty* to do so, and if you don't, that is a moral failing for which you can be properly criticised. Singer assumes that we will agree with this judgement, and it is the starting point for the argument that follows.



Peter Singer

"People with more than enough have a moral obligation to help those who, through no fault of their own, are living in extreme poverty. It's not hard to do."

<http://www.opendemocracy.net/article/a-life-to-save-direct-action-on-poverty>

One thing which seems to follow is that we cannot take refuge in what is sometimes called 'the acts/omissions distinction'. We can be morally criticised not only for our wrong actions but also for our failures to act. If it is wrong to kill, so also it is wrong to fail to save someone's life when one can do so. If I walk past the pond without rescuing the child, I cannot escape moral criticism by saying 'I didn't *do* anything wrong.' Note how a *consequentialist* approach enters into the picture here. Whether I kill someone or simply leave someone to die, the consequence is the same and just as bad – the person ends up dead.

On the strength of the example, Singer formulates two principles, a 'strong' principle and a 'weak' principle. The strong principle is:

If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.

The weak principle is:

If it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it.

Look carefully at the small differences between the two principles. We'll come back to these.

2.2. Singer now proceeds to apply the principles to the facts of global poverty and hunger. The facts are that in other parts of the world people are dying from preventable poverty and disease and malnutrition, and we – those of us, that is, who are relatively well-off in the richer countries of the world – could do something to prevent it. If we were to donate money, which most of us could afford, to a charity such as Oxfam, we could save lives. So if we don't donate, we are failing to prevent something very bad from happening, and this is as wrong as it would be to walk past the pond and fail to pull out the child.

Note the other assumption which Singer says he is making here: that *distance* makes no moral difference. The child in the pond is there before your eyes. The people dying of disease and starvation are thousands of miles away and you can't see them - but why should that make any difference? Their suffering is just as bad, even though it is a long way away. So if we have a moral duty to pull out the child, then we have a moral duty to donate. We normally think of giving to a life-saving fund such as Oxfam as 'charitable', as 'beyond the call of duty'. But according to Singer's argument it is *duty*, not charity. We ought to give the money away, and it is wrong not to do so.

2.3. *How much* do we have a moral obligation to give? This is where the distinction between the weak principle and the strong principle may come into play. According to the weak principle I ought to donate as much as I can 'without sacrificing anything morally significant'. What would be 'morally significant'? Well, of course, people will assess that in different ways. If giving more would mean I couldn't pay for the family to have a holiday, perhaps that would be morally significant – I'll be letting them down and making them unhappy. But if giving more would mean going without new clothes or a new car when the old clothes or the old car are perfectly serviceable, that can hardly be counted as a 'morally significant' sacrifice. So I ought to give more.

The strong principle is more demanding. It says that I ought to give as much as I can 'without sacrificing anything of *comparable* moral importance'. So it requires us to *weigh up and compare* the good or bad consequences of giving against the good or bad consequences of not giving, to see which is the greater. How do I do that? Again it depends what moral values I employ to assess what is good or bad. Singer himself inclines to a utilitarian view of how we should do the weighing up: comparing amounts of happiness and suffering. As he says, this would mean

...that we ought to give until we reach the level of marginal utility – that is, the level at which, by giving more, I would cause as much suffering to myself or my dependants as I would relieve by my gift. (LaFollete p.578)

In other words, so long as I can do more good – relieve more suffering – by donating money to famine relief rather than spending it on myself and my family, I should go on doing so. This is a startling conclusion which, as he says, would require radical changes to our standard moral thinking and practice. Our concern for others ought, it seems, to be very far-reaching indeed. He claims to have reached this conclusion from a starting-point which most of us would accept, by steps which most of us would find it difficult to disagree with. Has he?

2.4. Discussion questions:

6. Do you agree with Singer that there is no morally significant distinction between acts and omissions – that our moral obligation not to let people die is as important as our moral obligation not to kill? Can you think of examples which challenge Singer's position?
 7. Can you come up with good reasons for thinking that distance **does** make a difference – that we have stronger moral obligations to those who are in some sense 'closer' to us?
 8. Do you accept Singer's conclusion? If not, which step in his argument do you reject?
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3. Social Justice

3.1. We've seen that Singer distinguishes between 'charity' and 'duty', and says that we have a duty to contribute to famine relief and help to end world poverty. There is a related but separate distinction which many of the aid agencies make. They often say that the fight against global poverty is 'not charity but justice'. We should now have a closer look at the idea of 'justice'. The word is used in various ways, and there's a standard distinction made between 'retributive justice' and 'distributive justice'. The discussion of *retributive justice* is about what it is for someone to be *justly punished* – for those who have broken the law to 'get their just deserts', as we might say. *Distributive justice* is concerned, roughly speaking, with people 'getting their fair share'. It's what is also often referred to as 'social justice'. And the word 'social' is important. We typically think of justice as something that applies within a society. If we came across aliens on another planet and they were sufficiently like us for us to understand that they were suffering, we might take pity on them and want to help them, but our response to them would not be a matter of 'justice'. We think of justice as something which ought to exist within a society. If that is so, can we meaningfully talk of justice across different societies? Is the existence of global poverty, however bad it may be, really an 'injustice'? We will come back to that question later, after first looking at various views of what 'a just society' is.

3.2. We've already linked it with the idea of 'fairness' – a just distribution is one in which everybody gets their fair share. But what's a fair share? Suppose a friend gives your three children a box of chocolates for Christmas and tells them to 'share them fairly'. What would that mean? I think that the natural interpretation would be that they should share them *equally*. Not necessarily, of course – one of them might not like chocolates (and we'll come back to the implications of such a possibility later). But normally, if one of the children takes more than the others, we'd expect the others to protest 'That's not fair!' So here's a suggestion to consider: a just society is one characterised by *equality*.

Now to many people (to you?) this may sound absurd. It's all very well to talk about dividing equally a box of chocolates, but how can everyone in a whole society be equal? What is it supposed to mean? That everyone earns the same amount of money? That's implausible enough, but it gets even more ridiculous. Everyone to get the same amount of medical treatment, whether or not they need it? Everyone to get the same housing, whether or not they want it? Everyone to get the same amount of education, whether or not they can make use of it?

Let's try to formulate the idea of equality more plausibly. Of course people's tastes and preferences differ, of course their needs differ. Equality doesn't mean that everyone gets the same. Perhaps what it means is something like this: that the benefits and burdens of social cooperation are distributed in such a way that everyone benefits equally overall. That may seem to capture more successfully the intuitive connection of equality with justice and fairness. A society of equality is one in which people are not exploited and no individual or group benefits at the expense of others. Does that sound more plausible?

3.3. If it does, it may still be open to serious objections. Here are two.

First, the 'liberty' objection. However desirable equality in this sense may be, any attempt to achieve it would be at the expense of people's freedom. In anything other than a very simple society, differences

between people will quickly emerge. Some people will be more successful than others because they are more talented, or more hard-working, or luckier. So maintaining equality would require constant interference in people's lives to counteract these inevitable tendencies, to take from the more successful and redistribute to the less successful.

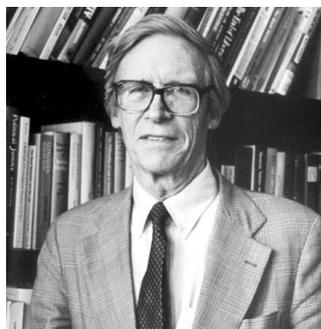
Second, there's what has been called the 'levelling-down' objection. We could aim for equality by reducing everyone to the same low level. But who would want that? Don't we all benefit from the fact that some people are more successful than others? Take the case of economic incentives. People will be encouraged to work harder, or to develop their skills and talents and use them to the full, if they can earn more as a result. Everyone can thereby benefit from their efforts, their enterprise and their efficiency. If we refused to allow such incentives, and to insist that everyone should earn the same, we'd all be worse off.

3.4. Now let's look at a theory of justice which tries to take on board these objections. It's the work of the American political philosopher John Rawls (1921-2002). His book *A Theory of Justice*, published in 1971, has been enormously influential. Roughly speaking, his approach is this. As far as the 'liberty' objection is concerned, any society will require restrictions of some sort on people's freedom, so let's identify the most important liberties – say, freedom of speech and expression, freedom of movement and association, and political rights such as the right to vote and take part in political life, and let's insist that these basic liberties should not be overridden. Let's recognise also that everyone will benefit from some kinds of inequalities, but let's insist that they are acceptable *only* if everyone benefits from them. That means in particular that economic incentives, pay differentials and bonuses and the like, are acceptable from the standpoint of justice only if all *including the least well off* are better off as a result. If that condition is met, it would be perverse to rule out such differentials and make everyone worse off. And we can also add that if such jobs and positions are better rewarded than others, this is compatible with justice only if everyone has an equal opportunity to get to the top.

That's the thinking which lies behind Rawls' formulation of what he sees as the two fundamental principles of social justice:

Each person is to have an equal right to the most extensive total system of equal liberties compatible with a similar system of liberty for all.

Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged..., and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.
(*A Theory of Justice* p.302)



John Rawls

'Injustice is simply inequalities that are not to the benefit of all.'
(*A Theory of Justice* p.62)

The first principle, Rawls says, must take priority over the second. So any economic measures of redistribution, such as progressive taxation, or government intervention in the economy, are acceptable only if they leave the basic liberties intact. The second principle is what Rawls calls 'the Difference Principle'. It allows some inequalities, but because of its requirement that the least well-off must benefit, and its requirement of equal opportunity, its underlying character is egalitarian. We'll return later to the discussion of global poverty, but note for now what Rawls' theory of justice says about poverty within a society. It might be said to allow for 'relative poverty' in the sense that some people will be better off than others – but only if the conditions of the Difference Principle are satisfied.

3.5. Discussion questions:

9. Does Rawls' theory of justice successfully capture what is attractive in the idea of equality?
 10. Does it meet the objections to simple equality?
 11. Would it allow **too much** inequality?
 12. If it were applied to our own society, what changes would it require?
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4. Do some people deserve more than others?

4.1. A broadly egalitarian conception of social justice, perhaps as developed and modified by Rawls, seems to be supported by our intuitions about fairness. But there's another common idea which pulls in a different direction – the idea that *people should get what they deserve*. Some at least of the inequalities in our society, it may be said, are justified, because some people deserve more than others. Captains of industry are enterprising and talented, doctors work long hours, top surgeons have special skills, and their higher incomes and status are a just reward for their talents and abilities. If everyone were to benefit equally in a society, then some people would get more and some less than they deserve.

What are we to make of this idea? Accepting it doesn't of course mean accepting that our society has got it right. You might think that nurses and care workers deserve a lot more than they get, and that bankers and financiers and business executives deserve a good deal less. But if that's what you think, you're still accepting the idea of 'desert' as an appropriate way of thinking about justice.

Should we do so? To help us in assessing the idea of 'desert', I'm going to distinguish between various different interpretations which could be given to the idea. I'm going to identify two weak versions of the idea, and distinguish them from a strong interpretation of it. They don't necessarily exclude one another, of course, and you may decide that all three should be accepted – or rejected.

4.2. First, I suggest, there is the idea of desert as *compensation*. The idea here would be that if some people have to work particularly long hours, or have to do especially difficult or dirty or onerous work, they should be rewarded more to make up for it. We might extend this to the idea that if some occupations require particular long periods of prior study and training, then higher rewards in due course again serve to make up for the time they have had to put in. Why might we think that such compensation is called for? I would suggest that an obvious answer can be found in the broadly egalitarian approach to justice which we've previously been looking at. Recall my earlier suggested formulation of the core idea of equality: that the benefits and burdens of social cooperation are distributed in such a way that everyone benefits equally overall. That implies that if some people have to shoulder extra burdens, they should also receive extra benefits so as to bring them up to the level of equal overall benefit. In that sense they can be said to deserve the extra rewards. But notice that if that's the best way to understand it, then this version of the idea of reward for desert, as compensation, is not a rival to the egalitarian approach. It sits neatly within it.

4.3. The same goes for a second weak version of the idea of desert. You'll remember that Rawls's more complex theory of justice allows for the idea of *incentives*. If differential rewards act as incentives which

encourage people to work harder and use their skills and abilities to the full, and *if* everyone benefits from such a system of differential payments, then that can be accepted as just. Now of course if a society does have a structure of differential rewards as incentives, then there's a sense in which those who play the game and get to the top deserve the rewards. They have earned them by meeting the conditions and so they are entitled to them. If the system, for instance, says that those employees who sell more goods will get a bonus, and if some of them do sell more goods, then they have successfully met the conditions and so in that sense they 'deserve' the bonus. You may or may not think that such a system is a good idea – you might, perhaps, worry about encouraging competitiveness because it fosters a spirit of rivalry rather than cooperation. Or you might think that such competitiveness is a good idea – it keeps everyone on the toes and so everyone benefits. But whichever way you go, the point is that this weak version of 'desert' is again not opposed to the ideas of justice we looked at previously. It fits into Rawls's theory.

4.4. That's why I've referred to those two versions of the idea of desert – as compensation and as incentives – as 'weak' versions. Now contrast what I'm calling the *strong* version. Someone might say something like this: "It *doesn't matter* whether differential rewards bring people up to an overall equal level of benefit. They may do more than that. They may simply and straightforwardly leave some people substantially better off than others. And it doesn't matter whether or not the differential rewards benefit everybody in the long run. The fact is that such inequalities are not unjust, they are deserved. Some people are more talented or hard-working than others, and if they are, then they deserve more *simply for that reason.*"

Here we really do come to a parting of the ways. We now have an irreconcilable conflict between the egalitarian approach to justice (including Rawls's complex but broadly egalitarian theory) and the idea of justice as giving people what they deserve. So what are we to make of this strong notion of desert? This is what Rawls says.

