

# Who Should I Be? What Do I Do?

## An Introduction to Ethics

By Davis A. Smith

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*Who Should I Be? What Should I Do?* by Davis Smith is, for the most part, an original introduction to Ethics textbook. It covers the most common content in an introductory level Ethics course but also covers less common topics and perspectives, such as Feminist Consequentialism, Mohist Consequentialism, and pre-colonial Nahuatl Virtue Ethics. Aside from the original content provided by Davis Smith, this text also includes primary source material:

1. The Challenge of Cultural Relativism by James Rachels
2. Why I am an Objectivist about Ethics (and Why You Are, Too) by David Enoch
3. The Moral and Legal Status of Abortion by Mary Warren
4. I was Once a Fetus by Alexander Pruss

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# MODULE I

*What is Ethics? Moral  
Relativism Vs Moral  
Objectivism*





# *Part 1: What is Ethics? What is Relativism?*

Much like the other sciences, Philosophy is broken up in to fields of study which share certain aspects concerning methodology. There are many different fields which one could specialize in but each one has three distinct levels of inquiry. These levels, roughly, in order of abstraction, are 'meta', 'normative/theoretical', and 'applied'. Starting with the most abstract, the 'meta' level concerns questions about the questions in the field. So, for example, metabiology would be an area of biology asking questions such as 'what exactly is a species?', 'where is the line between biology and chemistry?' and others of that sort. Meta-ethics, which is the content for this module and the next, asks questions of the form 'what do right and wrong even mean?', 'what are we doing when we make ethical claims?', 'is any action, re-

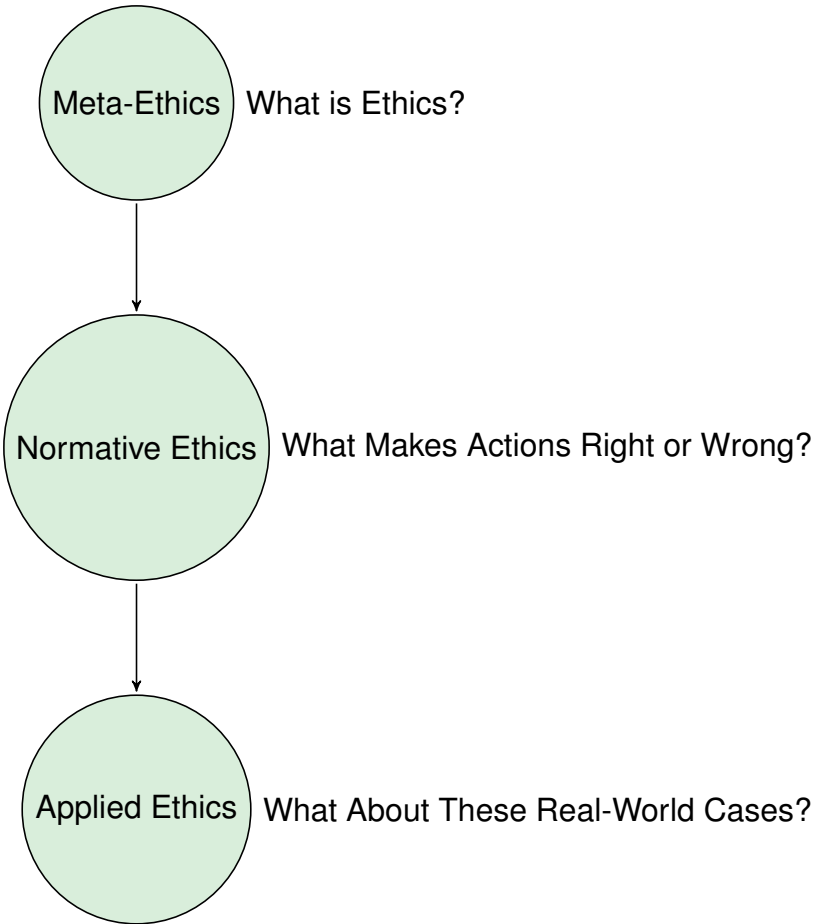
ardless of circumstance, absolutely wrong?', and 'concerning actions, what is the difference between 'right and wrong' and 'good and bad'?'. The theoretical (for Ethics, the term is "normative") level concerns the hypotheses and explanations for various things in the field. Generally, these questions/explanations are tested and used in the applied level. Normative Ethics concerns questions like "what general feature(s) make some action right or wrong?", "what does it take to be a good person?", and others like that. The final, lowest level, is the applied level. This is where they look at real world cases, actually test the hypotheses in the meta and normative levels, to see what happens. For Ethics, this is found in questions like "what should I do in this situation?". The majority of this class concerns Normative Ethics, with some adventures into the other levels.

Ethics, fundamentally speaking, is a field of study which concerns value, duty, right, wrong, justice, fairness, obligations, and so on. Within Normative Ethics, there are two 'branches', so to speak, which we will explore in this textbook. The first concerns questions regarding individual actions, so, basically, "what general feature makes an action right or wrong?". This is where we will spend most of our time as it's more practically useful and many of the motivations behind contemporary civil rights movements can be found there. The second branch concerns what makes a good or bad person. Basically, "what general features make a good person?". You will likely see me use this terminology again but the first branch concerns what you should do and the second concerns who you

should be. These are the titular questions of this textbook: 'Who Should I Be?' and 'What Should I Do?'.

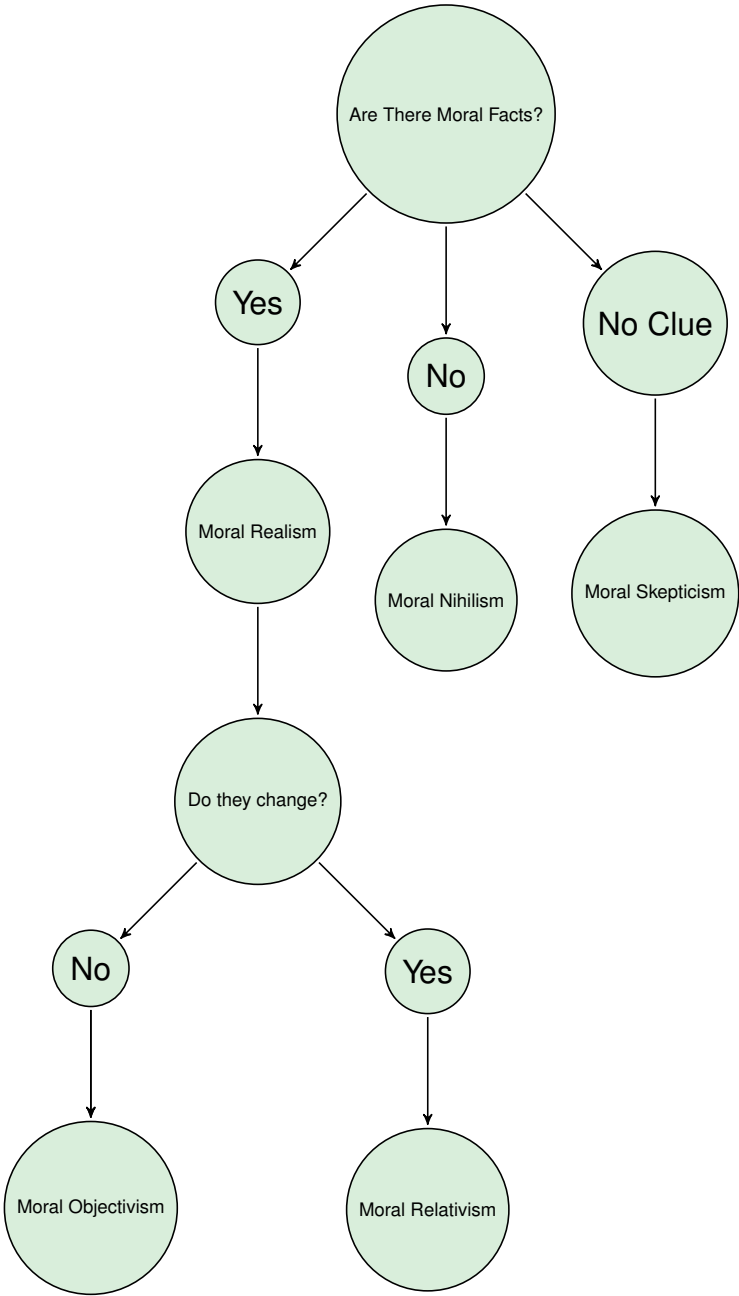
## Going Meta: The Ethics Family Tree

You may have sometimes heard the term "meta" used and attached it to a field of study, such as "metaphysics", "metaethics", "metabiology", and even "metaphilosophy". The prefix "meta-" changes the level of questioning in the field. Physics is trying to answer certain questions, metaphysics is trying to answer questions about the questions in physics. If it helps, the prefix "meta-" means "asking questions about the questions in", and then every additional "meta-" moves the level up a peg. The 'lowest' level of abstraction for a field is its applied version. So, you have physics and then you have applied physics, mathematics and applied mathematics. The next level up concerns abstractions from the findings in the applied field. This is either called 'theoretical' or (in the case of Ethics) 'normative'. And, finally, the most abstract level which most people need to be concerned about is 'meta-'. So, using this way of understanding, I can make the following chart:



Relativism and Objectivism are stances in the meta-level of Ethics. But there are two others, Nihilism and Skepticism, which are on the same level. One can think of the stances in Ethics as falling on a family tree. The stances are related to each other according to how they answer certain questions. For simplicity's sake, I have arranged these according to yes-no questions, but it is

possible to get similar relations by going with degrees. The first question is 'are there moral facts?', that is 'are moral statements either true or false?'. Both Relativism and Objectivism answer the first question in the same way, they say 'yes' so they are called 'realist' stances. Nihilism says 'no' and Skepticism answers it by saying 'I don't know'. The Objectivist and the Relativist differ in that the objectivist claims that the morality of something doesn't change according to the culture or the person. Opinions about what is right or wrong may change, but the Objectivist says that what is actually moral/immoral is constant. People were just wrong about what was OK to do. The Relativist says that morality is determined by the culture/person, so when perspectives change, morality itself changes (this will be a problem for the theory later).



## Relativism, in General

Though we will be spending most of our time handling questions concerning Ethical/Moral Relativism, it is useful to go through exactly what that term 'Relativism' means. This sort of idea is found in several areas of philosophy and the notion (applied differently) is found in physics. This, in its broad sense, is the stance that there is no absolute truth (objective truth), but rather the truth about things varies from person to person or from culture to culture, depending on the version of relativism which is held. Much like any other theory, there are several different 'relativisms' which differ according to their scope as well as the aspect which the facts in that scope are relative to. This may be that there are no objective truths at all, or that there aren't any in some particular area. Relativism comes in many different flavors. The first is that everything is relative, this is global relativism. The other is that only certain things are relative, this is limited relativism. From this, we have to ask what are they relative to? These are either to your culture or to you individually. These two divisions into relativism gives us a total of 4 different 'classes' of relativism which one could find themselves in.

First, we have Global Cultural Relativism. This says that all truths, all facts, are determined by what your culture believes. So, for example, if this were true, there would be no fact of the matter about whether the Earth is flat, rather it would be flat for one culture (The flat earth-ers) and round for another. This same thing would apply to all other facts, such as mathematics. In a more applied

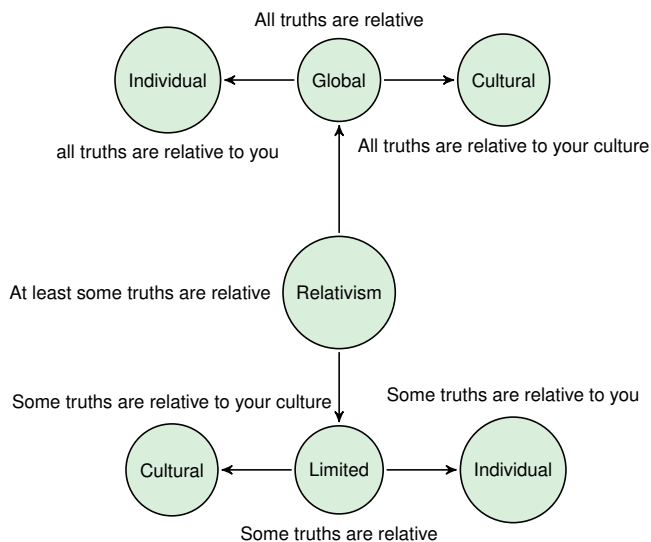
case, there is no way for one culture to (correctly/accurately) tell another that they are wrong about something, because regardless of the belief, they would be correct and the other culture would be correct too.

The second class of Relativism is Global Individual Relativism. This says that all facts are relative to and determined by what the individual believes. And I do mean all of them. So, for example, if this were true and a little kid believed, with all their little heart, that unicorns existed, then, for them, unicorns exist. There would be no way for another person to tell them that they were mistaken because the fact about whether unicorns exist is determined by what each individual believes. This is the ultimate, extreme, form of the phrase 'you do you, bro'.

Those last two are a little too extreme for anyone to take seriously any more. Global Individual Relativism was popular during Socrates' time, but it quickly fell out of favor because of how, frankly, crazy it is. The next version is a lot more popular now a days and it's easy to find examples of it which people could find appealing. This is Limited Cultural Relativism. 'Limited' means that it doesn't apply to all facts, rather just a small, limited variety of them. Normally, when discussing the stance, 'Limited' is replaced with the area/class of facts which are claimed to be relative. For example, one could be a Aesthetic Cultural Relativist; this means that one thinks that facts about beauty/art are determined by the culture's beliefs in those things. But, this should not be confused with 'beauty is in the eye of the beholder' because that would be Aesthetic Individual Relativism.



The fourth and final classification of relativism is similar to the previous. This is Limited Individual Relativism. Like before, it doesn't say that all facts are relative, rather it says that only a small section of them are. As before also, 'limited' is replaced with the area which it concerns. The examples for this could be reasonable or just plain silly. To use an example from before, Aesthetic Individual Relativism is the stance that there's no fact of the matter regarding art or beauty, rather whether or not something is beautiful is determined by whether or not the individual finds it pretty.



# *The Challenge of Cultural Relativism by James Rachels*

1

“Morality differs in every society, and is a convenient term for socially approved habits.” Ruth Benedict, *Patterns of Culture* (1934)

## **2.1 How Different Cultures Have Different Moral Codes**

Darius, a king of ancient Persia, was intrigued by the variety of cultures he encountered in his travels. He had found, for example, that the Callatians (a tribe of Indi-

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<sup>1</sup>James Rachels, “*The Challenge of Cultural Relativism*,” *Exploring Philosophy: An Introductory Anthology*, edited by Steven M. Cahn (Oxford UP, 1907).

ans) customarily ate the bodies of their dead fathers. The Greeks, of course, did not do that—the Greeks practiced cremation and regarded the funeral pyre as the natural and fitting way to dispose of the dead. Darius thought that a sophisticated understanding of the world must include an appreciation of such differences between cultures. One day, to teach this lesson, he summoned some Greeks who happened to be present at his court and asked them what they would take to eat the bodies of their dead fathers. They were shocked, as Darius knew they would be, and replied that no amount of money could persuade them to do such a thing. Then Darius called in some Callatians, and while the Greeks listened asked them what they would take to burn their dead fathers' bodies. The Callatians were horrified and told Darius not even to mention such a dreadful thing.

This story, recounted by Herodotus in his *History* illustrates a recurring theme in the literature of social science: Different cultures have different moral codes. What is thought right within one group may be utterly abhorrent to the members of another group, and vice versa. Should we eat the bodies of the dead or burn them? If you were a Greek, one answer would seem obviously correct; but if you were a Callatian, the opposite would seem equally certain.

It is easy to give additional examples of the same kind. Consider the Eskimos. They are a remote and inaccessible people. Numbering only about 25,000, they live in small, isolated settlements scattered mostly along the northern fringes of North America and Greenland. Until

the beginning of the 20th century, the outside world knew little about them. Then explorers began to bring back strange tales.

Eskimos customs turned out to be very different from our own. The men often had more than one wife, and they would share their wives with guests, lending them for the night as a sign of hospitality. Moreover, within a community, a dominant male might demand and get regular sexual access to other men's wives. The women, however, were free to break these arrangements simply by leaving their husbands and taking up with new partners—free, that is, so long as their former husbands chose not to make trouble. All in all, the Eskimo practice was a volatile scheme that bore little resemblance to what we call marriage.

But it was not only their marriage and sexual practices that were different. The Eskimos also seemed to have less regard for human life. Infanticide, for example, was common. Knud Rasmussen, one of the most famous early explorers, reported that he met one woman who had borne 20 children but had killed 10 of them at birth. Female babies, he found, were especially liable to be destroyed, and this was permitted simply at the parents' discretion, with no social stigma attached to it. Old people also, when they became too feeble to contribute to the family, were left out in the snow to die. So there seemed to be, in this society, remarkably little respect for life.

To the general public, these were disturbing revelations. Our own way of living seems so natural and right

that for many of us it is hard to conceive of others living so differently. And when we do hear of such things, we tend immediately to categorize those other peoples as "backward" or "primitive." But to anthropologists and sociologists, there was nothing particularly surprising about the Eskimos. Since the time of Herodotus, enlightened observers have been accustomed to the idea that conceptions of right and wrong differ from culture to culture. If we assume that our ideas of right and wrong will be shared by all peoples as all times, we are merely naive.

## 2.2 Cultural Relativism

To many thinkers, this observation—"Different cultures have different moral codes"—has seemed to be the key to understanding morality. The idea of universal truth in ethics, they say, is a myth. The customs of different societies are all that exist. These customs cannot be said to be "correct" or "incorrect," for that implies we have an independent standard of right and wrong by which they may be judged. But there is no such independent standard; every standard is culture-bound. The great pioneering sociologist William Graham Sumner, writing in 1906, put the point like this:

The "right" way is the way which the ancestors used and which has been handed down. The tradition is its own warrant. It is not held subject to verification by experience. The notion of right is in the folkways. It is not outside of them, of independent origin, and brought to test them. In the folkways, whatever is, is right. This is because they are traditional, and therefore contain in themselves the authority of the ancestral ghosts. When we come to the folkways we are at the end of our analysis

This line of thought has probably persuaded more people to be skeptical about ethics than any other single thing. Cultural Relativism, as it has been called, challenges our ordinary belief in the objectivity and universality of moral truth. It says, in effect, that there is not such thing as universal truth in ethics; there are only the various cultural codes, and nothing more. Moreover, our own code has no special status; it is merely one among many.

As we shall see, this basic idea is really a compound of several different thoughts. It is important to separate the various elements of the theory because, on analysis, some parts turn out to be correct, while others seem to be mistaken. As a beginning, we may distinguish the following claims, all of which have been made by cultural relativists:

- 1 Different societies have different moral codes.
- 2 There is no objective standard that can be used to judge one societal code better than another.

- 3 The moral code of our own society has no special status; it is merely one among many.
- 4 There is no "universal truth" in ethics; that is, there are no moral truths that hold for all peoples at all times.
- 5 The moral code of a society determines what is right within that society; that is, if the moral code of a society says that a certain action is right, then that action is right, at least within that society.
- 6 It is mere arrogance for us to try to judge the conduct of other peoples. We should adopt an attitude of tolerance toward the practices of other cultures.

Although it may seem that these six propositions go naturally together, they are independent of one another, in the sense that some of them might be false even if others are true. In what follows, we will try to identify what is correct in Cultural Relativism, but we will also be concerned to expose what is mistaken about it.

## 2.3 The Cultural Differences Argument

Cultural Relativism is a theory about the nature of morality. At first blush it seems quite plausible. However, like all such theories, it may be evaluated by subjecting it to rational analysis; and when we analyze Cultural Relativism we find that it is not so plausible as it first appears to be.

The first thing we need to notice is that at the heart of Cultural Relativism there is a certain form of argument.

The strategy used by cultural relativists is to argue from facts about the differences between cultural outlooks to a conclusion about the status of morality. Thus we are invited to accept this reasoning:

- 1 The Greeks believed it was wrong to eat the dead, whereas the Callatians believed it was right to eat the dead.
- 2 Therefore, eating the dead is neither objectively right nor objectively wrong. It is merely a matter of opinion, which varies from culture to culture.

Or, alternatively:

- 1 The Eskimos see nothing wrong with infanticide, whereas Americans believe infanticide is immoral.
- 2 Therefore, infanticide is neither objectively right nor objectively wrong. It is merely a matter of opinion, which varies from culture to culture.

Clearly, these arguments are variations of one fundamental idea. They are both special cases of a more general argument, which says:

- 1 Different cultures have different moral codes.
- 2 Therefore, there is no objective "truth" in morality. Right and wrong are only matters of opinion, and opinions vary from culture to culture.

We may call this the Cultural Differences Argument. To many people, it is persuasive. But from a logical point of view, is it sound?



It is not sound. The trouble is that the conclusion does not follow from the premise—that is, even if the premise is true, the conclusion still might be false. The premise concerns what people believe. In some societies, people believe one thing; in other societies, people believe differently. The conclusion, however, concerns what really is the case. The trouble is that this sort conclusion does not follow logically from this sort of premise.

Consider again the example of the Greeks and Callatians. The Greeks believed it was wrong to eat the dead; the Callatians believed it was right. Does it follow, from the mere fact that they disagreed, that there is no objective truth in the matter? No, it does not follow; for it could be that the practice was objectively right (or wrong) and that one or the other of them was simply mistaken.

To make the point clearer, consider a different matter. In some societies, people believe the earth is flat. In other societies, such as our own, people believe the earth is (roughly) spherical. Does it follow, from the mere fact that people disagree, that there is no "objective truth" in geography? Of course not; we would never draw such a conclusion because we realize that, in their beliefs about the world, the members of some societies might simply be wrong. There is no reason to think that if the world is round everyone must know it. Similarly, there is no reason to think that if there is moral truth everyone must know it. The fundamental mistake in the Cultural Differences Argument is that it attempts to derive a substantive conclusion about a subject from the mere fact that people disagree about it.

This is a simple point of logic, and it is important not to misunderstand it. We are not saying (not yet, anyway) that the conclusion of the argument is false. It is still an open question whether the conclusion is true or false. The logical point is just that the conclusion does not follow from the premise. This is important, because in order to determine whether the conclusion is true, we need arguments in its support. Cultural Relativism proposes this argument, but unfortunately the argument turns out to be fallacious. So it proves nothing.

## 2.4 The Consequences of Taking Cultural Relativism Seriously

Even if the Cultural Differences Argument is invalid, Cultural Relativism might still be true. What would it be like if it were true?

In the passage quoted above, William Graham Sumner summarizes the essence of Cultural Relativism. He says that there is no measure of right and wrong other than the standards of one's society: "The notion of right is in the folkways. It is not outside of them, of independent origin, and brought to test them. In the folkways, whatever is, is right." Suppose we took this seriously. What would be some of the consequences?

1. We could no longer say that the customs of other societies are morally inferior to our own.

This, of course, is one of the main points stressed by Cultural Relativism. We would have to stop condemning

other societies merely because they are "different.' So long as we concentrate on certain examples, such as the funerary practices of the Greeks and Callatians, this may seem to be a sophisticated, enlightened attitude.

However, we would also be stopped from criticizing other, less benign practices. Suppose a society waged war on its neighbors for the purpose of taking slaves. Or suppose a society was violently anti-Semitic and its leaders set out to destroy the Jews. Cultural Relativism would preclude us from saying that either of these practices was wrong. We would not even be able to say that a society tolerant of Jews is better than the anti- Semitic society, for that would imply some sort of transcultural standard of comparison. The failure to condemn these practices does not seem enlightened; on the contrary, slavery and anti-Semitism seem wrong wherever they occur. Nevertheless, if we took Cultural Relativism seriously, we would have to regard these social practices as also immune from criticism.

**2. We could decide whether actions are right or wrong just by consulting the standards of our society.**

Cultural Relativism suggests a simple test for determining what is right and what is wrong: All one need do is ask whether the action is in accordance with the code of one's society. Suppose in 1975, a resident of South Africa was wondering whether his country's policy of apartheid—a rigidly racist system—was morally correct. All he has to do is ask whether this policy conformed to his society's

moral code. If it did, there would have been nothing to worry about, at least from a moral point of view.

This implication of Cultural Relativism is disturbing because few of us think that our society's code is perfect; we can think of ways it might be improved. Yet Cultural Relativism would not only forbid us from criticizing the codes of other societies; it would stop us from criticizing our own. After all, if right and wrong are relative to culture, this must be true for our own culture just as much as for other cultures.

### 3. The idea of moral progress is called into doubt.

Usually, we think that at least some social changes are for the better. (Although, of course, other changes may be for the worse.) Throughout most of Western history the place of women in society was narrowly circumscribed. They could not own property; they could not vote or hold political office; and generally they were under the almost absolute control of their husbands. Recently much of this has changed, and most people think of it as progress.

If Cultural Relativism is correct, can we legitimately think of this as progress? Progress means replacing a way of doing things with a better way. But by what standard do we judge the new ways as better? If the old ways were in accordance with the social standards of their time, then Cultural Relativism would say it is a mistake to judge them by the standards of a different time. Eighteenth-century society was, in effect, a different society from the one we have now. To say that we have made progress implies a judgment that present-day society is

better, and that is just the sort of transcultural judgment that, according to Cultural Relativism, is impermissible.

Our idea of social reform will also have to be reconsidered. Reformers such as Martin Luther King, Jr., have sought to change their societies for the better. Within the constraints imposed by Cultural Relativism, there is one way this might be done. If a society is not living up to its own ideals, the reformer may be regarded as acting for the best: The ideals of the society are the standard by which we judge his or her proposals as worthwhile. But the "reformer" may not challenge the ideals themselves, for those ideals are by definition correct. According to Cultural Relativism, then, the idea of social reform makes sense only in this limited way.

These three consequences of Cultural Relativism have led many thinkers to reject it as implausible on its face. It does make sense, they say, to condemn some practices, such as slavery and anti-Semitism, wherever they occur. It makes sense to think that our own society has made some moral progress, while admitting that it is still imperfect and in need of reform. Because Cultural Relativism says that these judgments make no sense, the argument goes, it cannot be right.

## 2.5 Why There Is Less Disagreement Than It Seems

The original impetus for Cultural Relativism comes from the observation that cultures differ dramatically in their views of right and wrong. But just how much do they

differ? It is true that there are differences. However, it is easy to overestimate the extent of those differences. Often, when we examine what seems to be a dramatic difference, we find that the cultures do not differ nearly as much as it appears.

Consider a culture in which people believe it is wrong to eat cows. This may even be a poor culture, in which there is not enough food; still, the cows are not to be touched. Such a society would appear to have values very different from our own. But does it? We have not yet asked why these people will not eat cows. Suppose it is because they believe that after death the souls of humans inhabit the bodies of animals, especially cows, so that a cow may be someone's grandmother. Now do we want to say that their values are different from ours? No; the difference lies elsewhere. The difference is in our belief systems, not in our values. We agree that we shouldn't eat Grandma; we simply disagree about whether the cow is (or could be) Grandma.

The point is that many factors work together to produce the customs of a society. The society's values are only one of them. Other matters, such as the religions and factual beliefs held by its members, and the physical circumstances in which they must live, are also important. We cannot conclude, then, merely because customs differ, that there is a disagreement about values. The difference in customs may be attributable to some other aspects of social life. Thus there may be less disagreement about values than there appears to be.

Consider again the Eskimos, who often kill perfectly

normal infants, especially girls. We do not approve of such things; a parent who killed a baby in our society would be locked up. Thus there appears to be a great difference in the values of our two cultures. But suppose we ask why the Eskimos do this. The explanation is not that they have less affection for their children or less respect for human life. An Eskimo family will always protect its babies if conditions permit. But they live in a harsh environment, where food is in short supply. A fundamental postulate of Eskimos thought is: "Life is hard, and the margin of safety small." A family may want to nourish its babies but be unable to do so. As in many "primitive" societies, Eskimo mothers will nurse their infants over a much longer period of time than mothers in our culture. The child will take nourishment from its mother's breast for four years, perhaps even longer. So even in the best of times there are limits to the number of infants that one mother can sustain. Moreover, the Eskimos are a nomadic people—unable to farm, they must move about in search of food. Infants must be carried, and a mother can carry only one baby in her parka as she travels and goes about her outdoor work. Other family members help whenever they can.

Infant girls are more readily disposed of because, first, in this society the males are the primary food providers—they are the hunters, according to the traditional division of labor—and it is obviously important to maintain a sufficient number of food providers. But there is an important second reason as well. Because the hunters suffer a high casualty rate, the adult men who die prematurely

far outnumber the women who die early. Thus if male and female infants survived in equal numbers, the female adult population would greatly outnumber the male adult population. Examining the available statistics, one writer concluded that "were it not for female infanticide...there would be approximately one-and-a-half times as many females in the average Eskimo local group as there are food-producing males."

So among the Eskimos, infanticide does not signal a fundamentally different attitude toward children. Instead, it is a recognition that drastic measures are sometimes needed to ensure the family's survival. Even then, however, killing the baby is not the first option considered. Adoption is common; childless couples are especially happy to take a more fertile couple's "surplus." Killing is only the last resort. I emphasize this in order to show that the raw data of the anthropologists can be misleading; it can make the differences in values between cultures appear greater than they are. The Eskimos' values are not all that different from our values. It is only that life forces upon them choices that we do not have to make.

## 2.6 How All Cultures Have Some Values in Common

It should not be surprising that, despite appearances, the Eskimos are protective of their children. How could it be otherwise? How could a group survive that did not value its young? It is easy to see that, in fact, all cultural groups must protect their infants:



- 1 Human infants are helpless and cannot survive if they are not given extensive care for a period of years.
- 2 Therefore, if a group did not care for its young, the young would not survive, and the older members of the group would not be replaced. After a while the group would die out.
- 3 Therefore, any cultural group that continues to exist must care for its young. infants that are not cared for must be the exception rather than the rule.

Similar reasoning shows that other values must be more or less universal. Imagine what it would be like for a society to place no value at all on truth telling. When one person spoke to another, there would be no presumption at all that he was telling the truth for he could just as easily be speaking falsely. Within that society, there would be no reason to pay attention to what anyone says. (I ask you what time it is, and you say "Four o'clock." But there is no presumption that you are speaking truly; you could just as easily have said the first thing that came into your head. So I have no reason to pay attention to your answer; in fact, there was no point in my asking you in the first place.) Communication would then be extremely difficult, if not impossible. And because complex societies cannot exist without communication among their members, society would become impossible. It follows that in any complex society there must be a presumption in favor of truthfulness. There may of course be exceptions to this rule: There may be situations in which it is thought to be

permissible to lie. Nevertheless, there will be exceptions to a rule that is in force in the society.

Here is one further example of the same type. Could a society exist in which there was no prohibition on murder? What would this be like? Suppose people were free to kill other people at will, and no one thought there was anything wrong with it. In such a "society," no one could feel secure. Everyone would have to be constantly on guard. People who wanted to survive would have to avoid other people as much as possible. This would inevitably result in individuals trying to become as self-sufficient as possible—after all, associating with others would be dangerous. Society on any large scale would collapse. Of course, people might band together in smaller groups with others that they could trust not to harm them. But notice what this means: They would be forming smaller societies that did acknowledge a rule against murder: The prohibition of murder, then, is a necessary feature of all societies.

There is a general theoretical point here, namely, that *there are some moral rules that all societies will have in common, because those rules are necessary for society to exist*. The rules against lying and murder are two examples. And in fact, we do find these rules in force in all viable cultures. Cultures may differ in what they regard as legitimate exceptions to the rules, but this disagreement exists against a background of agreement on the larger issues. Therefore, it is a mistake to overestimate the amount of difference between cultures. Not every moral rule can vary from society to society.

## 2.7 Judging a Cultural Practice to Be Undesirable

In 1996, a 17-year-old girl named Fauziya Kassindja arrived at Newark International Airport and asked for asylum. She had fled her native country of Togo, a small west African nation, to escape what people there call excision.

Excision is a permanently disfiguring procedure that is sometimes called "female circumcision," although it bears little resemblance to the Jewish ritual. More commonly, at least in Western newspapers, it is referred to as "genital mutilation." According to the World Health Organization, the practice is widespread in 26 African nations, and two million girls each year are "excised." In some instances, excision is part of an elaborate tribal ritual, performed in small traditional villages, and girls look forward to it because it signals their acceptance into the adult world. In other instances, the practice is carried out by families living in cities on young women who desperately resist.

Fauziya Kassindja was the youngest of five daughters in a devoutly Muslim family. Her father, who owned a successful trucking business, was opposed to excision, and he was able to defy the tradition because of his wealth. His first four daughters were married without being mutilated. But when Fauziya was 16, he suddenly died. Fauziya then came under the authority of his father, who arranged a marriage for her and prepared to have her excised. Fauziya was terrified, and her mother and oldest sister helped her to escape. Her mother, left without resources, eventually had to formally apologize and submit

to the authority of the patriarch she had offended.

Meanwhile, in America, Fauziya was imprisoned for two years while the authorities decided what to do with her. She was finally granted asylum, but not before she became the center of a controversy about how foreigners should regard the cultural practices of other peoples. A series of articles in the *New York Times* encouraged the idea that excision is a barbaric practice that should be condemned. Other observers were reluctant to be so judgmental—live and let live, they said; after all, our practices probably seem just as strange to them.

Suppose we are inclined to say that excision is bad. Would we merely be applying the standards of our own culture? If Cultural Relativism is correct, that is all we can do, for there is no cultural-neutral moral standard to which we may appeal. Is that true?

## Is There a Culture-Neutral Standard of Right and Wrong?

There is, of course, a lot that can be said against the practice of excision. Excision is painful and it results in the permanent loss of sexual pleasure. Its short-term effects include hemorrhage, tetanus, and septicemia. Sometimes the woman dies. Longterm effects include chronic infection, scars that hinder walking, and continuing pain.

Why, then, has it become a widespread social practice? It is not easy to say. Excision has no obvious social benefits. Unlike Eskimo infanticide, it is not necessary for the group's survival. Nor is it a matter of religion. Excision

is practiced by groups with various religions, including Islam and Christianity, neither of which commend it.

Nevertheless, a number of reasons are given in its defense. Women who are incapable of sexual pleasure are said to be less likely to be promiscuous; thus there will be fewer unwanted pregnancies in unmarried women. Moreover, wives for whom sex is only a duty are less likely to be unfaithful to their husbands; and because they will not be thinking about sex, they will be more attentive to the needs of their husbands and children. Husbands, for their part, are said to enjoy sex more with wives who have been excised. (The women's own lack of enjoyment is said to be unimportant.) Men will not want unexcised women, as they are unclean and immature. And above all, it has been done since antiquity, and we may not change the ancient ways.

It would be easy, and perhaps a bit arrogant, to ridicule these arguments. But we may notice an important feature of this whole line of reasoning: it attempts to justify excision by showing that excision is beneficial—men, women, and their families are all said to be better off when women are excised. Thus we might approach this reasoning, and excision itself, by asking which is true: Is excision, on the whole, helpful or harmful?

Here, then, is the standard that might most reasonably be used in thinking about excision: We may ask whether the practice promotes or hinders the welfare of the people whose lives are affected by it. And, as a corollary, we may ask if there is an alternative set of social arrangements that would do a better job of promoting their welfare. If so,

we may conclude that the existing practice is deficient.

But this looks like just the sort of independent moral standard that Cultural Relativism says cannot exist. It is a single standard that may be brought to bear in judging the practices of any culture, at any time, including our own. Of course, people will not usually see this principle as being "brought in from the outside" to judge them, because, like the rules against lying and homicide, the welfare of its members is a value internal to all viable cultures.

### **Why Thoughtful People May Nevertheless Be Reluctant to Criticize Other Cultures.**

Although they are personally horrified by excision, many thoughtful people are reluctant to say it is wrong, for at least three reasons. First, there is an understandable nervousness about "interfering in the social customs of other peoples." Europeans and their cultural descendents in America have a shabby history of destroying native cultures in the name of Christianity and Enlightenment, not to mention self-interest. Recoiling from this record, some people refuse to make any negative judgments about other cultures, especially cultures that resemble those that have been wronged in the past. We should notice, however, that there is a difference between (a) judging a cultural practice to be morally deficient and (b) thinking that we should announce the fact, conduct a campaign, apply diplomatic pressure, or send in the army to do something about it. The first is just a matter of trying to see the world clearly, from a moral point of view. The second is

another matter altogether. Sometimes it may be right to "do something about it," but often it will not be.

People also feel, rightly enough, that they should be tolerant of other cultures. Tolerance is, no doubt, a virtue—a tolerant person is willing to live in peaceful cooperation with those who see things differently. But there is nothing in the nature of tolerance that requires you to say that all beliefs, all religions, and all social practices are equally admirable. On the contrary, if you did not think that some were better than others, there would be nothing for you to tolerate.

Finally, people may be reluctant to judge because they do not want to express contempt for the society being criticized. But again, this is misguided: To condemn a particular practice is not to say that the culture is on the whole contemptible or that it is generally inferior to any other culture, including one's own. It could have many admirable features. In fact, we should expect this to be true of most human societies—they are mixes of good and bad practices. Excision happens to be one of the bad ones

## *Part 2: Moral*

## *Relativism*

Moral/Ethical Relativism is a kind of limited relativism. It does not say that all facts are relative, rather it says that (only) facts concerning morality are. This stance might concern questions about whether a person is good or bad (it might say that the standards for being a good person are relative) but that stance is not popular and not the ordinary view. Moral Relativism is a very common stance that the 'woke' people might find appealing. It says that there's no absolute, objective facts about morality, what makes actions right or wrong, rather it says that the standards for rectitude are relative. They are determined by (depending on the version held) either the beliefs of the person doing the action or the beliefs of that doer's culture. Moral Individual Relativism is a rare stance these days, you are likely not going to find it on the street, so to speak, but you will likely come across Moral Cultural Relativism (often just called 'relativism'). We will focus our attention on that latter stance, but most, if not all, of the



problems regarding Moral Cultural Relativism applies to the former too. MCR is not without support, for example take these two examples:

## King Darius

Darius, a king of ancient Persia, was intrigued by the variety of cultures he encountered in his travels. The Callatians (a tribe in India) customarily ate the bodies of their dead fathers. The Greeks practiced cremation. Darius thought that an understanding of the world must include an appreciation of such differences. One day, he brought some Greeks who happened to be present and asked them what they would take to eat the bodies of their dead fathers. They were shocked and replied that no amount of money could persuade them to do such a thing. Then Darius called in some Callatians, and while the Greeks listened asked them what they would take to burn their dead fathers' bodies. The Callatians were horrified and told Darius not even to mention such a dreadful thing.<sup>a</sup>

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<sup>a</sup>Herodotus, *The Histories*, translated by Aubrey de Sélincourt (Penguin Books, 1988).

Ask yourself, would you be willing to eat the body of your dead parent? Many of us, today, would be horrified at this notion, just as the Greeks were. But, it should also be noted that the Callatians had the same reaction to, from our perspective, perfectly normal practice of cremation. This might make you think that morality and ethics

is nothing more than norms of behavior which a society agrees to. To drive this idea home, consider this example:

## The Dip

In some Inuit cultures, there is a common practice known as 'the dip' (my translation). When a child is born in the dead of winter, it is common for the mother to carve out a hole in the ice and place the child in the water. This kills the child instantly (infanticide). This is done purely at the parents' discretion and there is no negative stigma about it. Old people also, when they became too feeble to contribute to the family, were left out in the snow to die.

Just as before, this is, seemingly, a perfectly normal practice for those Inuit cultures but from our cultural perspective, this is horrifying. In many cultures, caring for the elderly and those too young to fend for themselves is seen as a very important moral duty. Something must be very different if this culture does not have the same regards.

These practices, which I have given, are radically different than the practices which most cultures have and, as I have hinted, might lead one to think that ethics is just a set of cultural norms, rules of behavior, with no one system better than any other. One might think that if there were a fixed set of moral rules, there would be no disagreements about morality. But, there are disagreements, so there must be no absolute moral rules.

That line of reasoning is an argument. An argument is different from a debate in that a debate requires dis-

agreement and the drive to prove the other side wrong. An argument is just a line of reasoning which is intended to prove a conclusion. Some arguments are faulty, they fail to adequately prove their conclusion. To see how and why, for this case, let's break it down into the most relevant parts, the premises and the conclusion:

## The Cultural Differences Argument and Its Problems

Not moments ago, I gave the 'ordinary language' version of the Cultural Differences Argument. But, ordinary language is full of flowers and distracting prose. To avoid those and to get to what actually matters, we extract only the supporting sentences (the premises) and the supported sentence (the conclusion). For the Cultural Differences Argument, it looks like this:

- 1 Different Cultures have different moral codes.
- 2 Therefore, there's no fact of the matter regarding morality (it's culturally relative).

