

**MATTERS  
OF  
LIFE AND DEATH**

# Introduction

TOM REGAN

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## §1 KILLING AND LETTING DIE

The essays in this volume deal with questions about the value of life and the morality of killing and letting die. It is difficult to imagine more important questions. We live amid a sea of death-by-killing, something we are reminded of every day by stories in the news. A husband decapitates his wife and children, then leaps to his own death. A convicted murderer is executed by a firing squad or by lethal injection. Wars between nations break out and the death toll of combatants and civilians mounts daily. In hospitals and clinics, millions of human fetuses are aborted every year. Elsewhere, a fatally ill woman, wracked by unrelenting, untreatable pain, is given an overdose of sleeping pills by her son and dies quietly in her sleep. Familiar stories all. We know them well, at least at a distance. They are what people talk about. A lot.

How ought we to think about these cases of killing? In the case of suicide, for example, ought we to think that all suicides are wrong and should be prevented? Or is it more reasonable to think that no one has a right to stop people from doing what they want, including taking their own lives? Does a person's age make any difference? And what of the suicide's mental condition? Or imagine: A close friend has been in an automobile accident. His face is permanently disfigured. He has lost both arms. He will never walk again, never even leave his bed. He is in almost constant pain. He pleads with us to kill him. Ought we to do so? Since he is not going to die soon as a result of his injuries, wouldn't we be guilty of murder if we killed him? And isn't murder always wrong? The questions come easily. Answers, and the means of defending them, may not.

The issues we must face go beyond just those that involve killing, however. Imagine that a baby is lying face down in a shallow pond. We can save the child if we but lift her from the water. Suppose we don't and the child drowns. Here there is no question of our *killing* the baby. But we *have* let the baby die. And sometimes letting someone die seems to be a terribly immoral thing to do. Yet an estimated ten thousand human beings die every day from lack of food. If we are doing nothing to prevent this, are we then just as guilty as someone who would let a small baby drown when this could be prevented? Or, again, unknown numbers of "defective" newborns are denied the necessary care that would prolong their lives: they are "allowed to die," sometimes over a period of days, often in apparently acute pain. Can this be justified? And if it can, why not simply kill these infants outright by painless means rather than allow their lingering, pointless suffering? Like the questions about the morality of suicide, these questions cannot be omitted from an examination of the morality of killing and letting die.

But not just human beings are killed; not just human beings are allowed to die. In all large cities, vast numbers of animals are killed every day to supply people with the meat they are accustomed to eating. More than five billion animals are killed every year, just in the United States, to be eaten as steaks and chops, drumsticks and roasts. In these same cities, moreover, scientists are daily at work testing the safety of new products, such as deodorants and eye shadow, by using laboratory animals. Can this use of animals be justified? Or is their routine use as "models" morally objectionable? Ought it to be stopped? If we are seriously to think about the morality of killing and letting die, the killing and letting die of animals cannot escape our notice.

But there is more. Virgin forests and wilderness areas are destroyed to make room for roads, pipelines, resort complexes. Rivers become clogged avenues of waste and pollution, and myriad forms of complex vegetative and animal life are destroyed. Entire species are rendered extinct. There is even talk of the oceans "dying." Are we doing anything wrong when we treat nature in this way, and if so, why? Is it possible to develop an environmental ethic in which trees and fields, the creatures of the sea and sagebrush have a *right* to life? Or is the idea of a right necessarily restricted to human beings?

The essays in this volume explore these and related questions. The authors are moral philosophers. Moral philosophers are persons who take a special interest in thinking carefully about questions that concern moral right and wrong, good and bad, duty and obligation. Their objectives include understanding questions like those posed in the preceding paragraphs and in giving what they think are the most reasonable answers to them.

Like others who seek to replace opinion with understanding, these

philosophers do not always agree on what is true. Some affirm that individuals have value; others deny this. Some argue that people have rights; others fail to see them. So we must not expect to find unanimity on all important questions in the pages that lie ahead. But despite the presence of some vital disagreements, the contributors to this volume agree about many essential matters; for example, they think that some tempting ways to answer moral questions are mistaken and confused. Agreement at this level is important. Without it the present collection of essays would have as much organization as Joe, Curley, and Moe have when they try to enter a door at the same time. The remainder of this introduction attempts to highlight some of the shared assumptions the contributors bring to their work, assumptions that more often than not go unstated. The hope is that by understanding what they do not say we might better understand what they do.

## I. META-ETHICS

### §2 CONCEPTUAL ANALYSIS

The first idea that requires attention is that of conceptual analysis. Philosophers frequently use the words "conceptual analysis" to refer to the activity of clarifying our concepts or ideas. Since we use words to express our concepts, the goal of conceptual analysis is to reach a clearer understanding of the meaning of words. Achieving such clarity is absolutely vital. If we do not have a clear understanding of the meanings of words, we will not have a clear understanding of our questions. And if we do not understand our questions, we will not understand what count as answers to them. This is especially true in the case of questions that ask whether something is morally right or wrong—for example, whether the use of violence is wrong. If we do not understand what violence is, how can we even begin to consider the question of its morality?

One way to think about conceptual analysis is in terms of necessary and sufficient conditions. If  $x$  is a necessary condition of  $y$ , then  $y$  cannot be the case if  $x$  is not the case; in other words, if not  $x$ , then not  $y$ . Being a plane closed figure or having interior angles, for example, is a necessary condition of something's being a triangle. A sufficient condition is different. If  $a$  is a sufficient condition of  $b$ , then  $b$  will be the case if  $a$  is the case; that is, if  $a$ , then  $b$ . Being a plane closed figure with only three sides or only three interior angles, for example, is a sufficient condition of something's being a triangle.

A necessary condition may not also be sufficient, and vice versa. For example, while being a plane closed figure is a necessary condition of something's being a triangle, it is not sufficient: There are many plane closed figures that are not triangles—e.g., rectangles. Again, that

something is a Cadillac Seville is a sufficient condition of its being a car, but being a Cadillac Seville is not a necessary condition of being a car: There are many cars that are not Cadillac Sevilles.

The ideas of necessary and sufficient conditions relate to the activity of conceptual analysis in the following way. Conceptual analysis can be understood as the attempt to state the necessary and sufficient conditions of the correct use of a given concept. The aims of conceptual analysis, on this view, are thus (1) to state, so far as it is possible, those conditions which, if they are *not* satisfied, prevent the concept in question from being correctly applied—the necessary conditions of correct use—and (2) to state those conditions which, if they *are* satisfied, permit the concept to be correctly applied—the sufficient conditions of correct use. In this view of conceptual analysis, an analysis is itself correct to the extent that it states the necessary and sufficient conditions of correct use.

Now, sometimes it is not possible to give a complete set of necessary and sufficient conditions, and sometimes the conditions given cannot be very precise. For example, though a triangle must have no more nor less than three interior angles, how many hairs a person must be missing to be bald is far less precise. We should not expect all concepts to be analyzable in the way concepts in mathematics are. Some “defy analysis” in the sense that it is not possible to give a complete set of quite precise necessary and sufficient conditions. However, even in the case of these concepts, one ought to strive to reach the highest degree of completeness and precision possible. The more complete and exact we can make our understanding of a given concept, the more likely we will be to understand those questions in which the concept figures.

If we think of the concepts that play central roles in the essays in this volume—suicide, euthanasia, and punishment, for example—we can anticipate some difficulties for conceptual analysis. Unlike ‘triangle’, these concepts are not very precise. Take suicide. Many people think that a necessary and sufficient condition of a man’s act being a suicide is that he killed himself intentionally. But both these ideas—‘intentional’ and ‘self-killing’—are not as precise as ‘three interior angles’, which makes it necessary to think hard about them to see just what they do and do not mean. In his essay on this topic, Tom L. Beauchamp discusses this analysis of suicide and considers cases that call its correctness into question—for example, a case where a terminally ill man refuses medical treatment that would prolong his life and dies as a result. Here there seems to be no reason to say that the man killed himself—the disease killed him. And yet, might it not be true to say that he committed suicide?

The reasons that can be given for or against competing analyses of the concept of suicide must await a reading of Beauchamp’s essay. And similar remarks apply to alternative analyses of the other important concepts that dot the landscape in each of the essays. In the

essays by Donald VanDeVeer and Joel Feinberg, for example, the concept ‘person’ is examined at length, and the view that being a human being is a necessary and sufficient condition of being a person is subjected to a critical review. As these examples suggest, philosophers do not always agree on what the correct analysis of a given concept is, even when they agree that conceptual analysis is important. The merits of alternative analyses will have to be considered in the essays that lie ahead.