It seems to be one of the fixed points of our considered judgments that no one deserves his place in the distribution of native endowments, any more than one deserves one's initial starting place in society. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and social circumstances for which he can claim no credit. (*A Theory of Justice* p.104)

The thinking here is that no one deserves the talents and abilities he or she happens to be born with, and so no one deserves to be rewarded for using them. The distribution of talents and abilities, including the qualities of character which make some people more hard-working or conscientious, are a result of what has been called a 'natural lottery'. They are an accident of one's genes, or of one's birth and family and upbringing. Some people are lucky – but that is no good reason for making them even luckier.

That's the strong notion of 'desert', then, and that's an objection to it which you need to think about. I introduced the discussion of 'desert' by saying that it has an intuitive appeal. So is that appeal sufficiently accounted for by the ideas of 'compensation' and 'incentives', or is there more to it than that?

4.5. Discussion questions:

Do some people deserve more than others? If so, why? Does it mean that some inequalities can be just? If some people are more talented or more hard-working than others, are they merely lucky?

5. Global Justice

5.1. Let's retrace our steps. In the first part of this session we looked at the suggestion that our moral obligations to care for others and relieve suffering should extend beyond our immediate circle. We looked at Singer's argument, that if we have a moral duty to prevent great suffering, then that includes a duty to do what we can to prevent people dying and suffering from poverty and disease and malnutrition in other parts of the world, people whom we do not know and do not encounter in our daily lives. And we saw that

Singer's strong principle – which perhaps leads us in the direction of some version of utilitarianism – implies that this is a very strong duty indeed. It is a duty to do what we can to combat poverty and hunger, up to the point where doing more would create more suffering for ourselves and those close to us than the suffering we can relieve.

We then turned to a different way of thinking about the problems of poverty and hunger and the disparities between the lives of the well-to-do and the very poor – that they are *unjust*. This has led us into a discussion of the idea of social justice, and of different ways of interpreting that idea. From the standpoint of simple equality, the existence of extremes of wealth and poverty in our own society is clearly unjust. The same conclusion might well be reached from the standpoint of Rawls's more complex theory of justice. That would depend on the application of his Difference Principle, and we'd have to look at the facts and ask whether the worst off in our society are nevertheless better off than they would be with any other distribution of social goods. You can form your own view, but it's unlikely, I suspect, that the answer is 'Yes'. If you think that the idea of 'desert' should play a role in our thinking about justice, then the question of the injustice of poverty will be complicated in a different way, but again I suspect it's implausible to suppose that the very poor in our society are all poor because they deserve to be. I haven't raised the question of what we ought to do about it if the extremes of wealth and poverty are an injustice in our own society. I'll leave you to think about that.

5.2. I want now to take us back to the question of *global* poverty. Does it make sense to describe this as an 'injustice'? Some would say not. We've been looking at justice as a *social* concept: it addresses, we said, the question of how the benefits and burdens of social cooperation are to be distributed. Does that mean that questions of justice can only arise *within* a society? If so, it might seem to follow that we cannot meaningfully talk about justice or injustice *across* societies, and it would then make no sense to describe it as unjust that people in other parts of the world are much less well off than people in our own society.

There are two ways in which we might go here. One would be to challenge the assumption that justice is a uniquely social concept. If some people are much less well off than others, then you might want to say that that is quite simply unjust, whether or not the two groups are members of the same society. I'll leave you to think about this. You need to look at how we ordinarily use the word 'justice', and whether we would rob it of its distinctive use if we used it in that way.

5.3. The other way to go would be to consider whether we can talk about a *global society*, a society larger than the societies constituted by individual nation-states. It is sometimes said that we are all *global citizens*, and that we all have responsibilities to combat global injustice. Here are some of the reasons which have been given for talking in this way.

- There is a global economy. The majority of the inhabitants of the globe are part of this global economy to some degree. We are interdependent. A large proportion of the food we eat and the goods we buy in our own society come from overseas and are produced by the labour of farmers and workers who are often much less well off than we are and may be living on the margin of extreme poverty.
- The global economy is regulated by international agreements governing the terms of trade, including trade between rich countries and poor countries. We in western Europe benefit from these terms of trade, arguably at the expense of producers in many countries in Africa and Asia and Latin America.
- The most influential economic institutions are multinational companies whose wealth and power is greater than that of the majority of national economies.
- Global investment by western or multinational companies often deprives local populations of their own countries' resources.
- Economic institutions and practices in poor countries are often the legacy of imperialism.

Do these and other considerations add up to a case for talking about a global society and about global justice and injustice? I leave you to consider that question, and to think of reasons which might be adduced for rejecting that way of talking. The topic of global justice has been one of the most hotly debated topics among philosophers in recent years. Rawls himself rejected the idea that his theory of justice could be applied at the international level, but other philosophers (for instance Charles Beitz and Thomas Pogge) have drawn on Rawls' work to develop theories of global justice. See what you think.

5.4. Discussion questions:

13. Is it fair that we are able to buy cheap food and cheap clothing produced by farmers and workers in Third World countries who receive low prices or low wages and live in poverty? If you think it is unjust, why is it?
 14. Could Rawls's theory of justice be applied at the international level? Or some other theory of justice?
 15. If we did think in terms of global justice, what would be the practical implications for how we ought to live? Would it require changes to our lives?
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6. A postscript on method

In the previous session we considered different ways of approaching applied ethics. We examined the view that you have to start with a theory, in order to then apply it. We contrasted this with Rawls' method of 'reflective equilibrium', which starts from our considered practical judgements about particular cases, looks for principles which make best sense of these initial intuitions, then goes back to a further assessment of our practical judgements in the light of the provisional principles, and continues to and fro between principles and judgements, aiming for harmony between them.

Singer himself has been strongly critical of the view that we should test our ethical theories against our intuitions. Notice however that his method in 'Famine, Affluence and Morality' is not so very different from Rawls's. He starts not from a theory but from the case of the drowning child, on which he thinks that most of us would share the same moral intuitions. From our shared judgements about the particular case he develops two possible principles ('weak' and 'strong'), and he then returns to particular cases and suggests that in the light of these principles some of our other moral intuitions need re-evaluating.

Our discussion of social justice took a similar course. We started from plausible intuitions about what would be a fair way for children to share a box of chocolates. We moved from this to a general view about justice which it might suggest (justice as equality), and then to tried to refine the view by considering its possible implications.

I began this session by pointing out that the ethics of concern for others is a feature of all the great world religions. What it should mean in practice, however, is as much a matter for debate among the adherents of those religions as it is for anyone else. 'Love your neighbour as yourself', says the Christian morality. But who is my neighbour? Jesus' parable of the good Samaritan was his answer to that question, and it plays the same kind of role as Singer's drowning child example. But where does it lead? Does it mean that someone living in poverty on the other side of the world is also my neighbour? If so, what does that require of me? To tackle those questions rationally, as I noted at the beginning, Christians and any other religious believers would have to engage in the same kind of discussion and employ the same methods as we have done in this session.

Some web resources

You can find Singer's article 'Famine, Affluence and Morality', along with many other of his writings, on a very useful website:

<http://www.utilitarian.net/singer/>

You can read more about his book *The Life You Can Save* on the website which is a spin-off from it:

<http://www.thelifeyoucansave.com/>

An early version of Rawls' theory of justice can be found on the web at:

<http://www.hist-analytic.org/Rawlsfair.htm>

For the topic of global justice, you can find quite a lot of Thomas Pogge's work on the web. A place to start is: <http://www.etikk.no/globaljustice/>

Seminar 3: Concern for Others – Animals, the Environment, and Future Generations

1. Do Animals Have Moral Status?

1.1. In the previous section we looked at Peter Singer's argument that we should extend the range of our concern for others, and recognise that we have moral duties to help people in poverty even if we have never met them and they are on the other side of the world. Singer borrows from the 19th-century historian W E H Lecky the phrase 'the expanding circle':

...Lecky wrote of human concern as an expanding circle which begins with the individual, then embraces the family and 'soon the circle... includes first a class, then a nation, then a coalition of nations, then all humanity, and finally, its influence is felt in the dealings of man [sic] with the animal world'. (Quoted from Lecky's *History of European Morals* in Singer's 'The Drowning Child and the Expanding Circle'.)

Singer agrees with Lecky on the final stage of that expansion of moral concern, to non-human animals, and he is probably best known for his writing on this topic. In this session we're going to look at that and related questions. Should our concern for others include a concern for other animals? Should it perhaps extend even further, to the whole of the natural world? What are our moral responsibilities with respect to the natural environment? (From now on I'll use the word 'animals' as shorthand for 'non-human animals', although we shouldn't forget that humans are an animal species.)

Singer's views on the ethics of our treatment of animals were first put forward in an article 'All Animals Are Equal' which appeared in 1973, and expanded in his book *Animal Liberation* published in 1975. The starting point for his position is a simple appeal to consistency. If we think we have a moral duty of concern for human beings, then wouldn't it be inconsistent to deny that we also have moral obligations to animals? What this does is to put the onus on opponents to come up with some *morally relevant difference* between humans and animals, a difference which would justify our moral concern for the former but not for the latter. Note that it's got to be a *morally relevant* difference. We can come up with various features possessed by humans but not by other animal species. Humans are the only animals which cook their food, for instance, but why should that be any reason for different moral treatment?

The problem then for the opponent is that (a) any plausible feature not possessed by animals will not be possessed by all human beings, and (b) that any plausible feature possessed by all human beings will also be possessed by many animals. We might suggest, for instance, that plausibly distinctive characteristics of human beings as a species are that they possess *rationality* and *self-consciousness*. They can think and plan, and they can be aware of themselves as individuals with a distinct identity. It may well be that these features depend also on the possession of language. Now it's a matter for debate whether some animals also possess these abilities. (It's been claimed, for instance, that chimpanzees have been taught to use sign language and to use it to refer to themselves.) But what's certain is that they are not possessed by all human beings. New-born babies cannot think rationally, and it seems implausible to suppose that they can identify themselves as self-aware individuals. At the other end of human life, people may reach a degree of senility where they likewise cannot think rationally and have lost all awareness of who they are. People who suffer severe head injuries and massive brain damage may also be reduced to that condition. So if we say that we don't have moral obligations to animals because they don't have rationality or self-consciousness, it would seem that to be consistent we'd have to conclude that we don't have moral obligations to new-born babies, the senile and the brain-damaged. (This is sometimes referred to as the 'marginal cases' argument.)

Very well, it might be said, not all humans are rational or self-conscious, but they all, even in the marginal cases, have some level of consciousness, they can experience pleasure and pain and can suffer, and that's why our moral concern should embrace all human beings. But then, of course, the same can be said of a

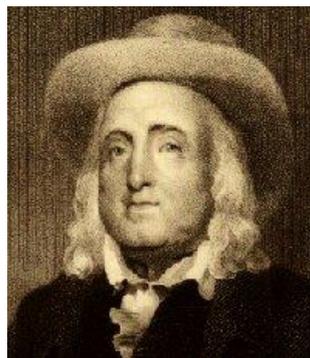
great many (all?) animals. They too have experiences, including pleasurable and painful experiences, they too can suffer, so it seems that to be consistent we must say that we our moral concern should equally extend to them.

1.2. The argument so far has been a negative one – there is no good reason for excluding animals from moral concern – but it now points to a positive claim. Animals matter *because they can suffer*. This is sometimes referred to as a criterion for 'moral status' (or 'moral standing'). To have moral status is to *count* morally, to *matter*, to be a proper object of moral concern. If a being has moral status, then we have at least some moral obligations or duties towards that being. A plausible candidate as a criterion for moral status is therefore *sentience*, the capacity to have pleasurable or painful feelings and experiences.

Notice a link here with utilitarianism. If you think that what confers moral status is sentience, that doesn't commit you to utilitarianism, but there is an implication in the other direction. If as a utilitarian you think that what matter are things like pleasure and pain, happiness and suffering, then that does seem to commit you to accepting that pain and suffering ought to be prevented, whether it is human suffering or animal suffering. That was certainly the view of the great utilitarian philosopher Jeremy Bentham. The important question when considering how we should treat animals, he said, is not 'Can they reason?' but 'Can they suffer?'. Singer likewise recognises a connection between his broadly utilitarian position and his views on animals.

1.3. There is one further move which could be made by those who deny the moral status of animals. We don't need to find a morally relevant difference between humans and animals, they might say. The reason why we have moral obligations to other humans is simply *that they are human*, and animals are not. That is enough. As human beings we naturally recognise that our fellow human beings are proper objects of moral concern. But animals are not like us, and that's why we don't have obligations to them.

The reply from Singer and others is to point out where this leads. If 'being like us' is to determine where we draw the moral boundaries, that's enough to justify every prejudice in the book. White people have in the past said that they owe no moral obligation to black people because 'they're not like us'. Men have assigned women a lower moral status because 'they're not like us'. Singer borrows from the psychologist Richard Ryder the word 'speciesism' to refer to the view that mere difference of species is enough to exclude animals from moral consideration. And it's no more defensible than racism or sexism.



Jeremy Bentham (1748 - 1832)

"The day may come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny....the question is not, Can they reason? nor, Can they talk? but, Can they suffer? Why should the law refuse its protection to any sensitive being?"

(Introduction to the Principles of Morals and Legislation)

1.4. Discussion questions:

16. Can you come up with any morally relevant difference between humans and other animals? Or any other good reason for denying moral status to animals?
 17. Is speciesism as indefensible as racism and sexism?
-

2. Utilitarianism and the Treatment of Animals

2.1. Suppose we were to accept that animals have moral status. What are the practical implications?

The answer may seem obvious. Other things being equal, it's wrong to inflict pain or suffering on any animal. But notice the need for that crucial qualifying phrase 'other things being equal'. It is difficult to maintain that one should never cause any pain or suffering. Some religions aspire to such an ideal. The concept of 'ahimsa', for instance, which is common to Hinduism, Buddhism and Jainism, and is often translated as 'non-violence', is grounded in an attitude of compassion and the avoidance of inflicting pain or suffering on any living thing. This ideal is interpreted most rigorously by some Jains, who are not only vegetarians but will cover their mouths when eating in order to avoid swallowing any insects, and will strain drinking water for the same reason. But whatever the aspirations, there is no way of avoiding the inescapable dilemmas. Put simply, sometimes the infliction of pain or suffering is the only way of preventing greater suffering. Killing animals, for instance, may be necessary to prevent disease from spreading, which would lead to further suffering for animals themselves and/or for humans.

