

Bioethics - Introduction to moral philosophy

III

Three classes:

1. ~~27 February - Introduction to ethics I: the challenge of cultural relativism; overcoming relativism is not enough (chapters 1, 2);~~
2. ~~1/3 March - History of ethics II: virtue theory (chapter 13), religious ethics (chapter 4) and the social contract (chapter 11);~~
3. 6 March - History of ethics III: consequentialism and deontology.

Reference to Rachels, J. 2003. The Elements of Moral Philosophy. 4th edition. McGraw Hill International Editions, New York (1st ed. 1986).

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Summing up - Incomplete ethical theories

In the last class I exposed Rachels' arguments against three ethical theories:

1. religious ethics **does not provide distinctively religious moral standards;**
2. virtue theory is at best **incomplete because it doesn't provide clear guidance** in cases of conflicting virtues it;
3. the social contract must make reference to moral standards that are **not internal to the contract itself.**

In all such cases, the argument was that all such theories ultimately rely on more general, super-cultural ethical principles, like those of deontology or consequentialism.

1.1 - Deontology

Deontology: ethics based on duty and obligation rather than evaluation of their consequences.

Some moral rules are absolute and hold without exception in every possible circumstance.

Some courses of action are forbidden whatever consequences they have on the moral community.

Kant gave a rationalist argument (with no appeal to God's command).

The starting point of Kant's analysis concerns the ultimate justification of morality.

1.2 - Deontology

Absolute good is to comply with the concept of law:

“Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it **absolute necessity**” Kant 1785, p. 2.

Given this concept of law, it follows that any empirical foundation of morality is not consistent with the idea of absolute necessity:

“... everything empirical [e.g., humans seek happiness], as an addition to the principle of morality, is not only quite inept for this; it is also highly prejudicial to the purity of morals” Kant 1785, p. 35.

1.3 - Deontology

What is left then to ground morality on?

“... nothing other than the representation of the law in itself, which can of course occur only in a rational being ... But what kind of law can that be, the representation of which must determine the will, even without regard for the effect expected from it, in order for the will to be called good absolutely and without limitation?” Kant 1785, p. 14

At this point Kant distinguishes between hypothetical and categorical imperatives.

1.4 - Deontology

Hypothetical oughts: given desired aim x, course of action y will be instrumental to achieve x; hence, I OUGHT to do y.

Kant (1785 p. 25) argues that, in order for moral principles to be absolute, unconditional, universal, that is, **true laws**, hypothetical imperatives are not enough as they are conditional and contingent on human needs.

This means that we need **categorical imperatives**, which are absolute, unconditional, universal, that is, true laws (like natural laws).

Categorical oughts are not hypothetical.

They have another logical form: I OUGHT to do x.

No finality is considered and no analysis in instrumental terms is required.

1.5 - Deontology

But, how can we be obligated to follow course of action x regardless of the end we wish to achieve?

Categorical oughts can only be justified **by pure reason**.

They can only be derived from a **principle that every rational agent must accept** (Kant 1785, p. 15), which is to aspire to make your maxim of action a universal law:

“There is, therefore, only a single categorical imperative and it is this: *act only in accordance with that maxim through which you can at the same time will that it become a universal law.*” Kant 1785, p. 31 (cf. Rachels p. 121)

1.6 - Deontology

“Act only according to that maxim by which you can at the same time will that it should become a universal law” (cf. Rachels p. 121).

This principle summarizes a procedure for deciding whether an act is morally permissible. When you are contemplating doing a particular action, you are to ask what rule you would be following if you were to do that action. (This will be the “maxim” of the act.) Then you are to ask whether you would be willing for that rule to be followed by everyone all the time. (That would make it a “universal law” in the relevant sense.) If so, the rule may be followed, and the act is permissible. However, if you would not be willing for everyone to follow the rule, then you may not follow it, and the act is morally impermissible.

1.7 - Deontology

Illustrations of the categorical imperative in action.

Example 1: person feeling suicidal because desperate.