### §3 IS THERE A CORRECT METHOD FOR ANSWERING MORAL QUESTIONS?

The conceptual analysis of key moral concepts is one part of what is called “meta-ethics.” The other major component of meta-ethics is the inquiry into the *correct method* for answering moral questions. Such a method would function in the case of moral questions in ways that are analogous to how the scientific method functions in the case of scientific questions. This latter method does not itself contain answers to particular questions (for example, about what happens to the pressure of a gas when the temperature is raised). Rather, the scientific method can be understood as specifying how we must approach particular questions *if we are to give scientific answers* to them; it defines, one might say, what it is to think about questions “from the scientific point of view.” Well, if there is a correct method for answering moral questions, similar things would be true of it: It would not itself contain answers to particular moral questions (for example, whether wilderness should be preserved only if it is economically profitable to do so); rather, it would specify how we must approach questions *if we are to give moral answers* to them—if, that is, we are to give answers “from the moral point of view.”

Whether there even exists such a method, not surprisingly, is a very controversial question. Some philosophers think there is; others think not. And among those who think there is, some think it is one thing while others think it is something different.

It will not be possible to examine these controversies in all the detail they deserve. Instead a rough sketch will be given of some of the central issues. Two ideas in particular are important. First, there is the matter of how *not* to answer moral questions; this idea is explored in §4. Second, there is the idea of an ideal moral judgment; this is discussed in §5. The relevance of these ideas to the essays will be explained as we proceed.

### §4 SOME WAYS NOT TO ANSWER MORAL QUESTIONS

*Moral Judgments and Personal Preferences* Some people like classical music; others do not. Some people think bourbon is just great; others detest its taste. Some people will go to a lot of trouble to spend

an afternoon in the hot sun at the beach; others can think of nothing worse. In all these cases disagreement in preference exists. Someone likes something; someone else does not. Are moral disagreements, disagreements over whether something is morally right or wrong, good or bad, just or unjust, the same as disagreements in preference?

It does not appear so. For one thing, when a person (say, Jack) says he likes something, he is not denying what another person (Jill) says if she says she does not like it. Suppose Jack says "I (Jack) like bourbon," and Jill says "I (Jill) do not like bourbon." Then clearly Jill does not deny what Jack says. To deny what Jack says, Jill would have to say "You (Jack) do not like bourbon," which is not what she says. So, in general, when two persons express different personal preferences, the one does not deny what the other affirms. It is perfectly possible for two opposing expressions of personal preference to be true at the same time.

When two people express conflicting judgments about the morality of something, however, the disagreement is importantly different. Suppose Jack says, "War is always wrong," while Jill says, "War is sometimes permissible." Then Jill is denying what Jack affirms; she is *denying* that war is always wrong, so that if what she said were true, what Jack said would have to be false. Some philosophers have denied this. They have maintained that moral judgments should be understood as expressions of personal preferences. Though this view deserves to be mentioned with respect, it is doubtful that it is correct. When people say that something is morally right or wrong, it is always appropriate to ask them to give reasons to justify their judgment, reasons for accepting their judgment as *correct*. In the case of personal preferences, however, such requests are inappropriate. If Jack says he likes to go to the beach, it hardly seems apt to press him to give reasons to justify what he says. If he says abortion is always wrong, however, it is highly relevant to test Jack's judgment by examining the reasons he gives for thinking what he does.

This difference between expressions of differing personal preference and conflicting moral judgments points to one way not to answer moral questions. Given that moral judgments are not just expressions of personal preference, it follows that moral right and wrong cannot be determined just by finding out about the personal preferences of some particular person—say, Jack. This is true even in the case of our own preferences. Our personal preferences are certainly important, but we do not answer moral questions just by saying what we like or dislike.

*Moral Judgments and Feelings* Closely connected with personal preferences are a person's feelings, and some philosophers have maintained that words like 'right' and 'wrong' are devices we use merely to express how we feel about something. In this view, when Barbie says that we ought to permit capital punishment, what she conveys is

that she has certain positive feelings toward having the death penalty; whereas when Ken says that we ought not to have it, what he expresses is that he has feelings of disapproval. It is as if what Barbie says is, "Death penalty, hurray!"—while what Ken says is, "Death penalty, boo!"

This position encounters problems of the same kind as those raised in the previous section. It is not appropriate to ask for justification in the case of mere expressions of feeling. True, if Ken is sincere, one can infer that he has strong negative feelings toward the death penalty. But his saying that we ought not to have it does not appear to be simply a way of venting his feelings (or of eliciting ours). As in the case of a person's preferences, so also in the case of a person's feelings: neither by itself provides answers to moral questions.

*Why Thinking It So Does Not Make It So* The same is true about what someone thinks. Quite aside from her feelings, Bonnie, if she is sincere, does think that we who are well off ought to make sacrifices to help feed the many starving people in the world if she says that we ought to do so. Nevertheless, if her judgment is a *moral* judgment, what she means cannot be "I (Bonnie) think we who are well off ought to make sacrifices to help feed the many starving people in the world." If it were, then she would not be affirming something that Clyde denies, when he says "We who are well off ought not to make such sacrifices." Each would merely be stating that each thinks something, and it is certainly possible for it *both* to be true that Bonnie thinks that we ought to make sacrifices for those who are starving *and*, at the same time, that Clyde thinks we ought not. So if Clyde is denying what Bonnie affirms, he cannot merely be stating that *he* thinks that we ought not to make sacrifices for these people. Thus, the fact that Clyde happens to think what he does is just as irrelevant to establishing whether we ought or ought not to make sacrifices to help those who are starving as are Ken's feelings about the death penalty. And the same is true concerning what *we* happen to think. Our thinking something right or wrong is not what makes it so.

*The Irrelevance of Statistics* Someone might think that though what one person happens to think or feel about moral issues does not settle matters, what all or most people happen to think or feel does. A single individual is only one voice; what most or all people think or feel is a great deal more. There is strength in numbers. Thus, the correct method for answering questions about right and wrong is to find out what most or all people think or feel. Opinion polls should be conducted, statistics compiled. That will reveal the truth.

This approach to moral questions is deficient. All that opinion polls can reveal is what all or most people happen to think or feel about some moral question—for example, "Should the government penalize hospitals that withhold life-prolonging treatment for defective newborns?" What such polls cannot determine is whether what all or most

people happen to think about such an issue is reasonable or true, or that what all or most people happen to feel is appropriate. There may be strength in numbers, but not truth, at least not necessarily. This does not mean that "what we think (or feel)" is irrelevant to answering moral questions. Later on, in fact (in §7, below), we will see how, given that certain conditions have been met, "what we think" provides us with a possible place from which to begin the search for what makes acts right or wrong as well as a possible test of the adequacy of competing theories of right and wrong. Nevertheless, *merely* to establish that all (or most) people happen to think that the government should penalize hospitals that withhold life-prolonging treatment from defective newborns is not to establish that the government *should* do this. In times past, most (possibly even all) people thought the world was flat. But the question of its shape wasn't answered merely by finding out what most people happened to think or feel. There is no reason to believe moral questions differ in this respect. Questions of right and wrong cannot be answered just by counting heads.

*The Appeal to a Moral Authority* Suppose it is conceded that we cannot answer moral questions just by finding out what Jack or Jill or Ken or Barbie happen to think or feel, or by finding out what all or most people happen to think or feel. After all, single individuals like Jack or Jill, or most or all people like them, might think or feel one way when they should think or feel differently. But suppose there is a person who never is mistaken when it comes to moral questions: if this person judges that something is morally right, it *is* morally right; if it is judged wrong, it *is* wrong. No mistakes are made. Let us call such a person a "moral authority." Might appealing to the judgments of a moral authority be the correct method for answering moral questions?

Most people who think there is a moral authority think this authority is not an ordinary person but a god. This causes problems immediately. Whether there is a god (or gods) is a very controversial question, and to rest questions of right and wrong on what an alleged god says (or the gods say) is already to base morality on an intellectually unsettled foundation. The difficulties go deeper than this, however, since even if there is a god who is a moral authority, very serious questions must arise concerning whether people always understand what this authority says about right and wrong. The difficulties that exist when Jews and Christians consult the Bible can be taken as illustrative. Problems of interpretation abound. Some who think that we were created to be vegetarians think they find evidence in the Bible that God thinks so too; others think they find evidence that He does not. Some who think that God allows us to exploit nature without regard to its values cite what they think are supporting chapters and verses; others cite other chapters and verses they think show that God does not allow this, or they cite the same passages and argue that they

should be interpreted differently. The gravity of these and kindred problems of interpretation should not be underestimated. Even if there is a moral authority, and even if the God Jews and Christians worship should happen to be this authority, that would not make it a simple matter to find out what is right and wrong. The problem of finding out what God thinks on these matters would still remain and would be especially acute in areas where the Bible offers very little, if any, direct guidance—on the ethics of the use of life-sustaining technology for the irreversibly comatose, for example.