This is another case where a utilitarian approach can look attractive. In conflicts of that kind, it may seem that the rational thing to do is to weigh up the respective amounts of pain and suffering which will follow from the competing courses of action, and do what will produce the least suffering or the greatest benefit. What would this mean in practice?

There are two aspects of our treatment of animals which you might want to consider, both of them discussed at length by Singer and others. One is our use of animals for food, and the other is our use of animals in laboratory experiments. Many animals are reared for food in appalling conditions, so-called 'factory farms' where they are confined in a cramped and filthy space. ('Animals' of course includes birds, such as chickens.) The benefits for humans are cheap meat and a more varied diet; if the animals were not farmed in such conditions, most of us would probably have to eat less meat and compensate with more of other foods. But is that enough to outweigh the suffering of the animals? Likewise laboratory testing often inflicts excruciating pain on animals. That pain may be outweighed if it leads to the discovery of a cure for cancer, but can it be justified if its only benefit for humans is as a safety test for cosmetics, for instance?

You can make your own judgements about these practical cases, and you may want to get some more factual information about what goes on. Singer thinks that the suffering inflicted on animals farmed for food is much more extensive than just the worst excesses of factory farms, and that since we can't be certain that any farm animals have not been badly treated, we should follow a vegetarian diet. Others would argue that free-range animals and birds can lead pleasant lives and can be slaughtered quickly and painlessly. Though the pleasure we get from eating them is not indispensable for us, it's perhaps enough to justify using them in this way. Indeed, it can be pointed out that if the animals were not bred for food, they wouldn't exist at all and the pleasures experienced by lambs gambolling in the spring fields would not be possible.

2.2. The deeper question, however, is whether a utilitarian approach is the right way of thinking about these questions. Think back over how we got to this point. The starting-point was the idea that if human suffering is a bad thing, then animal suffering must also be a bad thing. The utilitarian suggestion was then that in order to decide when animal suffering is acceptable and when it is not, we should weigh up the harms and benefits of using animals for food or for laboratory testing. Now suppose someone proposed rearing human beings for food. Would the right response be a utilitarian weighing of harms and benefits? In 1729 the

famous writer Jonathan Swift published a satirical essay entitled *A Modest Proposal For Preventing the Children of Poor People in Ireland from Being a Burden to Their Parents or Country, and for Making Them Beneficial to the Publick*. The 'modest proposal' was that struggling Irish peasants could improve their situation by selling their children as food for the rich. "A young healthy child well nursed, is, at a year old, a most delicious nourishing and wholesome food, whether stewed, roasted, baked, or boiled; and I make no doubt that it will equally serve in a fricasee, or a ragout." Swift's essay of course depends for its satirical point on taking it for grant that such a scheme would be morally out of the question. But why? From a utilitarian point of view it would seem that we ought at least to weigh up the pros and cons. We might decide against it, we might judge that the suffering of the children, even if well cared for, and the distress for the parents would outweigh the economic benefits and the culinary pleasures, but to reach that conclusion we would have to do the weighing up. And surely that is already a step too far.

Of course it's a fantasy example, but consider some more serious comparisons between our treatment of animals and humans. Suppose we were to use other human beings in the way in which people have traditionally used draught animals for farming and transport – keeping them in captivity and using them to haul or carry heavy loads. We don't have to suppose it. That's what slavery was, in the ancient world and on the plantations of the Americas until well into the 19th century. If we can judge that slavery was wrong, without any need for a weighing up of harms and benefits, why not conclude that using animals in a similar way is equally wrong? Or what about medical experiments? There have certainly been cases of human subjects being used for medical experiments, but if it's done without their consent, shouldn't we just rule it out, whatever the benefits? If we should, then doesn't the same go for the use of animals in medical experiments – and can't we reach that conclusion prior to any utilitarian estimate of the possible benefits?

2.3. Now there are two ways to go here. One is to follow the logic of the previous paragraph and conclude that we should not do to animals anything that we wouldn't do to humans. We should never make use of animals for our own purposes – for food or for transport or for laboratory experiments or for anything else. That's the position which some people take. 'We have no right to use animals in these ways', they might say – and the language of 'rights' would be the typical way of making the point. Talk of 'animal rights' sets stricter limits to our treatment of animals than a utilitarian perspective would do. Using animals for any human purposes, whatever the benefits, is seen by some advocates of animal rights as simply impermissible, because it is a violation of their rights. (Singer, as a utilitarian, does not think that the language of 'animal rights' is the appropriate moral vocabulary, except as a rough and ready shorthand.)

2.4. The other way to go would be to consider whether our examples do after all point to significant differences between the moral status of animals and that of human beings. Medical tests and laboratory experiments do after all make use of human subjects – but this is morally acceptable *if it is done with their full and informed consent*. Non-human animals do not have the capacity to give such consent – and perhaps that is the important difference. Human beings have what is sometimes called a capacity for *autonomy*. We can make choices about our own lives. This is linked with our capacity for self-consciousness and self-reflection. We can have aspirations for ourselves, preferences about the direction which we want our future activities to take. We need to feel that we are the authors of our own lives. That, it might be said, is why it is wrong to use other human beings without their consent. It deprives them of their autonomy. And if non-human animals do not have this capacity for autonomous self-direction, they cannot be wronged in this way. So, it might be said, there is nothing wrong in making use of animals for our own purposes. It doesn't override their autonomy, because they have no autonomy to override. It is wrong only if it causes them needless suffering. We might then conclude that a utilitarian way of thinking about our treatment of animals, trying to avoid causing them to suffer but recognising that sometimes their suffering may be outweighed by greater benefits elsewhere, is after all the appropriate perspective to apply to animals, even though it might not be a morally adequate way of thinking about how we should treat our fellow human beings.

The route which we have taken in this section has been rather complicated and you may feel confused by the various changes of direction. You might like to look back over the section now and re-trace its course, keeping in mind the underlying question which we have been pursuing: Is a utilitarian perspective the appropriate way of thinking about how we should treat animals? You could then turn to the following more practical questions.

2.5. Discussion questions:

18. Is it morally acceptable to treat animals in ways in which humans should not be treated? To eat them as food? To use them as beasts of burden? To use them as the subjects for tests and experiments without their consent?

3. Environmental Ethics and the Natural World

3.1. We might suppose that a moral concern for non-human animals should logically be extended to a moral concern for the natural world in general. The issues that face us in that respect are obvious enough. Many species are in danger of extinction as a result of human activity such as the destruction of their habitats. Tropical rainforests are cut down to make way for mining or intensive agriculture. Delicately balanced ecosystems are destroyed. Poisons such as those used as pesticides enter the food chain and have damaging effects beyond anything that was intended. Increased carbon emissions produced by human activity are a major factor contributing to the rise in average global temperatures and its further effects, such as the increased severity and frequency of hurricanes, and the changes to rainfall patterns, all of which we refer to as 'climate change'.

These are proper matters for concern, but there is an important difference between them and our concern for other animals. If we have moral obligations to animals, it is because they possess what we referred to as 'sentience'. They can suffer, and that's why we have a moral responsibility not to cause such suffering. But ecosystems can't suffer. Rainforest can't suffer. Species cannot, as such, suffer. The European eel, for instance, is a critically endangered species, but if it becomes extinct, the loss – if it is a loss – is not a matter of any pain which may or may not be experienced by the dwindling eel population before they die.

Can we make any sense of the idea that we might have moral obligations *to* non-sentient beings? We'll look in a moment at other ways in which we might formulate our moral responsibilities with respect to the natural world, but consider first whether you think that this is the right way to put it. Do we *owe it to* species, or habitats, or ecosystems, not to destroy them? Doesn't talk of having moral obligations *to* a being presuppose that that being can *experience* our behaviour towards it, can respond positively or negatively to what we do to it? Certain strands in what has been called the 'deep ecology' movement sometimes use language which personifies the natural world. They talk of the earth as 'Gaia', an organism which is itself a living thing, or of a personified 'Nature' as the victim of our assaults. Is this just a metaphor, or should we take it seriously and literally as a basis for our moral understanding of how we should treat the earth and the natural world?



Vaclav Havel, former President of Czechoslovakia, on the 'Gaia' theory:

"This theory brings together proof that the dense network of mutual interactions between the organic and inorganic portions of the Earth's surface form a single system, a kind of mega-organism, a living planet Gaia named after an ancient goddess who is recognizable as an archetype of the Earth Mother in perhaps all religions. According to the Gaia Hypothesis we are parts of a greater whole. Our destiny is not dependent merely on what we do for ourselves but also on what we do for Gaia as a whole. If we endanger her, she will dispense with us in the

interests of a higher value that is life itself.

What makes ... the Gaia Hypothesis so inspiring? [It] remind[s] us, in modern language, of what we have long suspected, of what we have long projected into our forgotten myths and what perhaps has always lain dormant within us as archetypes. That is, the awareness of our being anchored in the Earth and the universe, the awareness that we are not here alone nor for ourselves alone, but that we are an integral part of higher, mysterious entities against whom it is not advisable to blaspheme. This forgotten awareness is encoded in all religions. All cultures anticipate it in various forms. It is one of the things that form the basis of man's understanding of himself, of his place in the world, and ultimately of the world as such."

3.2. If we reject that way of thinking, there is still of course a lot that we can say about why we should be concerned about the impact of human actions on the natural world. Most obviously, we should be concerned about *the consequences for human beings*. And in thinking about those consequences, we need to take account of how the ecology movement has alerted us to the interconnectedness of human beings, other living species and our shared natural environment, and of the unforeseen repercussions of how we use the natural world. The scientist Rachel Carson's 1962 book *Silent Spring*, for instance, which was an important trigger for modern environmentalism, revealed how the agricultural use of chemical pesticides had poisoned food chains and was a likely cause of increasing cancer rates in human beings. And the title of the book refers to the fact that pesticides kill not only insects but also the birds which feed on them and thereby deprive us of the beauties of birdsong. Similarly, human practices which are changing the climate are leading to droughts which are destroying the livelihoods of pastoralists, and in other places generating floods and rising sea levels which are likely to deprive human populations of their homes. In reducing biodiversity by cutting down tropical forests we may be depriving ourselves of sources of new medicines which we may need. We don't need any contentious moral framework in order to see what is wrong with that. It is bad for human beings.

3.3. But is that enough? Does it say all that needs to be said about environmental ethics? Or should we also be concerned about preserving species and habitats and ecosystems *for their own sake*, not just for the sake of human well-being? Though the idea of having moral obligations *to* them may make no sense, do we still want to say that they are *good things*, good in themselves as well as useful to human beings? This question has been much discussed in recent work on environmental ethics. It is often formulated as the question 'Does nature have intrinsic value or only instrumental value?' I'm not sure how much hangs on it but we need to address it.

To say that something has 'intrinsic value' is to say that it has value *in itself*, not just value as a means to other things. Cream cakes, aspirins, and mobile phones have instrumental value as means to enjoyment, health, and communication, but they don't have intrinsic value. But what about species, biodiversity, ecosystems, natural environments? Now in distinguishing between intrinsic value and instrumental value it's important not to draw the boundaries of the latter too narrowly. Birdsong, for instance, is not primarily a means to some further end – though it might be a cure for depression or something like that. We enjoy it, we might say, *for its own sake*. Still, we *enjoy* it, and to that extent it is valuable *for us* because it brings beauty into our lives. And the value of the natural world is not simply a matter of beauty. The European eel is not exactly beautiful, but when we contemplate the amazing story of its breeding behaviour, of how adult eels cross the Atlantic Ocean to the Sargasso Sea to spawn and then die, and of how the young eels, then

make the return trip across the Atlantic back to the European habitats which they have never previously experienced, we may feel a sense of wonder and delight that we share our world with such an amazing creature, and may feel that our own lives would be somehow diminished if the species were to become extinct. Likewise when we contemplate an ecosystem such as a forest, and think about the delicate balance between all the different species of plants and animals for which it is home, and of the processes of adaptation over millennia which have created this balance, we may regard it as something wonderful which it would be vandalism to destroy.



Rachel Carson (1907-1964)

Her book *Silent Spring* was an important influence on the modern environmental movement.

“Only within the 20th Century has biological thought been focused on ecology, or the relation of the living creature to its environment. Awareness of ecological relationships is — or should be — the basis of modern conservation programs, for it is useless to attempt to preserve a living species unless the kind of land or water it requires is also preserved. So delicately interwoven are the relationships that when we disturb one thread of the community fabric we alter it all — perhaps almost imperceptibly, perhaps so drastically that destruction follows....”

If we have been slow to develop the general concepts of ecology and conservation, we have been even more tardy in recognizing the facts of the ecology and conservation of man himself. We may hope that this will be the next major phase in the development of biology. Here and there awareness is growing that man, far from being the overlord of all creation, is himself part of nature, subject to the same cosmic forces that control all other life. Man's future welfare and probably even his survival depend upon his learning to live in harmony, rather than in combat, with these forces....”

“Essay on the Biological Sciences” (1958)

Is this instrumental value or intrinsic value? The value of the forest may not be instrumental value in a narrow sense. We may not value it so that people can go for walks in it – on the contrary, in order to preserve it, it may be necessary to ban human beings from entering it. Should we nevertheless say that its value consists in its enriching our lives through our knowledge of its existence? Some philosophical discussions have dramatised the question with an imaginary thought experiment – the so-called ‘last man’ example. Suppose you were the last human being left alive, living in a beautiful forest and knowing you would shortly die. If you were to burn down the forest just before you died, would you have done something wrong? Remember, no more human beings will live to enjoy it or appreciate it – but is it nevertheless important that this rich ecosystem should survive in its own right? You may think that the question is pointless – and of course it’s an entirely imaginary example – but it is intended to force us to clarify just what it is that we value about the natural world. Do you have an answer?

