

Bioethics - Introduction to moral philosophy

II

Three classes:

1. ~~15 February - The challenge of cultural relativism;~~
2. 17/19 February - **from virtue theory (chapter 13) to religious ethics (chapter 4) to the social contract (chapter 10);**
3. 22 February - History of ethics II: 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 last class

In the last class we saw that cultural relativism denies the existence of super-cultural moral standards of evaluation of courses of action.

We analysed one of its arguments, showing that:

1. Logically speaking, a moral argument must possess at least one moral premise, otherwise it derives a moral conclusion from factual premises, which is a fallacy;
2. Morally speaking, cultural relativist arguments are not sound if they derive a negative ontological claim (i.e., the non-existence of super-cultural moral standards) from a claim about what people believe;
3. In the end, beneath cultural variation, **there exist trans-cultural or even moral cultural universals**, i.e., super-cultural moral standards of evaluation of courses of action, such as the evaluation of a course of action in terms of its effects or in terms of universal maxims of conduct.

Summing up last class

The challenge of cultural relativism can thus be resisted. Indeed, Rachels argues that all ethical theories and cultures share a “minimum conception” of morality (chapter 1):

1. Moral judgements must be supported by **good reasons** and **sound moral principles**;

2. Moral arguments require the **impartial consideration of each moral agent's interests**.

Rachels might be right, but this is irrelevant when we consider that **the deeper problem in ethics is that the moral principles at the basis of different ethical theories clash**. What ethical theory should we choose then? And why?

Plan for this class

Today I shall briefly expose the rudiments of three ethical theories: religious ethics, virtue theory and contractualism (i.e, social contract theory).

I shall show - more or less following Rachels' argument - that these three theories are either **incoherent or somehow incomplete** and need to be complemented by more general moral principles such as, for instance, those at the basis of consequentialism (e.g., utilitarianism) or deontology (e.g., Kantian ethics).

In the next class we shall go back to consequentialism and deontology, which we have introduced in class 1 (slides 5.1-5.4).

1.1 - Religious ethics

Divine command's theory (for an analysis, see section 4.2 in Rachels)

God has given us a series of moral rules and standards. These rules and standards are objective. What is good/right and bad/wrong is determined by God.

Problem: is course of action x right because God commands it or does God command it because x is right?

If it is argued that a course of action x is right because God commands it, then God's commands seem morally arbitrary. What if God told us to kill and lie? Killing and lying would become good/right.

If it is argued that God commands a course of action x because it is good/right, then we are acknowledging that there is a moral standard that is prior to and independent of God's judgement.

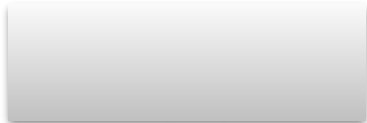
It is because of such implications that Divine Command Theory has been largely abandoned.

1.2 - Religious ethics

The Theory of Natural Law

Elements of the theory of Natural Law:

1. Everything in nature has a purpose. Nature is a rational system where every part of it - every natural thing and object - has a specific purpose. In the end, the ultimate purpose is anthropocentric. This view has its roots in Aristotle (Rachels p. 54):

 If then we are right in believing that nature makes nothing without some end in view, nothing to no purpose, it must be that nature has made all things specifically for the sake of man.

The difference is that Aristotle did not consider God part of the picture (e.g., his ethics does not make any appeal to God). Christianity added God the creator of the rational order to this picture.

1.3 - Religious ethics

The Theory of Natural Law

Elements of the theory of Natural Law:

2. There are laws of nature governing natural phenomena: every natural object behaves in accordance to its purpose. There are also moral laws that, ultimately, derive from the laws of nature that God created. Some moral behaviours are thus natural and purposeful, other unnatural and without purpose.
3. God created a rational order and we are creatures of God, so we can understand the moral natural order. This means that the correct course of action can be rationally evaluated (in effect making morality independent of religion). St. Thomas Aquinas in fact said, “To disparage the dictate of reason is equivalent to condemning the command of God” (Rachels p. 57). This renders the theory of natural law partially consistent with the minimum conception of morality (e.g., the appeal to good reasons and sound principles).