The question is whether suicide could be universalised:

“It is then seen at once that a nature whose law it would be to destroy life itself would contradict itself and would therefore not subsist as nature; thus that maxim could not possibly be a law of nature” Kant 1785, pp. 31-2

Suicide is self-contradictory and henceforth irrational: nature would not exist as such. (Isn't this consequentialism in disguise?).

Henceforth suicide is immoral.

1.8 - Deontology

Illustrations of the categorical imperative in action.

Example 2: person unsure whether to lie in circumstance x.

Honesty is an absolute moral rule because **the rule “It is permissible to lie” would, if adopted universally, be self-defeating.**

Lying is self-contradictory and henceforth irrational: social life would be impossible. (Again, isn't this consequentialism in disguise?).

Henceforth lying is immoral.

Kant tries hard to show that honesty is always good, even when its consequences are bad (e.g., facilitating the death of a person sought by a criminal).

1.9 - Deontology

After illustrating the categorical imperative in action, Kant (1785, pp. 34-39) enquires about its derivation: is there really a categorical imperative? If so, from what kind of principle can it be derived?

“... suppose there were **something the existence of which in itself has an absolute worth**, something which as an end in itself could be a ground of determinate laws; then in it, and in it alone, would lie the ground of a possible categorical imperative, that is, of a practical law.” Kant 1785, p. 36

“Now I say that **the human being and in general every rational being exists as an end in itself**, not merely as a means to be used by this or that will at its discretion... *rational nature exists as an end in itself.*” Kant 1785, p. 37

1.10 - Deontology

Humans (and all rational beings) in this sense have an intrinsic worth as **ends in themselves**.

The value of a human is absolute. We are not things but “persons”.

Thus we have a duty to the promotion of humans' welfare: *“So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”* Kant 1785, p. 38

This is the second version of the categorical imperative (cf. Rachels p. 131).

1.11 - Deontology

Treating humans as ends in themselves means respecting their rationality.

Consider the issue of how we should treat criminals.

Punishment should, according to Kant, work on two principles:

1. criminals should be punished only because they have committed crimes; punishment should not seek the rehabilitation of the individual or the reparation of the social damage they have caused.

For Kant, rehabilitation is incompatible with human dignity, as it would treat criminals as means to an end.

1.12 - Deontology

Punishment should, according to Kant, work on two principles:

2. punishment should be proportional to the seriousness of the crime; the only way to respect criminals as rational, conscious and free agents who, as moral agents, have dignity and moral responsibility is to take seriously their attempts to universalise their actions.

As a consequence, capital punishment is the only way to respect the moral dignity of a murderer: “if you kill another, you kill yourself” (Rachels p. 137).

2.1 - Utilitarianism

As an empiricist, Mill starts from a diametrically opposite position from Kant's.

Imagine the state of affairs that we would like to see come about. What would this be?

A state of affairs in which every moral agent's existence is as free as possible from pain and as rich as possible in enjoyments. Moral action aims to bring about this state of affairs (cf. Rachels p. 93):

“The utilitarian doctrine is, that **happiness is desirable, and the only thing desirable, as an end**; all other things being only desirable as means to that end.” Mill 1863, p. 35.

2.2 - Utilitarianism

“According to the Greatest Happiness Principle ... the ultimate end ... is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, **the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.**” Mill 1863, pp. 14-15

2.3 - Utilitarianism

Jeremy Bentham: the morality of any action or social policy does not depend on pleasing God (cf. religious ethics) or following abstract rules (cf. Kant), but on the adoption of the most general moral principle, the “**principle of utility**” (Bentham, J. *The Principles of Morals and Legislation*. Chapter I.2, cf. Rachels p. 92):

By the Principle of Utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question; or what is the same thing in other words, to promote or to oppose that happiness.

2.4 - Utilitarianism

Utilitarianism: particular form of consequentialism **with a specific desired goal: promoting the greatest happiness for the greatest number of moral agents.**

Utilitarianism is a **hedonist** moral theory.

Hedonism = the only fundamental good is pleasure and the only fundamental bad is pain; hence, the morality of an action is merely measured in terms of the pleasures and pains generated (as opposed to other supposed goods, such as freedom, equality, social justice, fairness etc.).