3.4. Discussion question:

19. The Bialowieza Forest in Poland is the only remaining area of primeval forest in Europe. A few years ago the Polish government relaxed the regulations protecting it and some of the trees were felled. Those responsible for the felling said that it had taken place because the trees were infested with insects, but Polish environmentalists replied that the eating of the trees’ bark by beetles, though it killed the trees, was a natural process important for the health of the forest. One environmentalist said: “We want all the old-growth forest there protected against any human interference.” What

might be good reasons for such protection? What would be bad reasons? (See the story at <http://news.bbc.co.uk/1/hi/sci/tech/3059317.stm>).

4. Future Generations

4.1. Whatever you think about the idea of our having moral obligations to nature, or of 'intrinsic value' in nature, a core component of environmental ethics does seem to be our responsibility to other human beings. We talk of preserving the natural environment 'for future generations'. This may look relatively unproblematic, but we still need to ask some questions.

Why should we suppose that we have obligations to future human beings – to people who don't yet exist? From a utilitarian point of view the answer may seem simply obvious. Future human beings don't yet exist but they will exist, they will experience happiness and suffering, our actions now will have some effect on their future happiness and suffering, and so we should aim to maximise the happiness and minimise the suffering. The fact that they don't yet exist doesn't prevent our having obligations to them. A woman who wants to have children may be advised to give up smoking, for example, in order not to endanger the health of any babies she may have. For her to respond that 'they don't yet exist' would be sheer irresponsibility. And although 'future generations' may be more distant in time than the woman's intended children, the utilitarian may still plausibly say that distance shouldn't make any difference. We have moral obligations to people on the other side of the world whom we have never met and will never know. So, the utilitarian may say, don't we equally have obligations to people in the future who don't yet exist and whom we shall never know? Isn't distance in time as irrelevant as distance in space?

Maybe that's all we need to say, and you may feel that it's sufficient. But this is another case where it may be worth putting a bit of pressure on the utilitarian way of thinking, to test how plausible it really is. Its appeal is a logic of consistency: all happiness is good and all suffering is bad, regardless of whose it is or when and where it will occur, so, insofar as our actions may contribute to the happiness or suffering of any sentient being, we have concomitant obligations to promote the happiness and prevent the suffering. Is that abstract logic sufficient? Or is it perhaps too remote from the actual psychology of our moral feelings? Is it enough to motivate us?

4.2. There are two questions we might press. First, we could pick up on the example of the woman who wants to have children in the future, and the example of our obligations to people in other countries. In both those cases, it's important that the person who has the obligation stands in a *significant relation* to those to whom the obligation is owed. The woman has a special responsibility because they will be *her* children and she will be their mother. And in the second case we can recall the points we discussed in the previous session – that our obligations to those suffering from poverty and hunger are affected by our relationships to those other people. We and they are interdependent, for instance, and it may be that we have been benefitting at their expense. So it's not simply that they are other beings who can be happy and suffer. We have *special responsibilities*. Can anything comparable be said about our responsibility to protect the natural environment for future generations?

Maybe it can. Christians sometimes talk about the responsibilities of *stewardship* for the earth. For them that is tied to the idea that God has entrusted the earth and other living things to us humans, to care for and to pass on. It's worth asking whether this idea of stewardship can have a wider appeal – whether it can be detached from any religious context and still be a useful way of thinking about our responsibilities to future generations. There is a saying, reputed to be a Native American proverb (I've no idea whether it really is): "We do not inherit the earth from our ancestors, we borrow it from our children." But of course we do both – and maybe it is *because* we have inherited the earth from our ancestors that we have a responsibility to protect it and nurture it for those who will succeed us.

The point here is that perhaps we need to think of ourselves not merely as abstract human beings with obligations to other human beings, but as members of an on-going human community. We need to think of

ourselves as part of something larger, as being located within a greater whole, or as contributors to a continuing human endeavour. People do often attach a lot of importance to knowing about their roots, about where they came from and who their ancestors were – and perhaps our relationship to those who will come after us is part of the same picture. How important do you think this is? As a way of thinking about our responsibilities to future generations, is it more satisfactory than what I have called the 'abstract logic' of utilitarianism?

4.3. The second question which might be put is this. Rather than seeing ourselves as responsible for future generations, shouldn't we leave them to take responsibility for themselves? They will have their own perspectives, their own priorities, their own ways of seeing things. Isn't it up to them to make what they want of the world which they will inherit from us, rather than for us to anticipate what they should do? We may value a world in which there are songbirds and whales and unspoilt forests. They may not.

In response we could again make use of a comparison with smaller-scale family relationships. If we have children of our own, we of course need to recognise that they must be responsible for their own lives. We want the best for them, but that should be a matter of what *they* see as best for them, not what we see as best for them. They will have their own choices and decisions to make, their own priorities, and we shouldn't pre-empt them. All the same, we do of course have responsibilities to our children, and without taking over their lives we want to give them the resources and the opportunities to make the most of their lives and make their own choices. Notice the link here with the previous point. To understand properly our obligations to future generations, maybe we need to see them not just as the obligations of one set of human beings to another abstract set of human beings, but as analogous to the responsibilities of parents to their children.

4.4. Discussion questions:

20. Do we have obligations to future generations? If so, why?
21. Can we make sense of the idea of 'stewardship' for the earth and the natural world outside a religious context?
22. Are our obligations to future generations like the obligations of parents to their children? What are the similarities and differences?
23. Is our concern for other human beings and for future generations sufficient to explain why we should be concerned about the protection of the natural environment?

5. Postscript

You may feel that we have made unnecessarily heavy weather of the practical topics in this session. Isn't it just obvious, you may want to say, that we shouldn't be cruel to animals, and we ought to protect the environment? Why do we need to debate it?

Well, not everyone would accept those practical conclusions – but even if we do, we still, for the purposes of this course, need to ask *why*. Recall what we've said about *method*, the method of reflective equilibrium. If we are confident of our considered judgements about some practical questions, we then need to try to look at the *reasons* for those judgements. We need to identify the principles and values which plausibly explain those judgements, so that we are then in a position to apply the same principles and values to more difficult cases. In particular, in this session, we have at several points been putting to the test a utilitarian perspective, and asking whether this provides an adequate way of thinking about the practical questions.

All this is important because, in the next two sessions, we'll be looking at some practical issues which are more contentious and sometimes deeply divisive. In doing so, it will be helpful if we can draw on principles and values in which we already have some confidence.

Some web resources

Many relevant writings by Peter Singer are at:

<http://www.utilitarian.net/singer/>

They include his classic article 'All Animals Are Equal' at

<http://www.animal-rights-library.com/texts-m/singer02.htm>

as well as excerpts from his book *Animal Liberation* and from elsewhere. The article 'The Drowning Child and the Expanding Circle' is at:

<http://www.utilitarian.net/singer/by/199704--.htm>

A classic statement of the 'deep ecology' position is Aldo Leopold's 'The Land Ethic' at:

<http://home.btconnect.com/tipiglen/landethic.html>

Vaclav Havel's defence of the Gaia theory is at:

http://old.hrad.cz/president/Havel/speeches/1994/0407_uk.html

An introduction by former US Vice-President Al Gore to a reprint of Rachel Carson's *Silent Spring* is at:

<http://clinton2.nara.gov/WH/EOP/OVP/24hours/carson.html>

A contemporary American philosophy who defends an environmental ethics of concern for ecosystems is Holmes Rolston. There's a useful piece by him at:

<http://lamar.colostate.edu/~rolston/ee-blackwell-comp.pdf>

He defends the idea of intrinsic values in nature in an exchange with Ernest Partridge at:

<http://gadfly.igc.org/papers/values.htm>

On the same website there's a useful paper on the rights of future generations, with a good range of references to the literature, at:

<http://gadfly.igc.org/papers/orfg.htm>

Seminar 4: Sexual Relations

1. Moral disagreements and the religious/non-religious divide

The ethical disagreements which we have considered in the previous sessions have not been ones on which there is a significant divide between the religious and the non-religious. Questions about how we should respond to global poverty and injustice, how we should treat animals and what our attitude should be to the natural environment are ones on which there is a good deal of common ground between humanists and religious believers. The topics of this and the next session are by contrast ones which tend to be more divisive. It's important not to over-simplify or over-generalise here. The disagreements do not follow a simple divide between humanists and religious believers. The topics of this session, in particular, have given rise to deep conflicts within some of the Christian churches. All the same, there are certain ethical positions which tend to be taken by particular religious groups, and certain arguments which they tend to use, and we need to look at these.

2. Homosexuality

2.1. Homosexuality is a topic on which many religious believers are particularly fond of appealing to the authority of a text. So Christian and Jewish opponents of gay sex will typically cite *Leviticus* 18:22: "You shall not lie with a man as with a woman; it is an abomination." (The prohibition is repeated in *Leviticus* 20:13, with the addition that the penalty should be death.) Christians add references to Paul's letters, such as his description of those who strayed from the true path "so that God gave them up to dishonourable feelings; for the women changed their natural usage to one contrary to nature, and likewise the men abandoned the natural use of women and burned in desire towards one another." Muslims refer to passages in the Koran where Lot is said to have upbraided the people of Sodom and Gomorrah: "Will you persist in these lewd acts

which no other nation has committed before you? You lust after men instead of women. Truly, you are a degenerate people" (7:80, cf. 26:165; Penguin translation).

Liberal interpreters of the Bible and the Koran draw attention to the fact that these words were addressed to particular audiences in particular contexts, and don't necessarily imply a general condemnation of homosexuality. (If you find a Christian insisting that the words must have universal application, you might ask them about Jesus's command to the rich young man which we cited in session 2.) It's not our job here to engage in scriptural interpretation. The important point is the one made in session 1: even if you're a religious believer, texts don't settle anything because they can always be variously interpreted, and how you interpret them will depend on what you think about the moral issues themselves.

2.2. Christians or Muslims who do appeal to the texts will in any case often add their own explanation of *why* homosexuality is condemned. What they most frequently say is that homosexuality is 'unnatural'. Now, quite generally, words like 'nature' and 'natural' and 'unnatural' are extremely slippery terms whenever they are used in an ethical argument. In an obvious sense everything we do is 'natural'; if it didn't stem from some aspect of our nature, it would be impossible for us to do it. So if some people go in for straight sex, there must be something in their nature that leads them to do so, and if others go in for gay sex that must similarly be a result of something in their nature. Here as all too often, the appeal to 'nature' gives no guidance whatever.

Can it ever amount to more than that? The claim that homosexuality is unnatural is sometimes spelled out as what we can call the 'natural purpose' argument, and we need to look more closely at this. The claim here is that the natural purpose of human sexuality is procreation, and that because homosexuality is contrary to that purpose, it is wrong. Here's an example of this idea:

You can use a screwdriver to open a tin of paint but that is not its *natural* use – not the use for which it was made. Likewise you can use sexual organs for homosexual sex – that is to use them in a way that is not their natural use because it is not in keeping with their reproductive function.
(<http://www.moorlands.org.uk/resources/other-resources>)

The first question we might ask here is whether the idea of a 'natural purpose' or 'natural use' for any human features can make any sense outside a context of religious belief. For a religious believer, the natural purpose is the purpose intended by a divine creator – the purpose for which God gave us sexual organs or whatever. But if there's no creator to *intend* the purposes, does this language have any application?

We do of course use the language of 'purpose' or 'function' when thinking about a human being or any other organism in biological terms. The function of the sexual organs is reproduction in the same way that the function of the lungs is respiration, the function of the heart is to pump the blood, and so on. Talk of 'purpose' here refers simply to the biological role which the organ plays within the organism as a whole – what it contributes to the self-sustaining activity of the organism. It's legitimate within that limited context, but can this biological language have any ethical implications? We might think not – if the biological function is not a purpose intended by a divine creator, then it's just a statement of biological fact and tells us nothing about how we *ought* to use this faculty. On the other hand people do sometimes say, for instance, that someone who lives a dull and dreary life is failing to make full use of their distinctively human capacities of intelligence and imagination. "Use your brain – that's what it's for!", we might say. You could think about whether this is anything more than a rhetorical figure of speech.

However, suppose we were to accept the idea of 'natural purpose', and accept that it can have ethical implications – perhaps backed up by the idea that the natural purpose is a God-given purpose – what follows? Does it provide any reason for condemning homosexuality? Only, I suggest, if we were to suppose that the function of sexual organs is *confined* to their biological function. But why should anyone think that? OK, they do serve the purpose of reproduction – but why should anyone, religious or non-religious, suppose

that that is their only purpose? When humanists talk about the explanatory power of evolutionary theory, Christians often accuse them of biological reductionism – of bringing everything down to the biological level. But confining the purpose of the sexual organs to reproduction is biological reductionism with a vengeance!

Religious believers may make a concession at this point. They may say something like this: that human sexuality has a further purpose, that of expressing the intimate unity of two people in a loving and faithful relationship. But once any such concession is made, there's no reason to stop there. The way is open to considering what other purposes human sexuality might serve. Why not as a source of intense physical pleasure, for instance? Why allow it to serve some purposes and not others? Once again, even if you think that the idea of natural purposes makes sense, the purposes of sexuality should logically encompass all the ways in which it can contribute to a rich and fulfilling human life. And there's no reason to think that homosexual activity can't be part of such a life.

