

Bioethics - Introduction to moral philosophy

In the next three classes we shall focus on:

1. 15 February - The challenge of cultural relativism;
2. 17/19 February - History of ethics I: from virtue theory to religious ethics to the social contract;
3. 22 February - History of ethics II: consequentialism and deontology.

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Bioethics - Introduction to moral philosophy

1. The challenge of cultural relativism (chapters 1 & 2);
2. History of ethics: from virtue theory (chapter 13) to religious ethics (chapter 4) to the social contract (chapter 10);
3. History of ethics: the big clash between consequentialism (chapters 7 & 8) and deontology (chapters 9 & 10).

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



James W. Rachels

1941-2003

Bioethics - Introduction to moral philosophy

Today:

1. What is ethics;
2. The challenge of cultural relativism;
3. Analysing cultural relativist arguments: the is-ought problem (or naturalistic fallacy);
4. Analysing cultural relativist arguments: the existence of super-cultural moral standards;
5. Debunking cultural relativism: introducing consequentialism and deontology;
6. Overcoming cultural relativism is not enough.

1.1 - What is ethics?

In the last class you were given a definition of bioethics:

“.... the systematic study of human conduct in the area of *the life sciences and health care*, insofar as this conduct is examined in the light of moral values and principles.”

Reich, W.T. 1978. Encyclopedia of bioethics. New York : Free Press. p. xix

Some historical reasons were illustrated in order to understand the emergence of the discipline, among them the development of new technologies (starting with antibiotics and medical ventilators, but think more generally about any biotechnology, for instance gene editing etc.) and the growing concern for the environment and future generations. In brief, **the concern about the impact of the life sciences on the moral community and the environment.**

But what is ethics?

1.2 - What is ethics?

Ethics = the branch of philosophy that deals with moral principles (I will consider ethics and moral philosophy as the same thing)

Ethics is a major part of philosophy (with metaphysics, epistemology and aesthetics)

Metaphysics or ontology = what exists?

Epistemology = what is knowledge?

Aesthetics = what is beauty?

Ethics = what is good?

1.3 - What is ethics?

What makes a course of action good?

Is it the consequences of a course of action on the moral community? Is it the fact that I act according to a maxim that I wish were followed by every moral agent at all times?

Are moral standards objective?

Are moral standards subjective or cultural-dependent or, rather, supra-cultural or even objective?

Who are the relevant moral agents?

A subset of the human population, or all humans, or also humans of future generations, non-human animals, embryos and fetuses etc.?

1.4 - What is ethics?

These are all extremely complicated questions. So much so that we can ask whether “progress” can be made in ethics, in analogy to scientific progress.

It is clear that ethics has evolved and that some ethical judgements are culturally relative:

- An historical tour will show that philosophers have approached the central question “what is good?” in different ways (focus of next two classes).
- **Given that different cultures have different moral codes, the assumption that morality is objective becomes dubious** (focus of today’s class).

2.1 - The challenge of cultural relativism

Should abortion be allowed?

Should euthanasia be legalised?

Should antibiotics be prescribed for viral infections?

Should we all become vegan?

Should modifications of the human genome be allowed?

Should puberty blockers be prescribed to children from age 12?

Should we maintain biodiversity?

Should we start from vaccinating the oldest during the current pandemic?

Fact: there is substantial disagreement on any of these issues between people and cultural traditions. Does this mean that moral standards are subjective or culture-dependent?

2.2 - The challenge of cultural relativism

Infanticide (especially female) has been and is still common among many cultures. For instance, Inuit eskimos (Rachels 2003, p. 17 + pp. 24-5) practiced it by throwing babies into water. **Is this behaviour immoral? And why is it so?**

You can invent your own example: is the Chinese one-child (actually two-children) policy, or infibulation, or abortion up to 24 weeks, or eating animals, or private education or refusing vaccination against Sars-CoV-2 immoral?