Problems of interpretation aside, it is clear that the correct method for answering moral questions cannot consist merely in discovering what some alleged moral authority says. Even if there is a moral authority, those who are not moral authorities can have no good reason for thinking that there is one unless the judgments of this supposed authority can be checked for their truth or reasonableness without relying on these judgments themselves *as grounds* for their truth or reasonableness, and it is not possible to do this unless what is true or reasonable regarding right and wrong can be known independently of what this supposed authority says. An example from another quarter might make this point clearer. A plumber proves his "authority as a plumber" not merely by what he says but by the quality of his work, which can be verified independently of what he says in any particular case. *After* we have come to know, on independent grounds, that a particular plumber's judgment is reliable, *then* we have reason to rely on his judgment in the future. The same is true of the authority of one's judgment in, say, science, economics, the law, and morality. One's "credentials" can be established in the case of moral judgment only if there are independent ways of testing moral judgment against what is known to be true or reasonable. Thus, since in the nature of the case there must be some independent way of knowing what judgments are true or reasonable in order to test for the authority of another's moral judgments, to appeal to this or that "moral authority" cannot itself be the method that we seek for answering moral questions.

## §5 THE IDEAL MORAL JUDGMENT

The ideas discussed in §4 are relevant to the essays in this volume because the authors never argue that something is right or wrong merely on the grounds of their personal preferences, or merely because they personally feel one way or another, or just because they think it right or wrong, or only because all or most people happen to feel or think a certain way, or because some alleged moral authority has said or revealed that something is right or wrong. It is important to realize the ways that these philosophers do not argue; it is also important to understand some of the arguments that can be given against arguing in these ways. This is what has been briefly explained

in §4. What now needs to be described is an approach to moral questions that is not open to the objections raised against the methods considered so far.

The approach described in what follows turns on how the following question is answered: "What requirements would someone have to meet to make an ideal moral judgment?" Considered ideally, that is, what are the conditions that anyone would have to satisfy to reach a moral judgment as free from fault and error as possible? Now, by its very nature, an *ideal* moral judgment is just that—an ideal. Perhaps no one ever has or ever will completely meet all the requirements set forth in the ideal. But that does not make it irrational to strive to come as close as possible to fulfilling it. If we can never quite get to the finish, we can still move some distance from the starting line.

There are at least six different ideas that must find a place in our description of the ideal moral judgment. A brief discussion of each follows.

**Conceptual Clarity** This idea was mentioned earlier (§2). Its importance is obvious. If someone asserts that the human fetus has a right to life, for example, we cannot determine whether that statement is true or reasonable before we understand what is meant by a *right*, a question explored by a number of the contributors. Similar remarks apply to other issues. In James Rachels's essay, for example, we find a careful examination of the concept of euthanasia as a preliminary to the moral question "Is euthanasia always morally wrong?" Who can reasonably say without first taking the time to ask what "euthanasia" means? Clarity by itself may not be enough, but rational thought cannot get far without it.

**Information** We cannot answer moral questions in our closets. Moral questions come up in the real world, and a knowledge of the real-world setting in which they arise is essential if we are seriously to seek rational answers to them. For example, in the debate over the morality of capital punishment, some people argue that convicted murderers ought to be executed because, if they are not, they may be (and often are) paroled; and if they are paroled, they are more likely to kill again than are other released prisoners. Is this true? Is this a fact? We have to come out of our closets to answer this (or to find the answer others have reached on the basis of their research); and answer it we must if we are to reach an informed judgment about the morality of capital punishment. It and related questions are surveyed in Hugo Bedau's essay on that topic. The importance of getting the facts, of being informed, is not restricted just to the case of capital punishment by any means. It applies all across the broad sweep of moral inquiry.

**Rationality** Rationality is a multifaceted concept. The one aspect that concerns us here is when rationality is understood as the ability to recognize the connection between different ideas—the ability to

recognize, that is, that if some statements are true, then some other statements must be true while others must be false. Now, it is in logic that rules are set forth that specify when statements follow from others, and it is because of this that a person who is rational often is said to be logical. When we speak of the need to be rational, then, we are saying that we need to observe the rules of logic. To reach an ideal moral judgment, therefore, we must not only strive to make our judgment against a background of information and conceptual clarity; we must also take care to explore how our beliefs are logically related to other things that we do or do not believe. For example, assume that a person accepts the statements (a) "Suicide is not wrong if it brings a merciful end to the suicide's life" and (b) "Harriet's suicide would bring her life to a merciful end"; that person *logically* is committed to the statement (c) "Harriet's suicide would not be wrong." Were Ozzie to accept *a* and *b*, in other words, he would have no rational choice but to accept *c*. To affirm *a* and *b* and to deny *c* would be tantamount to asserting a contradiction, and a contradiction by definition *cannot possibly* be true. To fall short of the ideal moral judgment by committing oneself to a contradiction is to fall as short as one possibly can.

**Impartiality** Partiality involves favoring someone or something above others. For example, if a father is partial to one of his children, then he will be inclined to give the favored child more than he gives his other children. In some cases, partiality is a fine thing; but a partiality that excludes even thinking about or taking notice of others is far from what is needed in an ideal moral judgment. The fact that someone has been harmed, for example, always seems to be a relevant consideration, whether this someone is favored by us or not. In striving to reach the correct answers to moral questions, therefore, we must strive to guard against extreme, unquestioned partiality; otherwise we shall run the risk of having our judgment clouded by bigotry and prejudice.

The idea of impartiality is at the heart of what is sometimes referred to as the formal principle of justice: justice is the similar, and injustice the dissimilar, treatment of similar cases. This principle is said to express the *formal* principle of justice because by itself it does not specify what factors are relevant for determining what makes cases similar or dissimilar. To decide this, one must supplement the formal principle of justice with a substantive or normative interpretation of justice. More will be said on this matter (§8). Even at this juncture, however, we can recognize the rich potential the formal principle of justice can have in arguments about moral right and wrong. Were we to approve of practices that cause unnecessary suffering to farm animals while denouncing such practices when those who suffer are human beings, it would be apposite to ask why the two cases are judged dissimilar. For they must be dissimilar if, as we are assuming,

dissimilar treatment is allowed. If, in reply to our question, we were told that the difference is that human beings belong to one species while farm animals belong to others, it would again be apposite to ask how this difference in species membership *can* make any moral difference to the morality of the treatment in the two cases. To sanction practices that cause unnecessary suffering to farm animals while disapproving of similar practices in the case of humans because of species membership seems to be a symptom of unjustified partiality (what some call speciesism), a point made by Peter Singer in his essay, "Animals and the Value of Life." While the formal principle of justice does not by itself tell us what are the relevant factors for determining when treatment is similar or dissimilar, that principle must be observed if we are to make the ideal moral judgment. Not to observe it is a symptom of prejudice or bias, rational defects that must be identified and overcome if we are to make the best moral judgment we can.

*Coolness* All of us know what it is like to do something in the heat of anger that we later regret. No doubt we have also had the experience of getting so excited that we do something that later on we wish we had not done. Emotions are powerful forces, and though life would be a dull wasteland without them, we need to appreciate that the more volatile among them can mislead us; strong emotion is not a reliable guide to doing (or judging) what is best. This brings us to the need to be "cool." "Being cool" here means "not being in an emotionally excited state, being in an emotionally calm state of mind." The idea is that the hotter (the more emotionally charged) we are, the more likely we are to reach a mistaken moral conclusion, while the cooler (the calmer) we are, the greater the chances that we will avoid making mistakes.

This position is borne out by common experience. People who are in a terribly excited state may not be able to retain their rationality; because of their deep emotional involvement, they may not be able to attain impartiality; and when they are in an excited, emotional state, they may not even care about what happened or why. Like the proverb about shooting first and asking questions later, a lack of coolness can easily lead people to judge first and ask about the facts afterward. The need to be cool, then, seems to merit a place on our list.

*Valid Moral Principles* The concept of a moral principle has been analyzed in different ways. At least this much seems clear, however: for a principle to qualify as a *moral* principle (as distinct from, say, a scientific or a legal principle), it must prescribe conduct for all moral agents. Moral agents are those who can bring impartial reasons (i.e., reasons that respect the requirement of impartiality) to bear on deciding how they ought to act. They are thus conceived to be both rational and autonomous. Individuals who lack the ability to understand or act on the basis of impartial reasons (e.g., young children) fail to qualify as moral agents. They cannot meaningfully be said to have obligations

to do, or to refrain from doing, what is morally right or wrong. Only moral agents can have this status, and moral principles can apply only to the determination of how moral agents should behave. Normal adult human beings are the paradigmatic instance of moral agents.

