

Bioethics - Introduction to moral philosophy

III

Three classes:

1. ~~2/4 March - Introduction to ethics I: the challenge of cultural relativism; overcoming relativism is not enough (chapters 1, 2);~~
2. ~~7 March - History of ethics II: virtue theory (chapter 13), religious ethics (chapter 4) and the social contract (chapter 11);~~
3. 9/11 March - History of ethics III: consequentialism and deontology.

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

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Summing up - Incomplete ethical theories

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

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

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

1.1 - Deontology

“Two things fill the mind with ever new and increasing admiration and awe, the more often and steadily reflection is occupied with them: the starry heavens above me and **the moral law within me.**”

Kant, I. 1788. Critique of Practical Reason. p. 166

https://www.bard.edu/library/arendt/pdfs/bc_Arendt_Kant_CritiquePracticalReason.pdf

1.2 - 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.

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

1.3 - Deontology

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

Consider the concept of law:

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

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

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

1.4 - Deontology

Kant grants that every human seeks happiness. So what is the problem in basing a morality on a hedonistic basis? One reason is that happiness is linked to the individual's desire or "inclination". A second reason is that happiness is an "indeterminate" concept that cannot provide the basis of morality (Kant 1785 pp. 28-29).

What is left then to ground morality on?

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

1.5 - Deontology

Kant 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 aim is to teach good ethics classes; properly studying Kant is instrumental to achieve this aim; hence, I OUGHT to study Kant.

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

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

1.6 - Deontology

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

Categorical oughts are not hypothetical. They have another logical form: “I OUGHT to do x”.

No finality is considered and no analysis in instrumental terms is required. But, how can we be obligated to follow course of action x regardless of the end we wish to achieve?

Given that categorical oughts cannot be justified instrumentally, they can only be justified **by pure reason**, derived from a **principle that every rational agent must accept**.

1.7 - Deontology

“Since I have deprived the will of every impulse that could arise for it from obeying some law, **nothing is left but the conformity of actions as such with universal law**” Kant 1785, p. 15

The only possible categorical imperative is to aspire to make your maxim* of action a universal law:

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

* The maxim refers to the individual’s principle of action or conduct, which is determined both by reason and the individual’s “inclinations” (e.g., desires, particular existential conditions etc.).

1.8 - Deontology

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

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

1.9 - Deontology

Examples 1: person feeling suicidal because desperate.

“1) His maxim is: from self-love I make it my principle to shorten my life when its longer duration threatens more troubles than it promises agreeableness. The only further question is whether this principle of self-love could become a universal law of nature. **It is then seen at once that a nature whose law it would be to destroy life itself** by means of the same feeling whose destination is to impel toward the furtherance of life **would contradict itself and would therefore not subsist as nature; thus that maxim could not possibly be a law of nature**” Kant 1785, pp. 31-2

“Some actions are so constituted that their **maxim cannot even be thought without contradiction as a universal law of nature**, far less could one will that it should become such.” Kant 1785, p. 33

1.10 - Deontology

Example 2: a talented person preferring pleasure to talent cultivation.

“But he still asks himself whether his maxim of neglecting his natural gifts, ... is ... consistent with what one calls duty. He now sees that a nature could indeed always subsist with such a universal law ... ; only **he cannot possibly will that this become a universal law ... For, as a rational being he necessarily wills that all the capacities in him be developed, since they serve him and are given to him for all sorts of possible purposes.**”

Kant 1785, pp. 32-3

Maxim is not contradictory as a universal law of nature but

“... it is still impossible to will that their maxim be raised to the universality of a law of nature because such a will would contradict itself.” Kant 1785, p. 33

1.11 - 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.

1.12 - 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.

1.13 - Deontology

After illustrating the categorical imperative in action, Kant (1785, pp. 34-39) enquires about its derivation: is there really a categorical imperative?

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

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

1.14 - Deontology

Humans (and all rational beings) 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.** We are not things but “**persons**”.

Thus we have a duty to the promotion of humans’ welfare:

The practical imperative will therefore be the following: *“So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”* Kant 1785, p. 38

1.15 - Deontology

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

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 1.7-1.8).

1.16 - 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.

1.17 - Deontology

Punishment should thus work according to two principles:

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.

2.1 - Utilitarianism

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

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

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

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

2.2 - Utilitarianism

Mill thinks, contrary to Kant, that happiness is achievable.

“.... No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. **This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good:** that each person’s happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons.” Mill 1863, pp. 35-6

2.3 - Utilitarianism

Mill, contrary to Kant (slide 1.4) thinks that happiness comes in many different forms:

“To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and grovelling; **as a doctrine worthy only of swine**, to whom the followers of Epicurus were, at a very early period, contemptuously likened...” Mill 1863, p.10

“It is quite compatible with the principle of utility to recognise the fact, that **some kinds of pleasure are more desirable and more valuable than others.**” Mill 1863, p. 11

2.4 - 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.

2.5 - Utilitarianism

Mill's and Kant's views are so incompatible that Mill starts his book with a criticism of Kant's position:

“This remarkable man [Kant], whose system of thought will long remain one of the landmarks in the history of philosophical speculation ... when he begins to deduce from this precept [i.e. the categorical imperative] any of the actual duties of morality, **he fails, almost grotesquely, to show that there would be any contradiction**, any logical (not to say physical) impossibility, **in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the consequences of their universal adoption would be such as no one would choose to incur.**” Mill 1863, pp. 7-8

2.6 - Utilitarianism

Here Mill is making two points.