Cultural relativism: given that different cultures have different moral codes, is it possible to judge objectively whether they are correct or incorrect? Is there a vantage point from which to make such a judgement? Every one of us belongs to a culture; every moral standard from which to judge whether an action is right or wrong is culture-dependent. **Hence, there are no objective and universal moral truths.**

2.3 - The challenge of cultural relativism

1. Different societies have different moral codes.
2. The moral code of a society determines what is right within that society; that is, if the moral code of a society says that a certain action is right, then that action *is* right, at least within that society.
3. There is no objective standard that can be used to judge one society's code better than another's.
4. The moral code of our own society has no special status; it is merely one among many.
5. There is no "universal truth" in ethics; that is, there are no moral truths that hold for all peoples at all times.
6. It is mere arrogance for us to try to judge the conduct of other peoples. We should adopt an attitude of tolerance toward the practices of other cultures.

2.4 - The challenge of cultural relativism

Moral practices should be better thought of as cultural products. Therefore, from the vantage point of a particular culture, we should not assume that our cultural practices are based on absolute moral standards and impose them forcefully on other cultures. From this, cultural relativism extrapolates a universal generalisation: **any moral practice is equally admirable and none is better than the other; in brief, there are no super-cultural moral standards.**

Implications of cultural relativism:

1. We cannot say that the moral practices of some cultures are superior or inferior to others;
2. The only feasible way to evaluate the morality of an act is by referring to the moral standards of that specific culture;
3. The idea of moral progress becomes meaningless.

3.1 - Analysing cultural relativist arguments: the is-ought problem

Is the argument from cultural relativism sound? **Not if there is an unjustified jump from questions of fact to questions of moral**, committing what has been called the “naturalistic fallacy” (deriving OUGHT from IS).

1. Inuit practice infanticide (FACTUAL premise);
2. There are no super-cultural moral standards; this means that the only moral standard for judging the morality of an action is internal to the Inuit culture (FACTUAL premise);

LOGICALLY JUSTIFIED JUMP ?



Hence, infanticide within Inuit culture is good and moral (MORAL conclusion)

3.2 - Analysing cultural relativist arguments: the is-ought problem

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Hence, infanticide within Inuit culture is good and moral (MORAL conclusion)

LOGICALLY
JUSTIFIED
JUMP ?



1. Davide killed Jorge in circumstance z (FACTUAL premise);
2. Davide has cerebral condition x (observable FACTUAL premise);
3. People with x in circumstance z kill (inference supported by evidence, hence FACTUAL premise);

Hence, Davide should not be convicted (MORAL conclusion)

3.3 - Analysing cultural relativist arguments: the is-ought problem

In order to avoid the naturalistic fallacy, a **moral premise is needed to justify the inference of a moral conclusion from factual premises.**

1. Davide killed Jorge in circumstance z (FACTUAL premise)
2. Davide has cerebral condition x (FACTUAL premise)
3. People with x in circumstance z kill (FACTUAL premise);
4. **Given that Davide cannot, given his condition x, choose how to act in circumstance z, his behaviour is compelled, not free, automatic (FACTUAL premise);**
5. **Automatic behaviour is amoral because moral responsibility requires freedom (MORAL premise).**

LOGICALLY JUSTIFIED JUMP



Hence, Davide should not be convicted (MORAL conclusion)

3.4 - Analysing cultural relativist arguments: the is-ought problem

In order to avoid the naturalistic fallacy, a **moral premise is needed to justify the inference of a moral conclusion from factual premises.**

1. Inuit practice infanticide (FACTUAL premise);
2. There are no super-cultural moral standards; this means that the only moral standard for judging the morality of an action is internal to the Inuit culture (FACTUAL premise);
3. **Infanticide is a way to control population growth in a regime of extremely limited resources while female infanticide is a way to control sex ratio balance in a regime where male premature death is common (FACTUAL premise);**
4. **Measures to curb population growth and sex ratio control are good in a harsh environment like the Arctic (MORAL premise).**

LOGICALLY JUSTIFIED JUMP



Hence, infanticide within Inuit culture is good and moral (MORAL conclusion)

4.1 - Analysing cultural relativist arguments: do super-cultural moral standards exist?