How does the idea of a valid moral principle relate to the concept of an ideal moral judgment? In an ideal moral judgment, it is not enough that the judgment be based on complete information, complete impartiality, complete conceptual clarity, and so on. It is also essential that the judgment be based on a *valid* or *correct* moral principle. Ideally, one wants not only to make the correct judgment but to make it for the correct reasons. The idea of valid moral principles will be discussed more fully below in part II, Normative Ethics.

#### §6 NO DOUBLE STANDARDS ALLOWED

The portrait of the ideal moral judgment drawn in §5, or something very like it, forms the background of the several essays in this anthology. The authors do not always explicitly say that, for example, impartiality or rationality are ideals worth striving for; but the manner in which they argue makes it clear that these ideals play an important role in their examinations of the views of others. Accordingly, these philosophers imply that it would be fair to apply these same ideals to their own thinking. In the case of each essay, therefore, we can ask:

1. Have important concepts been analyzed, and, if so, have they been analyzed correctly?
2. Does the author argue from a basis of knowledge of the real-life setting(s) in which a moral question arises?
3. Is the author rational? (Do the arguments presented observe the rules of logic?)
4. Is there a lack of impartiality? (Is someone, or some group, arbitrarily favored over others?)
5. Are things argued for in a state of strong emotion? (Are deep feelings rhetorically vented in the place of hard thinking?)
6. Are the moral principles used valid ones? (Is any effort expended to show that they meet the appropriate criteria?)

These six questions, then, though they do not exhaust all possibilities, at least provide a place to begin. It is pertinent to ask how our authors pose these questions of the persons whose views they examine. But fairness requires that these same questions be asked of each author's views too. No double standards are allowed.

## II. NORMATIVE ETHICS

Earlier, meta-ethics was characterized as the inquiry into the meaning of key concepts (for example, 'autonomy' and 'rights') as well as the

inquiry into whether there is a correct method for answering moral questions. Meta-ethical questions, however, by no means exhaust a moral philosopher's interest in ethics. A second main area of inquiry is commonly referred to as *normative ethics*. Philosophers engaged in normative ethics attempt to go beyond the questions concerning meaning and method that arise in meta-ethics; the goal they set themselves is nothing short of determining *what moral principles are valid*—those principles, that is, by which all moral agents ought morally to be guided. There is, then, an important connection between the goal of normative ethics and the concept of an ideal moral judgment. An ideal moral judgment, we have said, must be based on valid moral principles, and it is just the question, "What principles *are* the valid ones?" that is at the heart of normative ethics. Unless the normative ethical philosopher succeeds in disclosing what moral principles are valid, therefore, a vital part of the ideal moral judgment will be unfulfillable because unknown.

Which moral principles *are* valid? Not surprisingly, a variety of answers have been offered. Not all of them can be considered here, and no one can be considered in much detail. But enough can be said to make important ideas intelligible.

#### §7 CONSEQUENTIALIST THEORIES

One way to begin the search for the valid moral principle(s) is to begin with our considered beliefs (also referred to by some as our "reflective intuitions"). These beliefs or intuitions are not to be identified with what we just happen to believe independent of our critical reflection; rather, our considered beliefs are those beliefs we have about right and wrong, good and bad, justice and injustice *after* we have made a conscientious effort to think about these beliefs with an eye to four of the five requirements of the ideal moral judgment explained in §5. Such beliefs are considered beliefs or reflective intuitions, in other words, only if we have made our best effort to think about them with maximal conceptual clarity, coolly and impartially, and against the backdrop of the ideal of complete information. Those moral beliefs we continue to hold or come to hold *after* we have thought about them in these terms are our considered beliefs, and it is at least in part by appeal to such beliefs, or so many moral philosophers think, that normative moral philosophy can get under way and against which its possible success can be fairly tested. Not all moral philosophers, it is true, not even all those who have contributed to this volume, are in agreement on this fundamental methodological point. But let us see how this point of agreement in theory, where it obtains, might work in practice.

Suppose we could reach agreement about a body of considered beliefs; then we would believe, on reflection, that certain acts are right or wrong, just or unjust, and the like. Assuming this much we could

then ask how this body of beliefs could be unified; we could ask, in other words, what general moral principle(s) unify these intuitions by identifying their plausible common ground. By way of example, suppose George and Gracie each operate farms and sell their produce at roadside stands. George's business has suffered of late because of the recent competition offered by Gracie's new stand, and he decides to eliminate the competition by hiring a professional arsonist with whom he has had dealings in the past. Fire inspectors rule that the fire that gutted Gracie's house was due to faulty wiring, George's business regains its former vitality, and Gracie, who barely had enough money to start her enterprise and had no insurance, is left in a state of abject poverty. Suppose we judge that what George did was wrong, and suppose we make this judgment not only initially but after we have made a conscientious effort to think about the case coolly, impartially, and so on. What could plausibly illuminate the wrongness of George's act? Well, Gracie experiences some unhappiness certainly. When she thinks about her former business she is distraught and frustrated, and the enjoyment she would have had, if the business had continued to grow, is canceled. Gracie, then, is worse off than she would have been, both in terms of the unhappiness of her present condition and in terms of lost enjoyment. Thinking along these lines has led some philosophers to theorize that what makes George's (and the arsonist's) act wrong is that it is the cause of bad results, in this case the frustration, anger, disappointment, and general unhappiness caused Gracie.

Next imagine this case. Suppose people accepted a general rule whose observance gave unequal care to terminally ill patients. This rule requires that the terminally ill receive medical care when they are male but not when they are female; in the latter case they receive no care at all. Such a rule must strike us as radically unjust. But why? Well, imagine how women who are not terminally ill are likely to feel. It is not implausible to suppose that they will feel angry, fearful, and envious. These feelings (anger, fear, envy) are not desirable. Moreover, those females who are terminally ill, because they receive no care at all, are very likely to suffer grievously in many cases. As in the earlier example of George and Gracie, then, we again have a situation where (1) we would judge, on reflection, that something is wrong and (2) what we judge to be wrong causes bad results.

Many philosophers have not stopped with just these sorts of cases. Roughly speaking, the one common and peculiar characteristic of every wrong action, they have theorized, is that it leads to bad results, whereas the one common and peculiar characteristic of every right action, again roughly speaking, is that it leads to good results. Philosophers who accept this type of view commonly are referred to as *consequentialists*, an appropriate name given their strong emphasis on results or consequences. Theories of this type also are called *teleological theories*, from the Greek *telos*, meaning "end" or "purpose," another fitting name since, according to these thinkers, actions are not

right or wrong in themselves; they are right or wrong, according to these theories, if they promote or frustrate the purpose of morality—namely, to bring about the greatest possible balance of good over evil consequences. Acts are, as it were, arrows we shoot: right acts hit the target (that is, cause the best results); wrong acts do not.

Now, in normative ethics, when someone advances a principle that states what makes all right acts right and all wrong acts wrong, they do so in the course of advancing a *normative ethical theory*. Considered abstractly, there are at least three different types of teleological normative ethical theories.

1. *Ethical egoism*: According to this theory, roughly speaking, whether any person (A) has done what is morally right or wrong depends solely on how good or bad the consequences of A's action are *for A*. How *others* are affected is irrelevant, unless how they are affected in turn alters the consequences for A.
2. *Ethical altruism*: According to this theory, roughly speaking, whether any person (B) has done what is morally right or wrong depends solely on how good or bad the consequences of B's action are *for everyone except B*. How B is affected is irrelevant, unless how B is affected in turn alters the consequences for anyone else.
3. *Utilitarianism*: According to this theory, roughly speaking, whether any person (C) has done what is morally right or wrong depends solely on how good or bad the consequences of C's action are *for everyone affected*. Thus, how C is affected is relevant; but so is how *others* are affected. How *everyone* concerned is affected by the good or bad consequences is relevant.

These are not very exact statements of these three types of teleological normative ethical theories, but enough has been said about two of them—namely, ethical egoism and ethical altruism—to enable us to understand why most philosophers find them unsatisfactory. Both seem to fall far short of the ideal of impartiality; ethical egoism because it seems to place arbitrary and exclusive importance on the good or welfare of the individual agent, and ethical altruism because it seems to place arbitrary and exclusive importance on the good or welfare of everyone else. Moreover, both theories arguably lead to consequences that clash with a broad range of reflective intuitions. This is perhaps clearest in the case of ethical egoism. Provided only that, all considered, torching Gracie's house led to consequences that were as good *for George* as any that would have resulted had he acted otherwise, what he did was not morally wrong according to ethical egoism. But that is something we would most likely deny, not only in a case involving arson but in many other sorts of cases (e.g., murder or rape, which also would not be wrong if the consequences *for the*

*agent* were at least as good as those that would have resulted if the agent had acted otherwise). Faced with the choice between accepting ethical egoism or giving up a large class of considered beliefs, most philosophers choose to reject the theory and retain the convictions.