1.4 - Religious ethics

Are there any distinctively religious positions on major moral issues?

As Rachels argues, **religious ethics is either logically incoherent** (Divine Command theory, slide 1.1) **or parasitic on independent moral considerations and principles** (Natural Law theory, slides 1.2 and 1.3).

This might be perceived as a misinterpretation of actual religious practice, which is based on the teachings of the Scriptures and the dictates of religious institutions.

However, Rachels (p. 58) asks whether there are any “distinctively religious positions on major moral issues”? Consider abortion. Is there a distinctively religious position on this issue?

1. Religious practices differ (Jewish vs old Christian tradition vs contemporary Catholic position);
2. It is difficult to find support for the position of the Catholic Church in the Bible;
3. Religious positions historically change;

1.5 - Religious ethics

Are there any distinctively religious positions on major moral issues?

3. Religious positions historically change:

“Pope Pius IX challenged the canonical tradition about the beginning of ensouled life set by Pope Gregory XIV in 1591. He believed that while it may not be known when ensoulment occurs, **there was the possibility that it happens at conception. Believing it was morally safer to follow this conclusion, he thought all life should be protected from the start of conception.** In 1869 he removed the labels of ‘animated’ fetus and ‘unanimated’ fetus and concluded that abortions at any point of gestation were punishable by excommunication.”

From <https://embryo.asu.edu/pages/pope-pius-ix-1792-1878>

1.5 - Religious ethics

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4. This also shows that the original rationale of the position of the Catholic Church today was motivated by a-religious moral standards, that is, the adoption of the precautionary principle (i.e., in the light of absence of scientific evidence that a certain irreversible damage might occur, assume the worse case scenario).

1.6 - Religious ethics

Are there any distinctively religious positions on major moral issues?

Consider the “appeal to nature” arguments.

Basically their point is that what is natural is good. God is benevolent and created nature, so nature is good.

Every human shares a nature given by God.

Every human must behave in accordance to what our common nature requires.

Some behaviours are thus natural and purposeful, other unnatural and without purpose.

Is the moral principle that what is natural is good sound?

1.7 - Religious ethics

1. Homosexual behaviour can be observed in nature and also in the human population (factual premise);
2. Human homosexual behaviour is, however, statistically uncommon (factual premise);
3. Human homosexual behaviour is not reproductively advantageous and hence not adaptive (factual premise);
4. There is no genetic basis for homosexual behaviour because it reduces fitness (factual premise);
5. **What is not natural is bad (MORAL premise);**

MORALLY JUSTIFIED
JUMP ?



Hence, homosexual behaviour is immoral (MORAL conclusion)

RELIGIOUS ETHICS RATIONALE: Human homosexual behaviour is unnatural because uncommon, contrary to fixed human nature and without reproductive purpose.

1.8 - Religious ethics

1. Homosexual behaviour can be observed in the case of many animals, including bonobos, the species phylogenetically nearest to us (factual premise);
2. There is a genetic basis for homosexual behaviour because it increases the fitness of the social group (factual premise);
3. Homosexual behaviour is natural (factual premise);

4. What is natural is good (MORAL premise);

MORALLY JUSTIFIED
JUMP ?



Hence, homosexual behaviour is good and moral (MORAL conclusion)

ALTERNATIVE RATIONALE: There is no fixed human nature, not all behaviours evolve because of reproductive advantage and sexual reproduction is not the only purpose of sex.

1.9 - Religious ethics

1. Raping behaviour can be observed in the case of many animals (factual premise);
2. There is a genetic basis for raping behaviour because it increases Darwinian fitness (factual premise);
3. Raping behaviour is natural (factual premise);
- 4. What is natural is good (MORAL premise):**

MORALLY JUSTIFIED
JUMP ?