1. Inuit practice infanticide (FACTUAL premise);
- 2. There are no super-cultural moral standards; this means that the only moral standard for judging the morality of an action is internal to the Inuit culture (FACTUAL premise);**
3. Infanticide is a way to control population growth in a regime of extremely limited resources while female infanticide is a way to control sex ratio balance in a regime where male premature death is common (FACTUAL premise);
4. Measures to curb population growth and sex ratio control are good in a harsh environment like the Arctic (MORAL premise).

LOGICALLY JUSTIFIED JUMP but..... MORALLY JUSTIFIED JUMP ?



Hence, infanticide is good and moral (MORAL conclusion)

How is premise 2 justified? **More than a factual premise, it is an ontological assumption or postulation concerning the existence of moral standards.**

4.2 - Analysing cultural relativist arguments: do super-cultural moral standards exist?

Consider this analogy:

1. People x believe the earth is flat while people y believe the earth is roughly spherical;

2. **There are no super-cultural epistemological standards to adjudicate whether the earth is flat or spherical;** thus, the only epistemological standard for judging is internal to culture x or y;

Hence, people x should believe that the earth is flat while people y should believe that the earth is spherical, where these beliefs are going to be the basis of their behaviour.

What is wrong with this argument?

4.2 - Analysing cultural relativist arguments: do super-cultural moral standards exist?

Consider this analogy:

1. People x believe the earth is flat while people y believe the earth is roughly spherical;

2. **There are no super-cultural epistemological standards to adjudicate whether the earth is flat or spherical;** thus, the only epistemological standard for judging is internal to culture x or y;

Hence, people x should believe that the earth is flat while people y should believe that the earth is spherical, where these beliefs are going to be the basis of their behaviour.

What is wrong with this argument? **From the existence of cultural variation do not follow ontological implications concerning the existence of super-cultural epistemological standards: there are several ways to evaluate objectively that the earth is spherical (e.g., lunar eclipse observation).**

4.3 - Analysing cultural relativist arguments: do super-cultural moral standards exist?

1. Inuit practice infanticide (FACTUAL premise);
- 2. There are no super-cultural moral standards; this means that the only moral standard for judging the morality of an action is internal to the Inuit culture (ONTOLOGICAL assumption);**
3. Infanticide is a way to control population growth in a regime of extremely limited resources while female infanticide is a way to control sex ratio balance in a regime where male premature death is common (FACTUAL premise);
4. Measures to curb population growth and sex ratio control are good in a harsh environment like the Arctic (MORAL premise).

LOGICALLY JUSTIFIED JUMP but.... MORALLY UNJUSTIFIED JUMP



Hence, infanticide is good and moral (MORAL conclusion)

What is wrong with premise 2? **From the existence of cultural variation do not follow ontological implications concerning the existence (or lack thereof) of super-cultural moral standards.**

4.4 - Analysing cultural relativist arguments: do super-cultural moral standards exist?

The more general question is whether the acknowledgement that moral codes and customs have changed through history and that there exists abundant cultural variation concerning many human ethical practices indeed shows that **there is no common core in the variety of existing ethical cultural practices.**

Alternative: **there is much more in common between cultures than the cultural relativist assumes**: not every moral standard varies from culture to culture, but some are **trans-cultural** or even possibly **universal**.

Indeed, some norms are basic and necessary for society to exist, so that they can be considered “moral cultural universals” (Rachels 2003, p. 26).

Let me give you two general examples.

5.1 - Debunking cultural relativism

A moral standard that approaches a moral cultural universal is the evaluation of courses of action in terms of their effects on the members of the moral community.

Measures to curb population growth and sex ratio control are good in a harsh environment like the Arctic because the child's family and the entire population will benefit from this practice.

The logic of this justification is that, in circumstance x, course of action y is good because it has, everything considered, **a net positive consequence for the moral community.**

Therefore, **a course of action is good if it generates consequences on the moral community that are, on the balance, better than alternative courses of action.**

This is the essence of **consequentialism** (22th February class).