An important variation on the main theme of ethical egoism deserves brief mention. *Contractarianism* is the name usually given to a cluster of normative theories, each of which is traceable to the plausible assumption that any individual (A) has a *good reason* to favor what is in that individual's own self-interest. Imagine, then, that A is being asked to decide what policies or rules to accept and support. For example, suppose A is asked about the rule (M) "Do not murder." Then A will have a good reason to accept and support M if it is in A's self-interest to do so. And who can doubt that it *would* be in A's self-interest to accept and support this rule, or other, familiar rules—for example, "Do not steal" and "Do not lie"?

Unlike ethical egoism proper, however, all forms of contractarianism necessarily involve considerations on the part of *at least two* different individuals—the so-called contractors. Not only must A agree to accept and support M, because to do so is in A's self-interest, but at least one other individual (B) must do the same because it is in B's self-interest to do the same. For obvious reasons there is no upper limit on the number of people who can be parties to the contract—who can, that is, agree to accept and support one or more rules because it is in the self-interest of each contractor to do so. In fact, in some versions of contractarianism rules are viewed as morally binding if and only if each rational individual, seeking to maximize his or her own self-interest, would have just as good a reason to accept and support each rule as every other rational, self-interested individual would have. This is the version of contractarianism (sometimes called "rational egoism") that Jan Narveson seems to favor in his essay, "At Arms' Length: Violence and War." It is a normative theory not to be summarily dismissed, requiring, as it does, very careful evaluation before we may reasonably give or withhold our informed assent. Certainly it is not open to the criticisms, mentioned earlier, to which standard versions of ethical egoism are vulnerable. But whatever our final judgment of the merits of contractarian theories happens to be, it is utilitarianism, within the class of consequentialist normative ethical theories, that historically has and, in the present climate of thought, continues to have the largest number of philosophical adherents. It is to the task of offering a somewhat lengthier characterization of its possible strengths and weaknesses that we must now turn.

## §8 UTILITARIANISM

"The Principle of Utility" is the name given to the fundamental principle advocated by those who are called utilitarians. This principle has been formulated in different ways. Here is a common formulation.

Acts are right if they bring about the greatest possible balance of intrinsic good over intrinsic evil for everyone concerned; otherwise they are wrong.

Already it must be emphasized that utilitarians do not agree on everything. In particular, they do not all agree on what is intrinsically good and evil. Some philosophers (called *value hedonists*) think that pleasure and pleasure alone is intrinsically good (or good in itself), whereas pain, or the absence of pleasure, and this alone, is intrinsically evil (or evil in itself). Others (so-called preference utilitarians) believe that the satisfaction of one's desires or preferences is what is good and their frustration bad. The classical utilitarians—Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873)—favor hedonistic utilitarianism. Most recent utilitarians, especially those who seek to apply economic theory to ethical issues, favor preference utilitarianism. Whether either of these views regarding intrinsic value is adequate is a question we can bypass at this juncture, since the ideas of special importance for our present purposes can be discussed independently of whether value hedonism, for example, is a reasonable position.

*Act- and Rule-Utilitarianism* One idea of special importance is the difference between act-utilitarianism and rule-utilitarianism. *Act-utilitarianism* is the view that the Principle of Utility should be applied to individual actions; *rule-utilitarianism* states that the Principle of Utility should be applied mainly to rules of action. The act-utilitarian says that whenever people have to decide what to do, they ought to perform that act which will bring about the greatest possible balance of intrinsic good over intrinsic evil. The rule-utilitarian says something different: People are to do what is required by justified moral rules. These are rules, some rule-utilitarians maintain, that would lead to the best possible consequences, all considered, if everyone were to abide by them. The rules recognized as valid by these rule-utilitarians, in other words, need not be rules that most people *do* accept and act on—what we might call conventional morality. Rules recognized as valid are those everyone *should* act on because everyone's doing so would lead to the best results. If a justified rule unambiguously applies to a situation, and if no other justified moral rule applies, then the person in that situation ought to choose to do what the rule requires, even if in that particular situation performing this act will not lead to the best consequences. Thus, act-utilitarians and rule-utilitarians can reach opposing moral judgments. An act that is wrong according to the rule-utilitarian, because it is contrary to a justified moral rule, might not be wrong according to the act-utilitarian's position.

*Some Problems for Act-Utilitarianism* Is act-utilitarianism correct? Many philosophers answer no. One reason given against this theory is that act-utilitarianism clashes with a broad range of our considered

beliefs. Recall the arson example. According to act-utilitarianism, whether George's hiring of the arsonist was wrong or not depends on this and this alone: Were the net consequences for everyone affected by the outcome at least as good as the net consequences that would have resulted if he had done anything else? It is not *just* the bad results Gracie has to live with (her frustration, anger, and the like) that are relevant. How *others* are affected also is relevant, given act-utilitarianism, and there is no reason why, just because Gracie is made worse off than she would have been as a result of George's decision, *the sum or total* of the good and bad consequences for everyone involved might not "hit" the utilitarian target. The benefits George derives from eliminating Gracie's competition, the income the arsonist earns, and the possible pleasures and satisfactions others derive (for example, perhaps George's son can now go to college and the arsonist's wife can have her teeth capped)—these pleasures and satisfactions, too, not just Gracie's misery, have to be taken into account. In principle, then, there is no reason why the consequences, all considered, might not add up to the best balance of good over evil, or at least equal a balance that is as good as any other that would have resulted if George had acted otherwise.

Suppose the consequences are at least as good as any that would have obtained had George acted otherwise. Then act-utilitarianism implies that what he did was right. And yet his involvement in the destruction of Gracie's business is likely to strike us as wrong. Thus, we again seem to be faced with a choice between (1) retaining a considered belief or (2) accepting a particular normative ethical theory. And the same choice would recur in a host of other cases involving our reflective intuitions (e.g., intuitions about the wrongness of murder and rape, individual cases of which arguably could lead to the best balance of good results over bad, when the good and bad for the involved individuals are totaled). There are, that is, *many* sorts of cases where the implications of act-utilitarianism are or seem to be in conflict with our considered beliefs. In the face of such conflicts, many come down on the side of retaining our convictions and rejecting the theory.

Act-utilitarians actively defend their position against this line of criticism. The debate is among the liveliest and most important in normative ethics. The point that bears emphasis here is that *rule-utilitarians* do not believe that *their* version of utilitarianism can be refuted by the preceding argument. On their view what George did was wrong because it violated a valid moral rule—the rule against destroying another's property. Thus, rule-utilitarians hold that their position not only does not lead to a conclusion that clashes with the conviction that what George did was wrong; this position actually illuminates *why* it was—namely, because it violates a rule whose adoption by everyone can be defended by an appeal to the Principle of Utility.

*Some Problems for Rule-Utilitarians* One success does not guarantee that all goes well, however, and many philosophers think that rule-utilitarianism, too, is inadequate. One of the most important objections turns on considerations about justice. The point of the objection is that rule-utilitarianism arguably could justify the adoption of rules that would be grossly unjust. To make this clearer, recall the rule that figured in our earlier example about health care: terminally ill men are to receive medical care but women are not. The injustice of this rule (R) jumps out at us. It is unjust to discriminate against people in the way R requires. And yet might not this rule be justified by appeal to rule-utilitarianism? Certainly it seems possible that, when the good and bad consequences for each affected individual are taken into account and totaled, we might find that adopting R would bring about the best balance of good over bad results. Granted, the envy, resentment, fear, and anger of women must be taken into account. But so, too, must the benefits that males secure. So, *on balance*, the "minuses" for women *might* be more than offset by the "pluses" for men. If, then, rule-utilitarianism could sanction unjust rules, not only in health care but across the broad sweep of social policies (for example, in education, voting, and employment, where women might be denied benefits offered to men in the name of the "general welfare")—if this is true, then rule-utilitarianism is not the adequate ethical theory its proponents suppose.

Can the rule-utilitarian meet this challenge? Philosophers are not unanimous in their answer. As was the case with the debate over the correctness of act-utilitarianism, this debate is too extensive to be examined further here. Nevertheless, enough has been said to suggest the importance of utilitarianism and to anticipate some of the ways it surfaces in the essays.

To begin with, some of the philosophers in this anthology are utilitarians—for example, Singer holds this theory. Moreover, even those who are not utilitarians (or are not clearly so) often use utilitarian arguments to support their position. Beauchamp, for example, argues that a rule permitting suicide under certain conditions can be defended on a rule-utilitarian basis. Moreover, even those philosophers who are most clearly not utilitarians—for example, O'Neill—discuss this theory. In a word, there is not a single essay in which utilitarianism does not put in an appearance, so that the following questions can be asked of each.