2.3. There's a general point to note about arguments of this kind. Claims about what is 'natural' very often trade on an ambiguity. The word 'natural' can sometimes be used in a purely factual, descriptive sense. To say that something is 'natural' in this sense may just mean that it regularly occurs, or is typical of a certain biological species, or something like that. But the argument may then switch to using the word 'natural' in what is no longer a factual but an evaluative sense, where it carries the connotation of being something 'good', and with the implication that what deviates from this is 'unnatural' and therefore bad. No such conclusion follows from the mere factual statement, however. A similar trick is often played with the word 'normal'. Something may be 'abnormal' in the purely descriptive sense of being unusual or atypical. But the word 'abnormal' can also be used in an evaluative, derogatory sense. This is a *different* sense, and again it's important not to slide imperceptibly from the one to the other. You might like to consider the use of the concept of the 'normal' by the philosopher Roger Scruton in some of the things he has written about homosexuality, and see whether you think he trades on this ambiguity. (See the references in the list of web resources below.)

2.4. There's a second argument sometimes put forward as a reason for condemning homosexuality. It's what we can label the '*What if everyone...?*' argument. What if everyone were homosexual? If they were, the human species would die out. And it's suggested that this shows that gay sex must be wrong.

The obvious reply is: "But it's *not* the case that everyone is homosexual, so the human species is not going to die out, and there's no problem." But don't dismiss the argument too quickly. 'What if everyone...?' arguments sometimes have a point. (Kant thought that they are central to moral reasoning.) Here's an example where such an argument looks persuasive. Suppose that in a beautifully kept public park there's a notice: 'Keep off the grass.' Someone might say, 'If I walk across the grass it won't do any harm.' To this the reply might be: OK, but if everyone walked on the grass, it would quickly be worn away and the place would look much less attractive. Here the 'What if everyone...?' argument has some bite because it appeals to the idea of *fairness*. We all enjoy the beautiful appearance of the park. We may all be tempted to say 'It won't make any difference if I walk on it.' But it would be unfair for a few people to walk on the grass while benefitting from most people's restraint. So, to be fair, we should all refrain.

Now compare an example where a 'What if everyone...?' argument would be clearly absurd. Suppose most people use the Library in the afternoon, but a few people like to use it in the early morning. It may be true that *if everyone* wanted to use it in the early morning, it would be impossibly crowded and everyone would suffer. But that would be a ridiculous argument for not letting people use it in the early morning. The plain fact is that there is no likelihood of everyone wanting to use it in the early morning, so to the question 'What if everyone used it then?' it is enough to reply 'But *not* everyone is going to use it then.'

So now consider the argument: 'If everyone were homosexual the human species would die out.' To which of these two cases is it comparable?

I've left that as an open question. I think my own answer is apparent, but as always you need to make your own assessment of all the arguments. I can't conceal my own view that the reasons put forward against gay sex are uniformly bad arguments. As I've said, most of the criticisms of homosexuality come from a religious direction, but we should remind ourselves that many religious believers take a different view. From a practical point of view, therefore, I think it's important to ask whether religious believers have, *from their own perspective*, any good reasons for criticising homosexuality. Even though you may yourself have no sympathy for the Christian or Muslim or any other religious perspective, therefore, I suggest that it's important to consider *both* the questions below.

2.5. Discussion questions:

24. Is there, from a non-religious perspective, any plausible reason for criticising homosexuality?
 25. Is there, from a religious perspective, any sound reason for criticising homosexuality?
-



E M Forster (1879-1970)
Portrait by Dora Carrington

Forster was President of the Cambridge Humanists from 1959 until his death and a member of the Advisory Council of the British Humanist Association from 1963 until his death. His novel about homosexual love, *Maurice*, written in 1913, could not be published in his lifetime. In a 'Terminal Note' added to the novel in 1960, he says that his awareness of his own homosexuality was triggered by a visit to the radical socialist and gay pioneer Edward Carpenter. In 1916, in a letter to Carpenter, he wrote: "This physical loneliness has gone on for too many months, and with it springs and grows a wretched fastidiousness, so that even if the opportunity for which I yearn was offered I fear I might refuse it. In such a refusal there is nothing spiritual – it is rather a sign that the spirit is being broken... Awful to live with an unsatisfied craving, now and then smothering it, but never killing it or even wanting to."

At the end of the 'Terminal Note' he says that Carpenter "had hoped for the generous recognition of an emotion and for the reintegration of something primitive into the common stock. And I, though less optimistic, had supposed that knowledge would bring understanding. We had not realized that what the public really loathes in homosexuality is not the thing itself but having to think about it.... Unfortunately it can only be legalized by Parliament, and Members of Parliament are obliged to think or to appear to think. Consequently the Wolfenden recommendations will be indefinitely rejected..." He was wrong. The Wolfenden committee's recommendation that homosexuality be legalized was enacted in 1967.

3. Contraception, Marriage, and the Place of Sex in Human Life

3.1. The idea of the 'natural purpose' of sexuality features prominently in religious teaching about other aspects of sexual ethics besides homosexuality. The most extreme version is to be found in the official view of the Roman Catholic Church on birth control and contraception. This was uncompromisingly reiterated in the 1968 papal encyclical *Humanae Vitae*.

...an act of mutual love which impairs the capacity to transmit life which God the Creator, through specific laws, has built into it, frustrates His design which constitutes the norm of marriage, and contradicts the will of the Author of life. Hence to use this divine gift while depriving it, even if only partially, of its meaning and purpose, is equally repugnant to the nature of man and of woman, and is consequently in opposition to the plan of God and His holy will. (section 13)

Accordingly the document reaffirms the Church's doctrine that the use of contraceptives is completely forbidden, because it is an action which is 'specifically intended to prevent procreation' (section 14). It goes into contortions to argue that having sex only at those times of the woman's monthly cycle when she is naturally infertile is permissible, whereas contraception is not. It is difficult to comprehend why the former does not count as detaching sexual activity from its natural purpose.

3.2. None of the other Christian churches now takes the Catholic Church's extreme position on contraception, but many of them do invoke the idea of 'natural purpose', especially to defend the claim that the only acceptable place for sexual activity is in monogamous heterosexual marriage. Here is a typical example of such thinking, from the Anglican Church's 1998 Lambeth Conference:

The Holy Scriptures and Christian tradition teach that human sexuality is intended by God to find its rightful and full expression between a man and a woman in the covenant of marriage, established by God in creation, and affirmed by our Lord Jesus Christ. Holy Matrimony is, by intention and divine purpose, to be a life-long, monogamous and unconditional commitment between a woman and a man.

In response to all such claims it can be asked: why confine sex in this apparently arbitrary way to some purposes rather than others? Even if you believe in the existence of a divine creator who created human beings with certain purposes in mind, how do you know what they are and what purposes are excluded? Suppose it were suggested that one of the purposes of sex is to enable human beings to enjoy a certain intense kind of physical pleasure. What rational grounds could a religious believer have for rejecting the suggestion? (If scriptural support were needed, one could refer to the delightful celebration of physical love in *The Song of Songs*.)

3.3. But if we are not to be guided by talk of the natural purpose of sexuality, what are we to put in its place? This is a more difficult matter to address. The traditional Christian framework has at least this merit – that by insisting on maintaining the link between sex and procreation it provides a consistent view of the importance of sexual relations in human life. Birth and copulation and death (to use T S Eliot's words) are the three fixed points around which, in all cultures, people's understanding of the shape of their lives has revolved, and naming ceremonies, marriages and funerals ('hatching', 'matching' and 'dispatching') are the ways in which these fixed points have traditionally been marked. But if the meaning attached to sexuality no longer links it closely with the creation of new life, doesn't one of the fixed points come unfixed? And how then are we to understand the place of sex in human life? Does it any longer have any deep significance?

Let me try to press the question by considering the views of the famous atheist, humanist and philosopher Bertrand Russell. His book *Marriage and Morals* was extremely controversial when it was published in 1929 but would be much less so now. He aimed to base a workable approach to sexual ethics on the facts of human psychology instead of religious tradition. He attacked the prevailing secrecy about sex and the taboo against honesty and openness with children on the subject. He thought it important that people should have

some sexual experience before entering into marriage, so as to forestall disappointment and unhappiness, and advocated 'trial' or 'companionate' marriage prior to the formalising of marriage ties. He argued for the liberalisation of divorce law and the acceptance of divorce by mutual consent – a legal change which came about long after he wrote. However, he also thought it important that children should if possible be brought up within a stable two-parent family and that where there were children, divorce should be avoided if possible. To achieve this, it would be necessary for each partner in a marriage to accept that the other could have sexual relations outside the marriage. The difficulty is created, he thought, by the conflict between the impulse to sexual variety and the impulse to jealousy, but the conflict can be resolved only if people learn to moderate their feelings of jealousy.

Russell recognised that the Christian insistence on confining sexual activity to lifelong monogamous marriage was unrealistic, and that despite the lip-service paid to it, a different morality prevailed in practice. This was the 'double standard': sexual promiscuity by men, both before and within marriage, had always been tacitly condoned, but women's fidelity had to be strictly imposed so that a man could be sure that his wife's children were his own, and that the son who would inherit from him would be genuinely his biological offspring. With the progress of women's emancipation and sexual equality, the double standard was no longer acceptable or sustainable – hence, Russell thought, the need to accept the inevitability of sexual relations outside marriage on the part of both men and women.

It is clear that Russell favoured much greater sexual freedom than prevailed at the time he was writing. He did not however advocate what has come to be referred to as 'casual sex'. He writes:

When people no longer feel any moral barrier against sexual intercourse on every occasion when even a trivial impulse inclines to it, they get into the habit of dissociating sex from serious emotion and from feelings of affection.... Sex intercourse divorced from love is incapable of bringing any profound satisfaction to instinct. I am not saying that it should never occur, for to ensure this we should have to set up such rigid barriers that love also would become very difficult. What I am saying is that sex intercourse apart from love has little value, and is to be regarded primarily as experimentation with a view to love. (*Marriage and Morals* ch.IX, p.66)

Now the question I want to raise is this. What reason could Russell give for this evaluation? What grounds could he have for saying that 'sex intercourse apart from love has little value'? Someone who thinks of the significance of sexual activity as linked indissolubly to its reproductive function would have an answer to that question. Sex is a deeply serious part of human life, they could say, because it is the means of creating new life, and that is why it is also tied to deep emotions. So, for instance, the Catholic philosopher Elizabeth Anscombe, in an article defending *Humanae Vitae*, wrote:

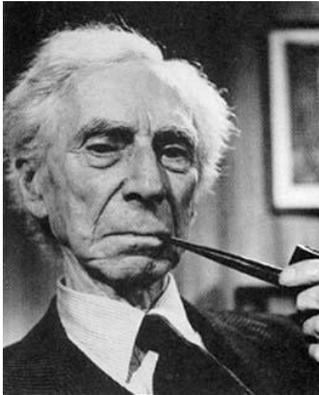
...there just is no such thing as a casual, non-significant, sexual act. This in turn arises from the fact that sex concerns the transmission of human life. ('Contraception and Chastity' p.12)

This is a perfectly consistent position for her to take, but it's not something which Russell, or anyone who thinks like him, can so readily say.

Russell's position is broadly within the tradition of romanticism. He believes that "romantic love is the source of the most intense delights that life has to offer" (p.41). He qualifies this by warning that romantic love by itself is not necessarily a sound basis for marriage.

It may be good – I think it is good – that romantic love should form the motive for a marriage, but it should be understood that the kind of love which will enable a marriage to remain happy and to fulfil its social purpose is not romantic, but is something more intimate, affectionate and realistic. In romantic love the beloved object is not seen accurately, but through a glamorous mist. (p.42)

But still, the high value he sets on romantic love is of a piece with his claim that sex detached from serious emotion has little value.



Bertrand Russell 1872-1970
Philosopher and atheist, author of *Marriage and Morals* (1929)

“To fear love is to fear life, and those who fear life are already three parts dead.”

I suppose that romanticism in this broad sense is in our own culture the dominant way of thinking about the relations between sex, love and marriage. This is a relatively new development. Of course there has been such a thing as romantic love for centuries. But in the ancient world it was attached especially to homosexual relationships. In the mediaeval world the idea of romantic love developed especially within the tradition of courtly love, where it is love for a woman who is married to someone else, and it cannot be consummated. For a long time a much more worldly and practical attitude to sex in marriage prevailed – that it was mainly important as the means by which a man could assure himself of a son and heir. In many cultures, arranged marriages have been the norm. It is really only in the nineteenth century that the idea of marriage as rooted in romantic love, and sex in marriage as the expression of such love, came to be clearly articulated and proclaimed. It's debatable however whether this can serve as a coherent and viable way of thinking about the relationships between love, sex and marriage. As we've seen, Russell thinks it realistic to recognize that people may feel romantic love for someone other than their marriage partner, and that marriage itself has to be built on something longer-lasting than romantic love. But once the framework starts to come apart in that way, it's not clear why one should accept Russell's contention that the real value of sex is connected with deep and serious emotions. What would Russell have to say to the advocate of casual sex? Is it just a matter of personal preferences?

I'm suggesting in this section, then, that behind any directly practical questions about the rights and wrongs of casual sex, or about when and with whom sex is permissible, and so on, are deeper questions about the significance and place of sex in human life.

3.4. Discussion questions:

26. If we reject the traditional Christian view of the natural purpose of sexuality as the creation of new life, are we left with any coherent way of understanding the relations between sex, love and marriage? If so, what is it?

4. Public and Private

4.1. Here's one way in which we might respond to the questions raised at the end of the previous section. "It's just a matter of personal choice," it might be said. I asked whether the high value which Russell sets on romantic love, and his devaluing of sex divorced from deep emotions, is simply the expression of a personal preference. Well, maybe it *is* simply a personal preference, and maybe that's all that needs to be said. Maybe the only moral principle that we need to apply to the diversity of people's sexual preferences is that they should be free to engage in whatever sexual activity they choose, provided they don't harm anyone else. It's a purely private matter, we might say. Of course the use of the word 'private' here would have to

acknowledge that sexual activity is not usually (though it is sometimes) a pure *solitary* activity. More often than not, it is activity engaged in with a least one other person, so the principle has to emphasise that the activity should be freely engaged in by *everyone* involved. But with that proviso, whether its sex in a loving marriage, or a one-night stand, or a sado-masochistic orgy, or whatever, it's morally acceptable as long as it doesn't harm anyone else. It's a matter of 'whatever turns you on'.