Hence, raping behaviour is good and moral (MORAL conclusion)

(See Thornhill, R. & Palmer. 2000 in secondary literature)

Given that it is possible to concoct a variety of arguments with incoherent and counterintuitive moral conclusions from the application of the moral principle that what is natural is good, the principle is not sound. In the end, there is not a distinctively religious position on major moral issues.

2.1 - Virtue ethics

Virtue theory is - with contractualism, utilitarianism and Kantian ethics - one of the four major options in current moral philosophy (Rachels 2003, p. 155).

Aristotle “Nicomachean Ethics”: central ethical question concerns character, i.e., **what is a virtuous person?** What traits of character make one a good person?

Virtuous life is inseparable from the life of reason. In this sense, virtue ethics shares partially the first commitment with the minimum conception of morality (i.e., moral judgements must be supported by good reasons).

God does not play a role in Aristotelian ethics.

In contrast with the ethical theories trying to answer the question of what makes a course of action good.

2.2 - Virtue ethics

What is a virtue?

Aristotle: a trait of character manifested in habitual action. Virtues are not manifested on an occasional basis, but always.

But even vices might be traits of character manifested in habitual action. So what distinguishes virtue from vice?

We can as a consequence define a virtue as a trait of character, manifested in habitual action, that it is good for a person to have.

But then the question of what makes the virtue *good* remains pending (slide 1.5).

2.3 - Virtue ethics

Which character traits are virtues?

benevolence

civility

compassion

conscientiousness

cooperativeness

courage

courteousness

dependability

fairness

friendliness

generosity

honesty

industriousness

justice

loyalty

moderation

patience

prudence

reasonableness

self-discipline

self-reliance

tactfulness

thoughtfulness

tolerance

Rachels p. 176

2.4 - Virtue ethics

What do virtues consist in?

Aristotle: virtues are the mean between two character traits, excess and deficiency. *In medio stat virtus.*

Courage is between the extremes of recklessness and cowardice.

Generosity is between the extremes of extravagance and stinginess.

Honesty is between the extremes of naivety and deception.

Loyalty is between generalised benevolence and betrayal.

(Note that loyalty to friends and family seems to contravene the requirement of impartiality of the minimum conception of morality, Rachels p. 186-7).

2.5 - Virtue ethics

Why are virtues good for a person to have?

- Courage is a good thing because life is full of dangers and without courage we would be unable to cope with them.
- Generosity is desirable because some people will inevitably be worse off than others and they will need help.
- Honesty is needed because without it relations between people would go wrong in myriad ways.
- Loyalty is essential to friendship; friends stick by one another, even when they are tempted to turn away.

Aristotle: **there is something general about these virtues: they are needed to live a successful life.** Given the kinds of social life we live as humans, the virtues are all qualities needed to be successful in life. The virtuous person will fare better in life.

2.6 - Virtue ethics

Are virtues universal?

Is a single set of virtues applicable to all persons in all life circumstances, in all societies and all cultures? Should we speak of the virtuous person as “the good person”?

Aristotle was making a general claim about the kind of social life we live as humans. Is this claim justified?

On the one hand, it might be said that he was merely talking about the life of a philosopher in classical Athens, a very peculiar kind of life.

On the other, Aristotle was proposing an argument against cultural relativism: **the major virtues (i.e., courage, generosity, honesty, loyalty) will be needed by all people at all times and thus are not mere social conventions or cultural values, but basic facts about our common human condition.**

2.7 - Virtue ethics

Limits of virtue theory

How does virtue theory approach the question of what makes a course of action good and how should we behave?

Moral (especially bioethical) problems are often about what we should do: should I abort? Should I relieve my ill father from suffering? Should I prescribe puberty blockers to children? Should I become vegan? Etc.

The answer of virtue theory is that the correct course of action is the one a virtuous person would choose. Does this help?

Consider a moral conflict case.

2.8 - Virtue ethics

Limits of virtue theory

Consider this case: my father is extremely ill and his condition is getting worse by the day. He is in extreme pain and the doctors say that he cannot improve. He is also semi-conscious and it is almost impossible to communicate with him. However, in the past he told me that he harbours strong feelings against euthanasia.