To start us off, do you think that this is a good argument? I am going to be frank, this argument is not good. It may be persuasive, but it does not get at reality. For an argument to really prove that some fact is really the case (the 'therefore' part in this case), there is a pretty high standard. First, the argument needs to be valid, that is, if we assume that the premises (the support is true), then the conclusion needs to follow necessarily from them. For this argument, the support (the premises) concern what

people believe and the conclusion concerns reality. Take this example, which has the exact same form as the argument above:

- 1 Different cultures have different views about the shape of the Earth.
- 2 Therefore, there's no fact of the matter about the shape of the Earth (it's culturally relative).

If you accept the Cultural Differences Argument, then you will need to also claim that there's no fact of the matter about anything where there's the slightest disagreement. But, this is not the only problem for the Cultural Differences Argument and Moral Cultural Relativism, there are more:

### Cultural Oppression

Though the argument may not be any good, all that shows is that the argument isn't good. It does not show that morality is objective. But, if we look at the last example I gave, involving the Kaelons, we see something interesting. If morality is relative to a culture, there's nothing stopping one culture, morally speaking, from oppressing people in their culture and oppressing people in other cultures. For example, if there are no objective moral facts, then there would be nothing wrong with the Kaelons declaring war on another culture for allowing someone to receive asylum. Similarly, there would be nothing wrong with the Kaelons forcing members of their culture to unwillingly commit suicide. This sort of case can be found in history as well, with the sheer number of examples being

too numerous to list. This is a problem which will appear again later in this class, because it's more obvious inside another argument.

## The Cultural Imperialism Argument and Its Problems

There's one other argument which one could come across in favor of Moral Cultural Relativism, this is the Cultural Imperialism Argument. To start us off, Cultural Imperialism is the view that your culture has all of the right answers and that all of the other cultures are mistaken. In virtue of this, you are justified in forcing other cultures to change to your own. Take, for example the treatment of Native Americans in America. The treatment of the Indians in India by the British. The treatment of the Latin Americans by the Spanish, and so on. Basically, the colonial practices of Europeans (and other groups, but the Europeans were some of the worst offenders) all trace back to this view, which leads to oppressive practices and forced cultural change.

Looking over world history, this practice was wrong, they should not have done it. So, we seem to be able to use this as a premise and, maybe, just maybe, be able to get some kind of Moral Relativism from it.

### The Cultural Imperialism Argument

- 1 Cultural Imperialism is morally wrong. (Intuition).
- 2 If Cultural Imperialism is morally wrong, then it is wrong to judge the values of one culture against the

- values of another. (Consequence of it being wrong)
- 3 If it is wrong to judge the values of one culture against the values of another, then no person is ever justified in criticizing the moral norms of another culture. (Consequence of the consequence)
  - 4 If no person is ever justified in criticizing the moral norms of another culture, there are no non-relative moral truths (they are all relative to culture). (Consequence)
  - 5 Therefore, there are no non-relative moral truths (they are all relative to culture).

This argument is a wee-bit stronger than the Cultural Differences argument, but it too has its fair share of problems. Can you see the big one? I'll give you a hint, look at the first and the last lines (the intuition and the conclusion). The first line gives us a non-relative moral truth, that this practice is wrong, but the conclusion claims that there are none of those. The first line disproves the conclusion and the conclusion disproves the first line. They are contradictory, the argument is hypocritical, so to speak. There are ways of strengthening this argument, limiting the scope of the Relativism, yet again. For example, one could divide the practices into internal (those concerning members of the same culture) and external (those concerning members of different cultures). If you go this route, then you could, maybe, claim that cultural imperialism is wrong because it's an external practice and only internal practices are relative. This would be Cultural Relativism About Internal Norms (CRAIN). However, this too has its issues, not concerning the arguments for it,

but concerning the facts of the world. Take this example, from Star Trek:

## Half a Life

For most of the world, the elderly are treated with respect and cared for until their natural death. The Kaelon people are different. In this society, the prevailing view is that it's the duty of the 'elderly' to leave their tasks to the next generation, that forcing the next generation to care for the elderly is cruel, and that having death come for a person seemingly randomly is heartless. So, when a Kaelon turns 60 years old, they undergo the Resolution. In it, a great party is thrown, celebrating their life and accomplishments, and afterwards, the Kaelon commits suicide. Living past this point is seen as greedy, their time is up and their accomplishments after this point are seen as stolen from the next generation. This is expected of all Kaelons, refusing to kill yourself at the allotted time will cause even family members to be ashamed of you. If a Kaelon seeks asylum to avoid the Resolution, the Kaelons will declare war on the other culture in order to kill the person.<sup>a</sup>

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<sup>a</sup> "Half a Life," writer Ted Roberts and Peter Allan Fields, director Les Landau, 1991, Paramount Domestic Television.

We can say that the Kaelons declaring war on another culture over this is wrong, but the Kaelons forcing members of their culture to commit suicide is an internal prac-

tice, it only concerns those which are members of the same culture, so, if you think that this practice is wrong and should be stopped, we have an example of when cultural imperialism might actually be the right thing to do. And, in fact, if we look into history, we find some cases where cultural imperialism was, in fact, the right thing to do (as in, forcing a change in a culture). For example, any culture which sided with the Allies during WW2 in order to stop the Nazis from killing the Jewish people was engaged in this sort of imperialism. Figuring out when it's right to force a culture to change its practices is a bit tricky, but we can say that there are some cases where it needs to be done.



## *Part 3: Problems for Moral Relativism*

Even with the arguments for Moral Cultural Relativism not being good, there's still a chance, no matter how slim, that it's the correct view of the world. It could be possible that people smarter than me just haven't figured out a good argument for it. So, to really disprove moral relativism, we need to look at the consequences and see whether they are the sort of things which actually line up with reality. For this, we will look at 3 different consequences of taking Relativism seriously. If you are willing to accept all of these, then Relativism might be for you.

### **The Criticism Problem**

**We could no longer say that the customs of other societies are morally inferior to our own**

This is the point that cultural relativists really want to stress and it is one that people who like this avenue be-

lieve. But here are some of the things that follow:

We cannot criticize cultures with slavery (pre-Civil War South).

We cannot criticize cultures with anti-Semitic views (the Nazis).

We cannot criticize cultures with rigid caste systems (found the world over, throughout history).

If we took cultural relativism seriously, we would have to regard these social practices as also immune from criticism. Any country entering WW2 would have done wrong (so long as they did so to stop the practices). This issue was brought up with the Kaelons example before and does warrant retelling.<sup>2</sup>

### The Argument for The Criticism Problem

- 1 If MCR is true, then morality is relative to culture. (This is basically the definition)
- 2 If morality is relative to the culture, then there is no standard to gauge the morality of a culture.
- 3 If there is no such standard, there is no way to compare one culture to another (morally speaking)
- 4 If there is no way to compare them, then there is no way to say that the Nazis were bad.

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<sup>2</sup>There are several other examples which can be found where forcing a change in a culture seems like the right thing to do. If you take an anthropology class, you may encounter examples involving female circumcision or, by another name, female genital mutilation. Forcing them to abandon this practice seems like the right thing to do. Forcing the change, though the right thing to do, will often require that it's done in the right way. It should be done gradually, recognizing the reasons why the culture does the practice and then helping to eliminate those reasons.

5 Therefore, if MCR is true, then there is no way to say that the Nazis were bad.

So, Moral Relativism implies that one culture could never, accurately, pass judgement on the practices of another, for good or for ill.

## The Sheeple Problem

**We could decide whether actions are right or wrong just by consulting the standards of our society.**

Cultural Relativism suggests a simple test for determining what is right and what is wrong: All one need do is ask whether the action is in accordance with the code of one's society. To help picture this, imagine that whenever the standards for being a culture are met (that's another problem all together, "what does it take for a group to be a culture?"), a big book falls from the heavens with all of the norms of that culture written down. So, if you ever have a question about whether an action is right or wrong, you would just need to open the book, find the relevant rule and follow it like a sheep. For example: Suppose that a person in the deep south (Pre-Civil War) was curious about whether slavery was permissible. All they would need to do is ask whether it fit with the code of the society. If it did, then they would be OK with having slaves. People often think that believing in Moral Relativism is in some way liberating when in fact, it's imprisoning. Not only can't we criticize other cultural codes, but we can't criticize our own. (All human rights movements would be incorrect according to this).

## The Argument for The Sheeple Problem

- 1 If MCR is true, then morality is relative to culture.  
(This is basically the definition)
- 2 If morality is relative to the culture, then whether an action is right or wrong is determined by your cultural norms.
- 3 If those are determined by the norms, then all you need to do is consult the standards of your culture to determine morality.
- 4 So, if MCR is true, then all you need to do is consult the standards to determine morality. (Intermediary conclusion)
- 5 If morality is determined by the standards, then acting against those standards is morally wrong.
- 6 All Human/Civil Rights movements act against the standards of the culture.
- 7 Therefore, If MCR is true, then all Human/Civil Rights movements were/are morally wrong.

So, Moral Relativism implies that you need to be a sheep to your culture, that you shouldn't object to a practice and blindly follow it, no matter how bad.<sup>3</sup>

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<sup>3</sup>To clarify this, there is a general norm which says that it's wrong to criticize a person for doing something morally permissible. In seeking to change a norm of a culture, the person is criticizing them for doing something which, by their culture, is permissible. This makes seeking to change the norm wrong. In a more applied case, the protests against segregation in the US, according to Moral Relativism, were wrong because they violated the norm, segregation, which they were trying to change. There has never, and likely could never, be a case where trying to change a norm in a culture does not violate a norm in that culture.

## The Progress Problem

### **The idea of moral progress is called into doubt**

We often claim that certain societal changes are for the better and of course, we often claim that some of them are for the worse. Take, for example, the history of Women's Rights. This is such a universal problem that I really don't need to point to any individual one. Throughout most of Western history the place of women in society was narrowly circumscribed. They could not own property; they could not vote or hold political office; and generally they were under the almost absolute control of their husbands. Recently much of this has changed, and most people think of it as progress. Progress is where the changes move something closer to an objective standard (in this context). We say that we are making progress towards fixing a car, finishing an essay, or any other project with a fixed end-point. If Moral Relativism, of any sort, is correct, then there's no objective standard which we are moving towards, so there's no way of saying (correctly) that we have made progress. Similarly, different people at different times are, for all intents and purposes, different cultures (so long as standards have shifted). So, like with the first consequence, we can't say (correctly) that the standards had at one time are better/worse than the standards had at a different time. So, in the same way, if MCR is correct, then there would be no progress, at all.<sup>4</sup>

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<sup>4</sup>For another way to think about this, we judge progress by comparing how the situation is and how it was according to some end goal. If Moral Relativism is correct, then there is no end goal for the comparison and

## The Argument for The Progress Problem

- 1 If MCR is true, then morality is relative to culture.  
(This is basically the definition)
- 2 If morality is relative to the culture, then there is no standard to the morality of a culture.
- 3 If there is no such standard, there is no way to compare one culture to another (morally speaking)
- 4 Different people at different times, if the norms changed, are, for all intents and purposes, different cultures.
- 5 So (from 1, 2, 3, and 4), if MCR is true, then there is no way to compare people from one time to another (morally).
- 6 If there is no way to compare people from different times, there can be no way for us to say that we are better than we were (made progress).
- 7 Therefore, if MCR is true, then there is no way to say that we have made progress.

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there is no means of comparison even if we devise some other scale. For example, take two pieces of paper and cut one of them to be a different length than it was. Putting them side-by-side, you could say that one is shorter than the other. But could you say that one is shorter than the other if you were only ever able to see one of them at a time (and you didn't cut them)? Could you do so if you were incapable of remembering the other piece? You couldn't. Moral Relativism takes away all abilities to compare the moral standings of cultures, not only different cultures at the same time but the same culture at different times.

## *Part 4: Other Problems for Moral Relativism*

### **Why There is Less Disagreement Than There Seems**

The Cultural Differences Argument centers around the idea that the differences between cultures are insurmountable. It holds that the differences are fundamental differences in values not just differences in perspectives or views about the nature of the world. This, however, is a rather strong claim and can be easily debunked once we do a little digging. Many robust claims like this are the product of what I will call intellectual laziness. This is where the person holds the stance because they are too lazy to learn something more about the subject and then that laziness lets it fester into an unquestioned belief. So, let's use a simple example to illustrate this. Suppose that news broke that some far off culture holds that birds are never to be eaten. Eating or killing a bird is equivalent to killing or eating a human person. On the

face of it, without doing much further digging, one could think that this amounts to a fundamental difference in how they place values on the world. But, it would be intellectually lazy to let it rest there. If we do a little digging, we find that the culture actually believes in reincarnation and that good people are reincarnated as birds so that they can hear prayers and fly back and forth between Earth and Heaven. This changes the perspective we should have about the culture. It's not that they have a fundamentally different value system, rather they disagree with us about the role of birds and the nature of the soul. For them, killing a bird is the same as killing a good person and we disagree about whether a bird was once a good person.

## There are Norms Shared by All Cultures

One mark against Moral Relativism, aside from the lack of real disagreement about values, is that there are certain norms which are shared by all cultures. These norms could come from various different sources, but typically, for a culture to survive through time, they are going to need to have these. There is sort of a natural selection process which weeds out cultures which lack or discredit these features. The first of these features is that any culture is going to need to place a high value on raising or caring for their young. Even with the Inuit cultures, which practice The Dip, if an infant survives, then it is very well cared for. This is because a culture which does not care for its children will likely not survive past a couple of generations or those who adhere to that custom will not sur-



vive past a few generations and the culture will change to one which cares for the young. Failing to care for the young or infanticide will need to be the exception rather than the rule. Next, all societies will need to place some value on honesty. Lying, cheating, and deceit, if allowed to propagate in a culture will quickly be the undoing of that culture and those who are honest (in the right times and conditions) will survive to continue a new culture which values the honesty. And, for a third example, all cultures will need to have some sort of ban on needlessly killing other members of that culture. This should seem obvious but any culture which allows for murder and killing to go unchecked will likely not survive through time and will eventually be replaced by one which has such a ban on murder.

## But What is a Culture?

So far, I have danced around the notion of being a culture. I use the term and expect a certain intuitive understanding. But, there are questions which we should ask. Moral Relativism bases its claims about morality on the notion of a culture, so we should ask what it takes to be a culture. One could go a few different routes about what it takes for some group of people to be a culture and we could even ask about whether there even are cultures. The first way we could define a culture is to have it be a collection, or set, of norms, or rules of behavior which are followed by a certain group of people. We have further worries about the number of people and so on, but

this is a reasonable place to start. Defining a culture as a set of norms, however, runs into a bunch of issues with vagueness.

Suppose that there is a group of people, say 1000, who all believe in a certain collection of norms. We will say, just assume, that this is a culture, C. Now suppose that as time progresses some people disagree with one of the norms in C, for example, about whether you should pour the milk or the tea first. This movement grows and now 500 believe that the milk should go first and 500 believe the tea should go first. Do we say that C has split into two different cultures or do we say that the rule isn't settled? If we say that C has split over one rule, then any disagreement would mean that the Cs would split again, and again, and again, eventually leading to 1000 different cultures. Every person would be a culture of one and, morally, one could never criticize or correct another because they are a different culture. In real life, this is far more messy and even more disastrous for Moral Relativism. If we say that the rule in the culture is undecided, we get a similar result. Any disagreement within a culture would result in that culture having the rule be undecided. So, eventually, there would be no norms of the culture at all which would destroy the culture from ever existing. As a result, if we say that disagreement in a culture is allowed, then there are no cultures at all and if we say that any disagreement splits the culture, then all people would be a culture of one.

That example is an issue inside of the culture, but if we expand it and use it to compare cultures, as is com-

mon, then we run into similar worries. Suppose that C meets another culture D. D has many of the same norms as C except one, which is different. If we say that, despite appearances, they are actually the same culture, C', we get an interesting snowball. C' shares many of the same norms as another culture, E, so they are the same culture. This slowly builds until there's a point where there aren't different cultures, but rather there is only one culture, the human culture, with minor regional variations.

One could, attempting to escape this, define a culture merely as a certain group of people when they hit a certain number. The notion here is that once you have a group of a relevant size, then the norms will organically emerge. There are issues with this such as geographic distribution and stuff like that, but we can put those aside. We could say that a culture is a group of so many people. But, is there a hard line for the number of people it takes to be a culture? What if a group has exactly enough people to be a culture and one or two die? Did the culture die too? Morality should not be so fragile.

## *Part 5: If Moral*

## *Relativism is wrong,*

## *What's Next?*

If you are willing to say that moral cultural relativism is wrong, and, given the general responses to the various problems with moral relativism, you likely are willing to say that it's wrong, we have some problems. Namely, what is moral? Who decides who's correct in a moral conflict? Where do moral truths come from? Here I will cover some of the basic questions which former relativists tend to give and the general responses (sometimes, the response will need to be more particular).

**If culture's don't choose, what is morality?**

There are a few ways to go about replying to this question. Morality/ethics centers around 'should' questions

of a certain kind. When we ask questions like these, for example "what should I do?", "should you call a doctor?", "should you get the assignment in on time?", there are two different senses, which may or may not overlap, depending on context and relevance. Something is moral/ethical when it's the correct answer to the question "what should I do?", when we aren't talking about practical cases (a practical case is one where you are asking about the correct way to perform some task, like changing the oil on your car). The cultural moral relativist would claim that the correct answer to the question in non-practical cases (for example, should I flip the switch in the trolley problem?)<sup>5</sup> will depend on your culture and the norms associated with it. The moral objectivist, a moral realist who is also a non-relativist, would claim that there's an actual answer to this question, which is not determined by your culture. The next module of this class covers some of the ways which philosophers have answered how to answer that question, without being relativist. Ethics is, at it's core, trying to find the correct answer to this question.

You will notice that when I give examples of cultural norms, most of the time, these are cases where the culture got the answer wrong. Ethical theories are basically hypotheses about the correct way to get the answer to the question. Some theories point to absolute, objec-

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<sup>5</sup>You will see me use the Trolley Problem as an example in a few different places. It essentially boils down to asking whether it is permissible to kill one person in order to save 5. There are many versions of it out there and some might make you think that it's wrong while others will make you think it's the right thing to do. That's why it's a problem, after all.

tive duties which a person has (typically, it's wrong to be irrational; acting in a certain way is irrational, therefore those ways of acting are wrong). Others point to the well-being of those affected (if an action makes the affected better off than otherwise, that's the right action). Others still point to some exemplar of morality, some person who has the perfect character and then asks "what would that person do?". You may have heard that kind of thinking before with 'WWJD'.

## Who decides who's right in moral conflict?

A moral conflict is a case where two or more people/-groups disagree about the answer to the "What should I do?" question, in the relevant sense. The moral cultural relativist has a simple way to answer it, almost too simple, "if it's two groups in the same culture, the cultural norms settles the conflict, if it's two cultures, there's no real conflict." But this just does not seem right, if you recall the last page, were this true, all civil rights movements would be wrong, because the cultural norms would settle the conflict in favor of the oppressing group. Very few of us would want this. So, that's out, but is there a non-cultural way to get the answer? This is the quest for the moral realist. It's not going to be based on belief (as the relativist points to).

Recall the Cultural Differences Argument. This argument relies on moral conflicts/disagreements. But, do we always settle debates like that? There may be disagree-

ment about something, anything (for that matter), but it doesn't follow that there's no fact of the matter. If there's a conflict about math, we don't say that there's no answer, we consult the rules of mathematics (as they were discovered, not invented). When there's a conflict in science, we don't say that there's no answer, we perform experiments and discover the truth. For the moral realist, settling moral conflicts is more like settling a conflict in math or science than one in art. Realists perform experiments and consult the rules of morality to settle the debates (and the experiments either further support the rules or give examples of amendments which should be made). The quest to get the non-relativist rule to settle moral conflicts is hard, but it does not seem impossible, we do make progress in it. There's even a scientific-style method for figuring out which ethical theories should be applied and/or how they should be amended (as we will see in the next module).

In short, no one decides who's right in a moral conflict, it's just a fact that one is right and the other is wrong.

## Where do moral truths come from?

Moral truths are the answers to the "what should I do?" question (in the relevant sense). The moral cultural relativist has a simple, again almost too simple, answer "from the beliefs of the culture." Yet again, how can we possibly say that a culture has the wrong answer to the question when the culture chooses the answer? Like the issues before, this just can't be right. So, the question for the

realist is just that, where do they come from?

For the realist, this is like asking "where do scientific truths come from?" or "where do mathematical truths come from?". Some moral objectivists point to God and say that all truths flow through Him, moral truths included, saying that God made them (an easy way to get all-knowing and all-good).<sup>6</sup> Others point to the sort of creatures we are and our place in nature, these give us moral truths. Others still point to abstract notions of well-being or rationality. And even more say that moral truths are things which just could not have been otherwise, they just always are, they didn't "come from" anything. There is some debate about where they come from.

But, don't lose heart! There's just as much debate about where mathematical and scientific truths come from. For example, in the case of math, we could claim that the truths are necessary, they could not have been otherwise. We could claim, with just as much evidence, that the truths are constructs of the definitions of the terms which we are using overlapping in consistent ways ( $1+2=3$  because of the definitions of the terms and operations). And we could also claim that the truths came from God. As it turns out, in philosophy, the most common stance (for where mathematical truths come from and where moral truths come from) is that they always were and always will be.

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<sup>6</sup>We will be encountering this theory, called Divine Command Theory, later in the course. But, for a primer, that theory claims that an action is right if and only if God commands it and wrong if and only if God forbids it. There are many problems with this theory, which we will see.



## What about forcing them onto another culture?

This is a hard problem, because one of the core intuitions behind the Moral Relativist, and one of the big reasons why the stance is contradictory, is that it's wrong to force your morals onto another. The Moral Objectivist will claim that under the right circumstances, it's morally required that you force another to change. To some, this feels wrong. This feeling, often, gets traced back to the horrors of history, which I used as examples for the intuition behind the Cultural Imperialism Argument, where one group imposed themselves on another. At the same point, we need to look at history as a whole. There have been times when it was actually correct for one group to come in and force a change. In those cases, the imposing groups had real morality on their side and in the cases where it was wrong, we can say that they were mistaken about morality. For example, the Nazis in WW2 were just wrong about morality and the groups which came in were right. So, the Moral Objectivist just needs to be sure that their moral theory is getting the right answer in the case. This is an epistemological worry for the objectivist, not an ethical, meta-ethical, or metaphysical one.

Interestingly, when we look at our own history, we find things which we are ashamed of, things which we condemn the previous generation for. How and when this is correct is easy for us to see. Since different people at different times are, basically, different cultures, the exact same, or a similar, thought process applies when con-

demning or appreciating the behaviors of another culture. Kwame Appiah in *What Will Future Generations Condemn Us For?* gives us some compelling tests for when future generations will be ashamed of our practices. Appiah gives us three tests. These tests don't tell us what we should do, rather they tell us that something is wrong in the practice we have and it needs to change. We can use the hindsight of the future generations, which is 20-20, to tell us what we need to do today.<sup>7</sup>

The first sign that future generations will be ashamed of our behavior is that we already know the arguments against the practice. Most of the time, when there is a morally questionable practice, the arguments against it are actually quite old. Very, very, rarely is there a moment of moral clarity which changes the world. For example, take the consumption of meat or the meat production industry. The arguments against the various practices in farming meat are centuries old and this is a sign that something is off morally and future generations will feel shame for the practices we engage in. For another example, arguments against police brutality and the militarization of the police force are centuries old. In fact, many of those arguments are why most officers in England do not carry firearms. This is a sign that something needs to be done about police brutality.

The second sign is that defenders of the practice use non-moral reasons to justify or defend the practice. The defenders point to religion or tradition, they point to 'hu-

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<sup>7</sup> Appiah, Kwame Anthony. "What will future generations condemn us for?" 26 Sept. 2010, [www.washingtonpost.com/wp-dyn/content/article/2010/09/24/AR2010092404113.html?hpid=opinionsbox1](http://www.washingtonpost.com/wp-dyn/content/article/2010/09/24/AR2010092404113.html?hpid=opinionsbox1).

man nature', or they point to some sort of economic or cultural necessity. Moral reasons should always trump non-moral reasons. So, the defenders are, in a sense, floundering. In the case of tradition, the defenders will say things like "it's always been this way, why should we change it?" Future generations will likely read about these arguments in textbooks and feel shame because of how nearsighted their ancestors were and proud of those who fought to change it. In the case of 'human nature', very rarely is that a good mark for morality and we should strive to better ourselves rather than be fatalistic about our lot in life. And with cultural or economic necessity, they make claims like "the economy couldn't survive such a change!" Future generations will likely express that any system which only survives on injustice has no right to survive.

The third and final test is that of strategic ignorance. Most of the time, also, when people are accustomed to a system and like it, they are resistant to changing it. Not only will they resist changing it, but they will intentionally or subconsciously ignore some of the factors which point to the practice being bad. These factors will become harder and harder to ignore for future generations and eventually they will change the system and feel shame for our inaction. For example, economic inequality is strategically ignored by many or they emphasize the rags-to-riches stories which support the system. They ignore the fact that the odds of pulling one up by their boot straps is decreasing with every generation and they ignore the fact that the opportunities to pull oneself up are not evenly

distributed. This is a sign that there is something in this system which future generations will be ashamed of.

## **MODULE II**

### *Moral Objectivism (Non-Relativism)*

## *Part 6: Objectivism and Absolutism*

Since there are some very serious problems with Relativism, philosophers and others have moved to a different way of thinking about Ethics. They asked themselves "what if ethics is absolute? What if there are certain things which are wrong regardless of the culture?" This gives us Moral Objectivism (not to be confused with Ayn Rand's Objectivism, which should just be called Stuffism, we will cover this when we cover Ethical Egoism). Moral Objectivism is a meta-ethical stance, like Moral Relativism. It says that there are absolute, objective, moral truths. These truths apply to everything, like the truths in mathematics and the other sciences. I personally prefer the term 'objectivism' rather than 'absolutism' for this subject (all of them actually), but there is a slight difference. Like the other stances, it can be divided into global and limited. However, it does not need to be further broken down from there. For this class, we are focusing on moral objectivism. This is the stance that there

are absolute, objective, rules about morality. They aren't relative and apply to ALL people. When we make a claim like 'lying is wrong', we are saying something which is either true or false and whether it is true or false is not relative.


Moral Objectivism could be divided into two different, closely related, stances. One could be a Moral Absolutist. This is the stance that the moral truths, the rules, are objective but it goes one step further and claims that the moral truths are without exceptions. They are absolute. There are many moral rules which we apply in our daily lives. One should always obey the law, one should not lie, one should not steal, one should not cheat, and one should not harm others. If moral absolutism is correct, then these rules (if they are the real moral rules) are without exceptions. There is never a case where lying is the morally right thing to do, for example. For example, if the claim "killing is wrong" is true, then it is true regardless of context. So, killing one person to save 5 is wrong.

Moral Situationalism is different. This holds that moral truths are objective, but they apply differently according to context/situation. Moral Situationalism is happy to say that most of the time the moral rules we apply in our daily lives are accurate, but they are not absolute or without exceptions. If we take the previous list for examples, Moral Situationalism is willing to say that most of the time one should obey the laws of the land but there are or could be cases where the laws are unjust and should not be followed. If obeying the law were an absolute moral rule, then it would be impossible for a law to be unjust. So ei-

ther moral absolutism is not correct or obeying the law is not an absolute moral rule. Typically, a situationalist theory has at least one absolute moral rule involved, but this is typically very abstract and not all that useful in a practical situation. It's used to determine which rules apply in a context. So, for example, most of the time, stealing is wrong, but there could be cases where it's the right thing to do because the rule doesn't apply. For another example, lying to your spouse about what you did over the weekend is wrong but lying to an axe-murderer about the whereabouts of your friend is right. Situationalism can be seen in other fields aside from Ethics. If a little kid points to a silver car and says that it's silver, they would be right. But if they point to a different red car and say that it's silver, they would be wrong. The situation, the car in this case, is different so whether the kid is right could be different. Theories about what makes the situation different are numerous and some, but not all, are quite intuitive, but this is not a class about Philosophy of Language.

There are several reasons to be a moral objectivist aside from getting out of the problems with Relativism and still being able to claim that there are certain things which you shouldn't do. But those problems are negative arguments. They say "well Relativism is out, so you must go with Objectivism." This doesn't really convince most people, however, there are some tests to tell whether you actually, in your heart of hearts, think that a subject is relative. These are our more positive arguments, our evidence that people really think morals are objective.





# *Why I am an Objectivist about Ethics (And Why You Are, Too) by David Enoch*

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You may think that you're a moral relativist or subjectivist - many people today seem to. But I don't think you are. In fact, when we start doing metaethics - when we start, that is, thinking philosophically about our moral discourse and practice - thoughts about morality's objectivity become almost irresistible. Now, as is always the case in philosophy, that some thoughts seem irresistible is only the starting point for the discussion, and under argumen-

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<sup>8</sup>David Enoch, "Why I Am an Objectivist About Ethics (And Why You Are, Too)," *The Ethical Life*, 3rd ed. Edited by Russ Shafer Landau (Oxford UP, 2014).

tative pressure we may need to revise our relevant beliefs. Still, it's important to get the starting points right. So it's important to understand the deep ways in which rejecting morality's objectivity are unappealing. What I want to do, then, is to highlight the ways in which accepting morality's objectivity is appealing, and to briefly address some common worries about it, worries that may lead some to reject - or to think they reject - such objectivity. In the final section, I comment on the (not obvious) relation between the underlying concerns about morality's objectivity and the directions in which current discussion in metaethics are developing. As it will emerge, things are not (even) as simple as the discussion below seems to suggest. This is just one reason why metaethics is so worth doing.

## Why Objectivity? Three (Related) Reasons

In the next section we're going to have to say a little more about what objectivity is. But sometimes it's helpful to start by engaging the underlying concerns, and return to more abstract, perhaps conceptual, issues later on.

### The Spinach Test

Consider the following joke (which I borrow from Christine Korsgaard): A child hates spinach. He then reports that he's glad he hates spinach. To the question "Why?" he responds: "Because if I liked it, I would have eaten it; and it's yucky!".

In a minute we're going to have to annoyingly ask why the joke is funny. For now, though, I want to highlight the fact that similar jokes are not always similarly funny. Consider, for instance, someone who grew up in the twentieth-century West, and who believes that the earth revolves around the sun. Also, she reports to be happy she wasn't born in the Middle Ages, "because had I grown up in the Middle Ages, I would have believed that the earth is in the center of the universe, and that belief is false!". To my ears, the joke doesn't work in this latter version (try it on your friends!). The response in the earth-revolves-around-the-sun case sounds perfectly sensible, precisely in a way in which the analogous response does not sound sensible in the spinach case.

We need one last case. Suppose someone grew up in the US in the late twentieth century, and rejects any manifestation of racism as morally wrong. He then reports that he's happy that that's when and where he grew up, "because had I grown up in the 18th century, I would have accepted slavery and racism. And these things are wrong!" How funny is this third, last version of the joke? To my ears, it's about as (un)funny as the second one, and nowhere nearly as amusing as the first. The response to the question in this last case (why he is happy that he grew up in the 20th century) seems to me to make perfect sense, and I suspect it makes sense to you too. And this is why there's nothing funny about it.

OK, then, why is the spinach version funny and the others are not? Usually, our attitude towards our own likings and dislikings (when it comes to food, for instance)

is that it's all about us. If you don't like spinach, the reason you shouldn't have it is precisely that you don't like it. So if we're imagining a hypothetical scenario in which you do like it, then you no longer have any reason not to eat it. This is what the child in the first example gets wrong: He's holding fixed his dislike for spinach, even in thinking about the hypothetical case in which he likes spinach. But because these issues are all about him and what he likes and dislikes, this makes no sense.

But physics is different: What we want, believe or do – none of this affects the earth's orbit. The fact that the earth revolves around the sun is just not about us at all. So it makes sense to hold this truth fixed even when thinking about hypothetical cases in which you don't believe it. And so it makes sense to be happy that you aren't in the Middle Ages, since you'd then be in a situation in which your beliefs about the earth's orbit would be false (even if you couldn't know that it is). And because this makes sense, the joke isn't funny.

And so we have the spinach test: About any relevant subject matter, formulate an analogue of the spinach joke. If the joke works, this seems to indicate that the subject matter is all about us and our responses, our likings and dislikings, our preferences, and so on. If the joke doesn't work, the subject matter is much more objective than that, as in the astronomy case. And when we apply the spinach test to moral issue (like the moral status of racism), it seems to fall squarely on the objective side. (Exercise: Think about your taste in music, and formulate the spinach test for it. Is the joke funny?)

## Disagreement and Deliberation

We sometimes engage in all sorts of disagreements. Sometimes, for instance, we may engage in a disagreement about even such silly things as whether bitter chocolate is better than milk chocolate. Sometimes we disagree about such things as whether human actions influence global warming. But these two kinds of disagreement are very different. One way of seeing this is thinking about what it feels like from the inside to engage in such disagreements. In the chocolate case, it feels like stating one's own preference, and perhaps trying to influence the listener into getting his own preferences in line. In the global warming case, though, it feels like trying to get at an objective truth, one that is there anyway, independently of our beliefs and preferences. (Either human actions contribute to global warming, or they don't, right?)

And so another test suggests itself, a test having to do with what it feels like to engage in disagreement (or, as we sometimes say, with the phenomenology of disagreement).

But now think of some serious moral disagreement - about the moral status of abortion, say. Suppose, then, that you are engaged in such disagreement. (It's important to imagine this from the inside, as it were - don't imagine looking from the outside at two people arguing over abortion; think what it's like to be engaged in such argument yourself, if not about abortion, then about some other issue you care deeply about). Perhaps you think that there is nothing wrong with abortion, and you're arguing with someone who thinks that abortion is morally

wrong. What does such disagreement feel like? In particular, does it feel more like disagreeing over which chocolate is better, or like disagreeing over factual matters, like whether human actions contribute to global warming?

Because this question is a phenomenological one (that is, it's about what something feels like from the inside), I can't answer this question for you. You have to think about what it feels like for you when you are engaged in moral disagreement. But I can say that in my case such moral disagreement feels exactly like the one about global warming - it's about an objective matter of fact, that exists independently of us and our disagreement. It is in no way like disagreeing over the merits of different kinds of chocolate. And I think I can rather safely predict that this is how it feels for you too. So on the phenomenology-of-disagreement test as well, morality seems to fall on the objective side.

In fact, we may be able to take disagreement out of the picture entirely. Suppose there is no disagreement - perhaps because you're all by yourself trying to make your mind about what to do next. In one case, you're thinking about what kind of chocolate to get. In another, you're choosing between buying a standard car and a somewhat more expensive hybrid car (whose effect on global warming, if human actions contribute to global warming, is less destructive). Here too there's a difference: In the first case, you seem to be asking questions about yourself and what you like more (in general, or right now). In the second case, you need to make up your mind about your own action, of course, but you're asking yourself ques-

tions about objective matters of fact that do not depend on you at all - in particular, about whether human actions affect global warming.

Now consider a third case, in which you're trying to make up your mind about having an abortion, or advising a friend who is considering an abortion. So you're wondering whether abortion is wrong. Does it feel like asking about your own preferences, or like an objective matter of fact? Is it more like the chocolate case or like the hybrid car case? If, like me, you answer that it's much more like the hybrid car case, then you think, like me, that the phenomenology of deliberation too indicates that morality is objective.

(Exercise: think about your taste in music again. In terms of the phenomenology of disagreement and deliberation, is it on the objective side?)

### Would It Still Have Been Wrong If...?

Top hats are out of fashion. This may be an interesting, perhaps even practically relevant, fact - it may, for instance, give you reason to wear a top hat (if you want to be special) or not to (if not). But think about the following question: Had our fashion practices been very different - had we all worn top hats, thought they were cool, and so on - would it still have been true that top hats are out of fashion? The answer, it seems safe to assume, is "no".

Smoking causes cancer. This is an interesting, practically relevant, fact - it most certainly gives you a reason not to smoke, or perhaps to stop smoking. Now, had our relevant practices and beliefs regarding smoking been

different - had we been ok with it, had we not banned it, had we thought smoking was actually quite harmless - would it still have been true that smoking causes cancer? I take it to be uncontroversial that the answer is "yes". The effects of smoking on our health do not depend on our beliefs and practices in anything like the way in which the fashionability of top hats does. Rather, it is an objective matter of fact.

And so we have a third objectivity test: One in terms of the relevant "what if" sentences (or *counterfactuals*, as they are often called), such as "Had our beliefs and practices been very different, would it still have been true that so-and-so?". Let's apply this test to morality, then.

Gender-based discrimination is wrong. I hope you agree with me on this (if you don't, replace this with a moral judgment you're rather confident in). Would it still have been wrong had our relevant practices and beliefs been different? Had we been all for gender-based discrimination, would that have made gender-based discrimination morally acceptable? Of course, in such a case we would have believed that there's nothing wrong with gender-based discrimination. But would it be wrong? To me it seems very clear that the answer is "Yes!" Gender-based discrimination is just as wrong in a society where everyone believes it's morally permissible. (This, after all, is why we would want such a society to change, and why, if we are members, we would fight for reform.) The problem in such a society is precisely that its members miss something so important - namely, the wrongness of gender-based discrimination. Had we thought gender-



based discrimination was okay, we would have been mistaken. The morality of such discrimination does not depend on our opinion of it. The people in that hypothetical society may accept gender-based discrimination, but that doesn't make such discrimination acceptable.

In this respect too, then, morality falls on the objective side. When it comes to the counterfactual test, moral truths behave more like objective, factual truths (as whether smoking causes cancer) than like purely subjective, perhaps conventional claims (say, that top hats are unfashionable). (Exercises: Can you see how the counterfactual test relates to the spinach test? And think about your favorite music, the kind of music that you don't just like, but that you think is good. Had you not liked it, would it still have been good?)

## What's At Issue?

We have, then, three tests for objectivity - the spinach test, the phenomenology-of-disagreement-and-deliberation test, and the counterfactual test. And though we haven't yet said much about what objectivity comes to, these tests test for something that is recognizably in the vicinity of what we're after with our term "objectivity".

Objectivity, like many interesting philosophical terms, can be understood in more than one way. As a result, when philosophers affirm or deny the objectivity of some subject matter, it's not to be taken for granted that they're asserting or denying the same thing. But we don't have to go through a long list of what may be meant by morality's

objectivity. It will be more productive, I think, to go about things in a different way. We can start by asking - why does it matter whether morality is objective? If we have a good enough feel for the answer to this question, we can then use it to find the sense of objectivity that we care about.

I suggest that we care about the objectivity of morality for roughly the reasons specified in the previous section: We want morality's objectivity to support our responses in those cases. We want morality's objectivity to vindicate the phenomenology of deliberation and disagreement, and our relevant counterfactual judgments. We want morality's objectivity to explain why the moral analogue of the spinach test isn't funny.

Very well, then, in what sense must morality be objective, for the phenomenology of disagreement and deliberation and our counterfactual judgments to be justified? The answer, it seems to me, is that a subject matter is objective, if the truths or facts in it exist independently of what we think or feel about them.

This notion of objectivity nicely supports the counterfactual test. If a certain truth (say, that smoking causes cancer) doesn't depend on our views about it, then it would have been true even had we not believed it. Not so for truths that do depend on our beliefs, practices, emotions (such as the truth that top hats are unfashionable). And if moral truths are similarly independent of our beliefs, desires, preferences, emotions, points of view, and so on - if, as is sometimes said, moral truths are *response-independent* - then it's clear why gender-

based discrimination would have been wrong even had we approved of it.

Similarly, if it's our responses that make moral claims true, then in a case of disagreement, it seems natural to suppose that both sides may be right. Perhaps, in other words, your responses make it the case that abortion is morally permissible ("for you", in some sense of this very weird phrase?), and your friend's responses make it the case that abortion is morally wrong ("for her"?). But if the moral status of abortion is response-independent, we understand why moral disagreement feels like factual disagreement - one is right, one is wrong, and it's important to find out who. And of course, the whole point of the spinach test was to distinguish between caring about things just because we care about them (such as not eating spinach, if you find it yucky), and caring about things that seem to us important independently of us caring about them (such as the wrongness of racism).

Another way of making the same point is as follows: Objective facts are those we seek to discover, not those we make true. And in this respect too, when it comes to moral truths, we are in a position more like that of the scientist who tries to discover the laws of nature (which exist independently of her investigations), than that of the legislator (who creates laws).

Now, in insisting that morality is objective in this sense - for instance, by relying on the reasons given in the previous section - it's important to see what has and what has not been established. In order to see this, it may help to draw an analogy with religious discourse. So think of

your deeply held religious beliefs, if you have any. (If, like me, you do not, try to think what it's like to be deeply committed to a religious belief, or perhaps think of your commitment to atheism). And try to run our tests - does it make sense to be happy that you were brought up under the religion in which you deeply believe, even assuming that with a different education you would have believed another religion, or no religion at all? What do you think of the phenomenology of religious deliberation and disagreement? And had you stopped believing, would the doctrines of your faith still have been true?