1. Is the philosopher being read a utilitarian?
2. If so, of what kind—act or rule?
3. If the philosopher is a utilitarian, are persuasive arguments adduced in support of the utilitarian answers given?
4. Is the possible clash between justice and utility examined?
5. If the philosopher being read is not a utilitarian, then what arguments, if any, are given against the correctness of the

principle of utility and how rationally compelling are these arguments?

6. Moreover, if the philosopher is not a utilitarian, what other principle (or principles), if any, is (are) subscribed to?
7. How rationally compelling are the arguments, if any, that are given in support of the principle(s)?

## §9 NONCONSEQUENTIALIST THEORIES

'Nonconsequentialism' is a name frequently given to normative ethical theories that are not forms of consequentialism. In other words, any theory that states that moral right and wrong are *not* determined solely by the relative balance of intrinsic good over intrinsic evil commonly is called a nonconsequentialist theory. Theories of this type are also called *deontological* theories, from the Greek *deon*, meaning "duty." Such theories might be either (a) extreme or (b) moderate. An extreme deontological theory holds that the intrinsic good and evil of consequences are totally irrelevant to determining what is morally right or wrong. A moderate nonconsequentialist theory holds that the intrinsic good and evil of consequences *are relevant* to determining what is morally right and wrong but that they are not the *only* things that are relevant and may not be of the greatest importance in some cases. A great variety of nonconsequentialist theories, both extreme and moderate, have been advanced. Why have some philosophers been attracted to such theories?

*The Problem of Justice* A central argument advanced against all forms of consequentialism by many nonconsequentialists is that no consequentialist theory (no form of ethical egoism, ethical altruism, or utilitarianism) can account for basic convictions about justice and injustice—for example, that it is unjust to allow policies that discriminate against people on the basis of race or sex. The point these deontologists make is that such discrimination is not only wrong; harming the people who are discriminated against wrongs them. Fundamentally, according to these thinkers, it is because people are wronged when treated unjustly, quite apart from the value of the consequences for the victim or others, that all consequentialist theories ultimately prove to be deficient.

Suppose these deontologists are correct—a large assumption! Some deontological theory would then be called for. A number of such theories have been advanced. The one associated with the German philosopher Immanuel Kant (1724–1804) is unquestionably the most influential. In Kant's view, all persons (that is, all rational, autonomous individuals) have a distinctive kind of value, a unique worth or dignity. The value these people have, Kant may be interpreted to believe, is not reducible to the value of their mental states (e.g., their pleasure) and is, in fact, incommensurate with this latter kind of value; one

cannot meaningfully ask how much pleasure the value of an individual is equal to. That would be like trying to compare apples and oranges. Moreover, the worth of a person is not reducible to that individual's talents (for example, at sports or music) or to that individual's utility or service to others (a surgeon has neither more nor less worth than a dishwasher, a saint neither more nor less than an unscrupulous used car salesman), nor to how others relate to that individual (the loved and admired are neither more nor less valuable than the despised and forsaken). All who have worth or value as individuals, in short, have this value equally. Now, in order to treat such individuals as morality requires, we must never treat them in ways that fail to show proper respect for their unique value. Yet this is precisely what we would be guilty of if, in an effort to justify treating some people in a given way, we claimed that doing so gave rise to the best aggregate balance of pleasure over pain, or preference satisfactions over frustrations, for all affected by the outcome. For Kant, this is tantamount to ignoring the distinctive kind of value people have as individuals; it is to treat them as *mere means* to promote the ends others have, not as ends in themselves. Any and all such disrespectful treatment is wrong, for Kant, whatever the consequences.

This Kantian approach to moral questions offers a strikingly different interpretation of equality than the one offered by utilitarians. For Kant, it is *individuals* who are equal in value, whereas, for utilitarians, what is equal in value are similar pleasures or preference satisfactions. Moreover, Kant's position provides a very different way to approach questions of just treatment, something we can illustrate by recalling the rule (R) that terminally ill men are to receive medical care but women are not. As was suggested earlier (§7), a utilitarian justification of adopting R is at hand *if* observing R would produce the best aggregate balance of good over bad for all those affected by the outcome, assuming that the preferences or pleasures of all have been considered and weighted equitably. The fact that, if this rule were adopted, women would experience more pain, fear, and so on than would men *by itself* is no objection to adopting it, given utilitarian theory. What each person is due is equal consideration and weighting of their pleasures or preferences, and as that is what each gets in this case, there should be no cry of injustice.

Kant would be of a different mind. The very approach to R's justification prescribed by utilitarians is morally flawed from the outset. What all people are due is respect for their value *as individuals*, something we would fail to show if we attempted to decide the morality of acts or rules by asking which among them causes the best aggregate balance of good over bad (e.g., pleasure over pain) for all affected by the outcome. If, then, the justification of R is that its adoption "would promote the general welfare," those who follow Kant would decry its adoption. Conduct prescribed by the rule in question is wrong because it treats women with something less than the respect

they are due, treating them *as if their value* as individuals could be ignored if doing so would bring about the best consequences.

## §10 LEGAL AND MORAL RIGHTS

Philosophers sympathetic with Kant can use his views concerning the unique value of the individual as a foundation on which to rest their positions about the rights of the individual. To make this clearer, it will be useful first to explain some of the differences between the concept of legal and moral rights.

First, moral rights, if there are any, are *universal*, while legal rights need not be. Legal rights depend upon the law of this or that country, and what is a matter of legal right in one country may not be so in another. For example, in the United States any citizen eighteen years old or older has the legal right to vote in federal elections; but not everyone in every nation has this same legal right. If, however, persons living in the United States have a moral right to, say, life, then *every* person in every nation has this same moral right, whether or not it is also recognized as a legal right.

Second, unlike legal rights, moral rights are *equal* rights. If all persons have a moral right to life, then all have this right equally; it is not a right that some (for example, males) can possess to a greater extent than others (for example, females). Neither, then, could this moral right be possessed to a greater extent by the inhabitants of one country (for example, one's own) than by the inhabitants of some other country (for example, a country poor in agricultural resources with a burgeoning human population and widespread famine).

Third, moral rights often are said to be *inalienable*, meaning they cannot be transferred to another—for example, they cannot be lent or sold. If Frankie has a moral right to life, then it is hers and it cannot become anyone else's. Frankie may give her life for her country, sacrifice it in the name of science, or destroy it herself in a fit of rage or despair. But she cannot give, sacrifice, or destroy her right to life. Legal rights, on the other hand, are paradigmatically transferable, as when Frankie transfers her legal right to an inheritance to Johnnie or gives him her car.

Fourth, moral rights are sometimes said to be "natural" rights, not in the sense that they are discoverable by closely studying nature from the scientific point of view but in that they are not conventional—are not, that is, as are legal rights, created by the acts of ordinary human beings.

Kant's view of the unique worth of persons dovetails with these four characteristics of the concept of a moral right: (1) *all* persons have unique worth (that is, this value is *universal* among persons); (2) no one person has this value *to any greater degree* than any other (that is, all who have this value have it *equally*); (3) those who have this unique value *cannot transfer* it to anyone else, or buy or sell it (that is, this

unique value is *inalienable*); and, finally, (4) the value or dignity persons possess is theirs *independently of the acts or decisions of anyone else* (is, that is, "natural," in the sense explained). Small wonder, then, that those philosophers enamored of the view that individuals have moral rights should find a strong ally in Kant's views about the value of the individual.

### §11 LEGAL AND MORAL JUSTICE

Moral and legal rights are connected in important ways with moral and legal justice. Legal justice requires that one respect the legal rights of everyone, while moral justice demands that everyone's moral rights be honored. The two—legal justice and moral justice—do not necessarily coincide. Critics of "the law" frequently claim that certain laws are morally unjust. For example, a country might have a law that allows companies owned by whites to pollute but not those owned by blacks. Then *legal* justice might be done in this country if this law is enforced. If people have moral rights, however, it would not follow that moral justice is done. That would depend not on whether there is a particular law in this country but on whether the law recognizes and protects the moral rights of the country's inhabitants. If it does, then the law is both legally and morally just; if it does not, then, though the law may be legally just, it lacks moral justice. Thus, this law in particular and "the law" in general are appropriate objects of moral assessment, a theme that emerges in a number of the essays.

### §12 WHAT ARE RIGHTS?

Whether rights are moral or legal, the question remains: What are rights? How is the concept of a right to be analyzed? Various answers have been given, ranging from the view that rights are an individual's entitlements to be treated in certain ways to the view that they are valid claims that individuals can make, or have made on their behalf, to have their interests or welfare taken into account. What is common to these answers is that a right involves the idea of a *justified constraint upon how others may act*. If Margaret has a right to X, then Pierre and others are constrained not to interfere with her pursuit or possession of X, at least so long as her pursuit or possession of X does not come into conflict with their rights. If it does, Margaret may be exceeding her rights, and a serious moral question would arise. But aside from cases of exceeding one's rights and, as may sometimes be the case, of forfeiting them, the possession of a right by one individual places a justified limit on how other individuals may treat the person possessing the right. Whether rights are entitlements or valid claims, they involve a justified constraint or limitation on how others may act.