5.2 - Debunking cultural relativism

1. Inuit practice infanticide (FACTUAL premise);

2. Consequentialism provides super-cultural moral standards of evaluation (ONTOLOGICAL assumption);

3. Infanticide is a way to control population growth in a regime of extremely limited resources and female infanticide is a way to control sex ratio balance in a regime where male premature death is common (FACTUAL premise);

4. Measures to curb population growth and sex ratio control are good when they generate consequences that are, on the balance, beneficial for the moral community (MORAL premise).

LOGICALLY JUSTIFIED JUMP & MORALLY JUSTIFIED JUMP



Hence, infanticide is good and moral (MORAL)

Premise 4 can be interpreted from a consequentialist perspective (premise 2) that makes the conclusion justified.

5.3 - Debunking cultural relativism

Another moral standard that is at least trans-cultural is the evaluation of courses of action in terms of universal maxims of conduct.

Children are persons with independent interests and persons cannot be used as means or instruments for the benefit of others. Any evaluation in terms of consequences misses this crucial point. Children, like all persons, are ends in themselves. Thus, killing children is always wrong.

In order to evaluate any possible course of action x, you should ask yourself whether you would be willing that x is chosen by everyone all the time. What would happen if everyone practiced infanticide all the time? Infanticide, from this perspective, is not morally permissible.

Extrapolation: a course of action is good if it is performed in accordance to universal maxims of conduct.

This is the essence of **Kantian ethics or deontology** (22th February class).

5.4 - Debunking cultural relativism

1. Inuit practice infanticide (FACTUAL premise);

2. Deontology provides super-cultural moral standards of evaluation (ONTOLOGICAL premise);

3. Infanticide is a way to control population growth in a regime of extremely limited resources and female infanticide is a way to control sex ratio balance in a regime where male premature death is common (FACTUAL premise);

4. Measures to curb population growth and sex ratio control are always bad because children are ends in themselves and because these practices cannot be universalised (MORAL premise).

LOGICALLY JUSTIFIED JUMP & MORALLY JUSTIFIED JUMP



Hence, infanticide is bad and immoral (MORAL conclusion)

Premise 4 can be interpreted from a deontological perspective (premise 2) that makes the conclusion justified.

6.1 - Overcoming cultural relativism is not enough

The existence of super-cultural moral standards like those endorsed by consequentialism and deontology shows that cultural relativism can be resisted and that moral progress is possible.

Rachels argues that there is a common core and a “minimum conception” of morality shared by all ethical theories (chapter 1). This is surely partially true.

Rachels is right to say that moral judgements must be supported by “good reasons” rather than by mere expressions of taste and culturally-relative customs (sections 3, 4 and 5 aim to show this). It might also be added that the conception of moral agent belonging to the moral community has been, throughout history, progressively widened, probably the clearest instance of moral progress.

6.2 - Overcoming cultural relativism is not enough

At the same time, the existence of the “minimum conception” of morality does not prevent systematic ethical disagreements.

One problem that should already be obvious is that super-cultural moral standards often clash: as I’ve shown (slides 5.2 and 5.4), consequentialism might justify infanticide but deontology does not.

More generally, why endorsing consequentialism rather than deontology?

The clash between super-cultural moral standards is systematic. Consider this case:

POLICY: should national borders be closed during this pandemic?

6.3 - Overcoming cultural relativism is not enough

Factual considerations: evidential basis in support or against the policy

- A. closing borders limits the introduction of more transmissible and/or lethal Sars-CoV-2 variants originating abroad and hence protects the local population;
- B. closing borders protects the success of the local vaccination programme;
- C. closing borders negatively affects the lives of many people as well as economic activity;
- D. closing borders potentially eradicates infection locally, but not globally;
- E.

6.4 - Overcoming cultural relativism is not enough

Moral considerations: ethical rationale underlying the policy

Cultural relativists would argue that every culture applies local and culturally-specific moral standards to decide whether to pursue this policy. In effect, border control policy is very idiosyncratic around the globe.

Rachels would argue that, as a matter of fact, super-cultural moral standards are inevitably applied when the moral justification of the policy is at issue.