Now, perhaps things are not obvious here, but it seems to me that for many religious people, religious discourse passes all these objectivity tests. But from this it does not follow that atheism is false, much less that a specific religion is true. When they are applied to some specific religious discourse, the objectivity tests show that such discourse aspires to objectivity. In other words, the tests show what the world must be like for the commitments of the discourse to be vindicated: If (say) a Catholic's religious beliefs are to be true, what must be the case is that the doctrines of the Catholic Church hold objectively, that is, response-independently. This leaves entirely open the question whether these doctrines do in fact hold.

Back to morality, then. Here too, what the discussion of objectivity (tentatively) establishes is just something about the aspirations of moral discourse – namely, that it aspires to objectivity. If our moral judgments are to be true, it must be the case that things have value, that people have rights and duties, that there are better and

worse ways to live our lives - and all of this must hold objectively, that is, response- independently. But establishing that moral discourse aspires to objectivity is one thing. Whether there actually are objective moral truths is quite another.

And now you may be worried: Why does it matter, you may wonder, what morality's aspirations are, if (for all I've said so far) they may not be met? I want to offer two replies here. First, precisely in order to check whether morality's aspirations are in fact fulfilled, we should understand them better. If you are trying to decide, for instance, whether the commitments of Catholicism are true, you had better understand them first. Second, and more importantly, one of the things we are trying to do here is to gain a better understanding of what we are already committed to. You may recall that I started with the hypothesis that you may think you're a relativist or a subjectivist. But if the discussion so far gets things right (if, that is, morality aspires to this kind of objectivity), and if you have any moral beliefs at all (don't you think that some things are wrong? Do we really need to give gruesome examples?), then it follows that you yourself are already committed to morality's objectivity. And this is already an interesting result, at least for you.

That morality aspires in this way to objectivity also has the implication that any full metaethical theory - any theory, that is, that offers a full description and explanation of moral discourse and practice - has to take this aspiration into account. Most likely, it has to accommodate it. Less likely, but still possibly, such a theory may tell us that this

aspiration is futile, explaining why even though morality is not objective, we tend to think that it is, why it manifests the marks of objectivity that the tests above catch on, and so on. What no metaethical theory can do, however, is ignore the very strong appearance that morality is objective. I get back to this in the final section, below.

## Why Not?

As I already mentioned, we cannot rule out the possibility that under argumentative pressure we're going to have to revise even some of our most deeply held beliefs. Philosophy, in other words, is hard. And as you can imagine, claims about morality's objectivity have not escaped criticism. Indeed, perhaps some such objections have already occurred to you. In this section, I quickly mention some of them, and hint at the ways in which I think they can be coped with. But let me note how incomplete the discussion here is: There are, of course, other objections, objections that I don't discuss here. More importantly, there are many more things to say - on both sides - regarding the objections that I do discuss. The discussion here is meant as an introduction to these further discussions, no more than that. (Have I mentioned that philosophy is hard?)

## Disagreement

I have been emphasizing ways in which moral disagreement may motivate the thought that morality is objective. But it's very common to think that something about

moral disagreement actually goes the other way. For if there are perfectly objective moral truths, why is there so much disagreement about them? Wouldn't we expect, if there are such objective truths, to see everyone converging on them? Perhaps such convergence cannot be expected to be perfect and quick, but still - why is there so much persistent, apparently irreconcilable disagreement in morality, but not in subject matters whose objectivity is less controversial? If there is no answer to this question, doesn't this count heavily against morality's objectivity?

It is not easy to see exactly what this objection comes to. (Exercise: Can you try and formulate a precise argument here?) It may be necessary to distinguish between several possible arguments. Naturally, different ways of understanding the objection will call for different responses. But there are some things that can be said in general here. First, the objection seems to underrate the extent of disagreement in subject matters whose objectivity is pretty much uncontroversial (think of the causes and effects of global warming again). It may also overrate the extent of disagreement in morality. Still, the requirement to explain the scope and nature of moral disagreements seems legitimate. But objectivity-friendly explanations seem possible.

Perhaps, for instance, moral disagreement is sometimes best explained by noting that people tend to accept the moral judgments that it's in their interest to accept, or that tend to show their lives and practices in good light. Perhaps this is why the poor tend to believe in the welfare state, and the rich tend to believe in property

rights. Perhaps the most important general lesson here is that not all disagreements count against the objectivity of the relevant discourse. So what we need is a criterion to distinguish between objectivity-undermining and non-objectivity-undermining disagreements. And then we need an argument showing that moral disagreement is of the former kind. I don't know of a fully successful way of filling in these details here.

Notice, by the way, that such attempts are going to have to overcome a natural worry about self-defeat. Some theories defeat themselves, that is, roughly, fail even by their own lights. Consider, for instance, the theory "All theories are false", or the belief "No belief is justified". (Exercise: Can you think of other self-defeating theories?). Now, disagreement in philosophy has many of the features that moral disagreement seems to have. In particular, so does metaethical disagreement. Even more in particular, so does disagreement about whether disagreement undermines objectivity. If moral disagreement undermines the objectivity of moral conclusions, metaethical disagreement seems to undermine the objectivity of metaethical conclusions, including the conclusion that disagreement of this kind undermines objectivity. And this starts to look like self-defeat. So if some disagreement-objection to the objectivity of morality is going to succeed, it must show how moral disagreement undermines the objectivity of morality, but metaethical disagreement does not undermine the objectivity of metaethical claims. Perhaps it's possible to do so. But it's not going to be easy.



## But How Do We Know?

Even if there are these objective moral truths - for instance, the kind of objective moral truth that both sides to a moral disagreement typically lay a claim to - how can we ever come to know them? In the astronomical case of disagreement about the relative position and motion of the earth and the sun, there are things we can say in response to a similar question - we can talk about perception, and scientific methodology, and progress. Similarly in other subject matters where we are very confident that objective truths await our discovery. Can anything at all be said in the moral case? We do not, after all, seem to possess something worth calling moral perception, a direct perception of the moral status of things. And in the moral case it's hard to argue that we have an established, much less uncontroversial, methodology either. (Whether there is moral progress is, I'm sure you've already realized, highly controversial.)

In other words, what we need is a moral epistemology, an account of how moral knowledge is possible, of how moral beliefs can be more or less justified, and the like. And I do not want to belittle the need for a moral epistemology, in particular, an epistemology that fits well with an objectivist understanding of moral judgments. But the objectivist is not without resources here. After all, morality is not the only subject matter where perception and empirical methodology do not seem to be relevant. Think, for instance, of mathematics, and indeed of philosophy. But we do not often doubt the reality of mathematical knowledge (philosophical knowledge is a harder

case, perhaps; but, Exercise: can you see how claiming that we do not have philosophical knowledge may again give rise to a worry about self-defeat?).

Perhaps, then, what is really needed is a general epistemology of the a priori - of those areas, roughly, where the empirical method seems out of place. And perhaps it's not overly optimistic to think that any plausible epistemology of the a priori will vindicate moral knowledge as well.

Also, to say that there is no methodology of doing ethics is at the very least an exaggeration. Typically, when facing a moral question, we do not just stare at it helplessly. Perhaps we're not always very good at morality. But this doesn't mean that we never are. And perhaps at our best, when we employ our best ways of moral reasoning, we manage to attain moral knowledge.

(Exercise: There is no uncontroversial method of doing ethics. What, if anything, follows from this?)

## Who Decides?

Still, even if moral knowledge is not especially problematic, even if moral disagreement can be explained in objectivity-friendly ways, and even if there are perfectly objective moral truths, what should we do in cases of disagreement and conflict? Who gets to decide what the right way of proceeding is? Especially in the case of inter-cultural disagreement and conflict, isn't saying something like "We're right and you're wrong about what is objectively morally required" objectionably dogmatic, intolerant, perhaps an invitation to fanaticism?

Well, in a sense, no one decides. In another sense, everyone does. The situation here is precisely as it is everywhere else: No one gets to decide whether smoking causes cancer, whether human actions contribute to global warming, whether the earth revolves around the sun. Our decisions do not make these claims true or false. But everyone gets (roughly speaking) to decide what they are going to believe about these matters. And this is so for moral claims as well.

How about intolerance and fanaticism? If the worry is that people are likely to become dangerously intolerant if they believe in objective morality, then first, such a prediction would have to be established. After all, many social reformers (think, for instance, of Martin Luther King, Jr.) who fought against intolerance and bigotry seem to have been inspired by the thought that their vision of equality and justice was objectively correct. Further, even if it's very dangerous for people to believe in the objectivity of their moral convictions, this doesn't mean that morality isn't objective. Such danger would give us reasons not to let people know about morality's objectivity. It would not give us a reason to believe that morality is not objective. (Compare: even if it were the case that things would go rapidly downhill if atheism were widely believed, this wouldn't prove that atheism is false.)

More importantly, though, it's one thing to believe in the objectivity of morality, it's quite another to decide what to do about it. And it's quite possible that the right thing to do, given morality's objectivity, is hardly ever to respond with "I am simply right and you are simply wrong!", or to

be intolerant. In fact, if you think that it's wrong to be intolerant, aren't you committed to the objectivity of this very claim? (Want to run the three tests again?) So it seems as if the only way of accommodating the importance of toleration is actually to accept morality's objectivity, not to reject it.

## Conclusion

As already noted, much more can be said - about what objectivity is, about the reasons to think that morality is objective, and about these (and many other) objections to morality's objectivity. Much more work remains to be done.

And one of the ways in which current literature addresses some of these issues may sound surprising, for a major part of the debate assumes something like morality's aspiration to objectivity in the sense above, but refuses to infer from such observations quick conclusions about the nature of moral truths and facts. In other words, many metaethicists today deny the most straightforward objectivist view of morality - according to which moral facts are a part of response-independent reality, much like mathematical and physical facts. But they do not deny morality's objectivity - they care, for instance, about passing the three tests above. And so they attempt to show how even on other metaethical views, morality's objectivity can be accommodated. As you can imagine, philosophers disagree about the success (actual and potential) of such accommodation projects.

Naturally, such controversies also lead to attempts to better understand what the objectivity at stake exactly is, and why it matters (if it matters) whether morality is objective. As is often the case, attempts to evaluate answers to a question make us better understand - or wonder about - the question itself.

Nothing here, then, is simple. But I hope that you now see how you are probably a moral objectivist, at least in your intuitive starting point. Perhaps further philosophical reflection will require that you abandon this starting point. But this will be an abandoning, and a very strong reason is needed to justify it. Until we get such a conclusive argument against moral objectivity, then, objectivism should be the view to beat.

# *Part 7: The Tests for Objectivity*

## **The Spinach Test For Objectivity**

This is a pretty straight forward test for whether you actually are a moral relativist. But, as a fair warning, philosophy kills jokes. As an example, and where the test gets its name, lets look at the following joke:

A kid hates spinach, later, he says that he's glad he hates spinach. When asked why, he says "because if I liked it, I would eat it; and it's yucky!"

More often than not, we will take this as funny. And, in a lecture format, if I present it right, I will get a laugh. But, the test is not whether or not you laugh at this joke, but rather whether you laugh at jokes of this form/structure, with different things put in the place of 'spinach'. Whether you laugh is the answer to whether you think the topic is relative. You can take the joke and put it into this general

form:

A person believes X. Later, they say that they are glad/happy that they believe X. When asked why, they say "if I believed otherwise then I would Y, but that's just wrong/yucky/boring."

For example, let's try it with entertainment and other foods:

A kid hates watching golf. He says that he's glad he hates watching golf because "if I liked it, I would watch it, and it's boring!"

A metal-head says that he's glad he hates country. When asked why, he replies 'because if I liked country, I would listen to country, and that's just bad music.'

George H.W. Bush hates broccoli and says that he's glad he hates broccoli. The reason? "Because if I liked broccoli, I would eat it, and it's gross."

These are the same, if presented right, they will get a laugh. But, will this joke work for anything which I plug into the joke's formula? What if I plug in something which is more absolute? Take these examples:

A 20th century man believes that the Earth is round. He claims that he's glad that he's a 20th century man because "If I grew up in the first century, I would have believed that the Earth is flat, and that's just wrong."

A 20th century man believes that women should have the right to vote. He claims that he's glad that he's a 20th century man because "If I grew up in the 19th century, I would have believed that women shouldn't vote, and this is wrong."

An Iraqi woman who grew up in the 2000s believes that women are not equal to men. She claims that she's glad about this because "if I grew up in the 60s and 70s, I would have believed that we were equal, and this is wrong."

There, people tend not to laugh, the joke doesn't work, so the topic in question (whether the earth is the center of the solar system) must be objective. Usually, our stances about liking or disliking something are totally up to us. If we dislike something, the reason we shouldn't have it is exactly because we don't like it. So if we're imagining a hypothetical scenario in which you do like it, then you no longer have any reason not to eat it. This is what the child in the first example gets wrong: He's holding fixed his dislike for spinach, even in thinking about the hypothetical case in which he likes spinach. But because these issues are all about him and what he likes and dislikes, this makes no sense. But physics is different: What we want, believe or do – none of this affects the earth's



orbit. The fact that the earth revolves around the sun is just not about us at all. So it makes sense to hold this truth fixed even when thinking about hypothetical cases in which you don't believe it. And so it makes sense to be happy that you aren't in the Middle Ages, since you'd then be in a situation in which your beliefs about the earth's orbit would be false (even if you couldn't know that it is). And because this makes sense, the joke isn't funny.

The Spinach Test is where we take the joke and change the thing the person believes. If it's funny, then we have evidence that it is subjective, totally up to us. If it isn't funny, then we have evidence that it is not subjective, but objective.

## The Disagreement Test For Objectivity

Often, in real life, we get into disagreements with people. Sometimes these are serious, like whether refugees should be allowed in the country or whether global warming is occurring. Other times they are just silly, like whether broccoli is yucky or whether dark chocolate is better than milk. The second test for relativism about a subject concerns the nature of such disagreements. For this test, you need to imagine, or actually get into, a disagreement about something. Ask yourself what the disagreement feels like, what are you using in the disagreement (are you calling on facts or preferences?). For example, take these examples:

Arguments A	Arguments B
A disagreement about whether the Earth is flat.	A disagreement about whether pineapple should go on pizza.
A disagreement about some mathematical principle.	A disagreement about how enjoyable Buffy the Vampire Slayer was.
A disagreement about whether refugees should be allowed in the country.	A disagreement about the best Metal band.
A disagreement about whether slavery was bad.	A disagreement about the direction of a toilet paper roll.
A disagreement about whether God exists.	A disagreement about whether dark chocolate is better than milk.

These disagreements are very different. Think about what it's like to be in those kinds of disagreements. In the case of broccoli or chocolate, you are trying to state your own preference and then, maybe, trying to get the listener to come to their senses and change theirs. However, when we are engaged in a disagreement about, say, global warming, the point of the argument is not to change the other person's mind or to state how you feel. Rather, it is to get at the truth. Looking above at the ex-

amples, do the ones in the left column feel the same? Do they all feel like facts? Similarly, do the ones in the right column all feel the same? Do they feel like preferences? If the feeling of the disagreements in the left column all feel the same, then you are an objectivist about morality, in your heart. You can also ask yourself what are the things you are using in the disagreement, are you calling on your preferences or are you calling on the facts about the world? If, when you are having the disagreement, you are calling upon facts and/or data, then you think that the subject is objective, it's just not up to you. If you are calling upon preferences or feelings, then you think that it's relative or subjective.

We can be even more particular about the case, in the sense of morality. If you are calling upon facts, then you think it's objective but if you are also calling upon facts in the particular case then you think it's situational. So, for example, if you are in court for stealing a loaf of bread and you use facts about your individual situation to mitigate or relinquish the guilt, then you are a moral situationalist, because the fact or norm 'stealing is wrong' changes according to context/situation (with some more general principle determining whether it applies). If, on the other hand, your judge/prosecution use general facts and ignore the contextual factors, then they are an absolutist about stealing. Using another example, if you are in a disagreement about refugees being allowed into the country and say "no, absolutely not ever" or say "yes, always, let them pour in", then you hold that the rules about refugees being allowed into the country are absolute. If

you say something like "in this particular situation, yes" or "in this case, no" or "it depends on who we are letting in", then you hold that the rules about refugees are situational. This becomes more obvious as the disagreement drags on and the sorts of facts you call upon to defend your stance.

So, for this test about whether you are a relativist about some subject, you need to ask yourself what it feels like to be in a disagreement about the subject. Imagine that you are having a disagreement with someone about the morality of abortion. How does that feel? Does it feel like you are having a discussion about pineapple and green-olive pizza? Or does it feel like you are having a discussion about global warming?

Yet again, very rarely do we feel like disagreements about morality are disagreements about preference. When we have those debates, it feels like they are about facts.

## The Counterfactual (What-if) Test for Objectivity

Like the other two, this one is a bit different. It involves what are called counterfactuals. They are called this because they are counter to the facts. We use these sort of statements all the time without realizing it. Any time you ask yourself what would happen if something were the case, you are using a counterfactual. These are insanely useful in philosophy as well as in science. There's an entire cottage industry in philosophy dedicated to coming up with how we use, accept, and reject these kinds

of statements. That being said, since we use them so much, your gut intuition will suffice. For this test, we will present the subjects as yes-no 'what if' style questions. Such as, 'what if I drove a 120MPH on a 60MPH highway, would that be dangerous?' It is not true that I drive that fast, but I am trying to figure out what would be the case if I did. For this test, ask your self what it would be like if the vast majority of people believe opposite to you, would you still be right/correct? Here are some examples of what-if style questions which show this test at work.

If the vast majority of people believed that politicians were actually aliens, would they still be human?

If the vast majority of people believed that global warming wasn't happening, would it still?

If the vast majority of people thought that gender discrimination was fine, would it still be wrong?

If the vast majority of people thought that the Earth was flat, would it still be round?

If the vast majority of people thought that Philosophy was pointless, would it still be valuable?

If the vast majority of people thought that pineapple on pizza was delicious, would it still be gross?

If the vast majority of people wore top hats and thought they were cool, would they still be out of fashion?

If the vast majority of people thought that Buffy was the worst show ever, would it still be great?

If the vast majority of people thought that sweet potatoes were tasty, would they still be gross?

If the vast majority of people thought that spinach was gross, would it still be tasty?

For each of these, there should be a yes or no answer, one which you can easily give. In some versions of this, I have presented it as "all people" rather than "the vast majority of people", but that has lead to some confusion. As before, the normal responses to the questions in the left column are all 'yes', while the answers to the questions in the right are normally 'no'. This test, if the question is for-

mulated correctly, is the most definitive, I think. It points out the fact that objective truths are not up-to-us, they will be the case regardless of whether or not people discover them.

The steps to preform this test on yourself are pretty straight forward. First, take a stance about something which you think is true. For example, you can have that slavery is bad, that pineapple on pizza is good, that the Kaelons shouldn't force their elderly to commit suicide, that the Earth is round, or something like that. Next, you imagine a case where the vast majority of people believe the opposite. And, finally, ask yourself whether, in this strange world, you would still be correct. If the question is phrased correctly (it's possible to phrase them so that you will get, consistently, the opposite answer) and if you get the answer 'yes', then the subject matter is objective and if you get the answer 'no', then the subject is relative. So, for example, would top hats be out of fashion if the vast majority of people wore them and thought they looked cool? No, so fashion is relative. There was a time in this country where the vast majority of people thought that indigenous peoples were less than those of other descent, were they wrong? Yes, they were, so the morality about racism is objective. If the vast majority of people thought that Philosophy was pointless, critical thinking would decline and people would end up in a great intellectual regression. Those facts alone show that the value of philosophy isn't determined by what people believe about it, people can be mistaken about the value of a subject.

## *Part 8: Why Does It Matter? (Moral Skepticism)*

So far, for the three tests for objectivity, we have that morality is objective. We don't laugh at jokes about morality (at least serious cases of it), we feel like we are getting at facts when we disagree about morality, and ultimately, morality doesn't change with the whims of the majority (perspectives do and those could be more or less accurate). But, why would we want morality to be objective? And can we know about moral truths?

On its face, we want morality's objectivity to conform to our deeply held intuitions. We want it to explain why we don't laugh when jokes are made about it (it's too serious and not up to us). We want it to explain why we point to facts when we disagree about morality (moral facts are facts, not preferences, and you don't bring feelings to a fact fight). And we want it to explain why it doesn't change



with the whims of the majority. Objectivity does all of those things, morality is just not up to us, we don't determine it based on our feelings. For example, whether the Earth revolves around the sun is not determined or changed by what people believe. Moral truths are independent to how we feel about them. We seek to discover moral facts, we don't invent them.

There are some other reasons we want morality to be objective, which relate to the objections against moral relativism. First, objective morality gives us a means to compare different cultures and people and then say how one is better or worse morally than another. We can use this same comparison to determine how one should improve. We can use it to look inward and determine how our culture or ourselves need to improve morally. We are not sheep to the views of our culture and Moral Objectivism gives us something beyond our culture to guide us. And third, Moral Objectivism gives us a standard by which to judge our progress, we can use this to figure out where we need to go and what we need to do morally to be better. How Do We Know?

As I said, we do seek to discover moral truths, but how do we know when we get them? The scientific method, for example, is a relatively new creation for discovering truths about the world and yet people have been trying to figure out morality for far longer than that. Discovering moral truths is hard, but not impossible. Those who hold that it is impossible are called Moral Skeptics. Skepticism, in Philosophy, is the stance that knowledge about some subject is impossible. You could be a global skeptic

or a limited skeptic, much like how you could be a global or limited relativist. It is worth noting that Moral Skeptics are not making a claim about whether there are moral truths, rather they are making a claim about whether we can know them, which is different. For example, there are certain numbers in mathematics which are so large that one can't possibly know what the first digit is, but there are still facts about what number it is.

People become moral skeptics for several different reasons. It should be noted that all of these are bad arguments and each can be easily pushed aside. They point to disagreements, empirical science, and degrees of certainty. To start off with, here is an argument against the idea we can know anything in Ethics using disagreements:

People and societies disagree about ethics. If it was possible to know the truth about this, then really smart people would come to it eventually. They haven't. So, it must not be possible for us to know about it.

This should remind you of the Cultural Differences Argument. The core intuition which is being used by those who pose this objection is that if we haven't found the answer to a question (yet), there must not be an answer to it. This is flawed on many different levels. First, right now we disagree about ethics, and if we can know about it, smart people will get to it someday, and, sure, we haven't yet but that doesn't mean it's impossible. It's just a really hard problem. For most of human history, people

disagreed about what the stars were, but we now know what they are, it was a hard problem and we found ways to figure out the answer. Ethics is no different, for most of human history, we have disagreed about certain moral rules. Those rules will be settled, not because we get grinded down and all agree, but rather because we discover a moral truth.

The next argument against the possibility of moral knowledge comes from a robust, strong, faith in the empirical sciences. Philosophy itself is a science, just not empirical. Here is a basic outline of the sort of argument used:

The empirical sciences are supposed to give us knowledge about the world. They say nothing about ethics. So it must not be possible for us to know about it.

For this one, there are a few different replies, and this is my preferred: The empirical sciences are SUPPOSED to give us knowledge about the world and you're right, they don't say anything about ethics. But, there's more than one way of getting knowledge about the world and the empirical sciences are just one of the ways. The empirical sciences can't answer questions about the nature of God, can't answer questions about beauty, can't answer questions about truth (because that's meta to their fields), and they can't answer questions about morality. Empirical science is just one way of getting truths about the world, but it isn't the only way. The history of philosophy is one of specialization. There are some questions which have objective answers but can't be answered us-

ing the methods in the empirical sciences. Philosophy, as a field, handles the questions which her children can't.

The last argument gets a little closer to home. Skepticism concerns knowledge and as such arguments for it for some subject should touch on the standards for knowledge.

Knowledge is a really high degree of certainty. With any action we take, there's always some uncertainty about whether it's the right one. This means that we can't know whether the action we are taking is the right one.

For the third issue, there is a simple response: Alright, I agree that knowledge is a high degree of certainty, and there's always going to be some uncertainty about the action I take. But, how much certainty is enough for knowledge? What if I am 99% sure that this is the right route? I am still unsure, but I am very certain. We can't be absolutely certain about anything in life, morality is no different, we can only be really really sure. Going this route not only denies the possibility of knowing moral truths, but it also messes with the possibility of knowing anything else.

## **MODULE III**

### *Divine Command Theory And Natural Law Theory*

## *Part 9: Morality and Religion*

Religious views have always been popular in determining morality/ethics. In times of moral conflict, religious leaders like Rabbis, Imams, and Priests have always been there to guide the flock. Since hundreds of millions of people tend to view morality through a religious lens, it's important to cover the connection carefully. We are not going to try and prove that God or gods exist (note the grammar there) (for that, in depth, take Philosophy of Western Religion). Nor are we going to look at the teaching of any one religious text (though my examples will often be from the King James Bible, Old Testament). Rather, we are going to look at the assumptions (there are 2) which are needed for the view that morality depends on religion and the end resulting theory about morality from those assumptions.

## **Assumption 1: Religious belief is necessary to get people to do their duty**

Get the chuckle about the word 'duty' out now, you will be hearing it a lot. A very popular argument against atheism (the stance that God doesn't exist) states that being an atheist prevents a person from seeing why they should be moral. Assuming that this is true, why would that be? By far the most popular reason given is that fear of God and the promise of heaven is a good to keep us in line. God rewards good deeds and punishes the bad. Eternal damnation for the bad and eternal bliss for the good is a great reason to keep on the right side of the tracks. However, this might not be all that great of reasoning. First, it doesn't tell us why religious people would be more likely to do what's right. All it tells us is that religious people are more likely to be conscientious (wanting to do what's right) but this doesn't translate to actually doing it. For example, the Spanish Inquisition, which no one expects, was trying to do the right thing, but failed gloriously at it. The WBC (Westborough Baptist Church) is trying to do what's right, but are also failing horribly at it. It all depends on whether the religious teachings are in fact moral to start with.

**Assumption 2:** Morality must have been created by someone/thing and God (or gods) is (are) the best candidate(s) for the job.

Another way of saying this is that God created morality. This assumption will lead us to our first normative theory of Ethics (coming later on this page). The underlining idea to this is that morality is a set of norms (common phrase 'norms of behavior', which are the standards we should live up to). Without God, according to these believers, it would be up to humans to make up these norms and we just aren't up to the task. So 'without God, all is permitted'. Here is the argument:

- 1 Laws require a lawmaker.
- 2 So, moral laws require a maker.
- 3 Humans could not have made these laws (since we are imperfect).
- 4 If humans didn't make them, some perfect being made them.
- 5 God is that perfect being.
- 6 Therefore, God is the author of moral laws (therefore, God made moral laws).

## Divine Command Theory

This leads us directly to what is called the Divine Command Theory of Ethics (DCT). It is:

Something is moral if and only if God commands it.



Here are some equivalent ways of phrasing it:

1. If God commands it, then it is moral, and if it is moral, God commands it.
1. If something is immoral, God forbids it, and if God forbids it, then it is immoral.
1. Something is immoral IFF God forbids it.
1. Something is moral because God commands it and immoral because God forbids it.

This stance is not without some backing. For example, it completely removes all of the problems with Relativism. Second, it has built into it that the standards which make behaviors right/wrong are written by a perfect author (God) so they can't be wrong (so long as God exists). And third, it ties the reward/punishment which people think is tied to morality (through God) directly to the reason why those things are moral. There is even a very simple kind of reasoning which can be used to determine whether an action is right or wrong:

- 1 If God forbids X, then X is immoral (a no go).
- 2 God forbids X.
- 3 Therefore, X is immoral.

Here are a couple of examples:

Homosexuality	Abortion
If God forbids homosexuality, then it's immoral.	If God forbids abortion, then it's immoral.
God forbids homosexuality.	God forbids abortion.
Therefore, homosexuality is immoral.	Therefore, abortion is immoral.
The Binding of Issac	A Bible Verse Tattoo
God commanded Abraham to kill his only son.	God forbids tattoos.
If God commands it, it is moral.	If God forbids it, then it's immoral.
Therefore, Abraham killing his son is moral.	Therefore, getting tattoos is immoral.

## Problems for Divine Command Theory

This theory is not without its problems. Just about every early ethical theory will have some issues, problems which need to be buffed out or some reason to reject it whole hog. The major problem for this theory is the Euthyphro Dilemma. But there are some other ones, such as:

## The Atheism Problem

Since morality is tied to God, if God doesn't exist or if God doesn't actually command or forbid, morality would be a sham.

## The Which-Book Problem

What religious teaching is the right one? Some say that eating pork is damning, while others say beef, others say all meat, some say getting a tattoo is damning, others seem cool with it.

### The Euthyphro Dilemma

Remember what the DCT states:

Something is moral if and only if God commands it.

So, what if we ask why God commands us to do those things? Are they good/moral because He commands them? Or does He command them because they are good/moral? This little puzzle dates back to Socrates and it is a real head scratcher. Other versions include: Is it tasty because I like it, or do I like it because it's tasty? Do the gods love certain acts because they are pious or are they pious because the gods love them?

There are two horns or prongs to this argument, and it really is a ton of fun to get people in this situation. There are two options, you gotta choose one, but both lead to a major problem for your stance. The first option in this argument is 'they are moral/good because God commands

them'. The second option is 'God commands them because they are moral/good'. If you go down one path, then you get that God is imperfect and if you go down the other, we get that DCT is false. For this argument, we will be working from 'either God has reason for His commands or He lacks reason'. Basically, if God commands because it's good, He has reason. If it's good because God commands it, he lacks reason. Here is the argument:

- 1 Either God has reason for His commands or He lacks reason.
- 2 If God lacks reason for His commands, then they are arbitrary.
- 3 If they are arbitrary, then God's imperfect.
- 4 If God has reason for his commands, then it's those reasons, not the commands, which makes actions right or wrong.
- 5 If it's those reasons, then DCT is false.
- 6 So, either God's imperfect or DCT is false.
- 7 God is perfect (definition)
- 8 Therefore, DCT is false.

Another argument follows a similar line of reasoning:

### The Divine Perfection Argument

- 1 If DCT is true, then a morally perfect god could have created a flawless morality which required us to rape, steal, kill, and all that but also forbade any acts of kindness/generosity.
- 2 A morally perfect god could not do such a thing.

3 Therefore, DCT is false

# *Part 10: Natural Law*

## *Theory*

You're an animal. So am I. So are all people. All animals have certain needs, food, water, security, freedom from pain, and so on. All animals have the same basic problems too. Someday, we're going to die and we are prone to suffering in the meantime. Maybe, just maybe, figuring out what makes something moral has to do with our place in nature. Many have thought so.

### **What Makes a Good Human Life?**

Trying to answer that question with the idea that we're animals seems to lead us down an interesting path. What makes an animal's life good? The common answer given is something along the lines of 'when its nature is fulfilled.' Basically, when it fills its role in nature. A chameleon is built to camouflage, most birds are built to fly, wolves are built to be in packs, and so on. Life wouldn't be good for a chameleon if it couldn't change color, a parrot who

couldn't fly would have a bad life, and a lone wolf would just cry to the moon. Applying this to humans, we have an interesting theory. What makes a human's life good is one which fulfills their nature. This gives us Natural Law Theory:

An action is moral because it is natural and immoral when it is unnatural.

I am using 'natural' here in the sense that it is inline with what we are built to do. Another phrasing is 'an action is moral IFF it's natural.'

**What are some reasons to think this is right?**

First, there isn't any relativism. Also, we don't (necessarily) need to bring God or gods in the picture to get it. Basically, so long as there is such a thing as 'human nature', there's grounds for morality. Second, NLT explains why humans can be moral, but not necessarily anything else. Human beings are, in general, rational. No other creature on earth approaches us in our abilities there. Since we are rational, we can better choose whether to go with our nature or against it. This makes it so that humans are the sort of things which get praise and blame. NLT gives us a foundation for morality. Since humans are animals, we have a human nature, and this nature gives us the foundation for morality. Fourth, NLT gives us an answer to a really hard question: How do we learn about ethics? This is an argument for moral skepticism, which was a

problem with DCT (how do we know what God wants?). This is often called ‘Hume’s Argument’ after the Scottish Philosopher David Hume.

- 1 We can only know two kinds of things: conceptual truths or empirical truths.
- 2 Moral claims are neither conceptual truths nor empirical truths.
- 3 Therefore, we can’t know anything about moral claims.

There are two terms used here which require some explanation. First, we have the terms ‘conceptual truth’. These are statements which you can know are true just by knowing the meanings of the words involved. There is much more which can be said about this, but that’s enough to serve our purposes. The second term is ‘empirical truth’. These are statements which we need to have experience in order to know are true. For example, ‘it is cloudy in Western Washington today’ or ‘water is dihydrogen monoxide’.

The natural law theorist thinks that morality is empirical, we learn it through experience. To know something about morality, we need two things: First, we need to know what human nature is. Second, we need to know what actions are needed to fulfil that nature. Both of these require us to have experience in the world to know.

## Problems with Natural Law Theory

As before, this theory, too, has its problems. NLT centers around the idea that morality is based on nature. So to know what is moral for humans, we need to know what



our nature is. There are 3 different answers to this and each one has its own problems.

### Human Nature is Animal Nature

The first way to try and encapsulate the idea of human nature is to claim that humans are animals. So our nature is to act as other animals do. All animals need protection, food, water, and so on. This is why we don't criticize people for self-defense (when it's really self-defense). This seems plausible. But, other animals kill and eat other animals. Just because others do something doesn't mean you should (take disrespecting the dead of enemy combatants as an example, Human Nature is what all humans have in common because they do to ours doesn't mean we should do it to theirs). Other animals kill their young, others eat their young, still others will brutally kill off weaker members of their own species. The fact that we share traits with other animals doesn't give us an answer to what human nature is.

### Human Nature is Innate

Something is innate when it's something you are born with, it's like the programs which come pre-installed in a computer which you can't delete. Some philosophers (Jean-Jacques Rousseau) have held that humans are innately angelic, we care about each other. Before society corrupts us, we are angels, so to speak. Our nature is to be kind, cooperative, and considerate. Other philosophers (Thomas Hobbes) have held otherwise. Our innate nature is to be selfish, competitive, and distrustful. We

are born that way and, generally, stay that way. (In Phil 238, we cover this in detail as it applies to economics). If human nature is the stuff we're born with, innate, then we would need to settle the debate about whether something is in our nature or is nurtured into us. But this seems wrong. We are very confident that things like rape, theft, and others are wrong. We don't need to check to see whether it's in human nature to distrust, compete, or stab each other in the face. We can be very sure that killing people because they don't look like us is wrong, but we don't need to check whether it's in our nature to do so.

### **Human Nature is what all humans have in common**

Many think that human nature is the traits which all of us share. These are the universal human features which make up 'humanity' ("where's your humanity?!?"). This allows science to figure it out. The data won't be easy to get, but by looking at enough people, we can figure out what features all of us share. There are two general problems with this view.

First Problem: There may be no human universals.

It might be silly to think that there aren't any human universals. Don't all humans need food, want to live, and have a sex-drive? Can't all humans make complex plans for the future? Some humans don't want to live anymore, some people are indifferent to sex, and some even are so mentally impaired that they can't plan for the future. For just about any trait claimed to be universal, there's

some case where it doesn't work out. But these theorists do have a reply. Let's take an example: It is the nature of a cheetah to be fast, to hunt, to have four legs, and be a certain color. But some are albino, others have 3 legs, others still can't hunt, and still others are slow. We might say that these cheetahs aren't real cheetahs, but faux-cheetahs. It's not that the traits are shared by all, but most. If that sounds right, then maybe human nature is what is shared by most of us, not every last one of us. But this too has a problem, how many humans having some trait does it take?

The second problem: Whatever these human universals are may not provide moral guidance or 'good rules'.

Let's suppose that NLT has a number for that last question, or a percentage. The real problem here is that most human traits don't give us moral guidance or are irrelevant. Suppose that all of us (or at least most of us) are cruel and greedy. Does it follow that we should be cruel and greedy? Remember the what if test: What if all of us were cruel and greedy, would being cruel and greedy still be wrong? This is a problem, just because something is the case doesn't mean it ought be the case. Just because the climate is changing at an accelerated rate, doesn't mean it ought to be changing at an accelerated rate.

If human nature isn't what's innate (all/most of us share), then what is it?

The natural response (pun intended) is this:

Human nature is what we (All Humans) were designed to be/do. This is the function we perform, the role we play, the end we were built for. Remember, that this applies to all people, it is not relative.

This seems to put human nature outside of the realm of science and into the realm of religion. In fact, many natural law theorists have claimed that God was our designer and gave us this purpose. Our Natural Purpose. Since God is all knowing and all good, going against the purpose of humans which God laid out is immoral. (See a link to DCT?) It is not quite the same as DCT, but it is close enough to get all of the problems. So we will look at a more secular version.

## Natural Purpose

It is strange to talk in terms of purpose or other things like that without having some divine architect, however it is useful to think that way. Nature itself lacks the ability to make plans and all that, so it doesn't have a 'purpose' for us. But the mechanism of nature and evolution can serve as a way to get a natural purpose. For instance, the purpose of our kidneys is to filter our blood. Although nothing actually assigned their purpose, we can say what they were meant to do, without having a consciousness which made them for it. This makes us ask the questions: What is the natural purpose of humans? What are we for?

## The Efficiency Model

To answer ‘what are humans for?’, some have looked to examples, keeping with the kidneys, we know that they are for filtering blood because they’re the best at it. So, applying this to humans, what are we the best at. Our natural purpose, our human nature, is, according to this model, what we are better at than any other critter. Just to use an example, humans are better at language or solving puzzles than any other creature on the planet. But, are you a bad human if you can’t solve a puzzle or don’t have great linguistic skills. Remember, according to NLT, something is moral because it’s natural. By this model, something is natural when it fulfills what we, as humans, are the best at. So, if you aren’t that great at puzzles, you are going something wrong. . .

## The Fitness Model

According to this model, our organs have purposes because they enhance our fitness. The heart, lungs, kidneys, and so on have the purposes they do and are good at it because they help us survive and reproduce (those are the classic examples). Nature gave them those purposes because they increased the odds of our survival. Our natural purpose, what is natural for us, is to survive and pass down our genes. Something is moral IFF it is natural, something is natural IFF it fits with our natural purpose, something fits with our natural purpose IFF it enhances our chances of survival and reproduction. This makes NLT boil down to:

Something is moral IFF it enhances our chances of survival and reproduction.

Both of these have their problems, but we will look most closely at the Fitness Model, mostly because it is the most fun.

**Morality = Increases the chances of survival and reproduction**

This is wrong on many different levels, but here are some examples: Would the most moral act a man could do be to rape as many women as he could in order to produce as many children as he could? See Genghis Khan. According to this account, Genghis Khan was the most moral human. Now, let's take a look at this quote from Primo Levi, an Auschwitz prisoner: "The worst – that is the fittest – survived. The best all died." Sometimes, the most schooled in violence and the most treacherous will live to survive another day. This means that NTL would endorse violence and brutality in order to be moral, which is certainly not correct.

**Immorality = Decreases the chances of survival and reproduction**

This is also wrong for similar reasons. Not every act which decreases our odds of survival/reproduction is immoral, for example: Wearing headphones to listen to music blocks out the sound of attackers coming to get you (your ears are made for this), decreases your odds of survival. But is wearing headphones and listening to music immoral? Is choosing to only have one partner and just

a few children, or none at all, immoral? Choosing that decreases your odds of reproduction. So is wearing protection, so are homosexual acts, so is any sex act without the goal or ability to produce a child. . .

## **MODULE IV**

### *Hedonism and Egoism*



# *Part 11: Hedonism and The Good Life*

## Happiness and intrinsic value

If you are anything like me or anyone else I know, you spend a good amount of time thinking about how to make your life better. You may be doing alright, or you may be worse off, or you may be somewhere in the middle, but there's always room for improvement. But, you figure out how our lives could be better, we need to know what would make them good. The standard measurement is 'welfare' or 'well-being'.

## Extrinsic vs intrinsic value

Generally, when philosophers talk about whether or not something is 'good', they start by asking whether it's extrinsically good (or has extrinsic value) or intrinsically good (or has intrinsic value). Something is extrinsically good when it's good because it gets us something else. For example, money is extrinsically good because we use it

as a means to get something which is good. Money can get you on a cruise, which can be very fun. Something is intrinsically good when it's good 'in and of itself', it is not used to get you anything else, having more of it in your life makes it better. Generally, extrinsic goods are good because they get you something intrinsically good. For example, watching a football game is good because it makes you happy. Now, what we need to do is figure out what the intrinsic goods are so we can get them and have a good life.

In trying to answer the question 'what sort of things are intrinsically good?', the most popular answer, by far, is happiness. On this view, the good life for us would be one filled with happiness and as little unhappiness as possible. Something is extrinsically good when it makes us happy (it's a means to happiness). Money can't buy happiness, but it can put you on a jet ski, which will make you happy. For this view, happiness = the one intrinsic good, unhappiness = the one intrinsic bad. The more happiness you have, the better your life is.