We might see such a principle as the application of a more general principle of individual liberty. A classic statement of such a principle can be found in John Stuart Mill's famous essay *On Liberty*, published in 1859.

...the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right.... The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign. (*On Liberty* chapter I)

Mill's principle is often referred to as 'the harm principle'. We don't know much about how he would have applied it to sexual activity. (We do know that he held liberal views on divorce, and that at the age of 24 he fell in love with Harriet Taylor, who was married to Mr Taylor.) But whatever Mill himself might have said, we can see how it might be applied.

The harm principle is not an irresponsibly permissive principle. The 'harm' condition will often not be met. Many of the things which people are inclined to do, including things in their sexual lives, *would* harm others. In the practical application of the principle, much is going to depend on what we count as 'harm'. Certainly it is not just a matter of physical harm. We know all too well that sexual relations between two people can be psychologically hurtful to third parties, by creating intense feelings of jealousy and consequent deep unhappiness and anguish. Presumably this doesn't have to lead to a mental breakdown in order to count as 'harm'. And maybe Russell is altogether too sanguine when he says that "jealousy, though it is an instinctive emotion, is one which can be controlled if it is recognized as bad" (*M&M* ch.X p.74). So it may be that in practice the harm principle when applied to sexual activity could turn out to be quite restrictive.

There is also, however, a more fundamental question to be raised about it. Can this distinction between what is 'public' and what is 'private' – between what concerns others and what concerns only oneself – actually be drawn?

4.2. Let's go back to the case of homosexuality. In 1957 the Departmental Committee on Homosexual Offences and Prostitution, chaired by Lord Wolfenden, issued its report (which came to be known as the Wolfenden Report). The Committee recommended that "homosexual behaviour between consenting adults in private should no longer be a criminal offence" – a recommendation initially rejected by Parliament, which took another ten years to change the law. In arguing for this recommendation the Report said:

...the function of the criminal law... is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others... It is not, in our view, the function of the law to intervene in the private lives of citizens, or to seek to enforce any particular pattern of behaviour, further than is necessary to carry out the purposes we have outlined... There must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business.

The principle formulated by the Wolfenden Committee was not exactly the same as Mill's harm principle. The functions which it assigned to the criminal law range more widely than the prevention of harm. Mill's

harm principle was in any case intended not just to define the scope and limits of the criminal law but to apply to all restrictions, legal and non-legal, on individual liberty. And the phrase 'private morality and immorality' is not one which Mill would have used. As a utilitarian he would not have said that actions which do no harm to others could be described as 'immoral'. Nevertheless, despite the differences, the two principles belong in the same camp.



Lord Wolfenden (1906-1985)

Lord Wolfenden's *Committee on Homosexual Offences and Prostitution* recommended in 1957 that "homosexual behaviour between consenting adults in private should no longer be a criminal offence". It said: "There must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business."

4.3. The Wolfenden Committee's formulation was criticised by Lord Devlin, a High Court judge, in a lecture entitled 'The Enforcement of Morals' which was delivered in 1959 and attracted considerable attention. Devlin attacked the distinction between 'public' and 'private'. Any society, he argued, requires a public morality to hold it together, and there is no separate realm which is a realm of 'private morality'. Here is a key passage from his lecture:

What makes a society of any sort is community of ideas, not only political ideas but also ideas about the way its members should behave and govern their lives; these latter ideas are its morals. Every society has a moral structure as well as a political one... Take, for example, the institution of marriage. Whether a man should be allowed to take more than one wife is something about which every society has to make up its mind one way or the other. In England we believe in the Christian idea of marriage and there adopt monogamy as a moral principle. Consequently the Christian institution of marriage has become the basis of family life and so part of the structure of our society. It is there not because it is Christian. It has got there because it is Christian, but it remains there because it is built into the house in which we live and could not be removed without bringing it down. (p.9)

Consequently, said Devlin, there is no purely private realm where the morality of people's behaviour is *in principle* outside the concern of society and its laws. A society will not necessarily want to exercise legal control over every aspect of its members' lives, but where it draws the boundaries will be a practical matter, not a matter of principle. Any challenge to the morality of a society is in principle a proper concern of its laws. For if the public morality is what holds the society together, then the law must uphold that morality.

It's important to recognize that Devlin wasn't taking issue with the Committee's practical recommendations. He did at the time favour partial legalization of homosexuality. He wasn't arguing that the law should impose a rigid moral conformity. There are practical limits to what the law can achieve. It cannot and shouldn't try to intrude into every area of people's lives, and in that practical sense Devlin agreed that people's privacy should as far as possible be respected. But according to Devlin that doesn't mean that there is an area of 'private morality and immorality' which is *in principle* no concern of society and its legal system.

A somewhat similar theoretical position was more recently taken by the American philosopher Michael Sandel in his 2009 Reith Lectures (broadcast by the BBC). Sandel's political philosophy is of the broad kind which has come to be labelled 'communitarian'. Like Devlin, Sandel defends a strong notion of 'community' which involves a shared moral discourse about the common good. Like Devlin he takes the example of marriage. The debate about same-sex marriages, he argued, illustrates the fact that society cannot simply be

neutral on such matters and treat them as matters for personal choice. The question of whether to recognize same-sex marriages has to be decided one way or the other, and it can be made only if there is public debate and decision on the nature and purpose of marriage in order to determine whether same-sex marriages count as genuine marriages. Again the point is not that Sandel is arguing for a particular practical decision, but he is arguing that these are matters on which a society has to take a view one way or the other.

So where does that leave Mill's harm principle? Obviously Mill accepts that any society has to make up its collective mind on what the scope and content of its laws should be. What he would say, I think, is that the values of individual liberty and the prevention of harm are sufficient to determine what those decisions should be. And the question is then whether these are sufficiently rich and substantial values to hold a society together and inform its shared practices and institutions.

4.4. Discussion question:

27. Are people's sexual preferences and activities a purely private matter?
28. (Think about controversial cases which have come to court. In 1990, in the 'Spanner Case', several gay men were sentenced for participating in consensual sado-masochistic sessions. A more recent example is Max Mosley's 2008 court case against the News of the World for invasion of privacy when it revealed his participation in sado-masochistic orgies. See web references below.)

Some web resources

The Papal Encyclical *Humanae Vitae* can be found online at:

http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae_en.html

Elizabeth Anscombe's defence of it in her paper 'Contraception and Chastity' is at:

<http://www.orthodoxytoday.org/articles/AnscombeChastity.shtml>

It was criticised by two of her Cambridge philosophical colleagues, Bernard Williams and Michael Tanner, in a paper which you can read at:

<http://www.uq.edu.au/~pdwgrey/web/res/contracept.html>

The position adopted by the Anglican Communion on 'Human Sexuality' was encapsulated in the resolution adopted at the 1998 Lambeth Conference which you can find at:

<http://www.lambethconference.org/resolutions/1998/1998-1-10.cfm>

For a dissenting voice within the Christian church you could look at the website of the Lesbian and Gay Christian Movement at:

<http://www.lgcm.org.uk/>

The website of the Gay and Lesbian Humanist Association is at:

<http://www.galha.org/>

You can find examples of Roger Scruton's discussions of homosexuality at

<http://roger-scruton.blogspot.com/2007/01/this-right-for-gays-is-injustice-to.html>

and at

<http://www.open2.net/ethicsbites/sex-perversion.html>

A short summary of Bertrand Russell's views in *Marriage and Morals* can be found in his article 'On Sexual Ethics' at:

<http://www.utilitarian.org/texts/oursexethics.html>

You can listen to Michael Sandel's Reith Lecture on 'Morality in Politics' at:

<http://www.bbc.co.uk/programmes/b00kt7rg>

There is some information about the 1990 'Spanner' court case at:

<http://www.spannertrust.org/documents/spannerhistory.asp>

The Max Mosley court case in 2008 and the issues about sadomasochism and privacy were much discussed in the press. Here's one example:

<http://www.guardian.co.uk/lifeandstyle/2008/jul/13/jamiedoward.theobserver>

Seminar 5: Is Life Sacred? Abortion and Euthanasia

1. The Sanctity of Life

1.1. In the previous session we looked at disagreements which sometimes – though certainly not always – involve a split between religious and non-religious perspectives. The issues we're considering in the present session tend to be particularly divisive, and the divide is often along religious/non-religious lines, but again it's important not to resort to stereotypes or reduce the complex debates to a simple opposition between 'religious' and 'humanist' camps. The two topics are abortion and voluntary euthanasia, and what links them is the question of how we should interpret and apply the principle that it is wrong to end the life of another human being.

Here's one way in which the relevant core value is often expressed: 'Life is sacred'. The value is that of 'the sanctity of life'. The words 'sacred' and 'sanctity' have religious associations, so does that mean that this is a distinctively religious value? That depends on how the phrases are elaborated.

Christians often say something like this: 'Life is a gift from God and that's why it's so precious and why we should never destroy it.' It's worth giving a bit of thought to this analogy between 'life' and a 'gift' and considering whether it stands up. Presumably Christians think that *everything* is a gift from God, so we need some explanation of why life is supposed to be a *special* gift. But even if the explanation is forthcoming, what follows? Is it really always wrong to destroy or get rid of something which has been given to you? (Think of all those dreadful unwanted Christmas presents!) Sometimes, it's true, a thing may have special value because of who gave it to you. Suppose you own a car which was given to you by your parents to mark your coming of age. You might treasure it as a token of their love for you, and be reluctant to part with it. But if it ceases to be road-worthy, if it's dangerous to drive or just doesn't go, might you not recognise, however reluctantly, that the time has come to part with it?

But in any case, whatever the merits of the analogy and whatever they may say about 'the sanctity of life', most religious believers don't actually think that it's always wrong to destroy life. We saw in the third session that some Eastern religions do take this idea very seriously, the extreme case being the reluctance of some Jains to kill even insects or germs. That is not however the mainstream view in either Christianity, Judaism or Islam. The sixth of the Biblical Ten Commandments, 'Thou shalt not kill', is normally taken to apply only to the killing of human beings, and it is not interpreted as an absolute prohibition. Although there is an honourable tradition of Christian pacifism, most Christians have thought that it is permissible to kill in war. (Think of all those injunctions in the Old Testament that the Israelites should slaughter their enemies, and think of all those chaplains in the armed forces.) Likewise the Qur'an clearly states that killing is acceptable in a defensive war or a war against oppression (9: 190-193). So in practice religious believers have to grapple with the same moral question as anyone else: how are we to distinguish between those cases where killing is justifiable and those where it is not.

And what this alerts us to is the obvious fact that the value of life is not a distinctively religious value. We've already noted that concern for others is at the heart of any plausible morality, and their being alive is obviously a precondition for any level of well-being which we might want them to enjoy. You can't have a good life if you don't have a life, and hence we think of killing as, normally, the worst thing you can do to anyone. We might refer to this value in various ways – as 'respect for life', or 'the right to life'. We might retain the phrase 'the sanctity of life', using it in a way which does have any specifically religious connotations. What we're talking about is the recognition that everyone has their own unique and irreplaceable life to live, their own unique individual consciousness and sequence of experiences, their own plans and hopes and aspirations for their future, and that to kill them is to destroy all these.

With this in mind, we shall turn to the topic of abortion.

1.2. Discussion questions:

29. If life is thought of as a gift from God, what are the implications? Think about the analogy with other kinds of gift. If something is a gift, does that mean would should specially cherish it? Never destroy it?
 30. How would you formulate, in non-religious terms, why respect for life is an important value?
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2. Abortion, Respect for Life, and the Moral Status of the Fetus

2.1. The abortion debate is often presented as a conflict between two opposed camps which are 'pro-life' and 'pro-choice'. The suggestion is that if you value life you are bound to think that abortion is never justifiable, and if you believe in a woman's right to choose, then you are bound to think that a woman's choice to have an abortion is always justifiable. Neither label is a good one and both assumptions are highly questionable.

Anti-abortionists have no monopoly on being 'pro-life'. As we've just seen, the value of life is a core human value shared by anyone who thinks seriously about moral issues, but that still leaves important questions about how to apply it.

As for 'choice', of course it's true that a woman's decision about whether to have an abortion is a decision which affects her deeply, a decision about her own body and about her own future life, but that cannot, *just by itself*, settle the issue. If I punch you in the face, you will hardly be impressed by my saying that my fist is part of my body and 'I have a right to choose what to do with my own body'. The two cases are very different, you may say, and that may be true – but it *has to be shown*. Above all, our view about what choices a woman has the right to make about her own body will depend crucially on whether we think that abortion is indeed the killing of a living human being.

2.2. Is it? How are we to decide? One common approach is to pose the question 'When does life begin?' Some people think that there is a simple answer to the question. 'At conception', say the strict anti-abortionists, and that's why all abortion is murder.' But if we think about the destruction of the single cell which is the zygote immediately after conception, or of the minute bundle of undifferentiated cells in the first few days, it seems entirely different from what we think of as 'murder' – the killing of a living, breathing human being whose life is cut off. Moreover, conception is not strictly speaking the beginning of life. All plant and animal reproduction is the *perpetuation* of life, not the creation of life out of non-life. Conception may be the creation of a unique genetic combination, but it is the creation of it from a sperm and an egg which are themselves, in the same sense, living organic matter.