I think Rachels is right, but of course the existence of super-cultural moral standards is insufficient to determine whether the policy is moral.

6.5 - Overcoming cultural relativism is not enough

POLICY: should national borders be closed during this pandemic?

The existence of super-cultural moral standards is insufficient to determine whether the policy is moral.

The deeper problem is that the policy might be justified according to some moral standards and not others.

How can the policy be ethically justified? Examples?

Tips: consequentialist justification in terms of the effect of the policy?
Deontological justification in terms of what governments have the duty to do?

6.6 - Overcoming cultural relativism is not enough

POLICY: should national borders be closed during this pandemic?

Examples of ethical justification by means of super-cultural moral standards:

1. **consequentialism**: if the negative consequences of closing borders outweighs the positive consequences, the policy is immoral, otherwise it is moral;
2. **deontology**: if the obligation of governments is to save lives rather than livelihoods, the policy is moral;
3. **global ethics**: local eradication should be accompanied by a global effort to eradicate contagion even in countries with no resources; if this cannot be done, then closing borders aiming at local eradication is immoral; if it can be done, it is moral.

Is there any way in which we can show that an ethical theory is better than the others? We'll see in the next two classes.

Primary resources:

1. Rachels, J. 2003. The Elements of Moral Philosophy. 4th edition. McGraw Hill International Editions, New York (1st ed. 1986). Chapters 1 and 2.

2. Rachels, J. 2004. Elementos de Filosofia Moral, Gradiva, Lisboa. Capítulos 1 e 2.

Secondary sources

1. Reich, W.T. 1978. Encyclopedia of bioethics. New York : Free Press.

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.

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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.

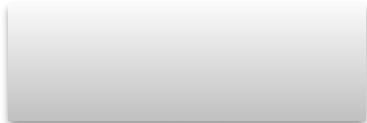
It is because of such implications that Divine Command Theory has been largely abandoned.

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

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 ‘aminated’ 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>

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?

3.11 - The social contract

What is the basis for the moral justification of the decision taken by governments when they consider changing the terms of the contract?

1. Private education creates an unfair advantage to the few who can afford it. It is a violation of the **moral principle of equal opportunities** for all. It should thus be banned.
2. Private education has, based on the evidence available, a **negative effect on society**. It should thus be banned.
3. Many transnational legislative frameworks (e.g., the Universal Declaration of Human Rights (UDHR) Article 26 (3)) allow parents to choose the kind of education they want their children to have (e.g., in accordance with religious views). Thus, **the right to opt for private education** should be protected by law.

It is inevitably by appealing to general or universal moral standards (e.g., equality, consequentialism, human rights) external to the contract that governments can morally justify educational policies.

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.

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 (chapters 7 and 8) and deontology (chapters 9 and 10).**

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. virtue theory is at best incomplete because when I can act virtuously in accordance to conflicting virtues it doesn't provide clear guidance;
2. religious ethics does not provide a distinctively moral position on moral issues but relies on more general, a-religious, moral standards;
3. the social contract is an ethical theory with limitations because it makes reference to more general moral standards that are not specific to the contract itself.

In all such cases, the argument was that all such theories ultimately rely on super-cultural deontological or consequentialist considerations.

1.1 - Deontology

Deontology: ethics based on duty and obligation rather than an 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.

But how is it possible to evaluate courses of action without considering consequences?

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

1.2 - Deontology

Analysing the nature of moral obligation, Kant first distinguishes between **hypothetical and categorical imperatives**.

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

E.g.: my desired aim is to contain Covid-19 infections; restricting trips abroad is instrumental to achieve this aim; hence, I OUGHT to refrain from trips abroad.

This is the epitome of instrumental thinking: given desirable aim x, course of action y is a means to achieve x.

1.3 - Deontology

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.

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

While hypothetical oughts are justified instrumentally as means to achieve our desired aims, **categorical oughts are justified by reason**, derived from a **principle that every rational agent must accept**, the famous categorical imperative:

“Act only according to that maxim by which you can at the same time will that it should become a universal law” (Kant, I. 1785. Groundwork of the Metaphysic of Morals, cf. Rachels p. 121).