Hedonism is the name for the view which I just described, but it takes 'happiness' to be 'pleasure'. According to the hedonists, a life is as good as the amount of pleasure which fills it and how free of pain it is.

## Hedonism

Understanding hedonism as the idea that a life is better relative to the amount of enjoyment it has (the more the merrier) is the first step to see the appeal of hedonism

and also some more serious problems with it. Various notions of hedonism are found around the globe, but the major development and formalization of it was first done in ancient Greece. The philosopher Epicurus (341-270 BCE, born and raised in Samos, which is just off the coast of Turkey, died in Athens) was the first to really defend it. He argued that pleasure was the only thing worth going after but did not call for us to indulge in all of the cardinal pleasures, but stated that the most pleasant condition for a person is inner peace. This came from two sources, moderation in the physical and mental clarity.

For Epicurus, the way to get this pleasure, inner peace, was to do philosophy. Philosophy clears up the mind and let's you reveal the false beliefs which you have (false beliefs, for Epicurus is one source of unhappiness). For example, Epicurus thought that the following beliefs are false and bad for us to have:

- Death is bad.
- The Gods are mean.
- Sex, Drugs, and Rock and Roll are key to a good life.

Philosophy will explain away these errors and lead to a better life.

The next great hedonist was a guy named John Stuart Mill, who had a fascinating political and romantic life (for example, he was the first person to argue for women's suffrage in England in parliament). We will return to fun facts about him next week, as his major contribution was a theory of ethics based on hedonism (we now have ev-

idence that his wife was the main producer of many of his ideas, but she would not let him put her name on the books). During Mill's lifetime, people had taken to calling his Hedonism 'the doctrine of swine'. Claiming that he wanted us to all live like animals and pursue one the physical pleasures. Mill actually argued that there are many kinds and qualities of pleasure. Mill claimed that the best kind of pleasure were those which came from hard work (the satisfaction after a good day's work, the feeling of accomplishment), and the highest quality of those pleasures were those which were gotten through mental labor (but that's a point for another time). Mill believed that people who have had a good amount of both physical and mental pleasures in their life will always prefer the mental. As you might expect for a view which is found all over the world and spanning thousands of years there's a lot to be said about it.

### There are many models for a good life

What's a good life for me might not be a good life for you. And hedonism explains why this would be. There are many ways of getting a happy life. So, can woodcutters, stonemasons, or musicians have a good life? Not according to Plato and Aristotle, who thought that only through philosophic contemplation can you get the best life. Today, we generally reject this as snobby and elitist. Generally, hedonists think that anyone has a good chance at a happy life. Since the sources of happiness are many, and happiness is the key to a good life, there are many different good lives.

## Flexibility

Many theories in ethics aren't all that flexible, they have strict hard and fast rules which can't really fit into various contexts and situations. Hedonism is not like that. For example, 'follow all of these rules and your life will be good', but there are many cases where a person can't follow those rules or are unable to engage in some activity claimed to be necessary for a good life (EG doing philosophy). Hedonism allows for a good life to be in many different shapes. My recipe is, probably, different than yours.

## Personal authority

The diversity of good lives leads to an interesting take-away: Hedonism gives us a huge say in what a good life is for us. Although happiness is an objective, absolute, good according to this theory, what makes us happy is a matter of taste and as a result, we each get plenty of input from our experiences on what is a good life for us and what is not.

## Misery hampers a good life, happiness improves it

The hedonist tells us that misery, unhappiness, takes away from a good life. To test this, imagine a life with just sadness, and no happiness whatsoever. Obviously this seems bad for the person who leads it. This person may be a genius or a brilliant artist, but the life would still not be good for them. Hedonism also tells us that happiness improves a life. To test this, imagine two identical lives.

But, one person likes what they do and the other person hates it. Obviously the first person's life is better than the other's.

## *Part 12: Ethical*

### *Egoism*

Here are some examples to get us started:

#### **Wells Fraudo**

Suppose that you are a bank manager. You know that opening fraudulent accounts in your customers' names will make you millions (if you don't get caught) and also that if you get caught, the penalty is so small that you will still make millions (though slightly less). Since the pay off is so great, why let morality stand in the way?

#### **Cheating on a Test**

Suppose that cheating on a test will land you an awesome job after you graduate. Why not cheat?

## **Lie vs Jail**

Suppose that lying to the cops will save you from going to jail. Why not lie?

## **The Panama Papers**

Suppose that you can hide money in off-shore accounts to avoid paying taxes on it. You stand to keep millions/billions instead of giving it to the man. Why not hide the money?

In a perfect world, greed like in these examples would never flourish, but we aren't in a perfect world, greed does flourish. Ethical egoism seeks to show that actually, because we are in this dog-eat-dog world, the examples in the above cases are all moral. Ethical Egoism:

Something is moral IFF it best promotes our individual self-interest.

On this view, conflicts between your self-interest and morality are impossible. So, you should open those accounts, cheat, lie, and evade taxes.

## **Popular Arguments for Ethical Egoism**

We will now be moving on to some popular reasons given to be an egoist. There are three, the self-reliance argument, the libertarian argument (in this case, for those who have taken me before, this is the political ideology, not the metaphysical stance), and the best argument for egoism.



## The Self-Reliance Argument

This argument was given by Ayn Rand (you may have heard of her) and her writing arguing for egoism have been insanely influential in contemporary political culture.

- 1 The most effective way of making everyone better off is for each person to mind her own business and only tend to her needs.
- 2 We ought to take the most effective path to making everyone better off.
- 3 Therefore, we each ought to mind our own business and only tend to our own needs.

### Problem one: The First line

The first line was “The most effective way of making everyone better off is for each person to mind her own business and only tend to her needs”, this line seems just false. Take for example a person in dire need of help; they would not be better off if no person went out of their way to help. More over, it would be wrong to celebrate a person who did.

### Problem two: The Second Line

The second line is “We ought to take the most effective path to making everyone better off”, but this does not line up with egoism, the egoist, proper, can’t accept this. For them, our only moral job is to make life better for us, individually. Why should we care about other people?

## The Libertarian Argument

This is a little less formal of an ‘argument’, and it tends, in real life, to appear in conversations with those who identify as this political stance. It goes something like this:

Our moral jobs, what we need to do to stay moral, come from two sources, either consent or reparation. It comes from consent when a person freely agrees to accept the job. It comes from reparation when the person violated another’s rights and needs to repair it. So, if I don’t owe them anything and haven’t agreed to anything freely, I have no duty to help others.

### The Problem with this one

The Egoist can’t support it. The problem is that for egoism, the only duty we have is to best serve our self interest. The libertarians are claiming that we have two moral duties, following through on our agreements and not violating another’s rights. But, there may be (and probably are) cases where violating a contract will serve your self-interest (I am sure you can think of examples, just watch the news today/yesterday) and obviously, there are times when violating another’s rights would serve you selfishly (take voter suppression tactics).

### The Best Argument for Egoism

This is the last argument in favor of this stance, and it is the best one you are likely to find. Though it does have

some major problems with it.

- 1 If you are morally required to do something, you have good reason to do it.
- 2 If you have good reason to do it, then doing it must serve your self-interest.
- 3 So, If you are morally required to do something, it must serve your self-interest.

Now, this is a valid argument, we can only get around it by looking at facts. Also, each of these lines have a ton of support, so we might be stuck. . . If something doesn't serve my self-interest, I don't have to do it.

### The Problem

Ultimately, this argument is unpersuasive (which is an iffy part of whether it's a good argument). Once we look into the reasons why we like these lines, we start seeing it unravel. Take these two similar lines:

**If it serves my self-interest, I have good reason to do it.**

**If I have good reason to do it, it serves my self-interest.**

Many people who like the second line of the argument confuse these two. It is really common, however, there's a giant difference. The first one looks alright, it is basically saying that my self-interest is always a good reason, no trouble there. But the second is a bit different. I have good reason to save a drowning kid, but that doesn't serve my self-interest. I have good reason to donate

money to help others, but that doesn't serve my self-interest.

## Problems for Egoism

Like with Relativism, just because the arguments for it don't work, the stance could still be true. So, we will look at the real consequences/problems with the stance itself.

### Problem 1: Violates core moral beliefs

One solid cultural universal (almost required for a culture to survive more than a few generations) is that you should help others (either all people or those in your 'tribe'). Egoism gives us a duty which says that we shouldn't help others. You should help others only if it would promote your self-interest. Many cases of us helping others fail to do so. That may seem like enough to reject it.

### Problem 2: Egoism can't allow for the existence of human rights.

The vast majority of people the world over want to claim that there are certain universal human rights. Human rights apply to all people (though there may be cases of exceptions) and it is always morally wrong to violate those things. Egoism can't allow for a moral duty like that because not violating another's rights is often against a person's self-interest.

### Problem 3: Why are my interests the only important ones?

This one cuts to the core of egoism. What makes my interests the only important ones? Why should I totally discredit the basic needs of others and only care about my own? The egoist can have a kind of reply:

Suppose that I am hiking in the woods and then a stray arrow misses a deer and clips me in the leg. I drive to the hospital but know that the stitches and all that will cost me all that I have extra (an emergency fund). Another person is there with a very similar injury. But for them, there's no way that they can afford to have it fixed. Should I forgo my treatment and pay for hers? Am I doing something wrong if I don't? Add to this, suppose that this lady is as smart a person as I am, community-minded and over all very nice (just in a rough spot). What then?

Various different versions of that reply to the third problem for egoism are very very hard in contemporary ethics (applied differently to different theories). The problem with them is that they weigh our preferences against ethics and there is something to be said about them. For example, three people are drowning, a woman can save either the two strangers or her significant other. Who should she save? Is it wrong for her to save her S.o.? One of my old professors, Douglas Portmore, wrote a book where he spent a solid chunk trying to piece that together... The

book is called Commonsense Consequentialism.

# MODULE V

## *Consequentialism*

## *Part 13:*

# *Consequentialism*

So far, we have covered 3 different theories about the morality of actions, these were Natural Law Theory, Divine Command Theory, and Ethical Egoism. For normative ethical theories, there are, in general, two camps. There are the Consequentialists, who hold that the consequences determine whether an action is right or wrong. On the other side, there are the Non-Consequentialists. These guys hold that the consequences don't matter. In general, cultures tend to follow one of these two ideas when it comes to morality, though in practice, it becomes a bit mixed.

### **The main command of Consequentialism**

This is the idea behind consequentialism:

Do all the good you can, by all the means you can, in all the ways you can, at all the times you can, as long as



you can.

This stems from the notion that we are here on earth to do good. Our moral duty is to leave the world better than how we found it. But, we shouldn't be ethical egoists about it, our moral duty extends beyond ourselves. We have a duty to help others too. G.E. Moore (the guy who wrote an early version of *Porky*) (1873-1958) declared that what is right is whatever produces the most good. If you have the choice between two options, the one which will cause the most good is the one you ought to go with.

An action is moral IFF it causes the most good of your options.

Moore, and others, have thought that this is too obvious to deny. I mean, shouldn't I always take the 'goodest' option?

Consequentialism, itself, is very basic. You can think of it as a stance about what the correct moral theory will look like. First, this stance does not define what the 'good' is, rather it just says we need to cause the most of it (whatever it may be). Second, this stance does not tell us how we should promote this good, whatever it may be. These two points come together to make two questions which ever Consequentialist theory needs to answer:

1. What is the good?
2. How should one promote that?

As I hinted at in the onset, Consequentialism is a family of theories which all share the primary command that

we should cause the most good we can. The theories in this family differ, however, in how they answer these two questions. In response to the first question, some theories say that happiness is good (Utilitarianism, which we will cover in this module), others say that family and societal relations are good<sup>9</sup>, others still might claim that having one's desires satisfied is good. How these theories respond to the second question leads to even more diversity in the family. In general, there are two types of responses to this second question. A theory could say that we need to promote the good *directly* with every action we take. This is to say that the morality of the action is determined by how much good it causes, no other factors are really considered. We call theories which answer in this way *Direct Consequentialist*.<sup>10</sup> Because of the simplicity of these theories, some Philosophers have taken to calling them *Naïve*. Other theories seem to take on a more sophisticated approach to this second question. Rather than saying that we are to directly promote the good, these other theories say that we are to *indirectly* promote the good. We call these theories *Indirect Consequentialist*. One can promote the good indirectly in multiple different ways: By following a rule which, when followed, tends to produce the best outcomes;<sup>11</sup> by acting on certain character traits which tend

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<sup>9</sup>And that the good in them doesn't reduce down to some other more primitive good.

<sup>10</sup>We will see a Direct Consequentialist theory in this module (Act-Utilitarianism).

<sup>11</sup>this is Rule Consequentialism, a sketch for which is found in this module

to be benevolent or good-producing;<sup>12</sup> or by having an overarching pattern or code in one's life which tends to promote the goods.<sup>13</sup> Because of the wide array of different responses one can take to these questions, Consequentialism tends to be the most vibrant and inclusive area of research in Ethics.<sup>14</sup>

## Consequentialism At Work: The Death Penalty and The Trolley Problem

Despite having numerous different forms, we can give a basic outline of the way in which Consequentialism chooses which action in the morally right one. The different answers to those first two questions determine the modifications which the individual theory makes to this overarching system. That said, here are the five steps:

1. Figure out what's intrinsically good.
2. Figure out what's intrinsically bad.
3. Survey your options, what can you do right now.
4. For each option, take the good caused and subtract the bad.
5. Go with the one which has the highest amount.

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<sup>12</sup>This is Virtue Consequentialism, a sketch for this one is found in the Virtue Ethics module

<sup>13</sup>This is sometimes called Dao Consequentialism, Way Consequentialism, or even Pattern Consequentialism. Mohist Consequentialism, which is covered in this module, follows this line of thought.

<sup>14</sup>For example, there is Feminist Consequentialism, sketched in the Feminist Ethics module, which is, in my opinion, a very plausible theory combining all of the best the Indirect Consequentialist theories have to offer.

The first two steps come directly from the first question. The consequentialist theories should have an answer to them and then we, when applying the theory, just gloss over them and move on to the third step. The last three steps flow from the second question. They relate to how we actually calculate or figure out the action we should take to promote the good in practice. Direct Consequentialists will leave these steps the same, while the Indirect Consequentialists will modify the process by better fitting it into the method they describe in how we should promote the good.

These five steps, though simple, can be applied and are applied in various situations, especially high-stakes ones. For example, there is always a lively debate over whether we should have the death penalty. The Consequentialist methods can be used to give reasons to support either side. The Direct Consequentialist would *not* propose an overarching ban on the death penalty, but rather would look at each case on a case-by-case basis. They ask, for each case, what is the best means to promote the goods overall. In some cases, this might be to absolutely remove the person from the world (through the death penalty) and in other cases, this could be to have forms of rehab and job-training within the prison system. The Indirect Consequentialist, on the other hand, would ask about the precedent which having the death penalty sets. Would having set trends which promote the good? Is having it acting on benevolent traits which promote the good? The answer to these questions depends on what we take the good to be but the theories will clearly provide

advice and direction moving forward.

In other cases, Consequentialism can easily be applied without too many modifications. Let's apply this to a very common and simple case, The Trolley Problem:

## The Trolley Problem

There is a runaway trolley. You are at a switch which will change the course of the trolley. If you pull the switch, then you have essentially killed one person. If, on the other hand, you do nothing, then the trolley will run over and kill 5 people. What should you do?

The consequentialist says to pull the lever, and their reasoning goes something like this:

- 1 Figure out what's intrinsically good. (Human Lives (this is an example))
- 2 Figure out what's intrinsically bad. (Dead Humans (this is an example))
- 3 Survey your options, what can you do right now. (Do nothing, Pull the lever)
- 4 For each option, take the good caused and subtract the bad. (Do nothing = -4 human lives, pull the lever = +4 human lives)
- 5 Go with the one with the highest amount. (Pull the lever)

We are assuming here that the theory we are using has Human Lives as an intrinsic good which we are to promote. In our actions, we need to save as many as

possible. In refusing to pull the lever, we are, through our inaction, causing 5 people to die while saving one. This comes out to a net loss of 4 lives. In pulling the lever, on the other hand, we are saving 5 lives while causing one to die. This is a net gain of 4 lives. A net gain is better than a net loss, so Consequentialism says to pull the lever.

### **Another Example and a Potential Worry**

This naïve form of Consequentialism is not always sunshine and rainbows, however, in the correct situations, it can justify certain actions which really turn people's stomachs. For example,

## The Origami Frog Killer

In the city of Light, a serial-killer has been on the loose. This person is particularly gruesome, leaving a distinctive calling card, on the mangled body of their victim, on top of what once their chest, the killer leaves an origami frog. Your team has been chasing this, as the papers have been calling them, 'origami frog killer' for months and have finally located them. You and your team bust in to find that the killer has committed suicide and she left a note mocking you. If that news comes out, people will be very angry and there will be riots, more people may do similar (because they can get away with it by killing themselves before getting caught) etc. There is a homeless man in the cell, who you can frame for the crimes and make believe that he did it. Your team is very loyal to you and know that if you go down, they go down with you. Doing a public execution of the man will deter many from committing similar crimes, restore faith in the justice system for catching this person, give some closure to the families who lost loved ones, etc.

Do you frame him?

We now apply the five steps which were outlined to this case to determine whether the theory will tell you to frame the person in the cell as the Origami Frog Killer. In the first step, we need to determine the goods. Some of these are obvious; lives, closure (the end of grief), societal order, and others. The second step tells us to figure

out the bads. These too can be obvious; deaths, continued grief, chaos, and others. Now that we have these, what are our options? Well, we only have two, frame or not. In framing, we *directly* promote the goods while in not, we are not promoting those goods. This means that this form of Consequentialism would have us frame the person in the cell.

- 1 Figure out what's intrinsically good. (Human Lives, Closure, Order (maybe, these are examples))
- 2 Figure out what's intrinsically bad. (Dead Humans, Continued Suffering, Chaos)
- 3 Survey your options, what can you do right now. (Frame, Don't Frame)
- 4 For each option, take the good caused and subtract the bad. (Frame = lives saved, closure, order restored. Don't Frame = continued suffering, riots (chaos), more dead people)
- 5 Go with the one which has the highest total. (Frame)

Most of us will likely think that this is incorrect. It's wrong to frame someone for a crime. We could even argue that it sets a precedent which is harmful in the long run. This gives us a very basic argument against consequentialism:

### The Origami Frog Killer Argument

- 1 If consequentialism is correct, it is morally right to frame the homeless man.
- 2 It is not morally right to frame the homeless man.
- 3 Therefore, consequentialism is not correct



This argument is far from conclusive. Consequentialists are constantly exploring the different reasons why the stance comes to this conclusion and modifying the steps accordingly and some theories can completely avoid this worry while others can't. In general, the Direct Consequentialist theories have a far harder time with this than the Indirect theories.

## *Part 14: Utilitarianism*

As I have mentioned, Consequentialism is very basic. It's not all that complex and only has a roadmap for the general ways one could develop a completed theory of morality. The basic idea behind consequentialism is that we should max out the good. There are many, many different theories which fall into this family. As I mentioned, also, some can get out of the Origami Frog Killer case, other's can't. One classical Consequentialist theory is called Utilitarianism.

As you may recall, there are two questions which the Consequentialist theory needs to answer, what's the good? And how should I promote it. Utilitarianism answers the first question by taking notes from Hedonism and says that happiness is the good. Utilitarian thinkers have traditionally understood happiness in terms of pleasure and the absence of pain. This simple form of Consequentialism also answers the second question in the most simple way, by saying that our actions must *directly* promote happiness, every action we take must max out the happiness and minimize the suffering. Since this combination is so simple, the general ideas behind this theory are

found the world over, for example, you can find this theory being discussed and spread in Ancient Greece. It was first really formalized by Jeremy Bentham (for a fun fact about him, look up the Auto-Icon) and then was further developed by John Stuart Mill, who is its best known advocate, and Harriot Taylor Mill.<sup>15</sup> J.S. Mill, characterizes utilitarianism as the view that “an action is right in-so-far as it tends to produce pleasure and the absence of pain.” Mill, also, has a fascinating life story as well, if you care to look into it. If happiness, conceived of as pleasure and the absence of pain, is the one thing that has positive value and pain/sadness being pleasure’s opposite (the one thing with negative value), then this criterion of right action should follow fairly quickly. This leads us to *the Principle of Utility*.

In any given scenario, the actions we make in that scenario will have consequences. We assign those consequences value based on the amount of happiness (pleasure) caused and the amount of sadness (pain) caused, for all beings affected, that action’s utility. The utility of an action is the net total of pleasure caused by the action minus any pain caused by that action. In calculating the utility of an action, we need to consider all of the effects of the action, both long run and short run. Given the utilities of all available courses of action, utilitarianism says that the correct course of action is the one that has the greatest utility. So an action is right if it produces the greatest net total of pleasure over pain of any available alternative

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<sup>15</sup>Julia Driver, “The History of Utilitarianism,” *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman, winter 2022 (Metaphysics Research Lab, Stanford U, 2022).

action. Note that sometimes no possible course of action will produce more pleasure than pain. This is not a problem for utilitarianism as we've formulated it. Utilitarianism will simply require us to pursue the lesser evil. The action with the highest utility can still have negative utility.

There are a few things which are worth noting about Utilitarianism. First, this has no room for self-interest bias. You are not special in the moral figuring. To use this theory, you need to count your own wants and desires equally to all other beings who could be affected.<sup>16</sup> For example, suppose that I really want a million dollars, so I rob a bank. If I only counted myself in the equation, then it would tell me that this is the right course of action (assuming I don't get caught). However, there are other people and I am not, as it were, an island. The grief and suffering caused to others by my action would greatly outweigh the benefit to myself, and that makes the action wrong.

Second, this theory only requires that you cause the most good (once the bad is subtracted). This good does not need to be evenly distributed. For example, suppose that a government has a surplus and the president wants to use that money to help the citizens. The Pres. has a couple of choices. She could distribute the money in the form of gas-cards to the top 90% of the population. This would cause some happiness for the majority. The other option is to use the money to help fight starvation, provide education/work training, and otherwise help the bottom

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<sup>16</sup>This kind of impartiality has been rather revolutionary in the areas where Utilitarianism has sprung up.

10%. While the first option causes good things for the most people, in the grand-scheme of things, dedicating the money to the bottom 10% is the better option because the suffering removed is greater than the pleasure which would have been added.

Third, this theory does not make a distinction between long term and short term consequences. This makes sense most of the time, but it could be an issue for the theory when it comes to practical use. For example, allowing your child to eat all of the candy and junk food they want will, likely, maximize their happiness in the short term. In the long-term, however, there are a bunch of different health problems and behavioral issues which arise from that sort of diet, making it wrong to feed a kid a ton of junk food.

Act-Utilitarianism AU is one version of consequentialism and it is the most simple and has its origins in Hedonism/ethical egoism. Like hedonism, it takes well-being/happiness as the core good in the world. Like egoism, it takes that we should take the action which maxes it out. However, the point isn't to max it out for just you, but for the world in general. AU tends to use as units (these are just useful tools, in real life, it gets more complicated) 'hedons' and 'dolors'. 'Hedon' is from Greek meaning pleasure and 'dolor' is from Latin meaning pain. So, you take the number of hedons, subtract the dolors, and then you go with the one with the highest. NOTE: This is for all people affected, not just you. It does not always require us to cause the most pleasure period, sometimes the action with the most hedons is also the one with the most

dolors. It does not require us to distribute the pleasure evenly. Sometimes, giving one person all the pleasure is the way to go. Here is an example of this general idea at work. Remember that Act-Utilitarianism is, essentially, consequentialism with a hedonism bend.

The US has a massive surplus, Pres. Bill, to help the people, has two options. First, he could give 90% of the population a \$50 gas coupon. Second, he could use that money to fight starvation among the poorest 10%. The poor will more than likely benefit more from the money being spent that way than the 90% would benefit were it spent the other way.

So, using Act-Utilitarianism, we find that the money would best be spent, not on the majority of people, giving them a gas coupon, but rather on the poorest 10%. This is because the benefit in helping that small group a ton is greater than the benefit of helping 90% of people just a little bit.

## Reasons to like this theory

### Reason 1: Impartiality

Utilitarianism in almost all its forms (since there are many, it is hard to say all) and consequentialism in general (same reason) have a doctrine of impartiality. It tells us that the welfare of all people (and sometimes animals) is equally morally valuable. Whether you are rich, poor, black, white,

male, female, man woman, part of some religious sect, or none at all, it doesn't matter. Sometimes we take this sort of equality for granted, but when this theory was being formulated, it was not the norm, and even today, equality of this sort is fought for. You don't need to argue for it in utilitarianism, it comes built in.

### **Reason 2: Justification**

Utilitarians are no strangers to being controversial. Classical Utilitarians have been on the front lines of many periods of history: the abolishing of slavery (Bentham, 1748-1832), equal rights for women (John Stuart Mill, 1806-1873), and animal rights (Peter Singer 1946-present) to name a few. That said, utilitarians can give reasons why many of our deeply held moral beliefs are correct. They see this as a major plus for the view. For example, many of the things which we find repugnant morally, slavery, killing innocent people for no reason, and others, all tend to do more harm than good. At the same time, things we have strong moral feelings in favor of, helping others, telling the truth, bravery, and others, all tend to make the best outcomes. The tendencies for both of these line up with the utilitarian mindset.

### **Reason 3: Conflict Resolution**

A really important feature in a theory is that it can provide practical advice about what to do in a given situation and how to resolve conflicts. When you are in a situation where you are not sure what to do, the utilitarian can apply their theory and tell you what the best option is,

there's something in the world which they can point to, the outcomes, and say which one is the best. When two groups or people disagree about the morality of something or what they should do, the utilitarian can point to some base level facts and say what the right way to go is. So long as everyone agrees about the facts, the utilitarian can settle disputes.

#### Reason 4: Flexibility

As I mentioned in the part about justification, certain rules tend to produce the best outcomes, so the utilitarian supports them. But, those rules are not absolutes, they are there because they tend to get the best result. Sometimes, we need to break those rules in extreme situations. Utilitarians are just fine with this and can easily give the reasons why those rules should be broken. Its flexibility lets it work in most any situation. Take this example:

### **The Donner Party**

In the winter between 1846-1847, members of the Donner Party, traveling west, found themselves in heavy mountain snows. About half of the 87 members of the party died after food and supplies ran out. Those left had a terrible choice: Starve to Death or Eat the Remains of their fellows.

Some may think that the rules against cannibalism are absolutes. Not to be violated under any conditions. The utilitarian disagrees. This disagreement is not based on cannibalism, but rather that no moral rules (other than



maxing the good while minimizing the bad) are absolutes. While it's wonderful that many of us are against these sorts of actions, utilitarians understand that desperate times call for desperate measures.

### Reason 5: Moral Community

Like I mentioned before, utilitarians are the most likely to support rights and equalities for all people, but also, they can account for animal rights and well-being. A special term, which we will encounter again, is 'moral community'. This is the set or group of things which are morally important all on their own. Most limit these things to people. The utilitarian has no problem extending this to animals. Bentham stated the following: "The question is not 'can they reason?' Nor 'can they talk?' But 'can they suffer?'" (I fixed the grammar to fit our modern ways).

Tables and chairs can't suffer nor feel joy, so they don't count in our moral community, but animals are a different story. They do suffer and so we can say that torturing a little puppy is horrible because it cause more suffering than anything else.

### Problems for Utilitarianism

With all of these positives, one might think that Utilitarianism is the way to go. Personally, as a utilitarian myself, I tend to agree, but there are some problems which keep even me up at night.

### Problem 1: Measuring Well-Being

Remember that for the steps to apply this theory, we need to add up the good caused. This means that well-being would need to be in units, something I can measure. But this is completely implausible. This gives us this argument:

- 1 If Utilitarianism is true, then there's a precise unit of measure the outcomes of our actions.
- 2 There is no such measurement.
- 3 Therefore, Utilitarianism can't be true.

Most utilitarians don't fight back against the second line, though there may be someone out there, smarter than me who does. Most utilitarians argue against the first line. They say that yep, it's true, but we don't need a measurement like you claim. As I had mentioned when it comes to the hedons and dolors, these are not actual units of measure, with a precise value. Rather they are just useful tools to help conceptualize the situations, remove the fluff. In cases where it's obvious which one is the better, they are totally irrelevant, just go with that one. Otherwise, in cases which are harder, we can use them to make sort of equalities between different outcomes/results. But even then, without a clear cut unit to measure things out, sometimes it still will be unclear.

### Problem 2: It's Demanding

One of the issues with utilitarianism is that it's very demanding of us in many different ways. First, we need to think about things, it requires a ton of mental power and

effort to apply. The standard reply here is that we don't, most of the time, need to do all of the math. We have personal experience and knowledge of history to rely on. We have the wisdom of those who came before us to help. This gets us simple ways to handle every day situations and then we have the more extreme cases, which we would need to think on. Second, we have a problem of motivation. Remember what utilitarianism claims, the morally right one is the best one. If I am not getting the best results, I am not being moral. This means that I have to be a moral saint, all of the time. Third, we have our action. First, we need the mental power to use the theory. Then we need to always be the best saint ever. And now, I actually need to do it, which is extremely demanding, if I don't, I'm a moral monster.

The reply to this is to, well, bite the bullet. Morality, most of the time, does not require much from us, but sometimes it absolutely requires a ton from us. Many of us think that we have a moral obligation to make the world a better place. This is a demanding thing, and one which should require a ton from us.

### Problem 3: Impartiality

This was initially a good thing, but it can be seen equally, as a bad thing. Morality, it seems intuitive, may require us to be bias in some ways. For example, I could spend my time in a soup-kitchen helping the poor or I could spend my time caring for my children. If morality were always impartial, I would have more of a duty to the homeless than my children. But that doesn't seem right. A person

needing to choose between their lover and two strangers seems right in saving her lover, but that's also bias. This sort of bias is very explicitly built in to the Feminist Ethics which we will cover in this class.

The response to this is to claim that this bias is a mental bias and that we should be impartial in our ethical concerns.

#### **Problem 4: No Intrinsic Wrongness or Rightness**

Some actions/situations we want to say are always morally wrong, period, forever. This is a distinction between act-tokens and act-types. Act-tokens are individual instances of an action. Act-types, on the other hand, are the classes or categories of actions. Utilitarianism, on its own, does not handle act-types, only act-tokens. Some want to say that certain act-types are always good, period, forever. Some act-types we want to say are always morally wrong, period, forever. Utilitarianism can't account for that. Remember with the Donner Party? The utilitarian was able to explain why it's good that we consistently follow certain rules but also can/does give exceptions to those rules. Any thing, aside from the core principle of the theory, can be made OK to do, if the situation is right.

#### **Problem 5: The Injustice Problem**

This is an insanely hard problem and one which can keep me up at night. It is put pretty simply: Utilitarianism says to max out my actions, but sometimes doing this leads to some serious problems of injustice. Take these examples: Vicarious Punishment: This can backfire sometimes, but

sometimes it is very effective. To prevent terrorists or enemy combatants, you punish/torture/kill their relatives, the people who shelter them, or other innocent people who they care about. These people are innocent. Justice does not allow for us to punish innocent people. But there we are.

- 1 The correct moral theory would never allow us to commit injustice.
- 2 Utilitarianism sometimes allows/commands us to commit injustice.
- 3 Therefore, Utilitarianism just can't be right.

**Reply 1: Justice is also intrinsically valuable**

This is a bit odd for a utilitarian to claim. Basically, for that theory, only the outcomes matter, as measured by happiness. So, injustice seems to follow, under certain circumstances. These utilitarians claim that we need to include justice into our measures and figure out how the two compare. Some say we ought to favor justice over pleasure, saying that no amount of pleasure would ever outweigh injustice. Others say that there are times where it can, but those are so rare and extreme that they align with our intuitions.

**Reply 2: Injustice is never gets the best outcomes**

This one too seems odd for the utilitarian to claim. Take the Origami Frog Killer case, it seems like that that one gets us the best while violating justice. The general idea that these people go with is that some injustice may work

in the short term, but in the long term it comes out as worse than otherwise. Setting moral precedents which can be used as short cuts which lead to worse outcomes. But this too doesn't really line up with all cases of injustice having the best outcome in the short run. EG Robin Hood

### Reply 3: Sometimes Justice must be sacrificed

This one is the last one which we will cover today and the utilitarians here are basically saying 'nope, sorry, but sometimes the correct moral theory will command us to commit an injustice or two.' They are basically biting the bullet. We should be just as much as possible, because this tends to be the best choice. But, there are times where we just have to say 'it sucks, but this is the way it needs to be'.

### Porky The Pig Farmer

When we speak of utility as pleasure and the absence of pain, we need to take "pleasure" and "pain" in the broadest sense possible. There are social, intellectual and aesthetic pleasures to consider as well as sensual pleasures. Recognizing this is important to answering what Mill calls the "doctrine of swine" objection to Utilitarianism. This objection takes the Utilitarianism to be unfit for humans because it recognizes no higher purpose to life than the mere pursuit of pleasure. This objection only applies to treating pleasure and pain in their most basic, animalistic, senses. This was not originally mine, but a version of it was given as a two day lecture when I was in community college. The very original version is not as fun to give

and it was published by G.E. Moore in 1903. If you want to see one other objection, one which you could write about in the assignment as well as the original objection to hedonism (which is a more primitive form of utilitarianism, without special amendments, utilitarianism falls into both of these problems):

## **Porky the Pig Farmer**

Way deep in the back woods, there lives a pig farmer named Porky. Porky raises prize winning swine and sells them to cover his basic needs. He has no wife/husband and doesn't really want one. One day, when he was particularly bored, he noticed his swine having fun wallowing in the mud. Thinking that this looked like a good time, he stripped down and jumped in, having a whale of a time. As time goes on, Porky needs more entertainment than merely wallowing with his sows. He starts thinking "man, that's a pretty little piggy". Over time, late in the evening, his neighbors start hearing strange sounds coming from the direction of Porky's shack. They think nothing of it, maybe Porky is just doing some late night breeding to get better piggies for market. Porky is doing some late night breeding of a sort. He is engaged in bestiality!! And O! Is he enjoying himself!

With all this information about how awesome and pleasurable Porky's life is with his piggy time, we now have to ask "is what he is doing moral?" Well, according to

Utilitarianism, if we take pleasure to be in the animalistic sense, it is.

- 1 The morally right action is the one which produces the greatest amount of happiness/pleasure for the greatest number of people.
- 2 If Porky doesn't engage with his pigs in this way, he will have very few pleasures.
- 3 If Porky does engage with his pigs in this way, he has a lot of pleasures.
- 4 If he has a lot of pleasures, then the greatest amount of happiness over the greatest number will be served.
- 5 Therefore, the morally right action is to engage with his pigs in this way.

But this can't be right. The core of it is that there is no consent (among other things), which means that it can't be right.

- 1 If Utilitarianism is correct, Porky's actions would be morally permissible.
- 2 Porky's actions are not morally permissible.
- 3 Therefore, Utilitarianism is not correct.

### The Reply to Porky

Because of this objection, Mill and others don't take pleasure in the animalistic sense, but rather in a far more broad sense, where the other intellectual and emotional pleasures are taken into account. Mill responds that it is the person who raises this objection that portrays human nature in a degrading light, not the utilitarian theory of right action. People are capable of pleasures beyond



mere sensual indulgences and the utilitarian theory concerns these as well. Mill then argues that social and intellectual pleasures are of an intrinsically higher quality than sensual pleasure. This response seems OK to some, but others argue that a sufficient amount of physical pleasures can, in principle, outweigh the intellectual.

### The Utility Monster Objection

One objection to Utilitarianism isn't concerned with what it measures to determine morality or even how it is measured, rather this objection concerned how it determines the morally right action given the outcomes. As Act-Utilitarianism sits right now, it claims that the morally right action is the one with the highest outcome given the available options. This, however, leads to the possibility of a utility monster. A utility monster is a being which receives a massive quantity of pleasure (happiness, the good) from consuming resources, higher than any other being, by a significant margin, often at the expense of others. Just a cursory glance over the numbers would have Act-Utilitarianism claim that such a utility monster is doing the right thing in exploiting or harming others for their own benefit, because of the massive amount of good which they receive. To put this idea as an example, take the following case:

**Singer's Pipes** Peter Singer, late in the evening, while he is resting at home, hears loud banging and commotion coming from his basement. So, he grabs his flashlight and goes down to investigate. He sees a green, round, being with arms and legs tearing apart Singer's plumbing causing massive flooding. "What are you?" Singer exclaims, "and what are you doing to my pipes?" The creature pauses their destruction for a moment and turns to Singer. "I am destroying your plumbing" they explain, "you see, I love wrecking pipes, far more than any suffering caused to you. I am a utility monster."

In this case, most of us would say that it's wrong for the utility monster to destroy Singer's pipes. There are concerns about personal property and there are concerns about the harm done to Singer.<sup>17</sup> However, Act-Utilitarianism, without any modifications, measures pleasure and pain with the same metric. One unit of happiness cancels out one unit of sadness. As a result, so long as the Utility Monster didn't have any other options which would cause

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<sup>17</sup>Peter Singer is an Australian philosopher and is best known for his, seemingly, extreme views regarding Utilitarianism. He holds that the theory is correct and applies it to many contemporary issues. For example, one of his foundations, The Life You Can Save, tracks the spending habits of various charities and connects donors with the one which will get the most 'bang for their buck' in the issue which they are concerned with. Singer, holding true to this belief, lives well below his means and donates substantial amounts to charity. He is mostly concerned with world hunger and poverty, but he has been known to be outspoken about animal 'rights' and welfare.

a higher total, Act-Utilitarianism would say that they did the right thing. This does not square with general intuitions about morality.

Act-Utilitarianism gets the wrong result in this sort of case. And this objection is so basic, to the core of Act-Utilitarianism, that it might lead us to a change in theory, amend the theory to better fit our intuitions. One possible alteration is to change what is measured to determine morality. In this case, rather than measuring happiness and sadness equally, you only measure the sadness caused by the action or inaction. This is called negative utilitarianism. Negative Utilitarianism was proposed, most notably, by Karl Popper in his work *On the Open Society and Its Enemies*. Popper states that the morally right action is the one which minimizes suffering, rather than maximizing pleasure. Going this route avoids both the Utility Monster Objection as well as the Porky the Pig Problem but it also leads to certain other problems, if you take the letter, rather than the spirit, of the moral theory.

### The Organ Harvest Problem

This problem is often seen as a more gruesome version of the Trolley Problem for Ethics. This objection to Act-Utilitarianism stems from the idea that only the results matter, the ends justify the means. I personally have other versions of problems like this which involve framing an innocent person, forging evidence, and rigging elections, all of which have (due to the situation that they are in) the best consequences. Consider the following case:

## A Simple Check-Up

Bob goes to the doctor for a check up. His doctor finds that Bob is in perfect health. And his doctor also finds that Bob is biologically compatible with six other patients she has who are all dying of various sorts of organ failure. Let's assume that if Bob lives out his days he will live a typically good life, one that is pleasant to Bob and also brings happiness to his friends and family. But we will assume that Bob will not discover a cure for AIDs or bring about world peace. And let us make similar assumptions about the six people suffering from organ failure.

The question for the Act-Utilitarian is "what should the doctor do?" According to the theory, it seems that the good doctor should quickly and as painlessly as possible kill Bob and harvest his organs, getting them to the 6 other patients as quickly as possible. This is because, to quote Spock, "the needs of the many outweigh the needs of the few." The overall outcome of letting Bob go is the value of one average good life minus the values of six average good lives and the overall outcome of killing Bob is the value of six average good lives minus the value of one. But this can't be right. Our intuitions clearly speak to the immorality of this.

## *Part 15: Rule*

# *Consequentialism/Utilitarianism*

In response to these and other worries for Utilitarianism, many philosophers have opted to amend Consequentialism on a base-level. It still takes the consequences as what matters but indirectly.<sup>18</sup> Rather than having the actions directly promote the good, some theories have it that they need to follow a rule which promotes the good. This stance is called Rule Consequentialism or RC. Rule Consequentialism, if it takes happiness to be the good, is called 'Rule Utilitarianism' from time to time. It promises to take on the problems, give reasoning for why they are problems, and even claim that our intuitions are right. That's a pretty big goal!

This is the stance that an action is moral because it

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<sup>18</sup>As you may recall, this is a form of Indirect Consequentialism.

follows a social rule which if (nearly) everyone were to follow it, it would have the best results (out of competing rules).

An action is moral IFF it follows an optimific social rule.

Yes, 'optimific' is spelled right. An optimific social rule is one which were (nearly) everyone to follow it, it would have the best results, compared to other potential social rules. The basic idea is that rather than thinking about morality of an action in terms of its consequences, think about it in terms of moral rules. These rules are there because they get the best outcomes. Thinking in terms of moral rules is a pretty common practice already and most moral theories operate in this way, just with different ways of making rules.