But if conception is not a clear moral dividing line, what is? Consider the subsequent stages in the development of the embryo:

- The newly-formed zygote first divides into two cells, and the cells then continue to divide.
- Within the first week the embryo is implanted in the womb.
- From 2 weeks, body parts start to be distinguished and to develop.
- By 12 weeks the embryo has a recognisably human shape, and all its main internal organs including heart and lungs. It is now properly referred to as a 'fetus'. (Nearly 90% of abortions in the UK take place in the first 12 weeks.)
- By about 20 weeks the mother may begin to feel the fetus's movements. This was traditionally referred to as 'quickening'
- From about 24 weeks there is the possibility of 'viability', that is, it may be possible to keep the baby alive if it is born prematurely. At 24 weeks it has about a 50% chance of survival, at 27 weeks about an 85% chance of survival.
- The fetus continues to grow until 'full term' at about 40 weeks.

What is significant here is that the process is one of gradual continuous development, making it difficult to identify a clear dividing line at which we can say 'life begins'.

Note also that if we're to pick a stage of fetal development at which abortion is no longer justifiable, it's got to be a stage which can plausibly be regarded as *morally significant*. It may be, for instance, that by 12 weeks the fetus looks human, but why should physical appearance as such carry any moral weight? Should having a right to life depend on what you look like? The current legal position in the UK is that abortion is permissible up to 24 weeks if continuation of the pregnancy would pose a risk of injury to the physical or mental health of the woman, or of her existing children, which is greater than the risk of having an abortion. (Later abortions are legally permissible if there is a risk to the life of the woman or a risk of grave permanent injury.) Clearly the law has to draw a clear line somewhere, and 24 weeks is chosen because it is roughly the stage of viability (though when and whether the fetus is viable will depend on extraneous factors such as the availability of medical equipment and techniques.) But whether 24 weeks represents a clear *moral* cut-off point is open to debate.

2.3. Given the difficulty of finding a clear moral dividing line in the process of fetal development, we might want to look for a different approach. Here are two possibilities.

One, popular with some philosophers, consists in making a distinction between a *human being* and a *person*. The suggestion here is that something's being human – being a member of the human species – is not in itself a good reason for ascribing to it a moral status, such as having a right to life. (Think back to the discussion of 'speciesism' in Session 3.) What matters morally is whether a being is a *person*. We think of a person as a being who possesses characteristics such as consciousness, including a consciousness of its own existence and a conception of itself as a continuing subject of experience – a being which can want to go on existing and want things for itself in the future. On any reckoning it's pretty clear that a fetus is not a person, in this sense, at any stage of its development, and if that's what counts, then it seems to imply that abortion is morally acceptable.

What is troubling, though, is that by the same token a new-born baby is not a person – it does not have the requisite level of consciousness and self-awareness. Does that mean, then, that infanticide, the killing of a

new-born baby, is also equally morally acceptable? Such a conclusion is in practice not as horrific as it sounds. There are very strong reasons why killing a baby would normally be a terrible thing to do, reasons which do not depend on regarding the new-born baby as a person. Killing it would be devastating for the parents, who would have invested such hopes in the birth of their child, and would be a cause of terrible grief for many other people too. But if you think that only persons have a right to life, then what you can't say is that killing a new-born baby would be wrong because it violated the baby's right to life. Maybe you're willing to accept that conclusion, but if you're not, then you won't be happy with the line of thought about abortion which puts so much weight on being a person.

Here we could introduce another term which features prominently in the discussion of abortion – the concept of 'potential'. A fetus may not be a person, it might be said, but it is a *potential person*. Could it then be said that abortion is wrong because it is the destruction of a potential person?

Not necessarily. A potential something is not the same thing as an actual something, and what can be said of the latter cannot necessarily be said of the former. Peter Singer uses this example: the Prince of Wales is a potential king, but that doesn't mean that he has the same rights as an actual king. That's true. On the other hand, if we think that a king is an important person with important rights, then we may well think also that being a potential king, though not the same, is nevertheless a rather important status. (If you're an anti-monarchist, devise your own alternative analogy!) So you need to think about how much moral weight can be put on the idea that a fetus, though not a person, is nevertheless a potential person.

2.4. Here's a second alternative approach. The American philosopher James Rachels distinguishes between 'life' in the *biological* sense and 'life' in the *biographical* sense. When we talk about the value of life, he says, what we're talking about is not the mere biological fact of 'being alive' – something which we share with mosses and bacteria and all other living things. We're talking about 'having a life' – life in the biographical sense – and what's normally wrong with killing is that it is depriving someone of their own individual life. Rachels is primarily concerned with applying his distinction to the ethics of euthanasia, and we'll come to that shortly, but we can see how it may also provide a way of thinking about abortion. The relevant question would then be not 'when does life begin?' but 'when does *a* life begin?'. A plausible answer is 'at birth, because that is when someone enters the world and starts interacting with other people and having the experiences which go to make up a life'.

The concept of 'biographical life' might, then, furnish a good reason for distinguishing morally between murder – the ending of someone's life in the biographical sense – and abortion. Abortion is not murder, we might say, because the relevant individual life has not yet begun. But then we need to remind ourselves of the problem of gradualism. The fetus in the womb in the final stage of pregnancy has all the same features as a new-born baby. Why should a mere difference of location – being in the womb or being out of it – make so much moral difference? Again we may feel that the promise of a clear cut-off point is illusory.

2.5. Discussion questions:

31. Does life begin with conception? Does that make abortion morally wrong?
 32. If you don't think that life begins with conception, can you identify some other cut-off point at which abortion becomes wrongful killing?
 33. Is the fetus a person? If not, does that make abortion morally acceptable?
 34. Has a fetus, at any stage of its development, begun its own life in the biographical sense? If not, does that make abortion morally acceptable?
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3. Abortion and Women's Right to Choose

3.1. In the light of that discussion you may think that it is, despite the difficulties, possible to identify a clear cut-off point at which an embryo becomes a being with a life which it would be wrong to end. And you may think that this is enough to settle the question of the morality of abortion. But if you don't, then this is an appropriate point at which to widen the discussion.

If a woman has to make a decision about whether to have an abortion, the life or potential life of the fetus is usually not the only value at stake. The woman is likely to have weighty reasons for considering having an abortion. Here are some possible reasons:

- Continuing with the pregnancy may put the woman's own life in danger.
- The pregnancy may be the result of rape and bearing the child might be a permanent reminder of a traumatic experience.
- There may be a strong risk that the child will be born with a severe physical or mental defect.
- The woman may have no partner, or may have very limited economic means, and may feel that she is not in a position to give a child a good life.
- Giving birth and bringing up a child may force her to sacrifice precious plans for the future – for her education or her career.

Think about other reasons which might be added to this list. And think about how much weight reasons of this kind can carry. Anti-abortionists sometimes say that at least some of these would be 'selfish' reasons for having an abortion. And even if they don't say that, they may say that such reasons are not strong enough to outweigh the moral wrong of ending a human life. Do you agree? What is your own judgement of the strength of these various reasons?

3.2. We should also think about whether there is some deeper principle which might justify a woman's right to make such a choice. The philosopher Judith Jarvis Thomson published in 1971 a very influential paper called 'A Defense of Abortion' in which she argued that, even if it is established that the fetus has become a human person well before birth, that's not enough to show that abortion is wrong. To make this point she invites us to imagine an analogy. Suppose you wake up one morning to find that you've been kidnapped and you're in a hospital bed with another person attached to you who is suffering from kidney failure and needs the use of your kidneys for the next nine months. The doctor tells you that you're the only person with the right blood type and if you unplug yourself, the other person will die. What Thomson says of this imagined case is that, though it might be very kind of you to agree to have the person plugged into you for the next nine months, you *have the right* to unplug yourself. Granted, the other person has a right to life, but that doesn't mean that he has a right to the use of your body to keep him alive. Thomson's central point, then, is a claim about what the 'right to life' amounts to. It is not the same thing as a right to the use of someone else's body to maintain your life. So even if we agree that a fetus has a right to life, a woman may still have a right to have an abortion.

Thomson relies on our agreeing with the judgement that in the imagined case you have the right to unplug yourself. You may disagree (think of the discussion in session 2 about what we owe to other people). You may also feel that her example is absurdly far-fetched – typical of what philosophers call 'thought-experiments'. I suggest that you should nevertheless take the analogy seriously. Its point is to get us to identify the relevant features of real-life abortion dilemmas. One feature of her analogy is that you are invited to imagine that you've been kidnapped, and that may strengthen the feeling that you have a right to unplug yourself. In that respect the example is analogous to cases where a woman has become pregnant as a result of being raped or in some other way forced to have sex against her will. Thomson introduces other analogies to compare with other cases of abortion, but you could also think of how her original analogy could be modified. Maybe you've taken a risk – you know that this kind of thing happens in the hospital, you nevertheless go into the hospital for treatment, and you end up with someone plugged into your kidneys. Or

perhaps you know that it often happens, and you take every possible precaution to prevent it happening to you, but your precautions fail. Think about possible variations of the analogy, and think about what they can tell us about real-life abortion decisions.

Thomson's intention is to give substance to talk of 'a woman's right to choose'. In the context of abortion, a woman's choice is not just any old choice. It is a choice about whether another human being should have the use of her body. And, according to Thomson and those who agree with her, it is the woman's right to make such a choice, because it is *her body*. So it's at this point in the discussion that you need to think about what 'the right to choose' amounts to. I suggested previously that talk of 'choice' is not enough to settle the abortion issue. No one is morally justified in doing whatever they choose, regardless of how their choices may affect other people and other people's lives. Thomson's point is then that *some* choices do carry the requisite weight – in particular, choices about whether other people have a right to the use of your body.

3.3. Here's another reason why we might think that a woman's right to choose is important in abortion decisions. Some women say that they could not bring themselves to have an abortion, once they become aware of the fetus which they are carrying and instinctively start to feel protective towards it. Others may not have that experience. Only the woman concerned can know how she feels about it – and that feeling will play an important part in the making of the decision.



Judith Jarvis Thomson, author of 'A Defense of Abortion' (1971)

"Women have said again and again 'This body is my body!' and they have reason to feel angry, reason to feel that it has been like shouting into the wind."

Where does this leave us? You may feel that determining the moral status of the fetus is enough to settle the abortion question. Or you may feel that a woman's right to make choices about the use of her own body is enough to settle it. Or you may feel that neither of these is decisive, and that we are left with an untidy collection of different and competing factors. Maybe decisions about the rights and wrongs of abortion can only be made in the particular situation, taking into account how far advanced the pregnancy is, and how strong the reasons are for the abortion in this particular case, and making a judgement about how to weigh these various considerations against one another. Perhaps also we may want to say that only the person most centrally concerned can make that judgement about what weight to give to the different considerations – and perhaps that is a further reason for emphasising a woman's right to make her own choice.

3.4. Discussion questions:

35. What do you think would be good reasons, and what would not be good reasons, for having an abortion?
 36. What does Thomson's analogy show? How could you vary the analogy to make it comparable to the various situations where a woman becomes pregnant and considers an abortion? Do you agree with Thomson that no one has the right to use another person's body in order to stay alive?
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4. Euthanasia and Respect for Life

4.1. We turn now to the topic of euthanasia. First some definitions.

The word 'euthanasia' is derived from Greek and means literally 'dying well'. It has come to be used to mean more specifically ending someone's life to spare them further suffering. We can distinguish between:

Voluntary euthanasia: euthanasia at the person's own request

Involuntary euthanasia: euthanasia contrary to the wishes of the person concerned

Non-voluntary euthanasia: euthanasia where the person concerned is not able to express their own wishes either way

Two other terms have been increasingly used of late.

Assisted dying means giving help to someone who is terminally ill in order to ease or hasten their death, at their request.

Assisted suicide means helping someone who may not be terminally ill to end their own life, at their request.

The boundaries between the different terms are not sharp ones. 'Assisted dying' and 'assisted suicide' tend to be used for cases where the person who wants to end his or her own life can take action to do so but needs help, for example from someone who provides medication. 'Euthanasia' tends to be used more for cases where the person concerned is not able to take the necessary action to end his or her own life and needs someone else to do it, for example by giving an injection. However, the different kinds of case merge into one another, the definitions are not precise, and the terms are not always used consistently. For simplicity's sake I shall mostly use the term 'euthanasia', with the understanding that the arguments for and against voluntary euthanasia are likely to apply also to assisted dying and perhaps also to assisted suicide. If you think that there are important differences, you need to note them.

No one seriously advocates involuntary euthanasia. We can perhaps imagine extreme cases where it might conceivably be justifiable. Someone might, for instance, kill the members of his family, despite their protests, because he knows that a slow and agonizing death by torture awaits them and he cannot convince them of this. But I'll not discuss any possible cases of this kind.

Serious questions can be raised about non-voluntary euthanasia. They may concern cases where, for instance, someone is in a permanent coma or persistent vegetative state, will never recover consciousness, and has never previously expressed any wishes about what they would want done in such circumstances, and the question arises whether to switch off a life-support machine and end the person's life. Another kind of case is that of babies born with terrible brain damage who have no prospect of anything other than unremitting pain, and to whom it might be kinder to let them die or even actively end their lives. In all such cases it is impossible to ask the person what he or she wants. There is an important debate to be had about these cases but we don't have time for it in this session. In what follows I shall be concerned solely with *voluntary* euthanasia, and if I use just the word 'euthanasia' it should be understood to refer only to euthanasia at the person's own request.

4.2. Voluntary euthanasia, assisted dying and assisted suicide are all at present illegal in the UK. The important practical question therefore is whether the law should be changed, and there has been a great deal of debate about this. We're talking about a legal change to allow a doctor to give an injection to

someone, say, who is dying from cancer in great agony, or to allow people suffering from a severe degenerative disease to ask for help in ending their lives when they have become totally incapacitated and feel that their lives are effectively at an end. There have been a number of high-profile cases raising these questions, and you might want to look at some of them. (There is information on the *Dignity in Dying* website.)

The hierarchies of the Church of England and the Roman Catholic Church in Britain have consistently opposed any change in the law. In this they do not necessarily reflect the views of their own members. In the most recent British Social Attitudes survey, 82% of people thought that doctors should be allowed to end the life of a patient dying from an incurable painful illness, at their request. That figure included 71% of religious people who were asked, and 92% of non-religious people. Here we have another case, then, where there is *some* tendency for opinion to divide along religious/non-religious lines, but where it is by no means a simple opposition, and where there are disagreements amongst religious people themselves.