1.4 - Deontology

“Act only according to that maxim by which you can at the same time will that it should become a universal law” (Kant, 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.

1.5 - Deontology

Not lying is an absolute moral rule because:

1. the rule “It is permissible to lie” would, if adopted universally, be self-defeating;
2. we might think that, in particular circumstances, the consequences of honesty might be bad, but Kant argues that this consequentialist way of thinking is flawed because *we can never know with certainty* that good consequences will ensue by lying; furthermore, even lying for altruistic motives (e.g., saving someone’s life) might have negative unpredictable consequences;
3. thus, the best policy is always to *avoid the known evil* because, even in case our honesty will generate negative consequences, it will not be our fault as we have done our duty.

1.6 - Deontology

Consider a situation where by lying I might save someone's life and by being honest I might facilitate the murder of an innocent person.

Isn't in such circumstances moral to lie?

Should we be so pessimistic as Kant and agree that we cannot know at all what consequences an action will have?

Can we refrain from even considering the potential consequences of our conduct?

And is it acceptable to consider someone responsible for the negative consequences of lying but not for the negative consequences of honesty?

Kant's deontology is extremely demanding.

1.7 - Deontology

Another aspect of Kantian ethics is that humans are special because only humans can be treated as **rational, conscious and free agents**.

Rationality is key because without rationality there is no morality: the moral law is the law of reason and without rational beings the moral dimension of the world would disappear.

Humans in this sense have an intrinsic worth as **ends in themselves**.

Humans are the only living beings for whom mere “things” have value. **But the value of a human is absolute.**

Thus we have a duty to the promotion of their welfare:

Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.

1.8 - Deontology

Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.

This is a second version of the categorical imperative (Kant, I. 1785. Groundwork of the Metaphysic of Morals, Rachels p. 131).

How does it relate to the first formulation? And what does this mean?

The crucial idea is that treating humans as ends in themselves means respecting their rationality.

Consider the issue of how we should treat criminals.

For Kant, rehabilitation is incompatible with human dignity; the treatment of criminals depends on treating humans as rational, conscious and free agents, on treating them as agents who act in accordance to the universalisation maxim (the first formulation of the categorical imperative, slides 1.3-1.4).

1.9 - Deontology

Punishment should thus work according to two principles:

1. people should be punished only because they have committed crimes rather than being conducive to the rehabilitation of the individual or the reparation of the social damage they have caused, as this would treat them as means to an end; if we treat people as needing rehabilitation, we would violate their status as rational, conscious and free agents;
2. punishment should be proportional to the seriousness of the crime; for instance, capital punishment is moral because “if you kill another, you kill yourself” (Rachels p. 137); **execution is the only way to respect a murderer as a rational, conscious, free agent who, as a moral agent, has dignity and responsibility**; only in this way we are treating murderers as moral agents who comply with the first version of the categorical imperative.

Some will find this line of reasoning objectionable.

2.1 - 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.

2.2 - Utilitarianism

John Stuart Mill: 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 (Mill, J.S. 1861. Utilitarianism. Chapter 2, cf. Rachels p. 93):

This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality, which may accordingly be defined, as 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 of sentient creation.

2.3 - Utilitarianism

Consequentialism: evaluation of a course of action in terms of its consequences on the moral community.

Note that there is no reference to the **desired goal** of the course of action.

Utilitarianism: 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 etc.). Actions are moral insofar as they promote happiness (defined as presence of pleasure and absence of pain).

2.4 - 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). The reason is that sentient beings are those beings that can experience pain and pleasure (cf. classes on animal ethics).

This form of universalism implies **impartiality**, i.e., the subordination of personal interest to the promotion of the happiness of all sentient beings of the moral community. As Mill (Mill, J.S. 1861. Utilitarianism. Chapter 2) said (Rachels p. 102):

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.