## How to Use It:

When you are in a new situation and are not sure about what to do morally speaking, follow these steps:

- 1 Formulate a few rules which apply to your case, things like 'don't punish innocent people without a fair trial'.
- 2 Imagine what a society would look like if just about everyone followed that rule.
- 3 Ask your self whether the society is better than if they followed some other rule (I will give examples).

Consequentialists differ on what makes a society better, some are hedonists (rule-utilitarians), some are desire-satisfaction theorists (the good is having desires satisfied

(I find my self in this camp often)), and others still generate a list of goods and ways of comparing them. Basically, if you get the answer 'yes', then follow that rule. Here are some basic rules which one can follow:

Don't punish people without a fair trial.

This is because a society which does punish people without a fair trial is worse than otherwise.

If you are an instructor (teacher/professor), give students the grade they deserve rather than the grade they want.

This is because the results otherwise, where a professor just hands out A's is detrimental to the value of a degree and grades are measures of how well a student knows something. If the student gets a job which requires A-level knowledge, claims to have it because of this professor, but doesn't actually have it, the results could be really bad.

Don't steal, even when the items will not be missed or you are never caught.

This is because a society where theft is rampant is worse than one where it's not.

## Responses to the various worries:

This theory, because of its method for formulating rules and because the goals for the rules is to make the world a better place, can respond to most, if not all of the problems which faced simple Act-Utilitarianism and Consequentialism.

### Response to the Injustice Problem

For the act-utilitarian and consequentialist in general, the goal is to take the action which is optimific, has the best results. For the rule-consequentialist, they are thinking more in terms of policies. They are saying follow the policy which leads to the best results over all people. This is because that, in the long run, following the policies lead to better results even if in isolated cases, the results aren't the best. Even philosophers who disagree with the intrinsic value of justice are prone to claim that always following the rules about justice will lead to a better result overall.

### Response to the Impartiality Problem

Along with giving an answer to the injustice problem, it also gives us a reason why we can be partial. For example, you have to choose between saving your SO and two strangers, who do you save? The rule which could be the one which gives us the best outcomes is the one which, under the right circumstances, tells us to pick our SO. Being loyal in this way to our partners, our children, and our friends is very beneficial to a society.

### Response to the Intrinsic Wrongness Problem

We often have very deep moral problems with things like torture, even in cases where it could lead to the information leading to the best consequences (worth noting that there are far more effective ways than torture, I had videos, would need to find again). The rule would be



something like ‘don’t torture’ period, and we can say that this rule is right because a society with it, in the long haul, is better than one without it.

## A Problem: Pete The Pervert

There are very few philosophers, of any stripe, which actually like this theory. Why? Because it is basically ‘rule-worship’. It tells us to follow the rule even if, in that situation, it doesn’t have the best outcome. The Donner Party should not have eaten their fellows to survive because the general rule is ‘don’t eat people.’ Sometimes we are required, by this theory, to do things which leave the world worse than how we found it.

I generally just use this theory as an example all on its own, but here I will be using it as an example for a rule in RC. The golden rule states:

Do unto others as you would have done unto you.

Many people think that this is the right way to think about ethics, and we could see that this rule, if followed by everyone, leads to the best results. But when we think about it, it implies some pretty nasty things.

## Sally and Pete

Pete is a homeless person who likes to hang around this campus. He can't remember the last time he bathed. The smell of Swisher Sweets clings to his clothes and his hair. Chunks of Wintergreen Long-Cut freely flow between the gaps in his mostly missing teeth. Pete's favorite time of the year is the spring and summer, as the young ladies around campus wear more scanty attire. One day, a particular young lady catches his eye, Sally Student, who arrives early each day and leaves late in the evening.

Pete has slowly become enamored with Sally, knowing her route each and every day. One morning, watching her, he realizes how much he would like to have her come up behind him, spin him around and plant a wet kiss on him, tongue and all. Remembering elementary school, he recalls the golden rule, and formulates a plan...

That evening, as Sally is fumbling for her keys to get into her car, Pete rushes up behind her, spins her around, and Frenches her. The smell is nauseating, the chunks of long finished Swishers and unspit chew flow freely into the young girl's mouth.

### The Pete The Pervert Argument

- 1 If RC were correct, then Pete's actions would be morally permissible.
- 2 But, Pete's actions weren't morally permissible.

3 Therefore, the RC is not correct.

There are a few questions which the Rule Consequentialists have about this case: First, is the Golden Rule an optimific one? There may be good reason to think that it is not, which would get them out of this worry. Another response to this problem might be to say that, while Pete is following the letter of the rule, he has fundamentally missed the spirit of the rule. That said, RC has other problems too. For example, why follow the rule when you know you are in an extra ordinary situation? Why not commit a small injustice when you know that not doing so will lead to an even greater one?

## *Part 16: Mohist*

### *Consequentialism*

In ‘Ancient’ China, during the Warring States period (between 479 BCE and 221 BCE), there was an influential philosophical, social, and political movement which we, today, call ‘Mohism’ after its founder Mo Di.<sup>19</sup> Mo Di is also called ‘Mozi’ and ‘Master Mo’. In the Chinese Philosophical Tradition, Mozi and his followers were the first to engage in explicit argumentation and structured reasoning to search for objective moral standards. Even by today’s standards, their reasoning is still well done. They also formulated China’s first ethical and political theories, advancing the earliest form of Consequentialism. One might expect this consequentialism to be simplistic, like Act-Utilitarianism, but, in fact, this form of Consequentialism is remarkably sophisticated.

Using critical thinking and philosophical argumentation, the Mohists also developed sophisticated theories

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<sup>19</sup>Calling Mo Di the founder might be mischaracterizing things. Mohism originates from the writings and follows the teachings of Mo Di.

of knowledge, language, ontology,<sup>20</sup> and even branched out into economics, geometry, optics, and mechanics.<sup>21</sup>

## The Mohist Doctrines

Entire libraries could be filled with books and entire courses taught explaining and exploring the ideas and accomplishments which this school of thought achieved. For this text, however, we must focus solely on the ethical theory which they developed. As you should recall, all Consequentialist theories have the core command to promote the good<sup>22</sup> and from this command, there are two questions which the theories must answer; to reiterate':

1. What is the good?
2. How should one promote that?

We know how the Mohists answer these questions because, as a political movement, they offered ten core doctrines (collections of short books and essays), divided into five pairs. For all but Heaven's Intent, the Mohists gave sophisticated Consequentialist-style arguments and for that one, they gave arguments for their form of Consequentialism. These doctrines are:

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<sup>20</sup>Ontology, in Philosophy, is the study of what exists and what conditions does it take for a thing to exist. The Mohists also engaged in a branch of this subject called 'Mereology' which is primarily concerned with composition, as in, under what conditions to two or more smaller objects 'come together' to make a larger one.

<sup>21</sup>Chris Fraser, "Mohism," *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, spring 2022 (Metaphysics Research Lab, Stanford U, 2022).

<sup>22</sup>Leave the world a better place

1. **Promote the Worthy** and **Exalting Unity**
2. **Inclusive Care** and **Condemning Aggression**
3. **Moderation in Use** and **Moderation in Burial**
4. **Heaven's Intent** and **Understanding Ghosts**
5. **Condemning Music** and **Condemning Fatalism**

The answers they give for the two fundamental questions are scattered throughout these texts. Interestingly, when they were seeking to advocate for their ideals with political leaders, different doctrines would be emphasized over others, depending on the state of, well, the state.

If the country is disordered and confused, then one speaks about [promoting the worthy] and [exalting unity]: If the country is poor, then one speaks about moderation in use and moderation in [burials]. If the country has a liking for music and depravity, then one speaks about [condemning music] and [condemning fate]. If the country has fallen into licentiousness and lacks propriety, then one speaks about honouring Heaven and serving ghosts. If the country is dedicated to invasion and oppression, then one speaks about [inclusive care] and condemning aggression. Therefore I say, pick out what is fundamental and devote one's attention to it.<sup>a</sup>

<sup>a</sup>Mozi, *The Mozi: A Complete Translation*, translated by Ian Johnston (Columbia UP, 2010) 49.14.

Fundamentally, the Mohists saw themselves as a moral advocacy group devoted to realizing the kind of morally right society which would promote the benefit and eliminate harm across the world. After we extract the relevant aspects of their thoughts, we will return to how they answer the two questions.

### Promote the Worthy and Exalting Unity

Promote the Worthy and Exalting Unity<sup>23</sup> concern the structure of the society which they seek to develop. This has two fundamental aspects, which are addressed in the books. In Exalting Unity, the Mohists give an argument claiming that the good society must be one with a unified sense of morality, right and wrong. As they claim, having different senses of right and wrong will lead to internal conflict and the break down of society, disorder and chaos.<sup>24</sup> As Mozi put it:

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<sup>23</sup>this is also translated as 'Identify Upward'

<sup>24</sup>It should be noted that Mozi's comments here are a pretty blunt rejection of moral relativism as being destructive to a society.

Master Mo Zi spoke, saying: “Ancient times, when people first came into being, were times when there were as yet no laws or government, so it was said that people had differing principles. This meant that, if there was one person, there was one principle; if there were two people, there were two principles; and if there were ten people, there were ten principles. The more people there were, the more things there were that were spoken of as principles. This was a case of people affirming their own principles and condemning those of other people. The consequence of this was mutual condemnation. In this way, within a household, fathers and sons, and older and younger brothers were resentful and hostile, separated and dispersed, and unable to reach agreement and accord with each other. Throughout the world, people all used water and fire, and poisons and potions to injure and harm one another. As a result, those with strength to spare did not use it to help each other in their work, surplus goods rotted and decayed and were not used for mutual distribution, and good doctrines were hidden and obscured and not used for mutual teaching. So the world was in a state of disorder comparable to that amongst birds and beasts.”<sup>a</sup>

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<sup>a</sup>Mozi 11.1.

According to Mohism, the best way to do this is to have the population ‘identify upwards’, that is, to look at the good examples that their superiors in society have



set and to have those superiors reward virtuousness and punish viciousness. This is closely related to the content in Promote the Worthy. This book gives arguments saying that the rank in society one has should not be related to one's caste, origin, or family, rather it should be determined by their worthiness, their qualifications and virtues. The leader of the state is the most virtuous person and then the government is structured with a hierarchy of officials, each appointed according to their qualifications and moral merit. Remember, the social status of one's family does not play a part in this. If you are worthy, you are promoted. This inclusion and rejection of discrimination was a very revolutionary idea and one which is foundational to almost all Consequentialist theories.

### Inclusive Care

In Inclusive Care, the Mohist argue that all of great harms in the world all stem from a common source; bias and discrimination.<sup>25</sup> The world which the Mohists envision is one where all people must display a virtue of benevolence. This, according to Mohism, is inclusively caring about all people.<sup>26</sup> You must have concern for the welfare of all people and have just as much concern for their welfare as you do for your own.

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<sup>25</sup>More particularly, having greater concern for those close to you or like you than you have for those distant from you or unlike you

<sup>26</sup>“jian'ai” is the term used for ‘inclusive care’ by the Mohists, it is often also translated as ‘universal love’, such as by the translator used in this textbook, or as ‘impartial concern’.

Master Mo Zi said: “ ‘Universal’ is the means of changing ‘discriminating’.” If this is the case, how can ‘universal’ change ‘discriminating’? [He] said: “If people were to regard others’ states as they regard their own state, then who would still mobilise their own state to attack the states of others? . . . If people were to regard the capital cities of others as they regard their own capital city, then who would still raise their own capital city to strike at the capital cities of others? . . . If people were to regard the houses of others as they regard their own house, who would still stir their own house to bring disorder to the houses of others? . . . Now if states and cities did not attack and strike at each other, and if people’s houses did not bring disorder to and damage each other, would this be harmful to the world? Or would it be beneficial to the world? This must be said to be beneficial to the world. For the moment let us think about the origin of these many benefits, what it is they arise from. And what is this from which they arise? Is it from hating people and harming people that they arise? We must certainly say it is not. We must say that it is from loving people and benefiting people that they arise. And, if we were to distinguish and name those in the world who love people and benefit people, would it be as ‘discriminating’ or as ‘universal’? We must certainly say it would be as ‘universal’. In this case, then, it is ‘mutual and universal’ which gives rise to the world’s great benefits.”<sup>a</sup>

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<sup>a</sup>Mozi 16.2.

It was for this reason that Master Mo Zi said: “‘Universal’ is right. Moreover, as I originally said, the business of the benevolent man must be to seek diligently to promote the world’s benefits and eliminate the world’s harms. Now I [have established] what ‘universal’ gives rise to — it is the world’s great benefits. And I [have established] what ‘discriminating’ gives rise to — it is the world’s great harms.” This is why Master Mo Zi said: “ ‘Discriminating’ being wrong and ‘universal’ being right comes from this principle.”<sup>a</sup>

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<sup>a</sup>Mozi 16.3.

These passages point to a very basic idea; if people cared about each other, then they would have concern for their well-being and this will prevent the great harms in the world because people would not attack or harm others just as much as they would not attack or harm themselves. In your interactions with others, you must act on that concern for their well-being and promote their benefit. One must be careful, however, in how one understands this passage and the Modists’ commitment to Inclusive Care. This *does not* mean that you have an equal moral duty to all people. All it means is that you should have an equal level of concern for the well-being of all people. The Mohists recognized, as opposed to the naïve Utilitarians, that social relationships come with special obligations. Book 16 of the Mohists’ texts is full of examples of how one must fulfil these special obligations

to others because of their relationship with them.<sup>27</sup> For example:

Master Mo Zi spoke, saying: “The business of the benevolent man must be to seek assiduously to promote the world’s benefits and to eliminate the world’s harms.” This being so, of the world’s harms what, at the present time, are the greatest? [Master Mo Zi] said: “They are great states attacking small states, great houses bringing disorder to small houses, the strong plundering the weak, the many ill-treating the few, the cunning scheming against the foolish, and the noble being arrogant towards the lowly. These are the world’s harms. Also, it is rulers not being kind, ministers not being loyal, fathers not being compassionate and sons not being filial. These too are the world’s harms.”<sup>a</sup>

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<sup>a</sup>Mozi 16.1.

Notice that Mozi listed many different actions which harm the world, from his perspective, and the first few, the strong harrassing the weak, can all be explained as harms because they flow from a lack of inclusive care. Having this ‘inclusive care’ would make you see people the same as those close to you and would prevent you from taking advantage of them in this way. The last few listed, however, are different. Rulers are to be kind to *their* subjects, fathers compassionate to *their* sons, sons

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<sup>27</sup>Youngsun Back, “Reconstructing Mozi’s Jian’ai,” *Philosophy east & west* vol. 67, no. 4, 2017, pp. 1092–.

filial to *their* parents. These are traits which do flow from inclusive care but entail a *greater* duty to the person you have the relationship with. Caring about another person forces you to recognize the duties that you have towards them, the special obligations which you have because of their relationship with you.

Closely tied to this, in Condemning Aggression, the Mohists argue that we need to be opposed to military aggression and seek peace whenever possible. At the same time, Mohism is very much opposed to military aggression. While it is true that some Mohists did end up in the military for their states, as they rose through the ranks, they assumed exclusively defensive attitudes. Aggression is wrong for the same reason as theft and murder: They promote selfish interests at the cost of benefits to society. Later Mohists modified this slightly, recognizing that sometimes they needed to use military aggression to overthrow tyrants and unjust rulers. Aggression merely to benefit yourself (your society) is never justified but aggression to protect others and bring about a better society is justified.

### Moderation in Use

To benefit society, one must care about others and this care must be displayed through one's actions. The wealthy have the power to benefit a large portion of society and promote the goods on a large scale. This, however, is in opposition to how some spend their money. They spend it on wasteful luxuries and useless ventures. It is argued in Moderation in Use that such wasteful luxuries must be

removed. The wealthy and those in charge should be benevolent and care about the welfare of those 'below' them on the social ladder. As a result, wasteful luxuries is a sign of a vicious person.<sup>28</sup> Or, as the Mozi put it:

In evaluating elaborate funerals and prolonged mourning, how do they accord with these three benefits? Perhaps it is the case that, if we take their words as a model and make use of their plans, elaborate funerals and prolonged mourning really can make the poor rich and make the few many, resolve danger and bring order to disorder. If so, they are benevolent and righteous, and the duty of a filial son, and their use in planning for people must be encouraged. Those who are benevolent will seek to promote them in the world, establish them and cause the people to praise them, so forever they will not be done away with. Perhaps, on the other hand, if we take their words as a model and make use of their plans, elaborate funerals and prolonged mourning really cannot make the poor rich and the few many, or resolve danger and bring order to disorder. If so, they are not benevolent and not righteous, and not the duty of a filial son, and their use in planning for people must be resisted.<sup>a</sup>

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<sup>a</sup>Mozi 25.3.

In Moderation in Burials, a similar line of thought is followed, showing that, as quoted above, wasteful funer-

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<sup>28</sup> A vicious person is, literally, the opposite of a virtuous one.

als and prolonged mourning does not benefit society and help people. It shows too much care for the dead and not enough for the living.

### Heaven's Intent

Many people today and then believe(d) in some form of an after-life. According to many religions, the good people are rewarded and the bad people are punished.<sup>29</sup> Social order and the benefits of a good society can be promoted by encouraging people to believe in such a divine reward and punishment system (at least at first, eventually, people will grow to understand that they should do good because it's good). At the same time, the Mohists believe that Heaven, as a personal deity, is just and right. Doing as Heaven intends will cause good things to follow and refusing will cause bad things.

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<sup>29</sup>This small subsection should remind you of Divine Command Theory.

This being so, then what does Heaven desire and what does it abhor? Heaven desires righteousness and abhors unrighteousness. In this case, then, if I lead the ordinary people of the world to conduct their affairs with righteousness, I will, in fact, be doing what Heaven desires. If I do what Heaven desires, Heaven will also do what I desire. What, then, do I desire and what do I abhor? I desire good fortune and prosperity and I abhor bad fortune and calamity. If I do not do what Heaven desires, but do what Heaven does not desire, then I will lead the ordinary people of the world to land themselves in misfortune and calamity in the conduct of affairs. This being so, how do I know that Heaven desires righteousness and abhors unrighteousness? I say that when the world is righteous, it 'lives', and when it is not righteous, it 'dies'. When it is righteous, it is rich. When it is not righteous, it is poor. When it is righteous, it is well ordered. When it is not righteous, it is disordered. So then, Heaven desires its (the world's) 'life' and abhors its 'death'. It desires its wealth and abhors its poverty. It desires its order and abhors its disorder. This is how I know that Heaven desires righteous and abhors unrighteousness."<sup>a</sup>

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<sup>a</sup>Mozi 25.2.



## Condemning Music/Fatalism

Much like with Moderation in Use, Mohism frowns upon extravagant and wasteful uses of resources which could be used to benefit the people. In condemning music, the Mohists are actually condemning the wasteful use of resources by the rulers and officials in society for minute, temporary, benefits. On the other side, the Mohists condemn Fatalism, or at least the promotion of the belief in it. This, in ordinary terms, is the stance that our status and station in life is predetermined and human effort against it is useless. Promoting this depressing outlook is very good for keeping people in their place and forcing a totalitarian society. But, it fundamentally contradicts the good which Mohist Consequentialism seeks to promote.

## Mohist Conception of ‘The Good’

It is worth remembering that the ethical system proposed and defended by the Mohists is, fundamentally, Consequentialist. This means that it is, on the most basic level, concerned with causing the most good one can while preventing the most bad.<sup>30</sup> This leads us to two fundamental questions which all Consequentialists must grapple with:

1. What is the good?
2. How should one promote that?

To the first question, Utilitarians respond by saying that happiness is the one and only good and then use

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<sup>30</sup>And also causing the least bad one can.

that to say that the inverse, sadness/suffering, is the one and only bad. Other ethical theories have followed suit and identified only one good and used that to identify only one bad. Mohism, however, did not identify only one good. Rather, the Mohists gave a list of goods which one must promote.<sup>31</sup> This list is based on a loose notion of human welfare and each one is, according to Mohism, necessary for our well-being. The Mohists openly admit that the theory will not automatically solve all ethical problems because, as they admit, there will likely need to be trade-offs between the various goods<sup>32</sup> and one needs practical wisdom, world experience, to know when the trade-offs are necessary and worth it.

Master Mo Zi spoke, saying: “The business of the benevolent [man] must be to seek diligently to promote what benefits the world and eliminate what harms it so he will be a model for the world. If he is benefiting people, then he acts. If he is not benefiting people, then he stops.”<sup>a</sup>

<sup>a</sup>Mozi 32.1.

In the above passage, the most important word which we need to understand is ‘benefit’. In various contexts and situation, being beneficial could mean promoting or providing different things, in a naïve Utilitarian account,

<sup>31</sup>Each of these goods has an inverse, an opposite, which Mohist Consequentialism commands that one minimize or prevent.

<sup>32</sup>That is, there will likely be cases where one must promote one good at the cost of another. For example, one might need to sacrifice tastiness for healthiness.

this would be simply the promotion of happiness and the prevention of suffering. Mohism, on the other hand, provides three different goods which we need to promote to be beneficial:<sup>33</sup>

1. Material Wealth
2. Large Family
3. Social Order

### Material Wealth

At first pass, this might make you think that Mohism is promoting greed and the hoarding of resources. This is incorrect. On the most basic level, all people need food, water, and shelter. The Mohists are commanding us to engage in behaviors which promote those basic necessities for life.<sup>34</sup> More over, because of inclusive care, we should also promote those behaviors/programs which provide those basic necessities for other members of our society, as we care about their well-being as well. Once the basic necessities are met, we can start to promote material wealth in other ways, like providing other resources which further elevates the quality of life in our society. A flourishing society requires resources (material wealth), so we must promote the programs which promote having those resources.

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<sup>33</sup>As a historical note, the early Mohists were mostly concerned with convincing leaders and gentlemen to adopt their teachings and implement their ideas. With that in mind, having wealth and large families as two primary goods would make this very persuasive.

<sup>34</sup>Bryan W. Van Norden, *Introduction to Classical Chinese Philosophy* (Hackett, 2011) 52.

## Large Family

This might be more aptly called “a booming population”. Remember that Mohism developed and came into its own during the Chinese Warring States period. Wars during this time period (for China and any other society at that level of technological development) brought famine, disease, and devastation to cities. Having a growing population was necessary for survival. More than that, though, having more people means that you have the man-power to increase your resources, having more resources means that you can provide for more, and so on.

## Social Order

The first two are easily measurable and can easily be understood.<sup>35</sup> The third requires us to dig a little deeper, because it is far more complicated. This is not the sort of good which one can have individually, rather, it is a social good. Order, in this sense, is having a good ‘social life’. By this, I don’t mean that you regularly go to parties or hang out with friends,<sup>36</sup> rather having a good social life means that the society you live in is good. This is a collective goal, one where we must all do our parts. There are at least four conditions for social order:

1. Unified Moral Standards (administered by virtuous leaders)

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<sup>35</sup>Though I don’t see them as strong contenders for actual intrinsic goods.

<sup>36</sup>Though, individually, that likely will happen.

2. An absence of crime, injury, harassment, and conflict (peace, security, and love (harmony) prevail)
3. Members of society have virtues proper to their social role
4. The community members engage in assistance and charity, sharing information, labor, education, and food (and other material goods), and helping the less fortunate

We can take all of these notions and distill them into a few basic points: The main command of Mohist Consequentialism is to benefit the world and to benefit the world, one must promote social harmony, public security, economic prosperity, increases in population, cooperation, charity, and good social relations. Though the texts do call on us, as a duty, to benefit the world, they do not call upon us to engage in selfless altruism. The idea here is that we need to respect others' status, lives, and property and be cooperative with other community members. Selfless acts of charity are only called for in cases of special hardship.<sup>37</sup>

It is also worth noting that there is a special attention given to 'virtues'. As we will encounter later, in the module concerning Virtue Ethics, these are character traits of a good person. But, unlike Aristotle, Mohism does not seek for you to have these virtues to promote your own flourishing, rather, having these virtues promotes the

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<sup>37</sup>You do not, for example, need to give the shirt off of your own back every time someone else faces the slightest hardship. This is an interesting reply to the demandingness problem faced by simple Act-Utilitarianism.

flourishing of the society you are in. Also, unlike Aristotle, these virtues are not ‘one-size-fits-all’. The Mohist virtues depend on the position you have in society. A flourishing society will be one where every social role is performed wholeheartedly. These social roles include those related to your social relationships. For example, it is virtuous for a parent to care about their own children more than they care about another person’s.<sup>38</sup> This means that, despite calling for us to care about all people, Mohism has it that we have more of a responsibility towards those we have close personal relationships with.<sup>39 40</sup>

One interesting aspect of this is that these three goods, material wealth, large family, and social order, all build into each other, in a feedback loop. For example, if a society has a large amount of material wealth, then the population will increase, increasing the amount of material wealth and also the driving forces behind crime and conflict, at least from the Mohist perspective, are poverty and desperation. Having virtuous, caring, leaders utilize their resources to promote the well-being of all members of the society will increase the amount of harmony by decreasing the amount of poverty and desperation.

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<sup>38</sup>Simple Act-Utilitarianism would have it that you need to care for all children equally, regardless of their relation to you.

<sup>39</sup>Dan Robins, “MOHIST CARE,” *Philosophy East and West* vol. 62, no. 1. *JSTOR*, 2012, [www.jstor.org/stable/41426831](http://www.jstor.org/stable/41426831): pp. 60–91.

<sup>40</sup>See Feminist Consequentialism for a modern, rediscovering, of this idea.

## How Do We Promote These Goods?

Mohism does not demand that every single action we take be the one with the best outcomes. Like other classical Chinese thinkers, the most relevant aspect of our activities is not the individual actions, but rather the *dao* or way, manner, style or pattern of doing the actions. *Dao* is a way of life, the dispositions we have (our virtues). As a result, this system of ethics has a lot of similarities with Rule Consequentialism. Rather than asking you to formulate a rule which would be most beneficial to society, Mohism asks you to structure your habits and dispositions to promote the good society.<sup>41</sup> In practice, this is done through being mindful about your place in society and the place of another, having a disposition to be kind and helpful, and caring about all people.

‘Caring about all people’ is especially worth noting. In the original Mohist texts, this is known as *jian ai* and translated as ‘inclusive care’ and sometimes as ‘universal love’. Mohists recognize this as the most fundamental disposition (virtue) and all of the others flow from it. In the texts, this notion refers to a concern about the welfare of another. Having a disposition towards inclusive care will open your eyes to the needs of other people and motivate you to help them when you are able. You must care about everyone and, in practice, benefit those you actually interact with. Social harm arises from the exclusion of people and a disposition towards disregarding their interests.

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<sup>41</sup>Like Virtue Consequentialism.

As you may recall from the section concerning this inclusive care, I stressed that this does not mean that you have an equal duty towards all people. The Mohists recognized that you have a greater duty to some people than to others. They described this with a metaphor, the ‘thicker’ your care is (or should be) for another, the greater your duties are to them.

If, according to duty, it is permissible to love [someone] “thickly”, then love them “thickly”. If, according to duty, it is permissible to love [someone] “thinly”, then love them “thinly”. This is to speak of “proper sequence”. Virtuous rulers, elders and parents all are those one should love “thickly”. [However], loving one’s elders “thickly” does not entail loving those who are young “thinly”. If relations are close they should be loved “thickly”; if they are distant they should be loved “thinly”. One should be on close terms with one’s parents whereas, with respect to those other than parents, one may love “thinly”. It is in accord with principle to love one’s parents “thickly”. One must look closely at their conduct, but hope only to see virtues.<sup>a</sup>

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<sup>a</sup>Mozi 44.6.

All people deserve a degree of care, you must have some concern for their well-being and welfare, but there are virtues proper to certain roles which one has in society, those of a parent, child, boss, employee, and so on. These roles and virtues entail that we must have



a greater duty towards those with whom we are close ('thicker love') than with those who are distant ('thinner love'). On a very basic level, this theory is asking you to lead a life which benefits the society you are in.

## MODULE VI

### *Non-Consequentialism and Kantianism*

## *Part 17: Kantianism*

In the previous module, we looked at the content of the consequentialist line of thinking. This, remember, is the idea that the consequences of an action determine the morality of the action. The opposing side to this line of thinking is the Non-consequentialist. They claim that the morality of an action is not determined by the consequences. This sort of thinking, like with consequentialism, is found all over the globe, but we will be focusing on the theory of actions given by Immanuel Kant, called Kantianism. But to get us started, take a look at this example:

Imagine a person who is a brilliant tax lawyer. They know fully and perfectly how to cheat on their taxes and never get caught. Now, if they cheat on their taxes, they will have enough money to take their family on a wonderful vacation to Disneyland. No one is really going to suffer, because we are only talking about a few grand in taxes. That money will cause far more happiness in their hands than in the governments.

In this case, the consequentialist, by and large, would say that evading your taxes would be the right thing to

do. They, here, point to the consequences. But this does not seem to sit too well with some people. In some way, the evader is doing something wrong in evading their taxes. To explain this, we can't point to just the consequences. In fact, pointing to the consequences, according to the non-consequentialists, is the wrong thing to do. They think that morality is not determined by the consequences; the ends never justify the means.

Like Utilitarianism, Immanuel Kant's moral theory states that there is an absolute moral rule. But, unlike Utilitarianism, it states that the consequences of the action don't matter morally. It is, however, grounded in a theory of intrinsic value. Rather than going with the Principle of Utility, Kant's theory has it that the only thing with moral worth is the Good Will, which we find in persons. Persons, for this theory are autonomous rational moral agents. This theory, from the very start, makes a certain metaphysical assumption: People have free will. This can't be the kind of free will proposed by the Compatibilist, as Kant was fundamentally opposed to it, so the sense of free will must be the Libertarian sense. There have been attempts to make a Kantian Compatibilism, but those seem to have been unsuccessful.<sup>42</sup>

Kant's Moral Theory rests on this notion of the Good Will, so we should be clear about what that is. The opening passage of Immanuel Kant's *Groundwork for a Metaphysic of Morals* proclaims that "it is impossible to con-

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<sup>42</sup>Ben Vilhauer, "Can We Interpret Kant as a Compatibilist About Determinism and Moral Responsibility?" *British Journal for the History of Philosophy* vol. 12, no. 4, 2004, <https://doi.org/10.1080/0960878042000279341>, pp. 719–30.

ceive of anything in the world, or indeed beyond it, that can be understood as good without qualification except for a good will.” This eloquent sentence places this ‘Good Will’ at the center of Kant’s value theory. The one thing that has intrinsic value, for Kant, is the autonomous good will of a person. But we can’t understand Kant’s Good Will in the ordinary sense. In everyday discourse we might speak of someone being a person of good will if they want to do good things. But this would be a Consequentialist take. On Kant’s view, the person with Good Will wants good things out of a sense of moral duty, not just some habit or tendency.

The naturally generous philanthropist doesn’t demonstrate their good will through their giving according to Kant, but the selfish greedy person does show their good will when they give to the poor out of a recognition of their moral duty to do so even though they’d really rather not.

So, to be worthy of dignity and moral regard, for Kant, we need to have the ability to see what our moral duty is and act according to it. For Kant, then, in order to be worthy of moral consideration, we need to be able to act in a way which is opposed to our desires/conditioning. Having an autonomous good will with the capacity to act from moral duty is central to being a person in the moral sense and it is the basis, the metaphysical grounding, for an ethics of respect for persons. Now what it is to respect a person merits some further analysis.

Kant’s version of the Principle of Utility, his fundamental principle to guide our actions and thereby give people the dignity and respect worthy of their Good Will is called

The Categorical Imperative. An imperative is a command or order given. Kant, and others, explain this kind of imperative by contrasting it with another kind, a hypothetical imperative. A hypothetical imperative is a command, but it only applies conditionally according to your desires, what your goal is. For example, "if you want to avoid traffic, leave 15min early." This imperative tells you what to do if you want to avoid traffic, but it fails to tell you what to do in a case where you don't want to avoid traffic. A categorical imperative (though Kant thinks there's only one) is different in that it tells you what to do regardless of your goal or desires. It applies according to the kind of action you are taking, not why you are taking it. Kant also holds that if there is a moral law, it will be the Categorical Imperative. Treating it that way, moral reasons must always overshadow any other sort of reasons which can be given. You might, for instance, think you have a self-interested reason to cheat on exam. But if morality is grounded in a categorical imperative, then your moral reason against cheating overrides your self-interested reason for cheating. If we think considerations of moral obligation trump self-interested considerations, Kant's idea that the fundamental law of morality is a categorical imperative accounts for this nicely.

Although Kant gives 4 different statements of the Categorical Imperative and claims that they all boil down to the same basic idea, there is some debate about whether they do. Two of the formulations just seem to be restatements of the other two, and the debate is over whether these two can be formed together. Once you see them,

you will see that they certainly don't look like they are expressing the same idea. The first formulation which we will cover is called The Principle from Humanity, for this class, though other names for it are out there. The second formulation is called The Principle from Universalizability for this class, though, again, other names are out there.

## *Part 18: The*

# *Universality Principle*

Act only on the maxim that you can consistently will to  
be a universal law

This version is also known as the formula of the universal law. The maxim of our action is the base-level reason or principle that determines what we are doing. We act for our own reasons and different goals might lead to similar actions. For example, a person might wash their clothes regularly because they don't want to smell bad while another person might do the same because they don't want their significant other to complain about the stack of clothes near the closet. Though they have the same action attached to them, the maxim behind the action will be different. For Kant, intentions matter and this formulation really gets at this point. He evaluates the moral status of actions not according to the action itself or according to its consequences, but according to the maxim of the action. Whether an action is right or wrong



is determined by the actor's intentions or reasons for acting.

According to this formulation, what makes an action morally acceptable is that its maxim is universalizable. That is, morally permissible action is action that is motivated by an intention that we can rationally will that others act on similarly. A morally prohibited action is just one where we can't rationally will that our maxim is universally followed. Basically, ask yourself "am I making a special exception for myself?" "could anyone in my situation do this?" If anyone with similar desires could do what you are doing and accomplish them, then you are morally in the clear, otherwise you are morally up a creek.

Here is an example of this thought at work:

## Cheat to Win

Suppose that I really want to win at a game, so I think about cheating. The principle I go on is "whenever I want to win, I will cheat in order to do so". But, if everyone did this, the concept of a game would be mute, no one would play the game by the rules, so cheating would not be cheating. This is a contradiction, so cheating is always wrong.

There is no higher moral authority than the rational autonomous person according to Kant. Morality is not a matter of following rules laid down by some higher authority. It is rather a matter of writing rules for ourselves that are compatible with the rational autonomous nature we share with other persons. We show respect for others

through restraining our own will in ways that demonstrate our recognition of them as moral equals.

For another example, check out this thought experiment:

## **The Good Partner**

Suppose that I am a very faithful partner, but, one morning after a night of quite a few too many, I find myself next to a woman who is not my partner. Realizing what I have done, and knowing how my SO will react, I plan to lie.

The maxim which I am acting on in this case is something like the following:

Whenever telling the truth will hurt another, people will lie to save them from that pain.

Now, what would happen if this was universal? Well, lying would be commonplace, people would not trust each other, and I obviously would not get away with the lie because my SO would not trust me.

## **Problems for Universalizability**

### **The Traffic Jam Problem**

Suppose that I regularly get caught in traffic at 6:45AM. I know that if I leave 15 minutes earlier, I will arrive where there's traffic at 6:45AM at 6:30AM, missing the traffic. So, I ponder the following:

Whenever I want to avoid traffic, I will leave 15min earlier.

But, everyone wants to avoid traffic, so what would happen if everyone did this? If everyone wanted to avoid traffic and left 15min earlier, it is reasonable to say that the traffic would not be at 6:45AM, but now at 6:30AM. This means that if everyone left early to avoid traffic, they would not avoid traffic. This is a contradiction. If I leave early, I avoid traffic and if everyone leaves early, no one avoids traffic. Therefore, according to Kant, me leaving early is morally wrong.

### The Breaking Promises Problem

Suppose that I promise my mother on her deathbed to sing and play a certain song on my banjo at her funeral. She asks me to play/sing In Hell I'll Be In Good Company, by The Dead South. But, on the day of the funeral, I can't bring myself to play such an inappropriate song, the lyrics in this context would make everyone's grieving worse. So, I leave the banjo to the side. The principle you are going with is "whenever I make a promise that I don't want to keep, I will break that promise." Now, what would happen if everyone broke promises they didn't want to keep? If everyone broke promises they did not want to keep, then the very notion of promising would go out the window. If there are no promises, you can't break them. That is a contradiction. If you promise, you break it. If everyone broke promises, there would be no promises. If there are no promises, you can't break them. Therefore,

if everyone broke promises, they can't break promises.  
So, breaking promises is always morally wrong.

But in not playing that song, did I really do something wrong? Most will say no.

# *Part 19: The Humanity Principle*

Always treat persons (including yourself) as ends in and of themselves and never as a mere-means

This formulation tells us to treat individuals as ends in themselves, but what does that mean? How do I use people as mere-means? How could I use myself that way? This formulation or principle is noted for really highlighting the notion that people are intrinsically valuable. To say that persons have intrinsic value is to say that they have value independent of their usefulness for this or that purpose. They are not a tool or resource which you can use without consideration of their worth. the Principle from Humanity does not say that you can never use a person for your own purposes (using them as a means). If this were the case, you taking a class from me would be morally wrong. It tells us never to use others as a mere-means.

## Means Vs Mere-Means

We treat people as a means to our own ends in ways that are not morally problematic all the time. When I go to a grocery store to pick up some food, I treat the clerk as a means to my end of buying food. But I do not treat that person as a mere-means to my own end. I accomplish my end of buying food through my interaction with the clerk only with the understanding that the clerk is acting autonomously in serving me. My interaction with the clerk is morally acceptable so long as the clerk is serving me voluntarily, or acting autonomously for his own reasons.

By contrast, we use someone as a mere-means to our own ends if we force them to do our will, or if we deceive them into doing our will. Sometimes we use people as mere-means when we don't take their goals into account in our interactions with them.

### **Drumpf Tower**

Suppose that I have the goal of building a tower with my name emblazoned on the top. I have the money to do this and I hire workers to build it (they have the understanding that they will get paid when the job is done). Just before they finish the work and would expect to get paid, I take all of my money, put it in an off-shore account under my son's name and declare bankruptcy. Using the laws in this regard, I get the contracts waved so that I don't pay the workers. Later, when the dust settles, I transfer the money back into my name.

In doing this, I have used those workers as mere-means. I have the goal of getting the building, they have the goal of getting paid. In my interactions with them, according to Kantianism, I should have, in a sense, made their goals my own and had the intermediate end of paying them for the work.

Coercion and deception are paradigm violations of the categorical imperative. In coercing or deceiving another person, we disrupt their autonomy and violate their will. This is what the categorical imperative forbids. Respecting persons requires refraining from violating their autonomy.

Here is an example of this sort of theory at work, where it seems to get the right answer:

- 1 To take a person's life, liberty, or legitimately acquired property without that person's consent is to use that person as a means to an end (if they give consent, then they are being treated as an end). It is to treat a person as a tool or resource placed here for your convenience.
- 2 It is always wrong to treat a person in that way.
- 3 Therefore, each person has a moral right to life, liberty, and property, regardless of the consequences.

So, killing is always wrong, so is stealing. Another example of this formulation getting things right comes up when we talk about slavery (though the Utilitarians were on the front-lines against slavery before the Kantians):

- 1 Each person is intrinsically valuable regardless of

race, religion, ethnicity, or national origin and deserves to be treated as such.

- 2 Slavery does not treat people as an intrinsically valuable being.
- 3 Therefore, slavery is morally wrong.

## Problems for Humanity

### Taxation

- 1 Taxation is the taking of a person's property and using it to benefit others, without their consent.
- 2 Taking a person's property without their consent is treating them as a mere means to an end.
- 3 Treating a person as a mere means to an end is always morally wrong.
- 4 Therefore, taxation is always morally wrong.

Some of my more conservative students may like the sound of that, "Taxation is Theft" they tend to shout. But many of you will have a problem with the consequences of taxation always being morally wrong. Public schools, as they are paid by taxes, gone. Most public roads, if they do not lead to some person's business and they did not pay for it, gone. The cost of your college education will sky-rocket, as they are subsidized by taxes. And many others.

### Lying

This is an interesting case, and one which Kant himself thought was right, as in he thought that the theory got the



correct answer here, however, this does not line up with most people's moral intuitions about the case. Take this case as an example (which will appear in the discussion for this module):

## The Ax-Murderer

Your roommate is in the shower after having a late night with a recently gained boy/girlfriend, who had gone through a recent bad break-up (their former significant other is "the ex", this is not the ex of your roommate, for clarity) . You hear a knock on the door and go to answer it. You find the ex standing at the door with an axe, murder in his/her eyes. The ex asks you "Where is [insert roommate name]?" Neither of you can hear the shower running. You know that if you tell the ex, then they will rush right through you/knock you out/whatever and get to the roommate killing them.