Religious opposition to the legalisation of euthanasia again invokes the principle of the sanctity of life, so we need to think back to the earlier discussion about what this means. The idea of life being a gift from God is again mentioned, and the same questions arise about whether the 'gift' analogy is helpful, and whether it points to any special significance attached to the value of life by religious people which is different from non-religious people's interpretation of that value.

4.3. If the value of respect for life is best understood as a shared value recognised equally by the religious and the non-religious, then we need to consider again what we mean by it in order to see how it applies to the case of euthanasia. Is it the simple fact of being alive – being a living organism – that we ought to value? Presumably not, since people who talk about the sanctity of life don't apply it to plants or flies or rats. Is it then the simple fact of being *human* life that is valued? If this special value attached to being human is not to be merely arbitrary, we'd need to say something about why human life is special. The plausible answer is likely to refer to humans' possession of characteristics such as consciousness, self-awareness, the having of thoughts and emotions and purposes and aspirations. (The religious answer may be that humans are 'made in the image of God' but what does that mean? What are these God-like features? Aren't they the ones just listed?)

But if *those* are the sorts of qualities which make human life valuable, then we're no longer talking about the mere biological fact of being alive. Rachels' distinction between life in the biological sense and life in the biographical sense can come into play. The most plausible interpretation of what we value when we value human life, and when we talk about the importance of respect for human life, is *having a life* – having conscious experiences which add up to the story of someone's life, and which continue into the future with their hopes and aspirations.

Now apply this idea to the case of voluntary euthanasia. Does it mean refusing to end someone's life, even when he or she is suffering, in great pain, and asking for help in ending that life? Or does it mean accepting that person's own decision and allowing him or her to be helped to end that life? That's the fundamental question we have to ask about the relation between voluntary euthanasia and the value of respect for life.

4.4. There are other things to be said, however. As in the case of abortion, we need to consider not only the application of the value of respect for life, but also the relevance of other values. There are positive reasons which could be seen as supporting a legal change to permit voluntary euthanasia, and I think it is fairly obvious what they are. One is compassion for people's suffering and the desire to relieve that suffering. It may be physical suffering, if someone is dying in great agony from a very painful illness and is desperate to end the unbearable pain. It may also be mental suffering, if someone is totally incapacitated, incapable of engaging in any meaningful activity and faced with no prospect other than what they see as the undignified decline into helplessness.

Closely linked with the desire to spare people that kind of suffering is the value of respect for people's autonomy. I've suggested previously that there are not always good reasons for going along with people's choices, but when we talk about the value of autonomy we are talking about people's need to make for themselves the most important choices about the shape and quality of their lives. That includes, for many people, the manner of their death. People want to die when they feel that their life is complete, and not have it prolonged pointlessly when it has become totally degrading and undignified. So you need to think about how strong these positive reasons for allowing euthanasia are.

4.5. Some people who recognise the force of these reasons, but oppose euthanasia, take refuge in the distinction between 'killing' and 'allowing someone to die'. This is essentially the current position of the British Medical Association. The BMA's view is that life-prolonging medical treatment

can legally and ethically be withdrawn when it is unable to benefit the patient. It should be withdrawn when it is not in the patient's best interest or if the patient has refused it.

However, the BMA opposes all forms of assisted dying or euthanasia, and maintains that euthanasia "is morally and legally different to the withholding or withdrawal of treatment."

James Rachels has argued that this position is inconsistent. He refers to the withdrawal of treatment from a terminally ill patient as 'passive euthanasia'. It is a decision not to prolong that person's life. If you accept passive euthanasia, Rachels argues, then to be consistent you should also accept active euthanasia. Indeed, active euthanasia may often be morally preferable, since passive euthanasia may still leave someone to endure a lingering death when it would be kinder actively to hasten the process of dying.

Defenders of the BMA's position would say that the difference between the withdrawal of treatment and active euthanasia, which makes the one morally acceptable and the other not, is one of *intention*. The intention in withdrawing treatment is not to end the patient's life, but simply to stop doing something which has become futile because it is no longer in the patient's best interest. This is an application of what is often referred to as the principle of 'double effect'. It's a moral principle much favoured by Catholic theologians, but it is not confined to the Catholic Church. It is the principle that a course of action which would lead to a certain result as a foreseen but unintended side-effect may be morally permissible, even though intentionally aiming at that same result would be completely impermissible.

Another application of the same principle also crops up in the euthanasia debate. Doctors may sometimes administer to patients who are terminally ill and in terrible pain massive doses of painkilling drugs which will also hasten death. In law and in official medical practice this is allowed if the intention is to alleviate pain but not if the intention is to end the patient's life. Now it's widely known that in fact doctors often take advantage of this fine distinction in order really to hasten death without breaking the law. However, setting aside this fudge (which you may think commendable in the circumstances), you need to consider whether you think that the difference of intention does make a moral difference in such cases. And you also need to consider whether you agree with Rachels about active and passive euthanasia. If you don't think that intentions make any difference, is there any other reason why passive euthanasia – withholding or withdrawing treatment from a patient who will then die – might be more acceptable than active euthanasia?

4.6. Discussion questions:

37. Which of these is the more plausible interpretation of respect for human life? (1) "You should not deliberately end the life of another human being, even if they request it." (2) "A person's life is their own and you should respect their choice whether or not to end it."
 38. Is there any morally significant difference between withholding or withdrawing life-prolonging treatment to spare a patient further suffering, and active euthanasia to end a patient's suffering? Are there any reasons why one of the two might sometimes be more justifiable than the other?
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Baroness Mary Warnock

“There are those who would oppose the bill [to legalise assisted dying] on absolute grounds, generally derived from the religious belief that deliberately to end a life at whatever stage is contrary to God's commands. For such believers, arguments turning on the patient's suffering or his wishes will carry no weight. They will never regard assisted suicide as acceptable, whatever the law permits. I think I understand this dogmatic belief though I do not share it. But the law cannot be determined by a particular religious belief. There must exist moral considerations behind the law separate from religion (even if influenced by it) deriving their authority from an idea of the common good.”

5. Euthanasia and the ‘Slippery Slope’ Argument

5.1. The discussion so far has been about objections to euthanasia *in principle* – that it is contrary to the sanctity of life – and about how one might counter that principled objection by arguing

- that it misinterprets the value of respect for human life,
- that other values such as compassion and respect for autonomy support euthanasia,
- and that if you accept that it is sometimes permissible to hasten death by withholding or withdrawing treatment, or by giving massive doses of painkilling drugs, you should also accept that euthanasia is permissible in some circumstances.

This debate about objections *in principle* should be distinguished from objections to euthanasia because of what it might lead to *in practice*. These are what are often called ‘slippery slope’ arguments – that although a change might be unobjectionable in itself, it would lead to more extreme changes and to consequences which would be much worse. In the case of euthanasia, the slippery slope argument is essentially that voluntary euthanasia, if allowed, would not remain genuinely voluntary. It would lead, over time, to the acceptance of involuntary euthanasia.

It's really important to distinguish between objections to euthanasia in principle and objections in practice, because they are all too often confused. In particular, religious leaders who start out by saying that euthanasia is fundamentally opposed to the values of their religion often tend then to switch to slippery slope objections. (Have a look at the ‘Joint Faith Leaders Letter’ listed below.) They are perfectly entitled to use those arguments, but there is nothing distinctively religious about them and religious leaders have nothing special to say about them. By the same token, non-religious people who have no objection in principle to voluntary euthanasia could quite consistently judge that in practice it would be too dangerous because it would lead down the slippery slope. Whether the slope really is slippery – whether legalising

voluntary euthanasia really would take us down the road to involuntary euthanasia – is a *factual* question, an *empirical* question for which we need to look at the *evidence*.

5.2. What exactly is the argument about? Advocates of legalising voluntary euthanasia insist that help in dying should be provided only to those who genuinely request it, who are properly informed and mentally competent. Critics will then argue that this is not a simple matter. People may say in advance that they would want to be helped to die, but when it comes to the crunch they may instinctively want to cling on to life. People who are terminally ill and in great pain may cry out that they are desperate to be put out of their misery, but that may not be their considered judgement. People suffering from a severe degenerative illness may be deeply depressed by their loss of the ability to do the things they enjoy doing, and their initial reaction may be one of despair and a desire to end it all, but over time they may come to take a different view and realise that life still has something to offer. People at the end of life may be mentally confused, they may lose their grasp of where they are and what is happening to them and so may be especially vulnerable to pressure.

Given all these ambiguities and uncertainties, it is argued, there will be an increasing tendency for others, family members or medical professionals, to take decisions on behalf of the patient. There is a great danger that in doing so they will not be entirely objective or impartial but will be influenced by their own interests. Family members may be tempted to relieve themselves of a burdensome responsibility, or they may stand to gain financially. Medical professionals may be conscious that an elderly or frail or dying patient is using valuable medical resources or taking up a hospital bed which could be released. Elderly and ill people may in their turn feel under pressure to say that they want to end it all, because they do not want to be a burden. “Where will it all end?” the critics may say.

5.3. There are real problems here, but the proper response is an informed and objective assessment of the dangers. Not all slopes are slippery. It's not enough to say that legalising voluntary euthanasia *could* take us down a slippery slope. We need to make a judgement about whether there is a serious likelihood of its happening, what the risks are, and how to set them against the certainty that without a change in the law many people will continue to suffer unbearably.

There are two kinds of information which are especially relevant here, and you can look into them. One is to consider the specific proposals which have been made to change the law and to build in safeguards. You could look at the wording of bills which have come before parliament, such as Lord Joffe's *Assisted Dying for the Terminally Ill Bill* which was presented in 2006 and defeated in the House of Lords. (You can find information about it on the *Dignity in Dying* website – see below.) Think about whether the terms of that and other similar bills adequately address the danger of a slippery slope.

The other important source of information is evidence of what has happened in places where voluntary euthanasia or assisted dying has already been legalised. Two frequently cited test cases are the Netherlands, and the state of Oregon in the USA. The evidence is not straightforward, and there are conflicting claims about what has happened in the Netherlands in particular. If you investigate the evidence, do try to take account of the factual claims made on both sides of the argument.

5.4. Discussion Questions:

39. How great is the danger that legalising voluntary euthanasia would lead down a slippery slope to involuntary euthanasia? Are there safeguards which could be put in place to stop this happening?
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Two Postscripts

At the end of this course, here are two points with which to sign off. First – if you still have the requisite time and energy! – you might like to look back at the first session. There we discussed some general points about how to approach questions in applied ethics. Think now about the *kinds of arguments* we have discussed in

subsequent sessions. Have you found yourself tending to regard certain kinds of arguments as weighty or decisive? Do you think, in retrospective, that there is a sharp divide between religious and non-religious approaches, or are you more struck by the convergence? What about the three theories we examined in the first session? Do you now want to conclude that rational arguments in ethics always have the form of facts about what will promote well-being or prevent suffering? Do you think that there are certain kinds of actions which are *simply wrong*, irrespective of their consequences? Do you think that there is a plurality of values – 'virtues' – which should guide a morally sensitive person in weighing up the pros and cons of possible actions? Or are you inclined to conclude that no one ethical theory can encompass the variety of reasons, arguments and values which should enter into moral debates?

Secondly, if you are interested in pursuing some of these themes further – especially the themes of this final session – you are encouraged to have a go at the companion course drawn up by Peter Cave on *Death, Dying and Meaning*. This includes a session which addresses many of the same issues about euthanasia, doing so with different emphases and in a different context.

Some Web Resources

Mary Ann Warren's discussion of the moral distinction between human beings and persons, and its relevance to the case of abortion, is in 'On the Moral and Legal Status of Abortion':

http://instruct.westvalley.edu/lafave/warren_article.html

James Rachels' book *The End of Life* explains his distinction between 'life' in the biological sense and 'life' in the biographical sense:

<http://www.jamesrachels.org/EoL.htm>

Judith Jarvis Thomson's 'A Defense of Abortion' is available at:

<http://spot.colorado.edu/~heathwoo/Phil160,Fall02/thomson.htm>

The BMA's views on 'End-of-life Decisions' are on its website at:

http://www.bma.org.uk/images/endlifedecisionsaug2009_tcm41-190116.pdf

James Rachel's article on 'Active and Passive Euthanasia' is at:

http://www.qcc.cuny.edu/socialsciences/ppecorino/DeathandDying_TEXT/Rachels_Active_Passive.htm

A defence by Mary Warnock of assisted dying is on the web site of the New Zealand Voluntary Euthanasia Society at:

<http://www.ves.org.nz/warnock.htm>

For a statement of opposition to the legalisation of assisted dying from the Archbishop of Canterbury, the Catholic Archbishop of Westminster, and the Chief Rabbi, see:

<http://www.archbishopofcanterbury.org/667>

The Catholic Church's position on abortion and euthanasia is set out in the Papal Encyclical *Evangelium Vitae* at:

http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae_en.html

'Life' is an organisation which campaigns against abortion and euthanasia. Its website is at:

<http://www.lifecharity.org.uk/index.php>

Another anti-abortion organisation is the 'Society for the Protection of Unborn Children':

<http://www.spuc.org.uk/>

'Abortion Rights' campaigns for women's right to have an abortion:

<http://www.abortionrights.org.uk/>

'Education for Choice' works in support of young people's right to informed choice on abortion:

<http://www.efc.org.uk/Home>

'Dignity in Dying' campaigns for a change in the law on assisted dying:

<http://www.dignityindying.org.uk/>

In 2010 the Crown Prosecution Service agreed an important new policy to guide decisions on whether to prosecute people for assisting suicide:

http://www.cps.gov.uk/publications/prosecution/assisted_suicide_policy.html