2.5 - Utilitarianism

Utilitarianism:

1. provides a powerful alternative to religious ethics and Kantian ethics;
2. clarifies in simple terms understandable to everyone what the end of moral action is;
3. is easily applicable to a variety of ethical dilemmas, providing possible solutions;
4. provides a super-cultural (indeed universal) standard of moral evaluation, complying with the first requirement of the minimum conception of morality;
5. complies with the impartiality criterion of the minimum conception of morality: all sentient beings are equal members of the moral community.

2.6 - Utilitarianism

Of course, utilitarianism can be criticised for many different reasons:

1. Hedonistic principle = only pleasure is intrinsically good?
2. Impartiality criterion = happiness of all sentient creation should be impartially considered: would it be really immoral to privilege the welfare of yourself and your family when you act?
3. Consequentialism = courses of action and social policies are to be evaluated merely in terms of consequences: but is this enough?
4. Estimation Problem: the calculation of the pain and pleasure generated by an action or social policy on the moral community is fraught with insurmountable 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 is looking for the criminal but have no clue. Eventually, they target my neighbour, an old and solitary person with minor criminal precedents as a child molester. I don't know this social outcast 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 consequentialist perspective, the action is “good” if it generates an increase in social happiness; preventing social chaos increases social happiness while framing a social outcast decreases it; however, on the balance, social happiness increases, so framing the non-guilty person is good.

From a deontological prospective, lying is immoral (slide 1.5); framing someone even more so (think about universalising this behaviour).

Framing someone is also incompatible with the principle of justice (i.e., treat everyone equally according to the same impartial moral standards): it is obscene to hold someone responsible of a crime that he/she has not committed.

Consequentialism thus clashes with deontology and other moral intuitions (e.g., the principle of justice). 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 consequentialist defence and the deontological condemnation of infanticide practices.

From a consequentialist perspective, if infanticide promotes happiness in the moral community, it is good (see class 1 slide 5.2).

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 (see class 1 slide 5.4).

Consequentialism thus clashes with deontology and the idea that moral agents have natural rights.