According to The Humanity Principle, we should never use others as a mere-means. But, does lying count as a mere-means? According to Kant, it does. Kant says that in lying, you are misinforming one person for the benefit of another (or yourself), without appreciating their intrinsic worth. This is always wrong, according to the principle, so lying, no matter what, is always wrong. Sure, you could refuse to answer, slam the door, and so on, but you can never lie. This means that lying to the axe-murderer is wrong. So, if you need to speak, then you must tell them that your roommate is in the shower, and more than

likely, deal with the Psycho scene later.

However, this is an issue, because it certainly seem right that there are cases where lying is permissible, so this seems wrong, too hard lined.

### The Rendering Aid Problem

This particular problem addresses something interesting in this formulation of the Categorical Imperative (and this feature should be found in any rephrasing of it, as it's core). In it, it states that we should not use ourselves as mere-means. Since Kant explicitly stated that we shouldn't, it must thereby be possible to use ourselves as mere-means. This was quite the puzzle for me, personally, how could I possibly do something without taking my own goals into account? How could I force myself to do something against my will? The examples which Kant himself gives have not aged well, they involve sexual acts and suicide, which I don't want to use for this course.

I have hence asked around and some examples do seem problematic and I will look at the issue of rendering aid.<sup>43</sup> Often we glorify people who help others at the cost of their own wants and goals. In such a case, they are not taking their own goals into account and using themselves to benefit others. This, by its very nature, would be the person using themselves as a mere-means. Here is an example, in an ordinary case:

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<sup>43</sup>This example comes from Clayton Littlejohn through personal correspondence

**Helping Change a Tire** Suppose that I have the goal of buying a new video game, The Elder Scrolls 20 or some such, and I know that given the shear demand for the game, if I am not there just as the shop opens, it will be sold out. As I am driving to the shop early, I notice a young man having a hard time changing a tire. Feeling as though I should help, I pull over to render aid. This prevents me from making it to the shop on time and violates my end.

In this case, it would seem that I have used myself as a mere-means and cases of rendering aid like this would be morally wrong.

# MODULE VII

## *Virtue Ethics*

## *Part 20: Virtue Ethics*

All of the theories which we have seen so far have been directed towards getting an answer to the question "what should I do?". There seems to be something missing in the ethical picture when we only consider this question. There is another, potentially equally important question about the sort of person I should be: "Who should I be?". If we applied the theories we have seen to this question, then they would say something like I should be a person who maxes out happiness or treats others fairly. But that's a pretty short list. To see what's missing, take the following example:

### **The Good-Bad Cop**

A cop who obeys and enforces the law, but only reluctantly. He does only the minimum required. He would happily extort money, beat prisoners, or doctor evidence, but doesn't because he's afraid of getting caught.

If we focus only on what the cop has or hasn't done or why he does/doesn't do those things, we are missing a

huge chunk of the picture. The appropriate ethical theory about actions would say that this cop was a good person, but this can't be correct. We want to say that he is not a good person, despite doing all of the right things. We don't like people like this. This shows why we need to expand our thinking to explain this. To fill things out, we need to ask about his character, the sort of person he is.

To handle this massive hole in the theories, we need to move into another way of thinking. This is focusing not on the rightness of actions, but rather the rightness of a person's character. Rather than asking what makes an action good, we should be asking what makes a person good. This is virtue ethics' main goal. For all other ethical theories which we have covered, the core question was 'what should I do?' Once we have an answer to that, we can piece together the sort of person we should be. But, what if we started with a different question, what if we started by asking 'what should I be?'? We start by looking at what makes a good person and then figure out what we should do from there.

Virtue ethics is not a single theory, but a family of theories, all starting with that basic question. Various versions of it have sprung up around the globe. In the west, this traces its origins to the *Nicomachean Ethics* written around 2,400 years ago by Aristotle. In the east, this way of doing ethics traces back to Mencius (around 2,400 years ago (400BCE)) and Confucius (around 2,500 years ago (500BCE)). The influence of these thinkers and this way of doing ethics has been very strong and persistent. Aristotle's work, in particular, defines many of the themes

found in virtue ethics at large today. We will mostly be focusing on Aristotle's virtue ethics, but if you are interested in Confucius' virtue ethics, I do have resources.

Aristotle, for his part, started with the closely related question "what makes a good person?". Expanding on this a bit, he saw that there are certain kinds of things which we can judge as good, average, or bad based on how well the thing performs its function. For example, take a computer. A bad computer would be one which is slow at its computations, unreliable in its results, and spotty in activation. An average computer would be one which is decently quick in its computations, fairly reliable in its results, and predicable in activation. A good computer, on the other hand, would be very quick at computing, very reliable, and dependable in activation. Aristotle thought that humans would be the same way; we just need to figure out what the function of humans, the role we play, is and then use that to figure out what a good person would be. This reasoning should sound similar to the sort we saw with Natural Law Theory. Aristotle thought that a good person would be the one which exhibited the human excellences, which we now call virtues.

## Why should I want to be a good person?

This is an interesting question. What motivation should I have, or do I have, to try to be a good person? In Aristotle's mind, being a good person would be to exhibit the human excellences, but why should I want to be excellent? His reply is to say that we want to achieve eudaimo-

nia (no that is not a typo). This is often translated as "happiness" or "flourishing", but that doesn't get at the right picture. This is the state of mind that you are doing what you were meant to do, a satisfaction with your placement in life, a sense of accomplishment. Aristotle held that this is the good life for any being, not just humans, as you are fulfilling your function. He also held that, for humans, exhibiting the virtues, these excellences, are necessary to reach eudaimonia and thereby lead a good life. So, long story short, we should want to be a good person, be virtuous, because it gives us a good life.

## A Theory of Right Actions

Remember, that virtue ethics is fundamentally different than the other theories which we discuss. So, applying it to a theory of right action is going to be different. It is a by-product of the question that they are trying to answer. The theory of right action looks like this:

An action is moral if and only if it is what a virtuous person, acting on their virtues, would do in that situation.

For the virtue ethicist, an action isn't right because of the results or follows some rule, rather it's right because it would be done by a virtuous person. Virtue ethics asks us to do what the virtuous person would do. But who is that? Virtue ethics calls such a person a 'moral exemplar', someone who sets a fine example and serves as a role model for the rest of us. This ideal person provides us with a goal to aim for, even if we tend to fall short.



## Ethical Pluralism and Virtue Ethics

Ethical pluralism is the stance that there are two or more moral rules which apply under different circumstances. For example, one could think that in certain cases consequentialism is the correct theory to apply, but in other cases, it's non-consequentialism. And then define how to choose. For example, when the stakes are low, non-consequentialism, when the stakes are high, consequentialism. We could, as some cultures do, flip those and say that when the stakes are low, consequentialism, but when the stakes are high, non-consequentialism. Virtue ethics is like this. It gives us one hard and fast rule, do what the virtuous person would, but this is far too general to be helpful in daily life. So, what it does is says that there's a set of more particular rules which are more tailored for the case at hand. Virtue ethics gives us these rules as well and tells us which ones apply to a case.

## Moral Understanding

Moral understanding is basically how we come to understand right and wrong actions. According to the virtue ethicist, our moral understanding is not just knowing a bunch of facts about morality. If this were the case, then a child could be the morally wisest of us all. But how could that be? Can you imagine a child giving advice about how to deal with a difficult coworker? How to help an addict? How to end a toxic relationship?

There are two ways, at least, of having knowledge, there's knowing-that and there's knowing-how. Knowing-

that is the sort of book knowledge you get. 'I know that 2 and 2 is 4', 'I know that Caesar was assassinated', and others. Knowing-how is a bit of a different game, this is us having the ability to DO something, it's the hands on aspect. 'I know how to fix a car', 'I know how to read', and so on. For the virtue ethicist, moral understanding is a knowing-how sort of thing, you need to experience things to learn about morality. Knowing-how does require some book-knowledge, but there's more to it than that. The other theories which we have looked at have it more as a knowing-that sort of thing.

Moral understanding is a kind of wisdom and to get it, it requires, according to VE, experience, emotional maturity, reflection, and training. We have to know how to read a room, understand common problems facing people and understand their personalities. You just can't get that from a book. The Emotional maturity is a big one for VE, and We will go into why having a rounded emotional life is good (not too extreme on either side, you don't over react, but you don't underreact).

### 1. Emotions tell us what matters

Fear signals danger, guilt is a sign that we did something wrong, compassion that someone needs our help. It's no use knowing that you ought to help people and never get the hint that a person needs help. A compassionate, kind, sympathetic person will see the things that others miss.

## 2. Emotions can tell us when something is right or wrong

If the person is virtuous, then a feeling of anxiety is a pretty good sign that what you are about to do is wrong. We often have a good gauge in our emotions about whether something is OK or not. Before we even have the intellectual reason behind it (why do you think I use examples which gross you out?).

## 3. Emotions give us motivation to do the right thing.

When we experience certain emotions, we are given motivation to do something about it, either to make more of it or to fight against it. When something makes you sad, you have motivation to make it stop. When something makes you mad, you have motivation to fight against it. When something makes you happy, you have motivation to support it. The morally wise person has her emotions in line with the right reactions to the events, because of their experience.

## Moral Education and The Nature of Virtue

Moral Education for the virtue ethicist is the process by which people get the know-how for morality. They develop the virtues. It's true that many people are born naturally kinder or more generous, but without the proper training, developing those traits, they won't get the right kind of action for the situation at all times. A person who

is naturally generous will be more lenient in certain cases, but sometimes the other would need some tough-love. The wise person will know when to give and when to withhold generosity.

Getting the virtues requires time and patience. It also requires the right kind of teacher. A world-wise person who can help you see when you have gone too far in either direction. According to Aristotle, there is a solid chunk of being virtuous which can be accounted for by moral luck. This is basically that you happened to be in the right place at the right time to come out good morally speaking. Moral Luck is a more common problem for consequentialism (cases where you tried to do something wrong, but by a freak chance it came out as moral). But for the virtue ethicist, you kind of need to be lucky in getting the right kind of teacher/people around you.

## The Nature of Virtue

I have mentioned a few times, and it has been seen in the videos a few times, that virtues are the mean between two vices. A 'vice' is the opposite of a virtue, in an interesting way. For both Aristotle and Confucius, the virtues have several interesting features:

Virtues are character traits, not habits.

A habit is just something you do. A person could be habitually generous but lack the virtue, because they lack the understanding of why this is the thing to do. Virtues in this way require wisdom and experience to develop. The virtuous person thinks about the situation differently

than the person who does the right thing out of habit. There's an actual process in the virtuous person's head that there's not in the habitual person. The virtuous person is actually motivated to do the things because they are right, the habitual person does not have this, they just do it.

The virtuous person is not defined by their deeds but by their inner life.

The virtuous person is the kind of person who sees, believe, and feel things differently than the non-virtuous person. They are trained to see what's important, do what is right, and be motivated to do what's right.

### **The Golden Mean/The Doctrine of the Mean**

So, what are the traits which are virtuous? This is defined by both Aristotle and Confucius as the middle between two different vices. A vice is a bad character trait. What is it to be in the middle of two vices? Well, a vice is an excess or deficiency in some trait. When you are in the middle, you are in the proper level for that trait. For example, For cautiousness, the extreme would be overly fearful, but the deficiency would be being foolhardy. Cautiousness is right in the middle.

There are many other examples which Confucius and Aristotle give to illustrate this point. To start with, we have courage. Take this case as an example:

## Rushing In

Ralph is walking home to his apartment one day and he notices a building on fire with several people inside and a fire-truck out front. Ralph does not have the training, physical strength, or necessary skills to be of any assistance, but, despite this, he rushes in an attempts to save people.

It is reasonable to assume that Ralph put himself into danger and added more victims to the blaze. This case shows that Ralph has an excess of the trait relevant to courage, he is foolhardy or rash. A similar case can also be used to illustrate the deficiency:

## Frozen Stiff

Frank is a firefighter who has all of the training and equipment necessary to safely save people in a burning building. When Frank and his team arrive at the blaze, Frank allows his fear to get the better of him and he can't bring himself to go in and save the people.

Here, Frank is showing a deficiency of the trait associated with courage. The proper amount is the middle between these two extremes. Acting despite your fear when the conditions are such that it is safe<sup>44</sup> for you to do so. This is not the only example where this applies:

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<sup>44</sup>or the risk is reasonable

## The Party Don't Stop

Paul is a college student who enjoys blowing off steam and going to a party a little too much. He constantly attends the most 'lit' parties, over indulges in alcohol, experiments with harder drugs, and otherwise fails to complete his other obligations because of his partying.

In this case, Paul is showing an excess of the trait related to the pleasures of life. This excess causes him to not be the sort of person we would want. At the same time, a deficiency can be just as bad:

## Poopy Pants

Paula is a college student who focuses and grinds away at her work. She has scant few friends because whenever people invite her out to go clubbing or dancing, she either refuses or, if they manage to drag her out, she never lets the music move her and is always cold, for lack of a better term.

Paula's insensibility towards enjoyment is not what we would want in a good person. A good person knows how to blow off steam in a reasonable way and when to do so. They have temperance.

For a final example, let's consider the use of humor in a conversation. Humor and laughter loosens us up, it allows for the creative juices to flow, so to speak, and helps us relax in order to come up with creative solutions

to problems at hand. A topic may be seen as too serious to joke about, but this is inaccurate. One could be discussing very serious topics, like the economy, politics, and ethics, and a well-placed joke or witty remark would break the tension and allow for the members of the conversation to explore the topic in a new way. All that said, an excess of humor in a conversation is likely to derail or otherwise hinder the progress which one is hoping to get out of the discussion. Cracking a joke or a witty remark at every chance is not the quality of a good person, we do not want them to be a buffoon. At the same time, if one never breaks the tension with a targeted remark, then the conversation will miss-out on the alternative views and may end up just spinning its wheels. A good conversational partner is not boorish. The middle is the key. The quality is being witty. Knowing when to make a joke and what the joke should concern.

## Problems for Virtue Ethics

### Choosing Between Virtues

#### **A Weekend Vay-Kay**

Suppose that you are on a vacation with some of your friends, your bestie brought her hubby along. You are walking along the beach and you spot your bestie's husband cuddled up, intimately, with another woman. Would the virtuous person reveal what she has seen? Would she stay quiet?

Well, there's the virtue of honesty. You should inform



your friend, because that would, probably, prevent her from having the pain and anguish later on from being lied to for a long time. But, there's the virtue of minding-your-own-business. Being a busybody and poking your nose into other people's business is a vice. It's not your marriage, there could be many factors there.

What would you do? The Virtue Ethicist provides very little information about choosing between the virtues. This means that in cases like these, it does not give us a practical way to use the theory.

### Tragic Dilemmas

Virtue Ethics claims that the right action is the one which the virtuous person would do acting in character. And that those actions are worthy of praise. However, if those stances lead to a problem, then VE is in deep trouble. Tragic Dilemmas, also called 'moral dilemmas', are situations where there are no right answers. Damned if you do and damned if you don't. Virtuous people will tend to avoid these situations as they normally come from mistakes that they have made. But this is not always true. Take for example Sophie's Choice:

## Sophie's Choice

Sophie is detained in a concentration camp during WW2, separated from her children. The head of the camp comes in and tells her that one of her two children will be killed and the other will be freed. She must choose which one, either her son or her daughter. If she refuses, both die. What should she do?

Sophie's life is going to be ruined regardless of what she does or doesn't do. A virtuous person, acting in character, would have to make a choice. According to VE, Sophie choosing one of her children and letting the other be killed is morally right and praise-worthy. But this seems wrong.

- 1 If Virtue Ethics is correct, then Sophie choosing is morally correct and praise-worthy.
- 2 It's neither.
- 3 Therefore Virtue Ethics is not correct.

**A reply (the virtuous person would choose)**

That first line, that the virtuous person would choose in this case, is suspect. The VE person could claim that the virtuous person would not choose. This is their only way out. The virtuous person might just refuse to make a deal with evil, keeping her hands clean. But would the virtuous person really be more motivated to refuse such a deal than to save a life? This is quite up in the air.

### Another reply (that it's neither)

A safer route for the virtue ethicist in this case is to reject the idea that choosing is neither moral nor praise-worthy. In this case, they need to say that yes, it is both. Very counter intuitive. Basically, under these circumstances, the virtuous person would try and save as many innocent lives as they could, so they would need to try. Also, since they were able to make a choice, they should be praised, they saved a life.

### Demandingness

Virtue Ethics tells us to do/be as the virtuous person does/is. But what if this is an impossibly high standard for us to handle? Morality sometimes puts really high standards on us. For example Gandhi performed hunger-strikes to change the rules, which almost killed him. Protesters against injustice have died to change thing. If we suppose that at least some of the people who have died in the process of their fights were virtuous people, then VE would have us follow suit. This might be going a step to far.

### Two replies

There are a few ways that VE can get out of this. First, they can claim that, actually, in the right cases, morality does require that level of sacrifice. This is similar to some of the lines which the consequentialist has made in the past. They could say that the expectations which we have about what is required are too lax. If we had the right

up-bringing, then we would know the value of noble self-sacrifice and not see this as overly demanding.

Another reply that they could try is to change the theory slightly. Say that such sacrifices are normally not what the virtuous person would do, but there are cases where they are morally required. If I went on a hunger-strike to protest my rent being too high, people would probably not pay much attention to it. The change would be to emphasize that the circumstances matter. In the rent case, my circumstances are quite different than those of Gandhi, so the virtuous person would not protest in this way.

### Who are these virtuous people?

According to VE, we can solve our moral puzzles by looking at what the virtuous person would do. But we need to ask who these people are? What if people endorse different candidates for the morally perfect person? This is a hard problem because we often take people as virtuous based on our pre-existing beliefs about virtues. Some people out there may hold that suicide-bombers are the moral exemplars. Others may think that this is horrible.

### Some replies

A resistance to this could be that we should stick with relativism. The ideal moral exemplar in this case is relative to either the person or to the culture. They could also claim that what the virtues are, what makes a good person is relative to the person or to the culture. Since the right action is defined relative to the moral exemplar, go-

ing this route leads to the same problems which we have seen with relativism.

Another way to reply is to say that our failure to notice the moral exemplars and choose appropriately is actually a failure of our own virtues. We have not gone through right cultivation of our virtues to notice when others lack one or more. For example, Winston Churchill was a remarkably virtuous person, but he had a very deep hatred for the people of India. To the point that he failed to see the virtues in Gandhi, claiming that he deserved to die. This failure of virtue is why he could not see the virtues of another.

### Conflict and contradiction

If a theory tells us both to do something and not to do something, then that is a very serious problem for the theory. For example, if I have a theory which claims that lying is always wrong and that allowing another person to be killed is always wrong (even in cases of letting die), then my theory would have a very hard time in cases where I need to lie to save a life. The problem for this theory is simple. Suppose that there are many perfectly virtuous people and, for the same case, some say that I should do one thing and others say that I should do something else. It might seem that in such a situation, the act is both moral and immoral. Uh-Oh! For example, some perfectly virtuous people might claim that saying nothing in the case of the ax-murderer is moral. Others might say that it's to lie. Others, still, might claim that you need to tell the truth. How do we handle this?

### Some replies

One of the ways out of this problem is to claim that there's only a single, truly virtuous person. They could claim that this person is hypothetical or exists/existed. If there's only one truly virtuous person, then we don't have the issue of having the conflict. But this becomes an issue about how to ID this person.

Another way out is to say that every truly virtuous person, acting in character, would actually make the same call. This seems less plausible.

I personally take that it's what the hypothetically perfectly virtuous person would do in that situation is the stronger option, and then we have use the golden mean to get at all of the traits, but this is not the route the book takes.

Another, third way out is to change the stance slightly, yet again. The new version of the theory gives us three different statements each handling a different state (required, permitted, and forbidden):

An action is morally required because all virtuous people, under those circumstances, would act that way.

An action is permitted because some (but not necessarily all) virtuous people, under those circumstances, would act that way.

An action is forbidden because no virtuous people, under those circumstances, would act that way.

Permitted is the interesting case, this means that you

aren't doing wrong if you go either way with it.

### The Priority Problem

Another, final, problem for virtue ethics is that of priority. What do they take as most important. The standard way is to have the actions be the most important and then define good people according to those. VE rejects this, claiming that we should hold the person's character as more important than their deeds. Under certain contexts, this seems backwards. All other theories take the action as the most important. For example, if we look at Porky the Pig Farmer, VE would claim that what he is doing is wrong because it's not what the virtuous person would do. It seems better to say that the virtuous person wouldn't do those things because they're wrong. The same thing is true for right actions. VE tells us that saving a drowning child is moral because it's what the virtuous person would do. But we want to say that the virtuous person would do it because it's moral.

### Euthyphro on Virtue Ethics

- 1 Virtuous people either have or lack reasons for their choices on actions.
- 2 If they have reasons, then it's those reasons which make the action right, not that they are choosing it.
- 3 If they lack reasons for their actions, then those actions are arbitrary and can't be the basis for morality.
- 4 So, either virtue ethics is misleading (missing the point) or is arbitrary (not a basis for morality).

## *Part 21: Nahuatl*

### *Virtue Ethics*

The Nahuas, today, are the descendants of the indigenous peoples who inhabited what is today Mexico, Guatemala, Honduras, El Salvador, and Nicaragua. The most famous of these peoples are the Mexica,<sup>45</sup> with an approximation of their characters for the word 'Tenochtitlan' appearing on the Mexican flag. Prior to colonization by the Spanish, these peoples had philosophical traditions, mirroring the traditions which are found in Europe and Asia; they used similar methodologies and pursued answers to many of the same or equivalent questions. Due to the colonial practices of the Spanish (and others) and also due to an under-appreciation of their writing systems and lack of understanding of their languages, until fairly recently, pre-colonial Nahuatl Philosophy has not received the respect and adequate understanding it is due. Various contemporary works are seeking to change this by uncovering,

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<sup>45</sup>Better known by the term 'Aztecs'



translating, and reevaluating their thoughts and methodologies.

## Differences in The Metaphilosophies

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Metaphilosophy is the study of Philosophy itself. It concerns the role of Philosophy, the methods used in Philosophy, and some of the basic assumptions which are made when one starts doing it. For the most part, pre-colonial Nahuatl Philosophy is similar in methodology to the traditions found in the rest of the world, as I have mentioned. There is, however, one fundamental aspect of pre-colonial Nahuatl Philosophy which makes it strikingly different from the Philosophy originating from other parts of the world and which makes teaching about something isolated like this especially difficult. In the other philosophical traditions, different questions are delineated into 'spheres of interests' or 'fields of study'. These spheres tend not to overlap, with some exceptions, and, for most, it is possible to teach about one sphere without robust reference to another. Nahuatl Philosophy is not like that. The *tlamatinime* (the Nahuatl noun translating roughly to "philosophers", literally "knowers of things", the singular is *tlamatini*) did not break up their stances or questions into different fields. Rather, they treated their philosophical pursuits as a unified whole. So, in the Nahuatl philosophical tradition, seeking the answer to, say, "what makes a

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<sup>46</sup>The content for this section is derived, in part, from Aztec Philosophy by James Maffie. (James Maffie, *Aztec Philosophy: Understanding a World in Motion* [UP of Colorado, 2014])

good person?" would also be seeking the answer to, say, "what is beautiful?", "what does it take to know something?", or "where did the universe come from?". As a result, I will seek to be respectful of this overarching methodology, focusing primarily on their ethical views but freely referencing the stances in what we take to be different spheres which overlap with this. Though I will often treat the spheres as separate, appreciation for Nahuatl Philosophy requires that we understand that this is meant to be a continuous whole, without divisions.

The methodological pursuits also differ from other philosophical traditions in the study of truth and the nature of their pursuits differ because of this. The *tlamatinime* did not take knowledge to be about factual things, which we could call "knowing-that". Rather, on a very fundamental level, the *tlamatinime* took knowledge to be 'knowing-how'. Rather than asking questions like "is this accurate to how the world is?", the *tlamatinime* asked questions like "is this the way to do it?" "is this the right path?" and so on. Nahuatl Philosophy is pragmatic in this regard.<sup>47</sup> Other philosophical traditions pursue knowing-that while this tradition pursues knowing-how. This is because the central unifying notion underlining all of Nahuatl Philosophy is one of unity. Not only is Philosophy treated as a unified whole but the universe itself is. The idea here is that everything which we see as separate and distinct is actually just different aspects of one thing, *teotl*. *Teotl*

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<sup>47</sup>This may stem, in part, from the fact that the Nahuatl ontology, what they take to exist fundamentally, is a form of universal monism, all things we see as separate are actually one thing and also from the fact that this universe is constantly in flux, as we will see later.

is the universe itself, all things, ourselves included, are just teotl. We see teotl as a computer, as a color, as a shape, as weighing a certain amount, as sounding a certain way and this makes us think that there are many different things in the universe. Actually, according to this thought, it is all one thing. Teotl, however, is not stagnant. It is constantly flocculating, changing, flowing like a river. It would be foolish, therefore, to try to pursue absolute accuracy about the world as it will change drastically. As a result, the best we can hope for is accuracy in how we should navigate the world and how to do things in it. In the history of Western Philosophy, we do see something like this. For the pre-Socratics, the philosophers prior to the death of Socrates, there was a debate about whether the world was unified in this way or whether it was in flux. It was assumed that these two stances were incompatible and the ripple of this assumption is seen even today. The tlamatinime took this debate and saw that this was not a contradiction and actually assumed that both were true.

## Similarities in Conclusions and Ethical Thought

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These fundamental differences in the methods and

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<sup>48</sup>The content for this section and most of what follows is from Eudaimonia and Neltiliztli: Aristotle and the Aztecs on the Good Life by L. Sebastian Purcell. (Lynn Sebastian Purcell, “Eudaimonia and Neltiliztli: Aristotle and the Aztecs on the Good Life,” *APA Newsletter on Hispanic/Latino Issues in Philosophy* vol. 16, no. 2, 2017, pp. 10–21)

assumptions does not make teaching about their views impossible nor did it radically change the conclusions about Ethics; that is, the Nahuatl ethical thought is strikingly similar to that of Aristotle and Confucius. We will start with a discussion of why Aristotle thought we should be virtuous and then move to the similar reasoning from the tlamatime. After this, we will move to a discussion of the accounts of virtue and the similarities there.

### Aristotle's Eudaimonia and The Tlamatime's Neltiliztli

Eudaimonia is Aristotle's conception of the good life, the sort of life which we should seek as humans. Aristotle also held that this good life was what every single action, question, or decision we make was striving towards. He later argued that there is a highest good which one can strive for and that leading a good life was that highest good. This, frankly, at first brush, does not seem related to the idea of being virtuous or being a good person. It seems possible, at least, that a good person could have a bad life. Aristotle and others, however, did see a connection and the reasoning from this is similar to the reasoning which we saw in Natural Law Theory. The thought is that, for certain kinds of things, we deem them good because they fulfill their function. For example, we judge a TV as good when it shows a clear picture and plays clear sound. It is fulfilling its function. Persons, roughly, could also be judged in this way generally. A good person would be one which fulfills their function as a person. For Aristotle and others, this is where they exhibit human excellence

and, to exhibit this excellence, one must be virtuous. In other words, if you exhibit human excellence, then you are truly virtuous (and vice versa). A good human life is one which is had by a good person, so to have a good life, you need to be virtuous. This is why you should want to be virtuous, to lead a good life.

*Neltiliztli* is the Nahuatl Philosophers' conception of the good life. In the same way as Aristotle, they believed that it is the sort of life we should want as humans but they did not start by asking about our function as humans or persons: Rather, the *tlamatinime* started by asking about the character of our circumstances as humans on Earth (life on *tlalticpac*). This shows, in an interesting way, how they easily moved from a metaphysical question about the nature of our world to an ethical one about the nature of a good person. Life on *tlalticpac*, for the *tlamatinime*, is what determines why we should be virtuous and how we can lead a good life.<sup>49</sup> The *tlamatinime* conceptualized *tlalticpac* as having three distinct features, each of which deserves going over in detail.

### Tlalticpac is Slippery, Transitory, and Not a Happy Place

The three distinct, though maybe related, features of the kind of world we live in, according to the Nahuas from this time, are that the world is 'slippery', transitory, and, fundamentally, not a happy place. A good person, according to the views developed here, is going to be one which can

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<sup>49</sup> A good person is one who can function as a person on Earth, as they conceived it.

lead a good life and to do that one must be able to handle these three features of the world.

### Tlalticpac is Slippery

The first feature of the world we live in, which the Nahuatl Philosophers used to determine what makes a good life for a person, is that it is slippery. The Florentine Codex, a collection of works and research by the Nahuas which was collected and translated by a friar in the 16th century,<sup>50</sup> gives us some details about what was meant by calling the world slippery in this context. Here are two, disjointed passages which describe this:

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<sup>50</sup>Fray Bernardino de Sahagún

How is this? Look well to thyself, thou fish of gold.  
 It is said at this time: if one some  
 time ago lived a good life [and] later  
 fell onto some [other one]—perhaps he took  
 a paramour, or he knocked someone  
 down so that he took sick or even died;  
 and for that he was thrust into jail:  
 so at that time it is said: “How is this?  
 Look well to thyself, thou fish of gold.”  
 Slippery, slick is the earth.  
 It is the same as the one mentioned  
 Perhaps at one time one was of good  
 life; later he fell into some wrong, as if  
 he had slipped in the mud.<sup>a</sup>

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<sup>a</sup>Bernardino de Sahagún, et al., *General history of the things of New Spain : Florentine codex / Bernardino de Sahagún* (School of American Research ; U of Utah Santa Fe, N.M. : Salt Lake City, Utah, 1950) Book 6 page 228.

There are a few interesting things worth noting about how the world is slippery. First off, a person of good character, leading a good life, could morally slip and do something immoral through voluntary action, such as taking a paramour. But, an otherwise good person, leading a good life, could slip through something accidental. Take for example a case where a person accidentally trips another and that person becomes sick or dies. This is a bad outcome but we could forgive them because it was accidental. These sort of accidents are a part of the world we live in, it's slippery in the sense that we can't avoid falling or failing to be rooted all of the time. There comes a

point where, regardless of our individual choices, lapses will occur. We also see that appealing to the slipperiness of the world is not an excuse, accidents happen and we need to pay for the consequences of them, even if it wasn't our fault. For a second point worth mentioning about this slippery world, we can't avoid falling by good reasoning. One could slip because of a fallacy or some incorrect reasoning, but perfect reasoning and purging yourself of fallacies is not an antidote to slipping, but rather is a preventative measure. From this, we see that a good life for a person is not one without any errors, as Aristotle would have conceived it, rather it is one which recognizes that we will fall down occasionally and manage these failings as best we can when it happens.

### **Tlalticpac is Transitory**

The next feature of the world we live in is that it is transitory. Something is transitory when not permanent, finite, going to end and be forgotten. A thought found throughout the Americas is that the world we live in was created from a previous one and will end to give rise to the next. The Nahua hold that this is the fifth such world and it will end and give rise to the sixth. Not only will we die and other humans will replace us, but the world itself will die and the next one will replace it. This is closely linked to the idea that the world is in flux, as I have mentioned previously.



## Tlalticpac is Not A Happy Place

The third, and final, feature of tlalticpac, relevant to us here, is that it's not all that fun of a place. We can see this general line of thought in the following short passage:

Is it true that we are happy,  
that we live on earth?  
It is not certain that we live  
and have come on earth to be happy.  
We are all sorely lacking.  
Is there any who does not suffer  
here, next to the people?<sup>a</sup>

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<sup>a</sup>M. Leon-Portilla, *Fifteen Poets of the Aztec World* (U of Oklahoma P, 1992) p. 91.

Fundamentally speaking, because of the slippery and transitory nature of the world we live in, it's foolish to try to make happiness your life's goal. For another example, consider this passage, which was a father speaking to his daughter when she was old enough (biologically) to have children of her own:<sup>51</sup>

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<sup>51</sup>Similar passages are recorded in a mother having the same conversation with her daughter

And now thou hast become knowledgeable, already thou observest how things are. There is no rejoicing, no contentment; there is torment, there is pain, there is fatigue, there is want; torment, pain dominate. Difficult is the world, a place where one is caused to weep, a place where one is caused pain. Affliction is known. And the cold wind passeth, glideth by.<sup>a</sup>

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<sup>a</sup>Sahagún et al. Book 6 page 93.

## Rootedness and The Good Life

The general aim for Nahuatl Ethics and more particularly a good life from their perspective, as I hinted at, is not happiness or some sense of satisfaction, as we saw with Aristotle, rather it is to achieve a sense of rootedness. The idea of rootedness can be found in a short piece of poetry called Xochi Cuicatl (translated, literally, as Flower-Song, or Flower and Song, but metaphorically it means something like poetry). The piece concerns how one could some sort of permanence in teotl, which remember is constantly in flux. The author in the process of writing the piece realizes that one can achieve a sense of permanence by writing poetry.

So this is how that lord, the vaunted one,  
comes creating them. Yes, with plume like  
bracelet beads he pleases the only-being.  
Is that what pleases the Life Giver?  
Is that the only truth [nelli] on earth [tlalticpac]?<sup>a</sup>

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<sup>a</sup>Purcell p. 13.

It is worth noting that nelli is often translated as 'truth' but it is actually closer related to the concept of being rooted. The concept of something being true, in the sense of Western Philosophy, has built into it a sense that the world is static, which is in opposition to the Nahuatl concept of teotl. Rather than slipping and sliding one must be rooted, not apt to fall. This is because, put frankly, for you to remain you, you must be rooted, fixed in the world and doing your part in it.

This can be seen in other Nahuatl writings as well. The early anthropologists asked the Nahuas questions about what makes a good person for a certain field, what makes a bad one, as so on. While they did not, necessarily, formulate their answers explicitly in terms of good and bad, the approval vs disapproval is very evident. Those who were bad were hardly even described as being human, being called "a lump of flesh with two eyes". One aspect of our condition on Earth is that we are communal creatures and the good life, drawn from an understanding of our condition, must be one where we do our part in the community, otherwise, in a sense, we are not humans at all.

Bringing these points together, the Nahuatl concep-

tion of the good life is derived from looking at the nature of the human condition being creatures on Earth. We should pursue a rooted life as it is a basic condition for leading a life in a community in *teotl* and a reasonable response to our circumstances.

## The Virtues and Action Guidance

For all of Virtue Ethics, the idea is to create a good person and then the good or morally right actions will follow. For Aristotle, this good person was one which exhibited human excellence, reaching *eudaimonia*. For the Nahuas, this was a person who was rooted, in the sense that I have been building up. The virtues, then, for these thinkers, are character traits which show this excellence. The difference between them, however, is where they derived this sense of excellence.

The Nahuatl Virtues, then, would be the character traits which make one best suited for being rooted and would need to be cultivated.

They went on saying that on earth we travel, we live along a mountain peak. Over here is an abyss, over there is an abyss. Whenever thou art to deviate, there wilt thou plunge into the deep. That is to say, it is necessary that thou always act with discretion in that which is done, which is said, which is seen, which is heard, which is thought, etc.<sup>a</sup>

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<sup>a</sup>Sahagún et al. Book 6 page 125.

But, does this, then, turn into a theory of right action?

Does this system tell us what to do? One can easily say yes. Both theories have access to the idea that an action is right if and only if it's what a virtuous person would do, though they may get different responses. In the case of the Nahuas, a good person can be judged, to a degree, by the content of their actions just as much as by the content of their character. This is because a good person is also determined by how they fill their social roles. Take this translated quote for example:

The good middle-aged man [is] a doer. a worker, agile, active, solicitous.

The bad [middle-aged man is] lazy, negligent, slothful, indolent, idle, languid, a lump of flesh, a lump of flesh with two eyes, a thief. He absconds; he is a petty thief; he kills one by treachery; he steals from one.<sup>a</sup>

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<sup>a</sup>Sahagún et al. Book 10 page 11.

Your average man is, just as today, going to be a worker. In that social role, there are certain virtues, such as being active, attentive, and honest. Those are both actions one might take as well as dispositions which one may have. The bad traits, those which we should not want, are those which fail to have one fulfill the role in society which one is expected to fill. Take, as another example, the qualities of a good mother as compared to a bad mother:

One's mother has children, she suckles them. Sincere, vigilant, agile, an energetic worker- diligent, watchful, solicitous, full of anxiety...

One's bad mother [is] evil, dull, stupid, sleepy, lazy; a squanderer, a petty thief, a deceiver, a fraud. Unreliable, one who loses things through neglect or anger, who heeds no one. She is disrespectful, inconsiderate, disregarding, careless...<sup>a</sup>

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<sup>a</sup>Sahagún et al. Book 10 page 2.

The role of a mother, at least as described here, is to care for her children. There are certain qualities which are proper in that role, such as vigilance and diligent. A good mother must have the disposition to *care*.<sup>52</sup>

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<sup>52</sup>This will appear again in the content concerning Feminist Ethics and we have seen this previously in the content concerning Mohist Consequentialism.

The good [tlamatini] is a physician, a person of trust, a counselor; an instructor worthy of confidence, deserving of credibility, deserving of faith; a teacher. [He is] an advisor, a counselor, a good example; a teacher of prudence, of discretion; a light, a guide who lays out one's path, who goes accompanying one. . . .

The bad [tlamatini] is a stupid physician, silly, decrepit, pretending to be a person of trust, a counselor, advised. . . . [He is] a soothsayer, a deluder, he deceives, confounds, causes ills, leads into evil..<sup>a</sup>

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<sup>a</sup>Sahagún et al. Book 10 page 29.

We see here that the quality of one's fulfillment of a social role is the source of praise and blame which is directly tied to character traits, virtues, and this gives us a system of guidance for actions, in the same way as Aristotle thought of it. It can also be added, with a lot of textual evidence, that the Nahuas at large think that the good person will exhibit the human excellences, similar to Aristotle's thinking, though they differ in how they go about determining the excellencies.

## *Part 22: Virtue*

### *Consequentialism*

This is a relatively modern stance (as in it was recently formalized into a stance as I give them in this class) but it does have historical backing (Hume, Bentham, and others). This is a different kind of virtue ethics. Like VE which we have been covering, it asks what makes a good person and says that it is a person who has certain virtues, but how it defines the virtues is different. For this content, I am mostly going to be using Ben Bradley's Virtue Consequentialism,<sup>53</sup> but since the stance is still in its relative infancy, there's a lot of room to grow.<sup>54</sup>

VC (Virtue Consequentialism) has a core principle about virtues in mind. As with Virtue Ethics, generally, it is seeking to answer the question "who should I be?" rather than

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<sup>53</sup>Ben Bradley, "Virtue Consequentialism," *Utilitas* vol. 17, no. 3, 2005, <https://doi.org/10.1017/s0953820805001652>, pp. 282–98.

<sup>54</sup>Bradley is using Julia Driver's *Uneasy Virtue*, where she proposes a form of Virtue Consequentialism. In it, she argues that we should not use the doctrine of the mean but rather use consequentialism to determine virtues. I use Bradley's work as the primary source here.



trying to answer the question “what should I do?” This means that the Virtue Consequentialism is concerned with the character traits of a good person.<sup>55</sup> Rather than thinking that the virtues are the middle between two extremes,<sup>56</sup> Virtue Consequentialism thinks of virtues as character traits which, when acting on them, produce actions with the best outcomes.<sup>57</sup> This is a form of externalism. The theory claims that what makes a trait a virtue is external to, outside of, the person who has it. With the other kind of Virtue Ethics, the kind proposed by Aristotle and Confucius, whether a trait is a virtue is determined internally. One can arrive at the conclusion just through careful thought. Kantianism holds that what makes an action permissible is internal. Utilitarianism holds that it's external. Since this stance is very new, I am able to give series of different stances trying to define virtues in this way and how they evolved from each other.

## The First Definition of ‘virtue’ for VC

As I just mentioned, Virtue Ethics does not take factors external to the bearer of a trait into account when determining whether the trait is a virtue. The consequences of an action produced by acting on that trait are external. To remain consequentialist, VC will need to incorporate consequences into the definition somewhere. It might seem

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<sup>55</sup>their virtues.

<sup>56</sup>which is how Aristotle's Ethics and Confucian Ethics thinks of them.

<sup>57</sup>This might sound like Rule Consequentialism. The two are related; Mohist, Rule, and this Virtue Consequentialism are all indirect Consequentialist theories, but Virtue Consequentialism is after the character traits of a good person rather than the rules for right action.

natural to take a page out of Rule Consequentialism and say that a trait is a virtue when, if one consistently acts on that trait, it produces the best outcomes when compared to other traits. So here is the first pass:

VC1: A trait is a virtue if and only if, in the actual world, acting on that character trait systematically produces more good than not in the actual world.

It is worth noting that ‘systematic’ here is meant to minimize the effects of moral luck in a situation. The more often one acts on a trait, the more chances we have to see whether it actually tends to produce the best outcomes. For example, in the actual world, a person who is honest<sup>58</sup> tends to cause more good than harm, so honesty may be a virtue according to this account. This definition comes from Julia Driver’s work *Uneasy Virtue*.<sup>59</sup> This definition focuses on the real world situations that the person may be in and states that the trait, when acted on, produces good things.