Should I relieve him from his pain and **act courageously**

or

should I **act loyally** by upholding his beliefs against euthanasia?

What would a virtuous person do in case the virtues of courage and loyalty clash? As Rachels (2003, p. 189) argues “The admonition to act virtuously does not, by itself, offer much help” in cases of conflict.

2.9 - Virtue ethics

Limits of virtue theory

What would a virtuous person do in case the virtues of courage and loyalty clash? As Rachels (2003, p. 189) argues “The admonition to act virtuously does not, by itself, offer much help” in cases of conflict.

Virtue ethics is, at best, incomplete. Consequentialism and deontology offer moral guidance in this case.

Consequentialism: relieving my father from pain will have, in this case, a net positive effect on the moral community, thus acting courageously is the moral course of action.

Deontology: respecting the rationality, dignity, autonomy and freedom to choose of humans is a duty and universal maxim of conduct, thus acting loyally towards my father is the moral course of action.

3.1 - The social contract

Suppose we start our ethical analysis from a standpoint that is opposite to that of religious ethics. More precisely:

1. from the ontological assumption that there is no God and divine source of morality;
2. and from a particular hypothesis about human nature: humans are naturally self-interested and altruism is wishful thinking (i.e., psychological egoism, cf. chapter 5 Rachels).

Where does morality come from if there is no God and if we are selfish?

From the social contract that self-interested human beings sign in order to solve a practical problem: avoiding the state of nature and live a peaceful and cooperative existence.

3.2 - The social contract

The state of nature is a fiction in a way. But it remains an important analytical tool (Rachels p. 156-7).

Thomas Hobbes (Leviathan, 1651) asks us to think what it would be like if there were no social contract and no social institutions (no government with its laws, police and courts).

Hobbes nonetheless based his fiction on historical considerations: what would happen if a viral infection with a high mortality rate engenders a pandemic?

This thought experiment leads Hobbes to postulate the existence of a state of nature, a situation in which there is:

“.... continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short” (Rachels p. 142).

3.3 - The social contract

The rationale of Hobbes argument is the following:

1. Equality of need: all humans need the same resources to survive;
2. Scarcity of resources: the resources are scarce;
3. Essential equality of human power: no human is superior to everyone else;
4. Limited altruism: we cannot count on spontaneous charity and generosity because people are essentially self-interested.

Scarcity of resources and equality of need means that humans will be in continuous competition for the acquisition of resources; but given that we are essentially equal and that no one will ever prevail in the competition, and given that self-interest and limited altruism cannot be a basis for social cooperation, then **the state of nature is a state of “constant war, of one with all” (Rachels p. 143).**

3.4 - The social contract

The social contract is thus the instrument to escape the state of nature.

The social contract is based on:

1. rules guaranteeing that humans will not harm one another;
2. rules that enforce cooperation and the respect of their agreements.

Hobbes' main point is that only Government and its social institutions (its system of laws, its policing authority and its judiciary) can establish and ensure that these kinds of rules are respected.

It is only within the context of the social contract that we can become altruists, cooperative, beneficent or, as Rousseau put it “different kinds of creatures” (Rachels p. 144-5).

3.5 - The social contract

The social contract explains the role of the Government and also what morality consists in, namely, **the set of rules, governing how people are to treat one another, that rational people will agree to accept, for their mutual benefit, on the condition that others follow those rules as well (principle of reciprocity).**

Contractualism thus makes sense of moral behaviour and conduct:

1. What moral rules should I follow? Those that are necessary for social living;
2. Why are these moral rules justified? Because otherwise there would be no possible cooperation with other humans;
3. Why is it reasonable to follow these moral rules? Because it is to our own advantage and, a fortiori, mutually beneficial to all members of society;
4. Does morality have an objective basis? No “special” facts but objective basis: agreement between rational people for mutual benefit.