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

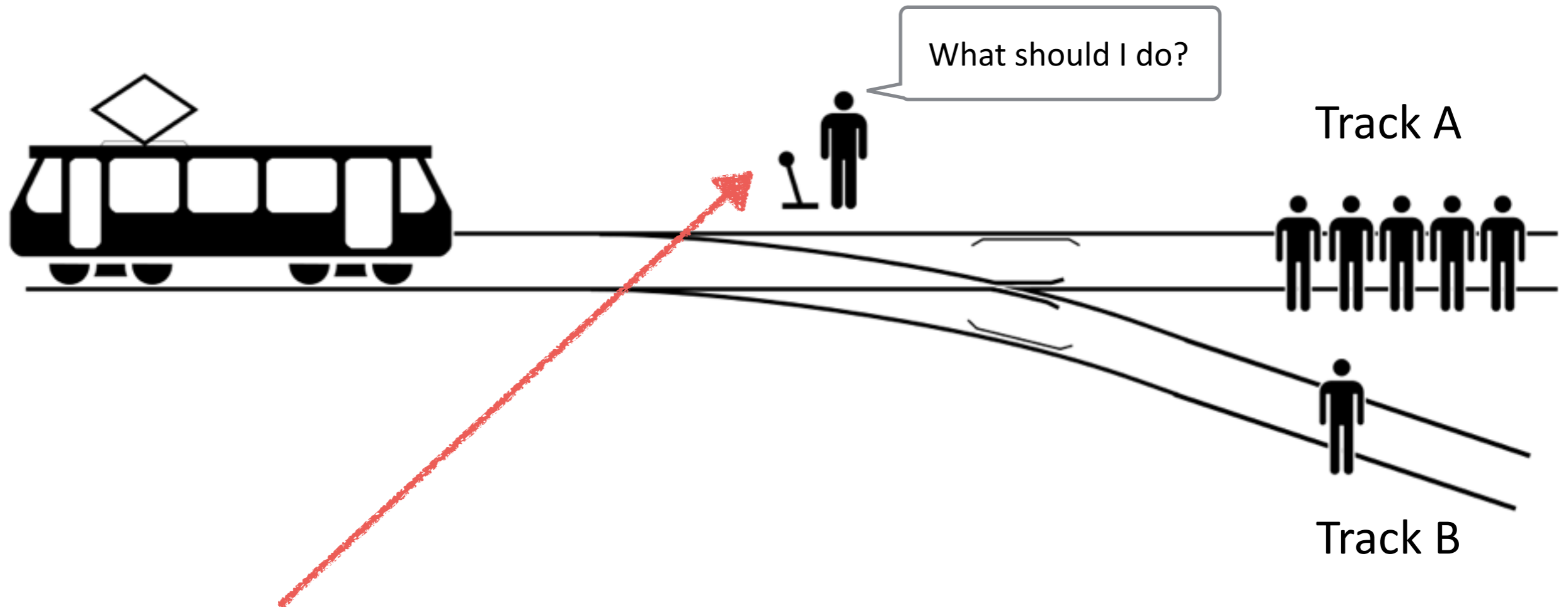
2.10 - Utilitarianism

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?

In the infanticide case (class 1, slides 5.1-5.4), a moral intuition is that every child has the right to live and flourish. But what about the rights to live and flourish of the children's family and social group? Does the intuition hold when the alternatives are sacrificing a child for the benefit of several members of the moral community of interest?

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 happiness generated by actions and social policies because:

a. sometimes the estimate requires the comparison between incommensurable units of analysis; for instance, governments introduce lockdown policies with the aim of reducing the number of Covid-19 infections; the policy on the one hand saves lives but, on the other, has health costs (e.g., on non-Covid-19 patients) and social costs (e.g., job loss); how can the benefits (e.g., lives saved) and costs (e.g., job losses) of the policy be compared?

b. short-term, medium-term and long-term consequences on the moral community are difficult to compare; for instance, lockdowns have short-term benefits; but what are their societal costs in the long term?

Case study 1

March 2020: a viral infection with an expected infection fatality rate of 0.7 % emerges; we do neither have known drugs nor vaccines to fight it; mortality is affecting mainly the older generations; vaccines will need a long time to be developed and we have no idea how effective they will be.

Should population immunity through natural infection be pursued by governments (what has been called “herd immunity”)?

How might deontology and utilitarianism direct governments’ policy in such circumstances?

Case study 1

Deontology: saving lives should be the driver of governments' policies; lockdown is best to save lives; an indefinite lockdown until drugs or vaccines are available is needed; **an herd immunity policy is hardly justifiable.**

Utilitarianism: saving lives is not enough; sustainable social policies should be the driver of governments' policies; the best policy is to keep the infection level low enough as not to lead to collapse of health system; some people will inevitably die, but closing society until the availability of vaccines and drugs is not feasible because they might not arrive soon; **some form of herd immunity policy is thus justifiable.**

Where do you stand?

Case study 2

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?

Case study 2

Deontology argues that all humans are ends in themselves and that we cannot universalise any discriminatory course of action. On this basis, **we give access to intensive care units on a random basis, lottery-style.**

Utilitarians think in terms of happiness of the entire moral community; in this respect, considerations concerning the social role of patients are important in moral evaluation. Utilitarians also think in terms of long-term happiness, so considerations of life-expectancy are important in moral evaluation. On this basis, **we give access to intensive care units on a priority basis** (first to pregnant women and parents of children only afterwards to patients with lower life expectancy).

Where do you stand?

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

Thomson, J.J.. 1976. Killing, Letting Die, and the Trolley Problem. The Monist 59:204-17

Summing up: the examination questions (in English) relative to these three classes on the introduction (extremely quick) to moral philosophy will be based on Rachels' book:

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

Rachels, J. 2004. *Elementos de Filosofia Moral*, Gradiva, Lisboa.

The questions will be based on:

1. the pdfs of the presentations of the classes and
2. on chapters 1, 2, 4, 7, 8, 9, 10, 11, 13 of Rachels' book that I have partially explained in the classes.

You can contact me by email for any doubt and issue at:

dvecchi@fc.ul.pt

I shall also teach you the classes on abortion, euthanasia and animal sentience from the end of March.