### §13 NEGATIVE AND POSITIVE RIGHTS

Even were we to agree that people themselves have a unique sort of value and moral rights grounded in this value, we might still disagree on what rights they have. Though the terminology frequently differs, philosophers who defend the validity of moral rights all seem to agree that some of these rights are *liberty rights*; in many cases, that is, to have a right is simply *to be at liberty* to act as one chooses (for example, to go to a concert, or to stay at home). Other rights are *claim rights*; those who have such rights *have a valid claim to be treated in certain ways* (for example, not to be injured, or have lies spread about them, or be killed). Both sorts of rights have correlative duties. If Eleanor is at liberty to have the chocolate cake rather than the strawberry yogurt, then Franklin has a duty not to deny her the exercise of her liberty when she makes her choice, something he would be doing if he coerced or forced her to choose as *he* wished. If, in addition, Eleanor has a right to life, then Franklin has a duty not to kill her except, perhaps, in quite exceptional circumstances (as in self-defense).

Now, both those duties correlated with liberty rights and those correlated with claim rights are *negative duties*. They prescribe what people *are not to do*, how they *are not to act*, given that others have such rights. As such, it seems that we can fulfill these duties by doing nothing. If, that is, Franklin does not personally kill Eleanor, then he seems to do all that is required to respect her right to life, while if he does not personally interfere with the exercise of her liberty, then he seems to do all he is obliged to do to respect her right to liberty. So-called *welfare rights*, however, if there are such rights, differ fundamentally. If people have welfare rights, we have a *duty to help them*, not merely a duty not to harm them or not to interfere with their liberty. And the performance of this duty to help, if this duty is correlated with welfare *rights*, is something that we *owe* to those who need it, is something *they deserve*, and so is their due as a matter of moral justice.

Debates about our duties to the victims of famine frequently turn on the position different people take concerning welfare or, as these are sometimes called, positive rights. If those who are starving to death have only negative rights, then people who do not choose to help them are not guilty of violating the victims' rights. People may, of course, choose to help even if those who are starving have no right to be helped, and the charitable acts of those who do decide to do this no doubt should be praised. But people need not help if they choose not to, preferring to do something else instead—say, spend a month at the beach or a week gambling in Las Vegas. If the victims of famine have no right to our help, then morality simply does not require that the more affluent lend a hand. If, however, the victims of famine have a welfare or positive right to our assistance, then people do wrong if

they fail to help; indeed, if the victims have a right to be helped, then others (for example, national governments or, perhaps, international agencies) could be morally authorized to coerce the more affluent to help, using the threat of force, punishment, or some other sanction to encourage compliance on the part of the better off. It is no idle question to ask, therefore, whether the victims of famine have a right to be helped, a question Onora O'Neill considers at length in her contribution to the present volume. But the importance of the notion of welfare or positive rights by no means is confined to the particular issue of famine. It makes its presence felt in virtually every important debate about social policy, from education and employment to voting rights and health care, and is, indeed, a sort of litmus test for the type of political philosophy one accepts. *Libertarianism*, for example, is the view, roughly speaking, that each rational individual has a basic negative moral right to liberty, a right that morally can be limited only by the liberty rights of others. In other words, I am at liberty to do anything I wish so long as I do not violate your rights in the process; and the same is true of you. You may not like what I do; you may even think it wrong. But that does not give you a license to interfere with my legitimate exercise of my liberty. The proper role of the state, then, according to libertarianism, is to protect this fundamental negative right of its citizens, and this it does, at least in part, by itself avoiding reliance on coercive programs that assume that people have positive rights—for example, rights to food, clothing, or shelter. The citizens of a state may freely choose to help the needy; to do so is one way in which they may choose to exercise their liberty; and those who do so may even be praised for the beneficence. But no one, not even the state, is morally authorized to force or compel another to help those who need it. The shadow libertarianism casts across the moral-political landscape, at the levels of both theory and practice, certainly will be visible in several of the essays.

#### §14 THE CRITERIA OF RIGHT-POSSESSION

Suppose the concept of a moral right is clear and that some beings have moral rights. Many questions would still remain to be explored. One in particular stands out: What are the criteria of right-possession? Or, in terms explained earlier (§2), What are the necessary and sufficient conditions of right-possession? Again, many different answers have been proposed. Here are some examples: (a) All and only free, rational beings have moral rights; (b) All and only sentient beings (that is, individuals capable of experiencing pleasure and pain) have moral rights; (c) All and only beings who are able to use a language have moral rights; (d) All and only beings who have a concept of themselves as an enduring identity (that is, who have a concept of their identity as the same self over time) have moral rights.

How might one rationally choose among these alternatives? This

methodological question is hotly disputed, but one way to proceed here is as follows. Suppose that not only "normal" adult human beings but also infants, the senile, and the mentally enfeebled of all ages have moral rights. If this much were granted, there would be powerful grounds for denying the correctness of some of the proposed criteria of right-possession listed above. Infants, for example, presumably do not have a concept of themselves as an enduring entity, so that, if they have moral rights, this proposed criterion cannot be correct; having a concept of oneself as an enduring entity cannot be a *necessary* condition of having rights, granting the assumption about infants, etc., having rights. Neither could being free and rational be correct, since many mentally enfeebled humans lack these capacities. And the same is true of the ability to use a language, since it sets as a necessary condition of right-possession a capacity that many human beings (some of the mentally enfeebled, again) fail to satisfy. In this way, then, an argument could be developed against the correctness of various proposed criteria of right-possession. To argue in favor of the correctness of a proposed criterion would consist, at least in part, in asking whether any given criterion sets forth conditions that those humans assumed to have rights (infants, the enfeebled, etc.) can satisfy. If there is such a criterion, then its claim to correctness is to that degree a strong one, given our assumptions. The criterion of sentience, for example, arguably passes this test, and thus, given our assumptions, must be considered to be a strong candidate for the correct criterion of right-possession.

#### §15 WHAT BEINGS POSSESS WHAT MORAL RIGHTS?

Suppose that the criterion of being sentient is the correct criterion of right-possession; then *only* those beings who are sentient and *all* those beings who are sentient have moral rights. Now, if this is true, a position would have been reached that is fraught with enormous practical implications. To begin with, there are many nonhumans who are sentient—namely, many nonhuman animals. If all sentient beings have moral rights, then these animals have moral rights; and if these animals have moral rights, we must seriously stop to inquire whether we are doing anything that violates their rights when we eat or experiment upon them. This is a question that is pursued in considerable depth by Singer in his essay. Moreover, there are some *human* beings who lack sentience—namely, those who are comatose. If a being must be sentient to have moral rights, then has the comatose individual lost all rights? This is an issue discussed in James Rachels's essay on euthanasia.

Still, *is* sentience a necessary condition of right-possession? Recall that the reason underlying the introduction of the idea of moral rights was that it seems possible to act in ways that harm or wrong people. But why must the ideas of harming or wronging be limited to people

or to sentient beings? Might it not be possible to harm or wrong any living thing? If a tree is killed or the sagebrush is destroyed, have they not been harmed? And if they have, might not the idea that living but nonsentient entities have moral rights demand serious consideration? Perhaps life itself is inherently valuable? Perhaps all living things have a right to life?

Short of extending moral rights to trees or sagebrush, there may be grounds for rejecting the view that sentience is a necessary condition of right-possession. Possibly the *potential* for sentience must be added, an addition that at once *excludes* trees and sagebrush and *includes* many more beings than are included if just sentience is accepted. In particular, adding the *potential* for sentience would necessitate including many human *fetuses* in the class of beings having moral rights. And if these beings are included, how can one avoid the conclusion that abortion violates the fetus's right to life? The debate revolving around this idea is a central theme in the essay on abortion. Clearly, to ask about the criteria of right-possession is not an idle, merely theoretical question like asking how many angels can dance on the head of a pin.

To establish what beings can and do have moral rights, however, may not necessarily establish all the moral rights they have. Consider the three rights enshrined in the American Declaration of Independence: the rights to life, liberty, and the pursuit of happiness. Someone who argues that a given being, A, has a right to life, does not necessarily have to believe that A also has the right to liberty. If, for example, sense can be made of the idea of extending a right to life to trees and plants, it would not follow that a right to liberty must also be attributed. This would be meaningless, since plants lack the power to exercise choice. Or consider the status of animals. Perhaps it is possible to argue in support of the view that they have a moral right not to be made to suffer unnecessary pain. Still, it does not follow necessarily that they have *other* moral rights—for example, a right to life. The question of *what* moral rights a being has must be examined separately from the question of what beings satisfy the criteria for the possession of moral rights.