3.6 - The social contract

Hence, contractualism has several advantages. It also partially shares the commitments of the minimum conception of morality:

1. Moral judgements must be supported by good reasons (the social contract is an agreement between rational people) and sound moral principles (justified within the framework of the social contract);

But consider the other commitment:

2. Moral arguments require the impartial consideration of each moral agent's interests (Rachels - 2003, pp. 157-9 - argues that contractualism is flawed because it does not comply with this principle).

Hobbes started from the assumption that all humans are equal in terms of need and power (slide 3.3). But we know that, historically speaking, not all humans have been and are considered equal moral agents. The history of humanity is a history of discrimination.

3.7 - The social contract

Consider a situation in which a group of moral agents is discriminated or is not even considered as a part of the contract, as part of the moral community.

Are the members of such groups allowed to break the rules of the contract?

One answer is that this would be allowed when reciprocity is violated. Reciprocity in this sense means that I accept the moral rules of the social contract (henceforth accepting limitations to my freedom) on the condition that others do the same. For instance, we punish criminals because they violate the reciprocity rule.

Another answer is that even the violation of reciprocity is insufficient for civil disobedience.

3.8 - The social contract

A - Civil disobedience is moral

Within the framework of the social contract racial segregation rules have been formulated.

There is an **infringement of the impartiality commitment of the minimum conception of morality** because some groups of people are discriminated.

These people do not enjoy the same benefits of the social contract as others.

The terms of the social contract are not being honoured because reciprocity is not respected.

Hence, civil disobedience and breaking racial segregation laws is allowed.

B - Civil disobedience is immoral

Within the framework of the social contract racial segregation rules have been formulated.

Morality means complying with the rules of the social contract independently of their objectionable nature. **Legal is equivalent to moral.**

All moral agents, even those with less rights, should thus obey all laws and cannot pick and choose.

Otherwise the social contract would be destroyed from within and we would be back to the state of nature.

Hence, civil disobedience and breaking racial segregation laws is never allowed.

3.9 - The social contract

The possibility of discrimination poses a general problem for contractualism: **what is the basis for the moral justification of the rules of the contract?** For instance, how can discrimination legislation be morally justified?

If it is done by referring to the internal standards of the social contract, it's equivalent to cultural relativism. To argue that what is legal is moral seems an abomination. Legislation can be as arbitrary and discriminatory as you wish and it will inevitably be justified.

Thus, the only alternative is that legislation is justified by **referring to moral standards that are external to the contract.** But if this is the case, then the social contract is an ethical theory with limitations because it makes reference to more general moral standards.

3.10 - The social contract

Consider this example: private education is a consistent feature of many national educational systems. Some private education institutions (Eton, UK, established in 1440; annual fee over £ 40,000) are older than the University of Porto (established in 1836) and, more generally, predate the State education system.

Suppose the social contract allows private education.

Suppose also that government possesses evidence that private education creates social fragmentation and class inequality.

Should government change the terms of the social contract and banish private education? **What is the basis for the moral justification of the decision they take?** Any ideas?

Primary resources:

1. Rachels, J. 2003. The Elements of Moral Philosophy. 4th edition. McGraw Hill International Editions, New York (1st ed. 1986). Chapters 4, 11 and 13.
2. Rachels, J. 2004. Elementos de Filosofia Moral, Gradiva, Lisboa. Capítulos 4, 11 e 13.

Secondary resources

1. From <https://embryo.asu.edu/pages/pope-pius-ix-1792-1878>
2. Rachels, J. 2003. The Elements of Moral Philosophy. 4th edition. McGraw Hill International Editions, New York (1st ed. 1986). Chapters 5.
3. Thornhill, R. & Palmer, C.T. 2000. A Natural History of Rape: Biological Bases of Sexual Coercion. MIT Press
Thornhill, R. & Palmer. 2000. Why Men Rape?
<https://www.csus.edu/indiv/m/merlinos/thornhill.html>
4. On Hobbes and the social contract see for instance:
<https://plato.stanford.edu/entries/hobbes-moral/#StaNat>
The Stanford Encyclopedia of Philosophy is an excellent resource for deepening your knowledge and understanding of philosophy and ethics.