First, as we saw before (slides 1.9-1.10), Kant “fails grotesquely” to show that individuals’ maxims are either in contradiction with nature or even logically incoherent.

Secondly, he argues that **Kantian ethics is consequentialism in disguise**: “All he [Kant] shows is that the consequences of their universal adoption would be such as no one would choose to incur.” Mill 1863, pp. 7-8

Is Mill right?

2.7 - Utilitarianism

Let us take a look again at the Kant's example of suicide (slide 1.8).

Can the maxim of the suicidal person become a universal law?

Mill argues that **the only way to evaluate this is by taking into consideration the consequences of this practice becoming common, which is a form of consequentialist analysis.**

This is what Kant says: "The question is whether this principle of self-love could become a universal law of nature." Kant 1785, p. 32.

What kind of evaluation is this if not consequentialist?

2.8 - Utilitarianism

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

2.9 - Utilitarianism

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

Utilitarianism is a **hedonist** moral theory.

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

2.10 - 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 (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.

2.11 - 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 difficulties.

Let us consider criticisms 3 and 4.

2.12 - 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?

2.13 - Utilitarianism

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

From a deontological prospective, lying is immoral (slide 1.11-1.12); framing someone even more so (think about universalising this behaviour).

Consequentialism thus clashes with deontology.

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

2.14 - 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 general happiness in the moral community, it is good (see class 1 slides 4.1-4.3).

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 slides 4.4-4.6).

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

2.15 - 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?

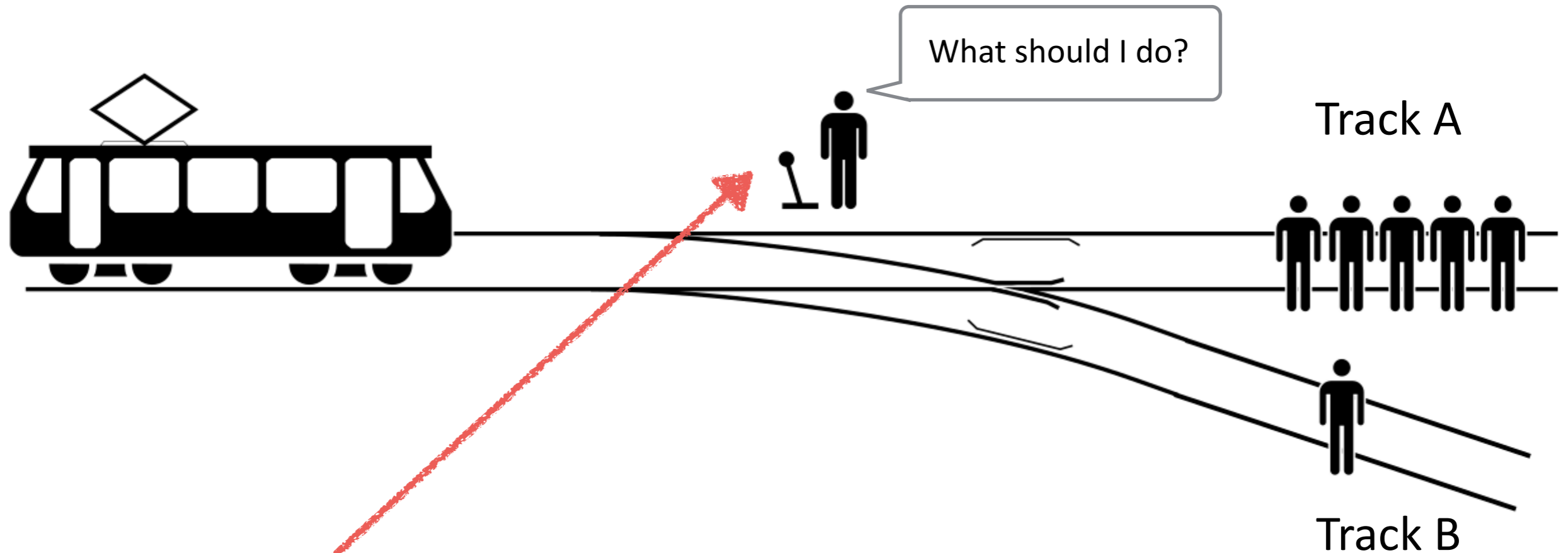
Consider the example of false testimony. The intuition is that framing an innocent is unjustifiable.

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?

The same applies to the infanticide case.

2.16 - 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?**

2.17 - Utilitarianism

The limits of utilitarianism: the estimation problem

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

- a. **sometimes the estimate requires the comparison between incommensurable units of analysis:** e.g., lockdown policies save lives but have health (e.g., on non-Covid-19 patients) and social costs (e.g., job loss); how can the benefits and costs of the policy be compared?
- b. **short-term, medium-term and long-term consequences on the moral community are difficult to compare;** e.g., 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 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 vaccines or drugs are available is not feasible because they might not arrive soon; **some form of herd immunity policy is thus justifiable.**

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?

Is triage (i.e., determining a specific order for treatment on the basis of some medically relevant parameter) morally justifiable?

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).

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

1. Kant, I. 1785 (1997) Groundwork of the Metaphysics of Morals. Cambridge University Press.
<https://cpb-us-w2.wpmucdn.com/blog.nus.edu.sg/dist/c/1868/files/2012/12/Kant-Groundwork-ng0pby.pdf>
2. Mill, J.S. 1863. Utilitarianism. Batoche Books, Kitchener [2001].
<https://socialsciences.mcmaster.ca/econ/ugcm/3ll3/mill/utilitarianism.pdf>
3. 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:

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I shall also teach you the classes on abortion, euthanasia and animal sentience.