2.5 - Utilitarianism

Promoting the happiness of whom?

The morality of a course of action depends on the consequences for **all sentient beings** (as opposed to only the individual agent or any other limited group).

This form of universalism implies **impartiality**, i.e., the subordination of personal interest to the promotion of the happiness of the moral community (Rachels p. 102, reference to Mill 1863 [2001] p. 19):

the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator.

2.6 - Utilitarianism

Utilitarianism is quite intuitive, but it can be criticised for many different reasons:

1. Hedonistic principle = is only pleasure intrinsically good?
2. Impartiality criterion = is it immoral to privilege the welfare of yourself and your family when you act?
3. Consequentialism = is the consequentialist evaluation of moral action enough?
4. Estimation problem: the calculation of the pain and pleasure generated by an action on the moral community is fraught with difficulties.

Let us consider criticisms 3 and 4.

2.7 - Utilitarianism

The limits of utilitarianism: is consequentialism enough?

Suppose that a series of crimes has been committed and that, as a result, social upheaval and riots ensue. The police target my neighbour, an old and solitary person with minor criminal precedents. I don't know him well at all, but what I do know is that he's innocent.

I am eventually asked by the police and prosecution whether I have any elements to convict him.

After much thought, given that riots have been continuing for several days and many people have died in the meantime, I decide to "frame" my neighbour by bearing false witness.

Is my action moral?

2.8 - Utilitarianism

From a utilitarian perspective, the action is “good” if it generates an increase in general happiness; preventing social chaos increases general happiness while framing a social outcast decreases it; however, on the balance, general happiness increases; thus, framing the non-guilty person is good.

From a deontological prospective, lying is immoral (slide 1.8); framing someone even more so (again, think about universalising my behaviour).

Consequentialism thus clashes with deontology.

Thus, do we really evaluate actions merely according to their consequences?

2.9 - Utilitarianism

A similar kind of clash is at the root of the difference between the (possible) consequentialist defence and the deontological condemnation of infanticide practices (class 1 in introduction to moral philosophy).

From a consequentialist perspective, if infanticide promotes general happiness in the moral community, it is good.

From a deontological perspective, the infant is a moral agent with rights to live and flourish, an end in him/herself, a moral agent that cannot be treated as a means for family's and community's benefit.

We do not seem to evaluate actions merely according to their consequences, but also according to other moral standards.

2.10 - Utilitarianism

Utilitarianism seems wrong because it violates some of our deep-rooted moral intuitions.

But why should we trust these intuitions in the first place?