#### §16 WHEN RIGHTS CONFLICT

One final question relating to the topic of rights deserves our attention. It sometimes happens that one person's rights conflict with another's. The case of abortion illustrates this well. Suppose that both the fetus and the pregnant woman have a right to life. And suppose that, as sometimes happens, the medical situation is such that if the fetus is permitted to be born, the woman will die, whereas if steps are taken to enable the woman to live, the fetus will die. Since both rights cannot prevail, whose, the fetus's or the woman's, ought to? One way of thinking about conflicting rights will be described here.

*The Idea of Innocence* Innocence is an important moral idea. In the case of punishment, for example, it is morally wrong to punish someone who is known to be innocent. Innocence might be extremely important in some cases where rights conflict. Suppose the right to life of two beings, A and B, conflict; and suppose, further, that A is innocent of any wrongdoing whereas B is in this situation because B has not acted responsibly—for example, perhaps B has been negligent. Then ought not A's right to life prevail over B's? Ought not such cases of conflict be settled by appealing to the following rule: "Whenever the right to life of two beings conflict, the right to life of the innocent party must always take precedence over the right to life of the party who is not innocent"?

Unfortunately, the situation is not so simple. For though innocence always is a relevant moral consideration, it is not clear that it should always be given a place of preeminence. To make this clearer, let us apply the previous argument to the case of abortion. The fetus, it is agreed, is innocent. Let us assume, however, that the woman and the prospective father have acted irresponsibly: they have not taken due precautions to avoid pregnancy. Thus, it hardly seems fair to abort the fetus. But suppose we know that the fetus, if it is permitted to develop, will become a grossly deformed child—no arms or legs, blind, and acutely mentally defective. Is the fact that the fetus is innocent, while the potential parents are not, a sufficiently weighty reason to insist that, morally speaking, the fetus ought not to be aborted? Are there not other, possibly weightier, reasons in addition to the comparative innocence of the parties in question? Many philosophers think so. Feinberg explores some of their arguments in his essay on abortion. But the kind of problem just described, where rights conflict, is to be met with in many of the essays.

#### §17 MORAL ATOMISM AND HOLISM

Despite their many differences, all of the normative ethical theories discussed so far are "atomistic"; that is, each holds it is of crucial moral importance that *individuals* be considered equitably. Some of the theories, it is true, emphasize the importance of considering the rights or worth of individuals, while others emphasize consideration of individual interests or preferences. Still, all take the notion of the importance of the individual as a sort of moral datum in terms of which we must do our thinking about moral right and wrong. As so often happens in philosophy, a widely shared assumption has given rise to a cadre of critics, persons who for a variety of reasons argue that the traditional importance attached to the individual in moral theory is misplaced at best and morally perverse at worst. In place of the pervasive "atomistic" emphasis in moral theory, these critics would have us develop a "holistic" vision, a vision that locates ultimate value in systems rather than in the individuals who comprise them. It is, on this

view, the balance, sustainability, diversity, integrity—the beauty, even—of more or less large ecosystems or communities of living things that should be the focus of our moral thinking. The importance of the individual, like the emperor of lore, has no clothes.

This assault by holistic thinkers on the importance traditionally attached to the individual, and the growing debate over animal rights, are perhaps the most significant recent developments in the general area of environmental ethics. Nonanthropocentric well beyond those who argue for the rights of animals, these holistic thinkers are attempting to articulate a radical transformation of how we do ethics, or at least environmental ethics, and their possible success in this endeavor would, if it came to pass, have enormously important implications for virtually all of the issues discussed in this anthology. For example, a great deal of recent thought has been devoted to questions about the existence and stringency of our obligations to future generations. To the extent that we suppose that issues about environmental policy depend on obligations to future generations, however, to that extent at least it is arguable that we continue to perpetuate the “atomistic” vision of morality holistic critics are determined to replace. In their view, or so it seems, concern about the welfare and rights of the individual, even including those of our descendants, is too narrow, focusing as it does on the rights, interests, or value of the individual rather than on the beauty, stability, balance, and sustainability of ecosystems. Should we accept this “paradigm shift” away from the individual to the ecosystem? It is not easy to say. But it should come as no surprise that the grounds and implications of this holistic approach to environmental ethics should be the object of critical scrutiny in this volume (see, in particular, the essay by J. Baird Callicott).

### §18 THE VALUE OF LIFE

One idea mentioned earlier (§15) is that of the value of life. Many questions must be asked about this idea. Is life itself valuable, or is it rather that life is a necessary condition of other kinds of value? If life itself is valuable, why is it, and what kind of value does it have? If it is life itself that is valuable, are the lives of all living beings equally valuable? If it is said that only the lives of certain beings (say, human beings) are valuable, then what are the grounds for restricting the value of life in this way? These questions demand close scrutiny and are examined in many of the essays.

The idea of life's value is connected with most of the ideas discussed in this introduction. Its relevance to the question of moral rights will have to serve as illustrative. Suppose that the life of any human being (Bill) has a kind of value that does not depend on anyone else happening to find Bill useful or fun to be with; in other words, suppose Bill's life, and the life of any other person, is *inherently* valuable. Then it might be possible to argue that Bill and other persons

have a moral right to life *because* their lives are inherently valuable. And this, if it were true, could have direct implications for debates over the morality of capital punishment, euthanasia, suicide, etc. If it is morally wrong to destroy an inherently valuable life, why are not all cases of capital punishment, euthanasia, and suicide morally wrong? As we might expect, just this question is considered in the essays on these respective topics. But the idea of life's value finds a place in each essay. To ask about the role that this idea plays in the several essays, therefore, is to formulate a final question that can be asked of each.

### §19 A FINAL SET OF QUESTIONS

The discussions of ideas in the preceding sections provide few, if any, answers, but like earlier discussions, they enable us to formulate a set of questions which we can take to the readings that follow. Here are some examples.

1. Does the author being read make use of the idea of individual rights and, if so, are the rights invoked legal or moral rights?
2. Is any effort expended to say what rights are (that is, how the notion of a right, whether moral or legal, is to be analyzed?) If so, how adequate is the analysis that is offered?
3. If moral rights are invoked, are they negative rights, or positive (welfare) rights, or both? And is any argument offered in support of recognizing the validity of the rights appealed to?
4. Does the author address the question of the scope of rights (that is, the question of who or what has rights)? For example, is the question concerning animal rights examined and, if so, how is it answered?
5. Does the author implicitly or explicitly subscribe to an anthropocentric vision of morality? Are human interests and rights, and *only* human interests and rights, assumed to be the measure of right and wrong?
6. Does the author implicitly or explicitly endorse an atomistic vision of morality, one that places the rights and interests of the *individual* at the center of our moral thinking, or is a holistic vision advocated, one that places value in the integrity and stability of whole systems or, perhaps, the entire biosphere? In either case, what arguments, if any, are offered to support the author's vision of the moral scheme of things, and how rationally compelling are these arguments?

As before, when we put our questions in terms of, say, the rights of the individual or the value of ecosystems or their nonhuman inhabitants, this final set of questions hardly exhausts those we can ask of the philosophers whose work we will be reading. Like the previous questions, however, those just given provide us with a map of sorts, helping

to guide us through the thicket of ideas that lies ahead by reminding us of some of the questions we will need to ask if we are to understand where we are and where we are going. Philosophy, Aristotle remarks, begins in wonder, and to wonder is seriously to ask "What?" "Why?" "How?"—is, that is, seriously to question. To have a store of questions at our disposal, therefore, questions we will seriously pose of the essays that follow, is already to have begun the journey that is philosophy.

# Euthanasia

JAMES RACHELS

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In this essay we shall discuss the major moral and legal questions concerning euthanasia. Is euthanasia morally permissible, or is it morally wrong? Should it be against the law, or should it be legal?

## I. INTRODUCTION

It would be useful if we could define at the outset exactly what we mean by the word 'euthanasia'. But that is not an easy task. The word derives from two Greek words that mean, literally, "a good death," but we mean much more by it than that. The nearest English synonym for 'euthanasia' is 'mercy killing', which is close. Beyond that, it is hard to give a precise definition because the word is used in connection with a wide variety of cases.

### §1 THE CENTRAL CASE

Let's begin by looking at a case that illustrates perfectly what euthanasia is. (Incidentally, all the examples of euthanasia that I use throughout this essay are taken from real life.)

Albert A., a hospital patient, was dying of cancer, which had spread throughout his body. The intense pain could no longer be controlled. Every four hours he would be given a painkiller, but over many months of treatment he had built up a tolerance for the drug, until now it would relieve the pain for only a few minutes each time. Albert knew that he was going to die anyway, for the cancer could not be cured. He did not want to linger in agony, so he asked his