### Issues with this first pass at a definition

The first issue with this account of virtues is that it seems to focus on just one person. There may be and likely are character traits which tend to produce the best outcome in the actual world if the majority of people act on them but there could be, at the same time, people who never get to act on those traits or are in a situation where them

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<sup>58</sup>but not brutally so

<sup>59</sup>Julia Driver, *Uneasy Virtue* (Cambridge UP, 2001).

acting on it systematically would be harmful to the world. For example:

## **Overly Honest Diplomat**

Harry is a diplomat tasked with meeting and discussing things with representatives from a country hostile to his own. He knows various secrets and aspects within his country which it would be best for the world if the other country did not learn about. Given Harry's experiences and station in the world, he knows that being honest would be systematically harmful to the world. So, for Harry, this is not a virtue.

On the other side, there may be situations which give a false positive, rather than a false negative, when we are trying to figure out what the virtues are.

## **Overly Obedient Oliver**

Oliver has the trait 'obedient', which he takes to mean that he must follow his superiors' orders without question and without delay. As it happens, all of Oliver's superiors have been, are, and will be good people who would never order Oliver to do anything which would not produce the best outcome; the orders always produce more good than not. In the actual world, for Oliver, thoughtless obedience is a virtue; but actually, thoughtless obedience can be disastrous to the world.

Second, 'more good than not' does not mean that the trait should max-out the consequences, rather it leaves it open to the issue of doing a minimal amount of good and still being a virtue. So, we might try to change this to make it so that it will max-it-out.

## Second Definition

This definition is an improvement on Driver's definition, given by Ben Bradley (2005), but should be seen more as a step towards the best option, rather than a stance. He gives further definitions and examples as he goes through, but this was to make the initial evaluation as strong as possible:

VC2: A trait is a virtue if and only if acting on that trait, in the actual world, produces more good in the actual world than it produces evil in the actual world.

This tries to get the trait to max-out the consequences, but it also has many of the issues which were had in the previous. For example, it still focuses on the actual world and it does not tell us a good way of telling which traits may be better than others.

A problem for this second attempt

As mentioned, this definition, though a slight improvement, does fall into the same issues as before. Take, for example, this counterexample:

## Debbie Downer

Imagine a world with a ton of happy people and in it there's guy named Downer. Downer spends her days systematically making others happy, but less happy than they would have been had he done something else. For example, she invents new, less tasty foods and hoodwinks people into thinking those foods are healthier than the tasty foods they like better. She never causes them any pain but she does cause them to be less happy than they would have been otherwise.

In this case, Downer's traits do cause good things, but they aren't the best things she could have done, for example, she could have, with likely the same amount of effort, made healthy and tasty food, rather than tricking people. The traits which Downer is acting on could be construed as virtues according to this pass at a definition, but we want something stronger. We would not say, even in a consequentialist mindset, that Downer was acting as a good person.

## A Third Definition

This one again comes from Bradley and goes like this:

VC3: A trait is a virtue if and only if acting on that trait, in the actual world, systematically produces a greater balance of intrinsic good over intrinsic evil in the actual

world than the absence of that trait would systematically produce.

For this one, we are still focused on the actual world, but this does give us a way of saying that a virtue must max out the consequences of the actions that they produce, so we get out of Downer and less than optimal people. This should remind you of how the consequentialist determines the right action. It's the one which produces the greatest balance of good over bad. This definition really plays well with the consequentialist mindset. We still have some worries, however.

### Problems for this third pass

For this one, a major issue is that it now does not have a way of determining a better virtue, there are no comparisons which are made explicit. Essentially, a world where some trait is not present would have some other trait take its place, but which one? There are several traits which Downer could have had rather than her minor malice. Whether or not the trait is bad would depend on the one we are comparing it to and how they are compared. The next step for this theory is to figure out a way for the virtues to be compared. Basically, this issue is "Hey, you say that the trait is a virtue when it's better to have it than not, but what trait would fill the void when it's not there?"

Another issue is that it is still focusing on the actual world, this gives us a problem as a person could be very, very lucky in the outcomes when acting on some trait. Consider this case:

## Lucky The Failing Murderer

Lucky is a murderous psychopath who repeatedly attempts to kill people. Lucky, however, constantly fails at the task. She slips on a banana peel, gets bumped at just the wrong time, slips on some ice, and so on. Lucky acting on her murderous traits never produce negative results in the real world (and we can suppose that she enjoys planning the murder but if she succeeded, the pain and all that would make the acts negative).

Lucky's traits are not virtuous and a reasonable Virtue Consequentialism would recognize that. This means that we need to expand our thinking and have the virtues be determined by counterfactuals and reasonable expectations.

## Counterfactualism and Contrastivism

To handle the worries we have seen with the attempts at defining virtuous traits using Consequentialism, we need to turn to two different approaches. These approaches are often used separately, but we will use them both together in order to get a robust theory of virtues.

### Counterfactualism

In order to avoid cases like Lucky's, we need to broaden our horizon's beyond merely the actual world and start thinking about cases which are non-actual but could happen. As you may recall from the 'What If' test from the

Objectivism module, sometimes counterfactuals have something to say about whether a thing is a feature or not. In the What If test, the counterfactuals told us whether our cultural beliefs had bearing on the truth of a claim and, if they didn't, then we knew that the truth or falsity of the claim was objective. Here, we are using the same kind of idea, using counterfactuals to tell us whether a trait is actually the best one, according to Consequentialism.

There are two ways in which we could use counterfactuals in order to determine whether a trait is a virtue. First, we could ask what the world would be like if everyone had this trait.<sup>60</sup> Going this route would be a form of Universalism about virtues. If everyone acting on the trait systematically brings about the best outcomes, then it is a virtue, according to this theory. Another option is to ask what the world would be like if people *in that position or status* acted on the trait. This is a more limited, individualist, account of virtues. There are equally strong arguments on either side of this debate and, until the dust settles, it would be wise for our theory to remain neutral. For example, consider the Overly Honest Diplomat case which we saw previously. If everyone were always honest, this would systematically produce the best outcomes but, as the world is, there are certain positions and stations where it would not be the best outcome if the *individual* were completely honest.

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<sup>60</sup>This should seem similar to Rule Consequentialism.



## Contrastivism

A contrastivist stance or being contrastivist about some topic is to claim that attributions of some kind or another are actually disguised comparisons. In this case, Bradley says that whether or not a character trait is a virtue is actually a comparison between it and other traits which one could have in its place. One way to think about this is that there are many different traits which a person could have but some of them can't be had together. For example, one can't be both generous and greedy. The set of these mutually exclusive traits should be kind of intuitive. These traits are the ones one could have in place of another in that set. It is similar to how in Aristotle there were the spheres. A set or collection of mutually exclusive things is sometimes called a 'contrast class'. When we are determining which traits are virtues, we look at whether it would cause the most good, if systematically applied, compared to the other traits one could have had in its place.<sup>61</sup>

## The Final Definition of Virtues for VC

With Counterfactualism and Contrastivism in our toolkits, we can use them to better refine the notion of virtues from a Consequentialist mindset:

VC4: A trait is a virtue IFF, when compared to the other traits which one could have in its place, were a person to

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<sup>61</sup>That is, we look at whether it would cause the most good out of the traits in its contrast class.

act on that trait, it would systematically produce more good and less evil than the alternatives.

Think about it this way, of the different traits which a person could have in a given context, having one of them will cause you to produce better outcomes than the others, and that trait is the virtue in that sphere. Going back to the issue involving obedience, one could say that blind obedience is not a virtue because systematically acting on it would not always produce the best outcomes when compared to the alternatives. One alternative could be thinking for yourself when you have all of the relevant information at your disposal. There needs to be a willingness to disobey an order when you know that it is not the best option. If you don't have all of the information (or not enough information to make an informed choice), then following the order would be acting on this trait.

### Some Virtues and Examples according to Virtue Consequentialism

Generosity is commonly touted as a virtue. There are many reasons to think that it is. We can use Virtue Consequentialism to give an explanation for it being a virtue. Generosity is a character trait and there are several other traits which one could have in its place. For example, one could be greedy or selfless (in this context) or any other trait in between. People consistently acting generously would tend to produce more good than them consistently acting greedy (egoism) or them consistently acting for others without regard to themselves (totally self-

less) (because then they would be the one needing help and it would be a vicious cycle).

Courage is a common example found in all virtue theories. Virtue Consequentialism can also accommodate this as a virtue. There are many different traits which could fill the place of courage, like foolhardiness and cowardice. People consistently acting foolhardy would, one can expect, lead to many unfortunate circumstances and unnecessary additional suffering in various situations (this is similar to selflessness). People consistently acting cowardly, on the other hand, will have a lot of unnecessary suffering as well because people would be too timid to give assistance. The best trait is courage because of the consequences.

There are many traits one could have when it comes to their willingness to crack jokes and make fun in a situation. One could be willing to make jokes regardless of the circumstance or one could be overly formal and never crack jokes. The virtue, in this case, would be the disposition to crack jokes when the expected outcome of making a joke in that circumstance is higher (or the highest) than not cracking a joke. A world where people consistently cracked jokes would have a lower value than this because that world would likely have many instances of making jokes at other people's expense or 'hurtful humor' not present in a world with this disposition. Similarly, a world where people consistently failed to make jokes would be lower because it would lack many of the positives which a good laugh provides.

There are many different traits one could have when

it comes to their work-ethic. One could be tenacious (always will to work, never stopping), lazy (never wanting to do anything), fickle (always switching jobs for the more fun one), and so on. The optimal trait would be one where a person has a tendency to work and be willing to do the unfun jobs, but make sure that there is time for having fun outside of work, not working themselves to death. A world where everyone consistently switched to more fun jobs would crumble pretty quick because the unfun ones tend to be necessary, same would likely happen in the case of laziness. A world where everyone worked without stopping would lack the happiness of having fun. This trait would have the best of all the worlds.

## MODULE VIII

### *Applied Ethics: The Abortion Debate*

# *The Moral and Legal Status of Abortion by Mary Warren*

<sup>62</sup> We will be concerned with both the moral status of abortion, which for our purposes we may define as the act that a woman performs in voluntarily terminating, or allowing another person to terminate, her pregnancy, and the legal status that is appropriate for this act. I will argue that, while it is not possible to produce a satisfactory defense of a woman's right to obtain an abortion without showing that a fetus is not a human being, in the morally relevant sense of that term, we ought not to conclude that the difficulties involved in determining whether or not a fetus is human make it impossible to produce any satisfactory solution to the problem of the moral status of

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<sup>62</sup>Mary Anne Warren, "On the Moral and Legal Status of Abortion," *The Monist* vol. 57, no. 1, 1973, <https://doi.org/10.5840/monist197357133>, pp. 43–61.

abortion. For it is possible to show that, on the basis of intuitions which we may expect even the opponents of abortion to share, *a fetus is not a person, hence not the sort of entity to which it is proper to ascribe full moral rights.*

Of course, while some philosophers would deny the possibility of any such proof,<sup>63</sup> others will deny that there is any need for it, since the moral permissibility of abortion appears to them to be too obvious to require proof. But the inadequacy of this attitude should be evident from the fact that both the friends and foes of abortion consider their position to be morally self-evident. Because proabortionists have never adequately come to grips with the conceptual issues surrounding abortion, most if not all, of the arguments which they advance in opposition to laws restricting access to abortion fail to refute or even weaken the traditional antiabortion argument, i.e., that a fetus is a human being, and therefore abortion is murder.

These arguments are typically of one of two sorts. Either they point to the terrible side effects of the restrictive laws, e.g., the deaths due to illegal abortions, and the fact that it is poor women who suffer the most as a result of these laws, or else they state that to deny a woman access to abortion is to deprive her of her right to control her own body. Unfortunately, however, the fact that restricting access to abortion has tragic side effects does not,

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<sup>63</sup>For example. Roger Wertheimer, who in "Understanding the Abortion Argument" (Philosophy and Public Affairs I:1) argues that the problem of the moral status of abortion is insoluble, in that the dispute over the status of the fetus is not a question of fact at all, but only a question of how one responds to the facts.

in itself, show that the restrictions are unjustified, since murder is wrong regardless of the consequences of prohibiting it; and the appeal to the right to control ones body, which is generally construed as a property right, is at best a rather feeble argument for the permissibility of abortion. Mere ownership does not give me the right to kill innocent people whom I find on my property, and indeed I am apt to be held responsible if such people injure themselves while on my property. It is equally unclear that I have any moral right to expel an innocent person from my property when I know that doing so will result in his death.

John Noonan is correct in saying that “the fundamental question in the long history of abortion is, How do you determine the humanity of a being?”.<sup>64</sup> He summarizes his own antiabortion argument, which is a version of the official position of the Catholic Church, as follows:<sup>65</sup>

... it is wrong to kill humans, however poor, weak, defenseless, and lacking in opportunity to develop their potential they may be. It is therefore morally wrong to kill infants. Similarly, it is morally wrong to kill embryos.

Noonan bases his claim that fetuses are human upon what he calls the theologians' criterion of humanity: that whoever is conceived of human beings is human. But although he argues at length for the appropriateness of

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<sup>64</sup>John Noonan, “Abortion and the Catholic Church: A Summary History,” *Natural Law Forum* vol. 12, 1967,

<sup>65</sup>John Noonan, “Deciding Who Is Human,” *Natural Law Forum* vol. 13, 1968,



this criterion, he never questions the assumption that if a fetus is human then abortion is wrong for exactly the same reason that murder is wrong.

Judith Thomson is, in fact, the only writer I am aware of who has seriously questioned this assumption; she has argued that, even if we grant the antiabortionist his claim that a fetus is a human being, with the same right to life as any other human being, we can still demonstrate that, in at least some and perhaps most cases, a woman is under no moral obligation to complete an unwanted pregnancy.<sup>66</sup> Her argument is worth examining, since if it holds up it may enable us to establish the moral permissibility of abortion without becoming involved in problems about what entitles an entity to be considered human, and accorded full moral rights. To be able to do this would be a great gain in the power and simplicity of the proabortion position, since, although I will argue that these problems can be salved at least as decisively as can any other moral problem, we should certainly be pleased to be able to avoid having to solve them as part of the justification of abortion.

On the other hand, even if Thomson's argument does not hold up, her insight, i.e., that it requires arguments to show that if fetuses are human then abortion is properly classified as murder, is an extremely valuable one. The assumption she attacks is particularly invidious, for it amounts to the decision that it is appropriate, in deciding the moral status of abortion, to leave the rights

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<sup>66</sup>Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy & Public Affairs* vol. 1, no. 1, 1971, pp. 47–66.

of the pregnant woman out of consideration entirely, except possibly when her life is threatened. Obviously, this will not do; determining what moral rights, if any, a fetus possesses is only the first step in determining the moral status of abortion. Step two, which is at least equally essential, is finding a just solution to the conflict between whatever rights the fetus may have, and the rights of the woman who is unwillingly pregnant. While the historical error has been to pay far too little attention to the second step, Thomson's suggestion is that if we look at the second step first, we may find that a woman has a right to obtain an abortion regardless of what rights the fetus has.

Our own inquiry will also have two stages. In Section I, we will consider whether or not it is possible to establish that abortion is morally permissible even on the assumption that a fetus is an entity with a full-fledged right to life. I will argue that in fact this cannot be established, at least not with the conclusiveness which is essential to our hopes of convincing those who are skeptical about the morality of abortion, and that we therefore cannot avoid dealing with the question of whether or not a fetus really does have the same right to life as a (more fully developed) human being.

In Section II, I will propose an answer to this question, namely, that a fetus cannot be considered a member of the moral community, the set of beings with full and equal moral rights, for the simple reason that it is not a person, and that it is personhood, and not genetic humanity, i.e., humanity as defined by Noonan, which is the basis for

membership in this community. I will argue that a fetus, whatever its stage of development, satisfies none of the basic criteria of personhood, and is not even enough like a person to be accorded even some of the same rights on the basis of this resemblance. Nor, as we will see, is a fetus's potential personhood a threat to the morality of abortion, since, whatever the rights of potential people may be, they are invariably overridden in any conflict with the moral rights of actual people.

## Part I

We turn now to Professor Thomson's case for the claim that even if a fetus has full moral rights, abortion is still morally permissible, at least sometimes, and for some reasons other than to save the woman's life. Her argument is based upon a clever, but I think faulty, thinking. She asked us to picture ourselves waking up one day, in bed with a famous violinist. Imagine that you have been kidnapped, and your bloodstream hooked up to that of the violinist, who happens to have an ailment that will certainly kill him unless he is permitted to share your kidneys for a period of nine months. No one else can save him, since you alone have the right type of blood. He will be unconscious all that time, and you will have to stay in bed with him, but after the nine months are over he may be unplugged, completely cured, that is provided that you have cooperated.

Now then, she continues, what are your obligations in this situation? The antiabortionist, if he is consistent, will

have to say that you are obligated to stay in bed with the violinist: for all people have a right to life, and violinists are people, and therefore it would be murder for you to disconnect yourself from him and let him die.<sup>67</sup> But this is outrageous, and so there must be something wrong with the same argument when it is applied to abortion. It would certainly be commendable of you to agree to save the violinist, but it is absurd to suggest that your refusal to do so would be murder. His right to life does not obligate you to do whatever is required to keep him alive; nor does it justify anyone else forcing you to do so. A law that required you to stay in bed with the violinist would clearly be an unjust law, since it is no proper function of the law to force unwilling people to make huge sacrifice for the sake of other people toward whom they have no such prior obligation. Thomson concludes that, if this analogy is an apt one, then we can grant the antiabortionist his claim that a fetus is a human being, and still hold that it is at least sometimes the case that a pregnant woman has the right to refuse to be a Good Samaritan towards the fetus, i.e., to obtain an abortion. For there is a great gap between the claim that x has a right to life, and the claim that y is obligated to do whatever is necessary to keep x alive, let alone that he ought to be forced to do so. It is y's duty to keep x alive only if he somehow contracted a special obligation to do so; a woman who is unwillingly pregnant, e.g., who was raped, has done nothing which obligates her to make the enormous sacrifice which is necessary to preserve the conceptus.

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<sup>67</sup>Thomson.

This argument is initially quite plausible, and in the extreme case of pregnancy due to rape, it is probably conclusive. Difficulties arise, however, when we try to specify more exactly the range of cases in which abortion is clearly justifiable even on the assumption that the fetus is human. Professor Thomson considers it a virtue of her argument that it does not enable us to conclude that abortion is always permissible. It would, she says, be "indecent" for a woman in seventh month to obtain an abortion just to avoid having to postpone a trip to Europe. On the other hand, her argument enables us to see that "a sick and desperately frightened schoolgirl pregnant due to rape may of course choose abortion, and that any law which rules this out is an insane law" (p. 65). So far, so good, but what are we to say about the woman who becomes pregnant not through rape but as a result of her own carelessness, or because of contraceptive failure, or who gets pregnant intentionally and then changes her mind about wanting a child? With respect to such cases, the violinist analogy is of much less use to the defender of the woman's right to obtain an abortion.

Indeed, the choice of a pregnancy due to rape, as an example of a case in which abortion is permissible even if a fetus is considered a human being, is extremely significant; for it is only in the case of pregnancy due to rape that the woman's situation is adequately analogous to the violinist case for our intuitions about the latter to transfer convincingly. The crucial difference between a pregnancy due to rape and the normal case of an unwanted pregnancy is that in the normal case we cannot claim that the

woman is in no way responsible for her predicament; she could have remained chaste, or taken her pills more faithfully or abstained on dangerous days, and so on. If on the other hand, you are kidnapped by strangers, and hooked up to a strange violinist, then you are free of any shred of responsibility for the situation, on the basis of which it would be argued that you are obligated to keep the violinist alive. Only when her pregnancy is due to rape is a woman clearly just as nonresponsible.<sup>68</sup>

Consequently, there is room for the antiabortionist to argue that in the normal case of unwanted pregnancy a woman has, by her own actions, assumed responsibility of the fetus. For if *x* behaves in a way which he could have avoided, and which he knows involves, let us say, a 1 percent chance of bringing into existence a human being, with a right to life, and does so knowing that if this should happen then that human being will perish unless *x* does certain things to keep him alive, then it is by no means clear that when it does happen *x* is free of any obligation to what he knew in advance would be required to keep that human being alive.

The plausibility of such an argument is enough to show that the Thomson analogy can provide a clear and persuasive defense of a woman's right to obtain an abortion only with respect to those cases in which the woman is in no way responsible for her pregnancy, e.g., where it is

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<sup>68</sup>We may safely ignore the fact that she might have avoided getting raped, e.g., by carrying a gun, since by similar means you might likewise have avoided getting kidnapped, and in neither case does the victim's failure to take all possible precautions against a highly unlikely event (as opposed to reasonable precautions against a rather likely event) mean that he is morally responsible for what happens.

due to rape. In all other cases, we would almost certainly conclude that it was necessary to look carefully at the particular circumstances in order to determine the extent of the woman's responsibility and hence the extent of her obligation. This is an extremely unsatisfactory outcome, from the viewpoint of the opponents of restrictive abortion laws, most of whom are convinced that a woman has a right to obtain an abortion regardless of how and why she got pregnant.

Of course, a supporter of the violinist analogy might point out that it is absurd to suggest that forgetting her pill one day might be sufficient to obligate a woman to complete an unwanted pregnancy. And indeed, it is absurd to suggest this. As we will see, the moral right to obtain an abortion is not in the least dependent upon the extent to which a woman is responsible for her pregnancy. But unfortunately, once we allow the assumption that a fetus has full moral rights, we cannot avoid taking this absurd suggestion seriously. Perhaps we can make this point more clear by altering the violinist story just enough to make it more analogous to a normal unwanted pregnancy and less to a pregnancy due to rape, and then seeing whether it is still obvious that you are not obligated to stay in bed with the fellow.

Suppose, then, that violinists are peculiarly prone to the sort of illness the only cure for which is the use of someone else's bloodstream for nine months, and that because of this there has been formed a society of music lovers who agree that whenever a violinist is stricken they will draw lots and the loser will, by some means, be made

the one and only person capable of saving him. Now then, would you be obligated to cooperate in curing the violinist if you had voluntarily joined this society, knowing the possible consequences, and then your name had been drawn and you had been kidnapped? Admittedly, you did not promise ahead of time that you would, but you did deliberately place yourself in a position in which it might happen that a human life would be lost if you did not. Surely, this is at least a *prima facie* reason for supposing that you have an obligation to stay in bed with the violinist. Suppose that you had gotten your name drawn deliberately; surely that would be quite a strong reason for thinking that you had such an obligation.

It might be suggested that there is one important disanalogy between the modified violinist case and the case of an unwanted pregnancy, which makes the woman's responsibility significantly less, namely, the fact that the fetus comes into existence as the result of the woman's actions. This fact might give her a right to refuse to keep it alive, whereas she would not have had this right had it existed previously, independently, and then as a result of her actions become dependent upon her for its survival.

My own intuition, however, is that *x* has no more right to bring into existence, either deliberately or as a foreseeable result of actions he could have avoided, a being with full moral rights *y*, and then refuse to do what he knew beforehand would be required to keep that being alive, than he has to enter into an agreement with an existing person, whereby he may be called upon to save that person's life, and then refuse to do so when so called upon.



Thus x's responsibility for y's existence does not seem to lessen his obligation to keep y alive, if he is also responsible for y's being in a situation in which only he can save him.

Whether or not this intuition is entirely correct, it brings us back once again to the conclusion that once we allow the assumption that a fetus has full moral rights it becomes an extremely complex and difficult question whether and when abortion is justifiable. Thus the Thomson analogy cannot help us produce a clear and persuasive proof of the moral permissibility of abortion. Nor will the opponents of the restrictive laws thank us for anything less; for their conviction (for the most part) is that abortion is obviously not a morally serious and extremely unfortunate, even though sometimes justified act, comparable to killing in self-defense or to letting the violinist die, but rather is closer to being a morally neutral act, like cutting one's hair.

The basis of this conviction, I believe, is the realization that a fetus is not a person, and thus does not have a full-fledged right to life. Perhaps the reason why this claim has been so inadequately defended is that it seems self-evident to those who accept it. And so it is, insofar as it follows from what I take to be perfectly obvious claims about the nature of personhood, and about the proper grounds for ascribing moral rights, claims which ought, indeed, to be obvious to both the friends and foes of abortion. Nevertheless, it is worth examining these claims, and showing how they demonstrate the moral innocuousness of abortion, since this apparently has not

been adequately done before.

## Part II

The question which we must answer in order to produce a satisfactory solution to the problem of the moral status of abortion is this: How are we to define the moral community, the set of beings with full and equal moral rights, such that we can decide whether a human fetus is a member of this community or not? What sort of entity, exactly, has the inalienable rights to life, liberty, and the pursuit of happiness? Jefferson attributed these rights to all men ... If so, then we arrive, first, at Noonan's problem of defining what makes a being human, and, second, at the equally vital question which Noonan does not consider, namely, What reason is there for identifying the moral community with the set of all human beings, in whatever way we have chosen to define that term?

### 1. On the Definition of "Human"

One reason why this vital second question is so frequently overlooked in the debate over the moral status of abortion is that the term "human" has two distinct, but not often distinguished, senses. This fact results in a slide of meaning, which serves to conceal the fallaciousness of the traditional argument that since (1) it is wrong to kill innocent human beings, and (2) fetuses are innocent human beings, then (3) it is wrong to kill fetuses. For if "human" is used in the same sense in both (1) and (2) then, whichever of the two uses is meant, one of these

premises is question-begging. And if it is used in two different senses then of course the conclusion doesn't follow.

Thus, (1) is a self-evident moral truth,<sup>69</sup> and avoids begging the question about abortion, only if "human being" is used to mean something like "a full-fledged member of the moral community." (It may or may not also be meant to refer exclusively to members of the species *Homo sapiens*.) We may call this the moral sense of "human." It is not to be confused with what we will call the genetic sense; i.e., the sense in which a member of the species is a human being, and no member of any other species could be. If (1) is acceptable only if the moral sense is intended, (2) is non-question-begging only if what is intended is the genetic sense.

In "Deciding Who Is Human," Noonan argues for the classification of fetuses with human beings by pointing to the presence of the full genetic code, and the potential capacity for rational thought (p. 135). It is clear that what he needs to show, for his version of the traditional argument to be valid, is that fetuses are human in the moral sense, the sense in which it is analytically true that all human beings have full moral rights. But, in the absence of any argument showing that whatever is genetically human is also morally human, and he gives none, nothing more than genetic humanity can be demonstrated by the presence of the human genetic code. And, as we will

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<sup>69</sup>Of course, the principle that it is (always) wrong to kill innocent human beings is in need of many other modifications, e.g., that it may be permissible to do so to save a greater number of other innocent human beings, but we may safely ignore these complications here.

see, the potential capacity for rational thought can at most show that an entity has the potential for becoming human in the moral sense.

## 2. Defining the Moral Community

Can it be established that genetic humanity is sufficient for moral humanity? I think that there are very good reasons for not defining the moral community in way. I would like to suggest an alternative way of defining the moral community, which I will argue for only to the extent of explaining why it is, or should be, self-evident. The suggestion is simply that the moral community consists of all and only people, rather than all and only human beings;<sup>70</sup> and probably the best way of demonstrating its self-evidence is by considering the concept of personhood, to see what sorts of entity are and are not persons, and what the decision that a being is or is not a person implies about its moral rights.

What characteristics entitle an entity to be considered a person? This is obviously not the place to attempt a complete analysis of the concept of personhood, but we do not need such a fully adequate analysis just to determine whether and why a fetus is or isn't a person. All we need is a rough and approximate list of the most basic criteria of personhood, and some idea of which, or how many, of these an entity must satisfy in order to properly be considered a person. 28 In searching for such criteria,

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<sup>70</sup>From here on, we will use "human" to mean genetically human, since the moral sense seems closely connected to, and perhaps derived from, the assumption that genetic humanity is sufficient for membership in the moral community.

it is useful to look beyond the set of people with whom we are acquainted, and ask how we would decide whether a totally alien being was a person or not. (For we have no right to assume that genetic humanity is necessary for personhood.) Imagine a space traveler who lands on an unknown planet and encounters a race of beings utterly unlike any he has ever seen or heard of. If he wants to be sure of behaving morally toward these beings, he has to somehow decide whether they are people, and hence have full moral rights, or whether they are the sort of thing which he need not feel guilty about treating as, for example, a source of food.

How should he go about making this decision? If he has some anthropological background, he might look for such things as religion, art, and the manufacturing of tools, weapons, or shelters, since these factors have been used to distinguish our human from our prehuman ancestors, in what seems to be closer to the moral than the genetic sense of "human." And no doubt he would be right to consider the presence of such factors as good evidence that the alien beings were people, and morally human. It would, however, be overly anthropocentric of him to take the absence of these things as adequate evidence that they were not, since we can imagine people who have progressed beyond, or evolved without ever developing these cultural characteristics.

I suggest that the traits which are most central to the concept of personhood, or humanity' in the moral sense, are, very roughly; the following:

- 1 consciousness (of objects and events external and/or

- internal to the being), and in particular the capacity to feel pain;
- 2 reasoning (the developed capacity to solve new and relatively complex problems);
- 3 self-motivated activity (activity which is relatively independent of either genetic or direct external control);
- 4 the capacity to communicate, by whatever means, messages of an indefinite variety of types, that is, not just with an indefinite number of possible contents, but on indefinitely many possible topics;
- 5 the presence of self-concepts, and self-awareness, either individual or racial, or both.

Admittedly, there are apt to be a great many problems involved in formulating precise definitions of these criteria, let alone in developing universally valid behavioral criteria for deciding when they apply. But I will assume that both we and our explorer know approximately what (1)-(5) mean, and that he is also able to determine whether or not they apply. How, then, should he use his findings to decide whether or not the alien beings are people? We needn't suppose that an entity must have all of these attributes to be properly considered a person; (1) and (2) alone may well be sufficient for personhood, and quite probably (1)-(3), if "activity" is construed so as to include the activity of reasoning.

All we need to claim, to demonstrate that a fetus is not a person, is that any being which satisfies none of (1)-(5)

is certainly not a person. I consider this claim to be so obvious that I think anyone who denied it, and claimed that a being which satisfied none of (1)-(5) was a person all the same, would thereby demonstrate that he had no notion at all of what a person is—perhaps because he had confused the concept of a person with that of genetic humanity. If the opponents of abortion were to deny the appropriateness of these five criteria, I do not know what further arguments would convince them. We would probably have to admit that our conceptual schemes were indeed irreconcilably different, and that our dispute could not be settled objectively.

I do not expect this to happen, however, since I think that the concept of a person is one which is very nearly universal (to people), and that it is common to both proabortionists and antiabortionists, even though neither group has fully realized the relevance of this concept to the resolution of their dispute. Furthermore, I think that on reflection even the antiabortionists ought to agree not only that (1) - (5) are central to the concept of personhood, but also that it is a part of this concept that all and only people have full moral rights. The concept of a person is in part a moral concept; once we have admitted that *x* is a person we have recognized, even if we have not agreed to respect, *x*'s right to be treated as a member of the moral community. It is true that the claim that *x* is a human being is more commonly voiced as part of an appeal to treat *x* decently than is the claim that *x* is a person, but this is either because "human being" is here used in the sense which implies personhood, or because the genetic and

moral sense of "human" have been confused.

Now if (1)-(5) are indeed the primary criteria of personhood, then it is clear that genetic humanity is neither necessary nor sufficient for establishing that an entity is a person. Some human beings are not people, and there may well be people who are not human beings. A man or woman whose consciousness has been permanently obliterated but who remains alive is a human being which is no longer a person; defective human beings, with no appreciable mental capacity, are not and presumably never will be people; and a fetus is a human being which is not yet a person, and which therefore cannot coherently be said to have full moral rights. Citizens of the next century should be prepared to recognize highly advanced, self-aware robots or computers, should such be developed, and intelligent inhabitants of other worlds, should such be found, as people in the fullest sense, and to respect their moral rights. But to ascribe full moral rights to an entity which is not a person is as absurd as to ascribe moral obligations and responsibilities to such an entity.

### 3. Fetal Development and the Right to Life

Two problems arise in the application of these suggestions for the definition of the moral community to the determination of the precise moral status of a human fetus. Given that the paradigm example of a person is a normal adult being, then (I) How like this paradigm, in particular how far advanced since conception, does a human being need to be before it begins to have a right to life by virtue,



not of being fully a person as of vet, but of being like a person? and (2) To what extent, if any does the fact that a fetus has the potential for becoming a person endow it with some of the same rights? Each of these questions requires some comment.

In answering the first question, we need not attempt a detailed consideration of the moral rights of organisms which are not developed enough, aware enough, intelligent enough, etc., to be considered people, but which resemble people in some respects. It does seem reasonable to suggest that the more like a person, in the relevant respects, a being is, the stronger is the case for regarding it as having a right to life, and indeed the stronger its right to life is. Thus we ought to take seriously the suggestion that, insofar as "the human individual develops biologically in a continuous fashion ... the rights of a human person might develop in the same way".<sup>71</sup> But we must keep in mind that the attributes which are relevant in determining whether or not an entity is enough like a person to be regarded as having some of the same moral rights are no different from those which are relevant to determining whether or not it is fully a person—i.e., are no different from (1)-(5)—and that being genetically human, or having recognizably human facial and other physical features, or detectable brain activity, or the capacity to survive outside the uterus, are simply not among these relevant attributes.

Thus it is clear that even though a seven- or eight-month fetus has features which make it apt to arouse in

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<sup>71</sup>Thomas L. Hayes, "A Biological View," *Commonweal* vol. 85,

us almost the same powerful protective instinct as is commonly aroused by a small infant, nevertheless it is not significantly more personlike than is a very small embryo. It is somewhat more personlike; it can apparently feel and respond to pain, and it may even have a rudimentary form of consciousness, insofar as its brain is quite active. Nevertheless, it seems safe to say that it is not fully conscious, in the way that an infant of a few months is, and that it cannot reason, or communicate messages of indefinitely many sorts, does not engage in self-motivated activity; and has no self-awareness. Thus, in the relevant respects, a fetus, even a fully developed one, is considerably less personlike than is the average mature mammal, indeed the average fish. And I think that a rational person must conclude that if the right to life of a fetus is to be based upon its resemblance to a person, then it cannot be said to have any more right to life than, let us say, a newborn guppy (which also seems to be capable of feeling pain), and that a right of that magnitude could never override a woman's right to obtain an abortion, at any stage of her pregnancy.

There may, of course, be other arguments in favor of placing legal limits upon the stage of pregnancy in which an abortion may be performed. Given the relative safety of the new techniques of artificially inducing labor during the third trimester, the danger to the woman's life or health is no longer such an argument. 39 Neither is the fact that people tend to respond to the thought of abortion in the later stages of pregnancy with emotional repulsion, since mere emotional responses cannot take the place

of moral reasoning in determining what ought to be permitted. Nor, finally, is the frequently heard argument that legalizing abortion, especially late in the pregnancy, may erode the level of respect for human life, leading, perhaps, to an increase in unjustified euthanasia and other crimes. For this threat, if it is a threat, can be better met by educating people to the kinds of moral distinctions which we are making here than by limiting access to abortion (which limitation may, in its disregard for the rights of women, be just as damaging to the level of respect for human rights).

Thus, since the fact that even a fully developed fetus is not personlike enough to have any significant right to life on the basis of its personlikeness shows that no legal restrictions upon the stage of pregnancy in which an abortion may be performed can be justified on the grounds that we should protect the rights of the older fetus. And once there is no other apparent justification for such restrictions, we may conclude that they are entirely unjustified. Whether or not it would be indecent (whatever that means) for a woman in her seventh month to obtain an abortion just to avoid having a to postpone a trip to Europe, it would not, in itself, be immoral, and therefore it ought to be permitted.

#### 4. Potential Personhood and the Right to Life

We have seen that a fetus does not resemble a person in any way that can support the claim that it has even some of the same rights. But what about its potential, the fact that if nurtured and allowed to develop naturally it will

very probably become a person? Doesn't that alone give it at least some right to life? It is hard to deny that the fact that an entity is a potential person is a strong *prima facie* reason for not destroying it, but we need not conclude from this that a potential person has a right to life, by virtue of that potential. It may be that our feeling that it is better, other things being equal, not to destroy a potential person is better explained by the fact that potential people are still (felt to be) an invaluable resource, not to be lightly squandered. Surely, if every speck of dust were a potential person, we would be much less apt to conclude that every potential person has a right to become actual.

Still, we do not need to insist that a potential person has no right to life whatever. There may well be something immoral, and not just imprudent, about wantonly destroying potential people, when doing so isn't necessary to protect anyone's rights. But even if a potential person does have some *prima facie* right to life, such a right could not possibly outweigh the right of a woman to obtain an abortion, since the rights of any actual person invariably outweigh those of any potential person, whenever the two conflict. Since this may not be immediately obvious in the case of a human fetus, let us look at another case.

Suppose that our space explorer falls into the hands of an alien culture, whose scientists decide to create a few hundred thousand or more human beings, by breaking his body into its component cells, and using these to create fully developed human beings, with, of course, his

genetic code. We may imagine that each of these newly created men will have all of the original man's abilities, skills, knowledge, and so on, and also have an individual self-concept, in short that each of them will be a bona fide (though hardly unique) person. Imagine that the whole project will take only seconds, and that its chances of success are extremely high, and that our explorer knows all of this, and also knows that these people will be treated fairly. I maintain that in such a situation he would have every right to escape if he could, and thus to deprive all of these potential people of their potential lives; for his right to life outweighs all of theirs together, in spite of the fact that they are all genetically human, all innocent, and all have a very high probability of becoming people very soon, if only he refrains from acting.

Indeed, I think he would have a right to escape even if it were not his life which the alien scientists planned to take, but only a year of his freedom, or, indeed, only a day. Nor would he be obligated to stay if he had gotten captured (thus bringing all these people-potentials into existence) because of his own carelessness, or even if he had done so deliberately knowing the consequences. Regardless of how he got captured, he is not morally obligated to remain in captivity for any period of time for the sake of permitting any number of potential people to come into actuality, so great is the margin by which one actual person's right to liberty outweighs whatever right to life even a hundred thousand potential people have. And it seems reasonable to conclude that the rights of a woman will outweigh by a similar margin whatever right to

life a fetus may have by virtue of its potential personhood.

Thus, neither a fetus's resemblance to a person, nor its potential for becoming a person, provides any basis whatsoever for the claim that it has any significant right to life. Consequently, a woman's right to protect her health, happiness, freedom, and even her life,<sup>72</sup> by terminating an unwanted pregnancy will always override whatever right to life it may be appropriate to ascribe to a fetus, even a fully developed one. And thus, in the absence of any overwhelming social need for every possible child, the laws which restrict the right to obtain an abortion, or limit the period of pregnancy during which an abortion maybe performed, are a wholly unjustified violation of a woman's most basic moral and constitutional rights.<sup>73</sup>

## Postscript on Infanticide, February 26, 1982

One of the most troubling objections to the argument presented in this article is that it may appear to justify not only abortion but infanticide as well. A newborn infant is not a great deal more personlike than a ninemonth fetus, and thus it might seem that if late-term abortion is sometimes justified, then infanticide must also be sometimes justified. Yet most people consider that infanticide is a form of murder, and thus never justified.

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<sup>72</sup>That is, insofar as the death rate, for the woman, is higher for child-birth than for early abortion.

<sup>73</sup>My thanks to the following people, who were kind enough to read and criticize an earlier version of this paper: Herbert Gold, Gene Glass, Anne Lauterbach, Judith Thomson, Mary Mothersill, and Timothy Binkley.

While it is important to appreciate the emotional force of this objection, its logical force is far less than it may seem at first glance. There are many reasons why infanticide is much more difficult to justify than abortion, even though if my argument is correct neither constitutes the killing of a person. In this country, and in this period of history, the deliberate killing of viable newborns is virtually never justified. This is in part because neonates are so very close to being persons that to kill them requires a very strong moral justification as does the killing of dolphins, whales, chimpanzees, and other highly personlike creatures. It is certainly wrong to kill such beings just for the sake of convenience, or financial profit, or "sport."

Another reason why infanticide is usually wrong, in our society, is that if the newborn's parents do not want it, or are unable to care for it, there are (in most cases) people who are able and eager to adopt it and to provide a good home for it. Many people wait years for the opportunity to adopt a child, and some are unable to do so even though there is every reason to believe that they would be good parents. The needless destruction of a viable infant inevitably deprives some person or persons of a source of great pleasure and satisfaction, perhaps severely impoverishing their lives. Furthermore, even if an infant is considered to be adoptable (e.g., because of some extremely severe mental or physical handicap) it is still wrong in most cases to kill it. For most of us value the lives of infants, and would prefer to pay taxes to support orphanages and state institutions for the handicapped rather than to allow unwanted infants to be killed.

So long as most people feel this way, and so long as our society can afford to provide care for infants which are unwanted or which have special needs that preclude home care, it is wrong to destroy any infant which has a chance of living a reasonably satisfactory life.