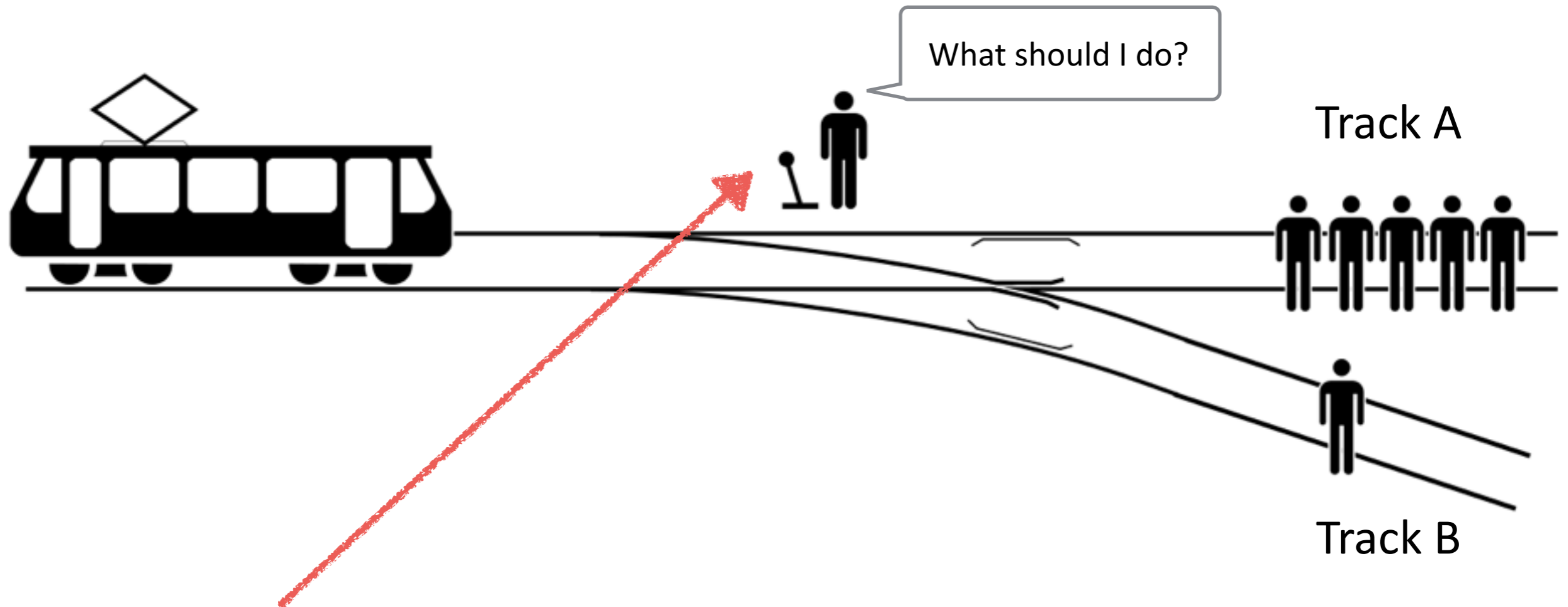
Consider the example of false testimony. The intuition is that framing an innocent is unjustifiable.

But a utilitarian considers also the other innocent people killed during the riots.

So, does the intuition hold when the alternatives are sacrificing one innocent person for the benefit of several other innocent people who might be saved in the riots?

These contrasting intuitions (the feeling of doing something wrong vs. the quest to limit suffering) can be represented with a famous thought experiment

2.11 - Utilitarianism



What should I do in the case of the “trolley” problem (Thomson, J.J.. 1976. Killing, Letting Die, and the Trolley Problem. *The Monist* 59:204-17)?

1. pull the lever and being responsible for 1 death? **At which point would you accept a utilitarian stance** (people on track A = $n = 10, 100, 1.000 \dots$)?

2. do nothing? But **how can it be moral not to act?**

2.12 - Utilitarianism

The limits of utilitarianism: the estimation problem

It is extremely difficult to estimate the effects of actions and social policies:

- a. **sometimes the estimate requires the comparison between incommensurable units of analysis:** e.g., lockdown policies save lives but have many social costs on livelihoods (e.g. job losses); how can the benefits and costs of the policy be compared?
- b. **short-term, medium-term and long-term consequences on the moral community are difficult to evaluate;** e.g., lockdowns have short-term benefits; but what are their societal costs in the long term?

Conclusion

Kantian ethics is very demanding but captures a generalised intuition about the unconditional and absolute nature of moral responsibility.

Utilitarianism has some counterintuitive implications but also captures a generalised intuition concerning the end of moral action and its evaluation in terms of consequences.

They often clash, as in this example.

Suppose that, following a virus outbreak, you have 1.000 people needing intensive care but only 500 intensive care units.

In which way should access to intensive care units be regulated?

How might deontology and utilitarianism solve this problem?

Primary resources:

1. Rachels, J. 2003. The Elements of Moral Philosophy. 4th edition. McGraw Hill International Editions, New York (1st ed. 1986). Chapters 7, 8, 9 and 10.
2. Rachels, J. 2004. Elementos de Filosofia Moral, Gradiva, Lisboa. Capítulos 7, 8, 9 e 10.

Secondary literature

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<https://cpb-us-w2.wpmucdn.com/blog.nus.edu.sg/dist/c/1868/files/2012/12/Kant-Groundwork-ng0pby.pdf>
2. Mill, J.S. 1863. Utilitarianism. Batoche Books, Kitchener [2001].
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3. Thomson, J.J.. 1976. Killing, Letting Die, and the Trolley Problem. The Monist 59:204-17