If these arguments show that infanticide is wrong, at least in this society, then why don't they also show that late-term abortion is wrong? After all, third trimester fetuses are also highly personlike, and many people value them and would much prefer that they be preserved; even at some cost to themselves. As a potential source of pleasure to some family, a viable fetus is just as valuable as a viable infant. But there is an obvious and crucial difference between the two cases: once the infant is born, its continued life cannot (except, perhaps, in very exceptional cases) pose any serious threat to the woman's life or health, since she is free to put it up for adoption, or, where this is impossible, to place it in a state-supported institution. While she might prefer that it die, rather than being raised by others, it is not clear that such a preference would constitute a right on her part. True, she may suffer greatly from the knowledge that her child will be thrown into the lottery of the adoption system, and that she will be unable to ensure its well-being, or even to know whether it is healthy, happy, doing well in school, etc.: for the law generally does not permit natural parents to remain in contact with their children, once they are adopted by another family. But there are surely better ways of dealing with these problems than by permitting infanticide in such cases. (It might help, for instance,



if the natural parents of adopted children could at least receive some information about their progress, without necessarily being informed of the identity of the adopting family.)

In contrast, a pregnant woman's right to protect her own life and health clearly outweighs other people's desire that the fetus be preserved—just as, when a person's life or limb is threatened by some wild animal, and when the threat cannot be removed without killing the animal, the person's right to self-protection outweighs the desires of those who would prefer that the animal not be harmed. Thus, while the moment of birth may not mark any sharp discontinuity in the degree to which an infant possesses a right to life, it does mark the end of the mother's absolute right to determine its fate. Indeed, if and when a late-term abortion could be safely performed without killing the fetus, she would have no absolute right to insist on its death (e.g., if others wish to adopt it or pay for its care), for the same reason that she does not have a right to insist that a viable infant be killed.

It remains true that according to my argument neither abortion nor the killing of neonates is properly considered a form of murder. Perhaps it is understandable that the law should classify infanticide as murder or homicide, since there is no other existing legal category which adequately or conveniently expresses the force of our society's disapproval of this action. But the moral distinction remains, and it has several important consequences.

In the first place, it implies that when an infant is born into a society which—unlike ours—is so impoverished that it

simply cannot care for it adequately without endangering the survival of existing persons, killing it or allowing it to die is not necessarily wrong-provided that there is no other society which is willing and able to provide such care. Most human societies, from those at the hunting and gathering stage of economic development to the highly civilized Greeks and Romans, have permitted the practice of infanticide under such unfortunate circumstances, and I would argue that it shows a serious lack of understanding to condemn them as morally backward for this reason alone.

In the second place, the argument implies that when an infant is born with such severe physical anomalies that its life would predictably be a very short and/or very miserable one, even with the most heroic of medical treatment, and where its parents do not choose to bear the often crushing emotional, financial and other burdens attendant upon the artificial prolongation of such a tragic life, it is not morally wrong to cease or withhold treatment, thus allowing the infant a painless death. It is wrong (and sometimes a form of murder) to practice involuntary euthanasia on persons, since they have the right to decide for themselves whether or not they wish to continue to live. But terminally ill neonates cannot make this decision for themselves, and thus it is incumbent upon responsible persons to make the decision for them, as best they can. The mistaken belief that infanticide is always tantamount to murder is responsible for a great deal of unnecessary suffering, not just on the part of infants which are made to endure needlessly prolonged and painful deaths, but also

on the part of parents, nurses, and other involved persons, who must watch infants suffering needlessly, helpless to end that suffering in the most humane way.

I am well aware that these conclusions, however modest and reasonable they may seem to some people, strike other people as morally monstrous, and that some people might even prefer to abandon their previous support for women's right to abortion rather than accept a theory which leads to such conclusions about infanticide. But all that these facts show is that abortion is not an isolated moral issue; to fully understand the moral status of abortion we may have to reconsider other moral issues as well, issues not just about infanticide and euthanasia, but also about the moral rights of women and of nonhuman animals. It is a philosopher's task to criticize mistaken beliefs which stand in the way of moral understanding, even when—perhaps especially when—those beliefs are popular and widespread. The belief that moral strictures against killing should apply equally to all genetically human entities, and only to genetically human entities, is such an error. The overcoming of this error will undoubtedly require long and often painful struggle; but it must be done.

## *Part 23: What is an Abortion?*

This question is the start of a very heated debate which can get nasty, so please keep that in mind. I have used other heated examples before, so you should know how to handle this. For this chunk, we are just looking at what it is, not the moral status of it. Here, we are looking at the metaphysical question concerning abortion, what is it? Later, once this is settled, we will look at the ethical question, is it OK to have one?

One essential feature to an abortion, it would seem, is that there needs to be the ending of a pregnancy. But, that certainly can't be it. Take this case as an example:

Birth is the ending of a pregnancy.

By our definition, the ending of a pregnancy is an abortion.

Therefore, birth is an abortion.

So, we could add in something about the pre-mature nature of the termination, but that would make pre-mature

births abortions, which also seems just as wrong (as in misfitting). Glossing over some of the more graphic examples I could give, the core, missing feature which makes an act an abortion and not birth or some crime against another person seems to be that it needs to be voluntary. The woman needs to, with informed consent, want to terminate the pregnancy early, without resulting in a child. There can be interesting cases, worth thinking about, where the woman gives consent, but not informed consent (she may have been misinformed about what exactly it entails, which might make her not want it). For this module, we will be defining an abortion as one of these two things (could be both, but that's a weird case), these two features fit for both the pro-choice side and the pro-life side of the debate, we will be covering both:

1. A woman voluntarily terminating her own pregnancy.
2. A woman allowing another to terminate her pregnancy (referring to the subject).

If you only have the first one, then you will not get cases of, say, doctor assisting the woman in terminating her pregnancy. If you only have the second one, then you will not get cases of self-administered abortions. To avoid the cases where birth could be defined as an abortion, we need to say that 'terminating a pregnancy' does involve the ending of a fetus. The moral status of that fetus is where the debate is.

Is it morally permissible to have an abortion?

I get that this is a hot issue, and if I have not already, I guess that I will need to be far more active in the comments in the discussion for this one than I already have been, please remember to be civil. For Warren, the moral status of abortion hinges on the answer to the following question:

The Fetus Question: Is a fetus a person, in the morally relevant sense?

The main tie-in, and one which you will read me say several times, is that if a fetus is a person, then abortion is wrong, if a fetus is not a person, then abortion is permissible. The Fetus Question moves the ethical debate regarding abortion, "is abortion murder?" to a metaphysical debate regarding person-hood. Typically, our moral intuitions are gut responses, which come from mental shortcuts, when we analyse that shortcut, we can get down to a metaphysical question which we have grounds to prove or disprove. The author of the reading is arguing that it is possible to show that a fetus is not a person, making abortion permissible.<sup>74</sup>

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<sup>74</sup>Some students, especially those who use translation dictionaries, will have issues with two different words, these words are "person" and "human". These do not mean the same thing, and we will see how these come apart later. For now, a human is a member of our species and a person is a being with moral worth equal to you or me. We will see later how there can be non-human persons.

## Framing the Problem

Of course, while some philosophers and others would deny the possibility of a proof that a fetus is not a person, claiming that to do so would be to prove a contradiction or that it's not possible to prove either way (this would lead to skepticism about fetal person-hood). By the same token, others will claim that there's no need for a proof. These people claim that the moral status of a fetus, its person-hood, is too obvious to need justification. But, both sides of the debate, pro-choice and the pro-life, take their evidence and reasoning to be obvious, to an equal degree. This is much like a belief in God. Some Atheists claim that the non-existence of God is clear and obvious, while at the same time, Theists claim that the existence of God is equally obvious. This disagreement means that we can't trust our gut instincts on this issue, we need to use logic to show that one of the sides is faulty.

Through this module, we will see the best arguments on both sides of the abortion debate. But, to start us off, we will look at the commonplace, pro-choice arguments. Though Warren agrees with their conclusions, she disagrees with how they got there. There are glaring issues in their reasoning.

## Argument A

Restrictive Laws regarding abortion cause more harm than the lack of those laws.

Causing more harm than otherwise is always wrong.

Therefore, restrictive laws regarding abortions are wrong.

## Argument B

Restrictive laws regarding abortion deny women the ability to control their reproduction.

Denying women the right to control their reproduction violates their right to control their body.

Violating their right to control their body is always wrong.

Therefore, restrictive laws regarding abortions are wrong.

Pro-choicers (I made that term up) have never adequately come to grips with the conceptual issues surrounding abortion. As a result, their arguments miss the mark when they try to attack the pro-life side. Their arguments avoid the fight rather than engaging in it. You can think of it as the pro-lifers are in a castle, and the pro-choicers are attacking it, but their catapults always miss. Most, if not all, of the arguments which they give in favor of legal abortions fail to refute or even weaken the traditional pro-life argument. This is that a fetus is a human being and, therefore, abortion is murder.

The pro-choice arguments tend to fall into two different categories. First, the arguments use consequentialist/u-



utilitarian style reasoning to show that having abortions be illegal is wrong. This is exemplified by Argument A. For example, these arguments point to the terrible results of having the restrictive laws. These include things like the deaths caused by unsafe abortions, the fact that they unfairly result in harder hardship on poorer women, the fact that the lack of access results in emotional hardship, and so on. But, the pro-life side has an easy reply to this. They can claim that the tragic side effects don't, by themselves, show that the laws aren't justified (they can still be justified even with the results). This is where we can get these arguments:

### The Pro-Life Response to Argument A:

- 1 A fetus is a being worthy of our moral consideration, same as you or me.
- 2 If a fetus is a being worthy of our moral consideration, then abortion is murder.
- 3 Murder is always wrong (regardless of the consequences).
- 4 So, from (1) and (2), abortion is murder.
- 5 Therefore, from (3) and (4), abortion is always wrong (regardless of the consequences).

### The Pro-Life Response to Argument B:

- 1 Violating a person's rights is always wrong.
- 2 A person's rights extend so far as they do not violate another's stronger right.
- 3 A person's right to life is stronger than another person's bodily rights.
- 4 Having an abortion (a claimed case of bodily right) is violating a fetus' right to life (as a fetus is a person).
- 5 Therefore, having an abortion is always wrong.

The Pro-Life Response to Argument A , in their eyes, takes out the reasoning for the second line of Argument A. This is basically showing that there are some cases where the moral status of some behavior is not determined by the consequences. This can be supported by the very definition of murder, which is wrongful intentional killing. This kind of argument falls into the non-

consequentialist style thinking and the basis there is that something are wrong regardless of the consequences. This will show up several times, the pro-life side of the debate tends to give reasons rooted in non-consequentialist style thinking. There is another pro-choice reply to this, which debates the idea that the abortion is murder in this case, further deepening the divide between the intuitions (because the reasonable response is more strongly consequentialist)

The second argument given by the pro-choicers is exemplified by Argument B. This one uses a more non-consequentialist/Kantian style reasoning, pointing out that denying a woman the ability to have an abortion is to deprive her of some manner of bodily right. For example, the right to choose when and how one bears young. This one also falls short. The Pro-Life Response to Argument B shows where this falls short. They are basically saying there that while a person has rights, those rights can't imply that it's OK to violate another's rights. For example, take property rights. It seems clear that a person has the right to remove another from their property and has the right to defend their property, but how far does that right extend? Take this example, which really did happen, but I have exaggerated for our purposes:

A man owns a large piece of property, land, and there's a group of young hooligans who ride their motor bikes on the trails through his land. So, one day, he put up a line of piano wire across one of the trails, at a particular height. As one of the young people rides through the trail, the wire, tight, catches them on the neck and decapitates them.

This was wrong of him, or so many have argued, and the pro-lifers can use the sort of reasoning here to support themselves. In putting up the piano wire and killing the hooligan, the man violated that person's right to life. This right is stronger than the property rights which the man would have otherwise had, meaning that in this case, he did not have the right to protect his property in this way. From this line of thought, the pro-lifer can say that, because a person's right to life is stronger than a person's bodily rights, abortion is still wrong. Since we have these strong competing intuitions and because the pro-lifer, the serious ones at least, won't give an inch for the consequentialist considerations, we are going to need to approach the abortion debate from the non-consequentialist perspective and show that the system, in fact, allows for abortion.

### The Fundamental Question

The most basic question which we need to answer is not about the results of having legal abortions but rather about what it takes to be a person. This is the Fetus Question. The pro-life responses to the commonplace

pro-choice arguments show that they take a fetus to be a person. So, there are two routes we can take. First, we could show that there are some cases such that, even if we assume that a fetus is a person, abortion is still permissible (this is the first part of the pro-choice response). Second, we could show that a fetus is not a person, thereby making abortion permissible (before a certain point). So, for that second half, we need to show what features it takes to be a person. If a fetus has the features, then it is a person and abortion is murder, if it does not, then it is not. Warren's case is that there are certain cases where it's permissible to have an abortion, even if a fetus is a person, and then she moves on to show that a fetus is not a person, which entails that abortion is permissible.

## *Part 24: The Abortion Debate (Pro-Choice)*

### **Assume That a Fetus is a Person**

As I mentioned at the end of the previous page, Warren has two parts to her paper. First, she will assume, just for the sake of argument, that a fetus is a person, and then from that show that if a fetus is a person, there are cases where killing it is permissible. The second section is where she shows that a fetus is not a person, so it's not entitled to the same moral rights as you or me, which means that abortion is permissible. This page is the start of that first section. If there's a way to get that at least some abortions are OK in this case, then you can't have the all out ban on them which is some times proposed. Rather, morally speaking, you would need to have some exceptions. It is worth noting, and we will return to this point, that the morality of an abortion, proved in this section, assuming that a fetus is a person, is limited to a very select range of cases. This range of cases is de-

fined, roughly, by how much consent the woman had in the actions resulting in pregnancy. This is where Warren, through Judith Thomson, gets the Violinist Thought Experiment:<sup>75</sup>

Imagine that you have been kidnapped, and your bloodstream hooked up to that of the violinist, who happens to have an ailment that will certainly kill him unless he is permitted to share your kidneys for a period of nine months. You are a human dialysis machine. No one else can save him, since you alone have the right type of blood. He will be unconscious all that time, and you will have to stay in bed with him, but after the nine months are over he may be unplugged, completely cured, that is provided that you have cooperated. The violinist themselves had no knowledge that this would happen to them.

A common point stated about this thought experiment is that it says that you are stuck in bed for the 9-months. While this is not true in most cases of pregnancy (as in the woman can move around), there are plenty of cases of pregnancy where this is the case (as in they are stuck in bed for most of it), especially if the woman is quite small (my mom, for example, is 4' 10") and the father is quite large (my father, for example, is 6' 2"). But, moving on, if the person on the pro-life side of this debate is consistent in their beliefs, if they don't have any contradictions in their reasoning, then they will need to say that you would

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<sup>75</sup>Thomson.

need to go to term and be there for the full 9-months. Despite you being forced into the situation, you will need to keep the violinist alive. They come to this from the following reasoning, which is much like their response to Argument B in the previous part:

The Pro-Life Response to  
Argument B:

- 0 (hidden line) A fetus is a person.
- 1 Violating a person's rights is always wrong.
- 2 A person's rights extend so far as they do not violate another's stronger right.
- 3 A person's right to life is stronger than another person's bodily rights.
- 4 Having an abortion (a claimed case of bodily right) is violating a fetus' right to life (as a fetus is a person).
- 5 Therefore, having an abortion is always wrong.

The Pro-Life Case to Stay  
Plugged In:

- 0 (hidden line) A violinist is a person.
- 1 Violating a person's rights is always wrong.
- 2 A person's rights extend so far as they do not violate another's stronger right.
- 3 A person's right to life is stronger than another person's bodily rights.
- 4 Unplugging from the violinist is violating the violinist's right to life.
- 5 Therefore, unplugging from the violinist is always wrong.



This, as we have seen before, is very strongly non-consequentialist style thinking. But, the vast majority of people would think that it's outrageous to think that there's the moral obligation here to keep the violinist alive. The claim here, roughly, boils down to the idea that the rights of another can't force a person to go above and beyond, take extreme measures, to ensure it. The violinist case shows that there are some cases where a person's bodily rights are stronger than a person's right to life. If there are cases like this for pregnancy, then the pro-lifer, morally, can't hold their position absolutely. It's really good of a person to agree to take on such a sacrifice, especially if it was thrust upon them like this, but it seems wrong to say that your refusal is murder. Though he certainly has the right to life, something about this case must be off, removing the obligation. His right to life, in this case, does not force you, morally speaking, to keep him alive by whatever means necessary; nor does it justify anyone else forcing you to do so. A law that required you to stay in bed with the violinist would clearly be an unjust law, since it is no proper function of the law to force unwilling people to make huge sacrifice for the sake of other people toward whom they have no such prior obligation. The key feature, for the Violinist case, is that you did not give informed consent to be plugged into the violinist.

What does this case get us?

Well, it does get us something to get started on. There are a few similarities and differences between this case and pregnancies. First, we have a person (assuming that

a fetus is a person) who is dependent on another for survival. In both cases, if the aware party does certain actions, then the other will die. The other aspect is that the dependency causes a drain on the aware party. In this case, there's a sense in which the other does not have a moral obligation to keep them alive. But, what removed that obligation? Some would say, as Warren does, that the key feature which negates the obligation is the kidnapping aspect. The person did not knowingly and voluntarily enter into this arrangement. They did not consent to taking on the risk. If a woman does not enter into this arrangement willingly or without knowing the risks (without informed consent), then her situation is sufficiently similar to the violinist's case.

### The Results of the Violinist Case and the Problems

The Violinist Thought-Experiment is initially quite plausible. It gives us a grounding to have that we aren't always obligated to keep people alive by any means necessary. If there are cases where a pregnancy is sufficiently like this case, then we can get the permissibility of abortion in those cases. But, for cases where they aren't relevantly similar to the Violinist case, we don't get the windy-side of morality, necessarily. The only real cases which are sufficiently like the violinist case are cases of pregnancy due to rape. In those cases, the woman did not voluntarily take on the risks. But, there could be some vagueness on how much give the Violinist Case gives us. If we extend it too far from the bounds of the Violinist case, we

could run into wrinkles. For example, take this case:

A woman, who is 7-months pregnant, finds herself unable to travel to Europe because of the pregnancy. She really does not want to postpone the trip. But, if she has an abortion, then the trip will go off without a hitch. Is it permissible for her to have an abortion?

There seems to be a relevant difference between this case and the violinist case. For this one, people will often make a few different claims. First, some will claim that the woman is too far into the game to quit now, saying that the time for the abortion has passed. Others might claim that the trip to Europe is not a good enough reason to want an abortion, the case just doesn't make her bodily right strong enough. And others still will say that (assuming this is not a case of rape) that she entered into this knowing the risk and has the obligation.

In the case of pregnancies not caused by rape, there are other things which the woman could have done to prevent her. In other cases, there are some things which the woman could have done. These are Warren's examples, so if they aren't correct or in some way off, be mad at her. First, she could have remained chaste. In other words, she could have denied her partner the relations. If the partner acted anyway, this would be rape and fall into the violinist case. Remember, informed consent is absolutely key. Her second option, if she chooses to have sex, is to have taken her pills more faithfully. I know from the life experiences of friends, family, and former students,

that this is hardly a 100% sure-fire way to prevent pregnancy as it's often believed to be. Personally, I am in favor of the development of the male-birth control, as it's better to take the bullets out of the gun than put on a bullet proof vest. The third option, if all else fails, is for her to abstain on dangerous days. But this option, also, is not reliable as some might claim. I encourage all people to research these options, but only get your research from non-religious, non-abstinence only, scientific sources.

### The Pro-Life Response

Consequently, there is room for the antiabortionist to argue that in the normal case of unwanted pregnancy a woman has, by her own actions, assumed responsibility of the fetus.

If x behaves in a way which he could have avoided, and which he knows involves a 1% chance of bringing into existence a human being, with a right to life, and does so knowing that if this should happen then that human being will perish unless x does certain things to keep him alive, then, when it does happen, x is not free of any obligation to what he knew in advance would he required to keep that human being alive.

To make this into a case, something which we can imagine and use for the analogy, I have created this thought-experiment, based on the Violinist Case, Violinist Cult Thought Experiment:

Suppose that you are a member of a cult along with 99 other people. I know that cult has a negative stigma to it, but bear with me. All of you have voluntarily and with full reasonable consent, entered into a lottery where one of you will be chosen at random to take on the role of being this violinist's human dialysis machine. Imagine that your name is drawn and you have the violinist hooked up. What's your obligation like now?

Most people, from my experience, say that in this case, there is the obligation to keep the violinist alive. You signed up knowing the risks and you lost the lottery, so to speak. So, what's the difference between the violinist case and the violinist cult case? The first seems to remove the obligation, but the second seems to have it.

### Restricting the Outcome

The plausibility of such an argument is enough to show that the Violinist analogy can provide a clear and persuasive defense of a woman's right to obtain an abortion only when the woman is in no way responsible for her pregnancy. In all other cases, we would almost certainly conclude that it was necessary to look carefully at the particular circumstances in order to determine the extent of the woman's responsibility and hence the extent of her obligation.

## Prove That a Fetus is Not a Person

Is a fetus a person?

As I have mentioned before, the second section of this paper concerns whether or not a fetus is a person. The point of the previous section was to show that there are some cases where abortion is OK, even if a fetus is a person. The point here is to show that a fetus is not a person, which means that abortion isn't murder, and therefore is not wrong. This is where the Fetus Question comes in very strong, this is why I also noted that we need to distinguish between 'person' and 'human'. Questions regarding personhood are metaphysical questions, does a thing have certain features? Similarly, questions regarding 'human-hood' are metaphysical questions. From this, as I have mentioned, we are able to move from an ethical question to a metaphysical one. So, let's look at the standard, non-religious, argument from the pro-life side and another argument, which doesn't look similar, but I will explain how these relate:

### The Standard Pro-Life Argument

It is wrong to kill innocent human beings  
Fetuses are innocent human beings  
Therefore, it is wrong to kill fetuses

### The Cheese Sandwich Fallacy

Nothing is better than God.  
A cheese sandwich is better than nothing.  
Therefore, a cheese sandwich is better than God.

These two arguments might look completely different, but both of them fall into the same logical fallacy, equivocation. Remember, I mentioned that there's a distinction between 'human' and 'person'. With that in mind, it becomes clear that there's something wrong with the Standard Pro-Life Argument. Glossing over that distinction leads to the equivocation. The Cheese Sandwich Fallacy is a great example of this fallacy. An equivocation is where a person uses the same word in two different ways in an argument, this is meant to mislead the reader. The Standard Pro-Life Argument has the same error as this one. Now, we aren't the Dark Brotherhood, so the equivocation is not in the word 'innocent'. Rather, the phrase "human being" is being used in two different ways.

In the sentence "fetuses are innocent human beings", the term 'human being' is being used to talk about a member of our species, and up until this point, I have been very consistent in the use of the term 'human' to talk about members of our species, things with the same

sort of genetic make up as us. If we use this species interpretation of human, which has a long and solid history, we see that this is correct, fetuses are humans.

The other time we encounter this term is in the first line "it's wrong to kill innocent human beings." If we use the case we use the genetic, or species, interpretation of the phrase 'human being', we can quickly find cases where this is wrong, even by the non-consequentialist's lights. For example, if a brain dead human has a living will saying that they should pull the plug after a few days. But, if this was said without any context, we would likely accept it, so what makes it different? Well, the use of 'human being' in this sentence, normally, means, in the most generous interpretation, where the line makes sense, "a full-fledged member of the moral community." We may call this the moral sense of "human" and I have been using the term 'person' to demark this.<sup>76</sup> In general, even when we are dealing with certain interesting legal cases, this distinction between 'human' and 'person' is overlooked. For example, a person has rights, but a human may or may not have rights. Though I don't like this example personally, but corporate person-hood is an example of this. We have a non-human entity, a corporation, seen as a person. Now, I would argue that 'corporations are people' is a legal fiction, it's not actual. But, it's certainly possible, as we will see later, that there

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<sup>76</sup>There's a certain idiosyncratic grammar which I have the habit of using in the case of the word 'person'. In English, there are, it would seem, two acceptable plurals, 'people' and 'persons'. How I use them, 'people' refers to a collection of persons and 'persons' refers to beings with person-hood individually. 'People' is a collective or group sense of the plural and 'persons' is a more individualistic sense.



are actual, non-fictitious, non-human persons. Having a clear distinction between these in our everyday speech makes many thorny moral questions disappear, or, at the very least, makes them more intelligible. If we remove the equivocations in both of the arguments we get the following:

The Standard Pro-Life Argument

It is wrong to kill innocent persons  
 Fetuses are innocent human beings  
 Therefore, it is wrong to kill fetuses

The Cheese Sandwich Fallacy

No existing thing is better than God.  
 A cheese sandwich is better than not having anything at all.  
 Therefore, a cheese sandwich is better than God.

As you can see, this doesn't work. But, if we have that all humans are persons, as in that being a generic human is enough to be a person, the argument would work. This would be to say that all humans are persons. On the other hand, however, if there are cases where a human is not a person, then the argument fails. If we can show that all fetuses (before a certain point of development) and not persons, then we have that abortion is permissible (before a certain point in development), by the pro-life style reasoning. Showing that no fetus (before that point) is a person is Warren's next step.

## Warren's Criteria for Personhood

Warren argues that there are 5 features which are needed to be a person, and if a fetus has these features (after a certain point), then abortion would be murder (after that point). These features are listed here:

1. Consciousness
2. Reasoning
3. Self-Motivated Activity
4. Communication
5. Self-Awareness

### Feature 1: Consciousness

The first of these features seem to be the most intuitive. This is consciousness. We have touched on this before, in the Mind-Body Problem module. Although there is much debate about some of the features of consciousness, we do have a general understanding of when it's had and when it's not. For example, does it react to external stimulus? Is there some behavioral or other kind of evidence that shows that this thing is thinking, has an internal life?

Is this thing conscious?

There are a few tests to tell whether a being is conscious. The relevant one here awareness (as in reaction to external stimulus) and evidence of internal thoughts. Many

other tests include the self-awareness, which is not necessarily the same thing, but that one is another feature. We will limited this test to merely something like "does it feel pain?". If it reacts, it's conscious.

### **Are we the only conscious things?**

There are several creatures which have consciousness (by this definition) aside from humans. It is worth noting also that not all humans are conscious. Consciousness in humans is only there when the human is developed beyond a certain point and without certain impairments. In fact, most animals do have this and so do most fish. It's possible for some plants to even have this, though that is easily debated against.

### **Why does this matter?**

If Warren is correct, several beings, including some humans, are immediately excluded from person-hood. Plants are (more than likely) taken out of the moral community, severely disabled humans, clams, and some animals. Even with this feature alone, it could be argued that fetuses aren't persons (before a certain point, we will see this later). One way to think about this is that you take the set of all things out there, and then slowly add criteria to whittle the total down to just persons. It is important to realize that even in international law, 'human' is not the same as 'person'. Framing the question in this way moves it out of ethics and into metaphysics. So, "is abortion permissible?" is an ethical question, while "is a

fetus a person?" is a metaphysical one. The answer to the second gives us the answer to the first.

### Feature 2: Reasoning

The second feature which seems to be necessary for person-hood according to Warren is reasoning. This is the developed capacity to solve new and relatively complex problems. This, too, is not found in all humans. Most people might think that this is a necessary part of consciousness, so it should not have its own section. But this is not quite true. Consciousness, as we are using it, is having a 'what-it's-like'-ness. Having sensations. A being can feel pleasure and pain without having the ability to reason. It also should be noted that we are worried about the mental capacity to solve the problems, not the physical ability. Infant humans, if they are not disabled to certain degrees, have the mental ability to solve the problems, but not the physical ability (strength, dexterity, so on).

### Does this thing have reasoning?

There are some basic tests to tell whether a being has reasoning. These tests are likely going to be more involved than merely trying to tell whether the thing can feel pain/pleasure. The task is to give the creature a puzzle and see whether it can solve the puzzle. For example, in the case of a raven, put some food just out of its reach and see whether it can come up with a way to get the food.

### Are we the only reasoning creatures?

Just like with consciousness, we also find this capacity in many non-human animals (chimpanzees are an easy example, same with dolphins). We also find this capacity in some fish (octopuses are a great example). In general, if the being can figure something out, or at least shows that it's thinking about a problem in a more abstract way, then we can say that it has reasoning. But, it's also true that some humans lack this feature. There are some which are severely mentally handicapped, those in the later stages of dementia, and so on. These humans are certainly human but they are not, according to Warren, persons.

### Why does this matter?

As before, if reasoning is an essential part to being a person, we can further whittle down our list of potential persons. As before, humans developed to a certain point have reasoning, but before that we don't. So, fetuses don't count here if they are prior to a certain stage of development. Also, many non-human animals do stay in the list. For example, we have more complexly intelligent animals and some fish (octopuses, cetaceans, new world monkeys, apes, chimpanzees, bears, otters and so on, basically, if you can train them, they have this), but plants are now certainly out.

### Feature 3: Self-Motivated Activity

The third feature is a bit more restrictive. Self-motivated activity is closely tied with reasoning and consciousness. This is activity which is relatively independent of either genetic or direct external control. Some may think that this requires some kind of libertarian free will, which seems to require some kind of soul. Warren, however, gets around this worry by adding in that it's independent of 'direct' external control. This allows for indirect external control to have a part in it. To see the difference, direct external control would be a case where a mad scientist puts a microchip in your brain and controls you with a remote. This would not make you free, your actions would not come from you at all. On the other hand, indirect external control would be the sort of thing which you, more than likely, are experiencing right now. You have been heavily influenced by the past and your experiences, your choices are dictated by those, they are not necessarily instinctual. Both the hard determinists and the compatibilists would be fine with saying that actions can be independent of direct external control, but both will claim that they are indirectly controlled, by the past and the laws of nature. The hard determinist, however, would not be cool with the idea of morality, however, they would say that (although it's there) it doesn't count.

Is this thing 'free'?

In general, the tests which we apply to figure out whether a being has reasoning will apply here. We could call those tests a 'two for one'. When it comes to the tests

for reasoning, we are asking whether they can solve puzzles, and to even engage with a puzzle to solve it, without really strange external factors being included (such as, being a remote-controlled robot), requires you to have self-motivated activity.

There are potential ways for isolating this feature and testing only it. For example, we would need to make a scenario where the creature (human, animal, robot) is denied external motivation for acting, it would have no instinctual reason to act. If the creature still engages in the activity, then it would be self motivated. For example, a spy-camera in your house watching your pet. If we see that the pet acts without direct external interaction, then we could say that the action is self-motivated.

Are we the only 'free' things?

Some, like Descartes and Kant, will claim that humans are the only creatures which can be free, and even some humans (non-person humans) lack this. This mostly stems from their Libertarian Free Will intuitions. But, if we limit the scope of self-motivation to something within the range of a compatibilist, then we have that there's no reason to think we are the only ones with it. In the case of Descartes, as we will see later, he claimed that animals lacked a soul, so (as a consequence, though not the one he was shooting for), non-human animals can't have self-motivated activity.

As with the previous, we see again that we aren't the only beings which count as having self-motivated activity. Much of the same beings from the reasoning section re-

main, but this is mostly because I don't know of a way to tell that a being has reasoning without getting that it has self-motivated activity.

We also have that some humans lack self-motivated activity. This list is much the same as before. Fetuses, yet again, lack this feature prior to a certain point in development.

**Why does this matter?**

Intuitively, it seems clear that for a being to have moral rights and be in the moral community (be a person), they would need to be able to act. Reasoning and consciousness can only get you so far. We also need assurance that these beings are acting freely. Without this, it just does not seem to have the kind of weight needed. If we say that a being is a person, then they must have moral responsibility, to at least some degree, which gets us, by definition, self-motivated activity.

Similarly to the previous two, there are some humans which lack this ability. For example, the severely disabled or humans prior to a certain point in development. But there are certain other, non-human, animals which have this feature. In fact, it could be argued that most animals have this and fish. As before, also, some great examples are chimpanzees, dolphins, various new world monkeys, and octopuses. As with the previous two, fetuses, prior to a certain point, lack these.



### Feature 4: Communication

This fourth feature is where person-hood becomes far more restrictive for Warren. Communication is the ability to express messages, by whatever means (not just vocal, but signing counts, and so do other methods), messages of various types and with a large variation of contents.

Warren goes, I think, a little too far in her definition of communication; claiming "by whatever means, messages of an indefinite variety of types, that is, not just with an indefinite number of possible contents, but on indefinitely many possible topics." This seems very extreme to me, and I doubt that I even qualify here. But, limiting it to as I have said above helps. This criterion, as she phrases it, would mean that I would need to be able to talk about anything and be able to do so in indefinite number of ways, which I think is just not possible, my brain is just not that big.

#### Can this thing communicate?

The real discrepancy here, and the reason Warren makes such an extreme standard for her communication, is that we don't want it to be just simple messages. The messages need to be more complicated than, for example, the chemical trails which ants leave or the dancing movements of bees. Rather these messages need to convey complicated information and they need to be able to convey it in several different ways. The real point is to raise the bar on how smart the being needs to be to make the cut for personhood. The tests here are going to be a little more relative to the kind of creature which we are

testing. For example, with some particularly primitive human languages, the messages might not be able to be expressed in several different ways, but the speakers can learn the different ways (though the older members will have more difficulty). The basic test would be to watch the beings interact with each other and notice the kinds of messages they are able to understand and convey to each other. Is there a grammar? Is the communication structure learned or instinctual? Can they understand abstract concepts?

### Are we the only talkers?

Despite what my friends who study linguistics might think (claiming that humans are the only language-users), when it comes to communication, we are far from the only ones. Animal communication is very wide-spread, with, I would argue, the complexity necessary for personhood. For example, dolphins have communication, and this is not instinctual but learned, we have even figured out some words in at least one of the variety of languages spoken.<sup>77</sup> Chimpanzees have this capacity, but it does not seem to have one naturally arising. Some new world monkeys certainly have this capacity and have a naturally arising and learned languages (my personal favorite example is the cotton-top tamarin).<sup>78</sup> It may be also the

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<sup>77</sup>TEDtalksDirector. Could we speak the language of dolphins? — Denise Herzing. *YouTube*, June 2013. [www.youtube.com/watch?v=CQ5dRyyHwfM](http://www.youtube.com/watch?v=CQ5dRyyHwfM).

<sup>78</sup>TEDEducation. How to speak monkey: The language of cotton-top tamarins - anne savage. *YouTube*, June 2014. [www.youtube.com/watch?v=4Vfn5CV9juI](http://www.youtube.com/watch?v=4Vfn5CV9juI).

case that octopuses are in this category. If we treat this as a standard for intelligence, then individuals with the mental capacity to communicate, but not the physical ability, would qualify. That being said, some humans lack the mental capacity to communicate, not just the physical ability. This can be due to a variety of reasons. And, as it applies to the relevant topic, fetuses before a certain point, lack this capacity all together.

### Why does this matter?

In general, the ability to communicate our thoughts and intentions is the biggest sign of intelligence but it's also a bench-mark for degrees of intelligence. My father, who is mono-lingual, has often claimed that speaking multiple languages is a sign that the person is really smart, encouraging me to learn several (which I have). Though I have met very smart mono-lingual people and not-so-smart multilingual people, the ability to express oneself is a fairly intuitive standard. Similarly, if a being which had this mental capacity and later lost it, we often, in the real world, hold them to a different moral standard. For example, a person with sever mental disabilities is not held as responsible for their actions as a person without those disabilities, even if they behave the same way (in this case). And, it seems that they should not be held to those standards. This criterion limits the scope of personhood yet again. Sure fish can reason, but they certainly aren't smart enough to be persons. Similarly, cats and dogs are in the same boat. So, the examples I have been giving thus far remain as potential non-human persons,

but some are excluded. Yet again, fetuses are not included in this list.

### Feature 5: Self-Awareness

This is the fifth and final feature of person-hood for Warren. This is self-awareness. This one, one could think, should be earlier than communication, as there are many creatures which have this but lack communication. To be self-aware one must have self-concepts, understand that they are a different being from others. You are an individual, not a 'hive-mind'. You can think about you, what you want.

#### Is this thing self-aware?

This is where I give the tests which one can use to tell whether a being is self-aware. In the sciences, the commonly used test is to show whether the being can recognize themselves in a mirror, know that the reflection is not another being, then they have this self-awareness. But this method is flawed in several ways. There are some creatures who clearly have self-concepts but lack interest in mirrors. In the previous feature, I gave cotton-top tamarins as being talkers, and there's some solid evidence that the nature of their communication does require self-concepts, but they have failed the mirror test (when tested at least once, but there may have been something wrong with the testing perimeters). For example, when I was paying for my community college, so long ago, I was working in Dementia Care. In trying to put an elderly woman to bed, she saw herself in a mirror.

She called out to the reflection, asking it to leave her room and consistently looking back and trying to get it to leave. Eventually, I had to cover up the mirror. But, it's clear that, though her dementia was extreme enough for her not to have the same moral privileges as you or I, she still had self-concepts. So, though the mirror test works in most cases, we need to be careful about calling it a definitive test. A more holistic testing model is appropriate, so that we can weed out false positives and negatives.

**Are we the only ones self-aware?**

It is certainly not the case that we are the only ones self-aware. Other creatures certainly are too, even the ones which can't communicate. For example, various cetaceans (whales and dolphins), primates, and some other creatures, such as some new world monkeys. Some octopuses have failed to show that they are self-aware in a way which I am willing to accept, namely in the presence of a mirror, they behaved as if there was another octopus present. But the jury is out on this for more intelligent species of octopus. In general, if a being is able to communicate to the degree necessary for person-hood, then it's going to have this feature, but not the other way around. It's worth noting that not all humans are self-aware. We have the extreme cases of humans in irreversible comas or humans born without certain portions of the brain. Fetuses, yet again, lack this feature.

### Why does it matter?

As with the other standards, this raises the bar on what it takes to be a full-fledged person. Lacking the presence of self-concepts does not entail the sort of moral duties to them which we would place on ourselves for beings with these concepts. Persons are individuals, we have duties to them as individuals. If something can't identify as an individual, then we don't have the same duties to it.

### An Interesting Tangent

As we have seen through our analysis of these features which make a being a person, there are some humans which are not persons. Warren herself does not go down this rabbit hole, but using her requirements for personhood gives us a very interesting tangent:

Is it possible for a non-human to be a person?

This question is very interesting for the discussions of Animal Rights. To have rights, to have aspects which others have a moral duty to ensure, you certainly need to be a person. If you are a person, then you have rights. Though it is possible for something to have rights and not be a person in the fullest sense, but those rights would be limited. Applying Warren's 5 criteria to other creatures in the world, we see that there are non-fictional, real, actual, non-human persons on the planet right now. Now, I am not an Area 51 conspiracy theories, saying that their are aliens in the base. But, looking at these, we have some fascinating arguments to show that humans aren't the only persons. Proving and establishing legally

that these beings are non-human persons will give animal rights activists a strong argument and a more powerful footing in making their case. As persons, these creatures will need to be given the same moral consideration as you or me. Below, I will give the 5 (five) categories of creatures where at least some of them have personhood. For some, the category will have more than one example in them. The first are the least contentious and the last are the most contentious.

### Primates and (some) New-World Monkeys

Of course, humans are primates, but we are human, so not exactly non-human persons. But we do find the capacities for the aspects of person-hood in the non-human members. To start, they clearly react to external stimulation, so there's something going on upstairs, that's the first box ticked. Second, they can solve reasonably complex puzzles and even can make tools, so that's a second aspect met. Third, through their ability to solve puzzles and makes choices, we can see that their actions are not merely instinctual, they do have a moral compass, so to speak. Fourth, though they don't have a naturally arising language, they can be taught it and will use it even when not prompted to speak with each other if they know that the other will understand. Also, once the primate understands a language, it will teach its children the skill, with them even, sometimes, inventing new words. For more information on this, check out Washoe the Chimp. And fifth, primates, by and large, do have the ability to recognize themselves in the mirror and they do have self-

directed thoughts and awareness. All of these features make it so that at least some primates, not just humans, are persons and, from that reasoning, deserve the same moral consideration as we would a human with the same mental capacity.

When it comes to new-world monkeys, we have a very interesting case, these are the cotton top tamarins. These little guys are quite amazing. Not only do they have all of the features of person-hood, like the primates, but they have an added aspect. They have their own, learned, naturally arising language. Their language was not taught to them by us. They react to external stuff, and so forth. The only area which requires proving is whether they have self-concepts, but their language aspects seem to show that they would.

### Cetaceans

These are your dolphins and some whales. At present, some countries have recognized these creatures as non-human persons and have granted them various rights, even though they did not follow the same kind of reasoning given here. Dolphins, in particular, do have all of these features. First off, they react to external stimuli, which is going to be true for all animals worth mentioning. Second, they can solve problems and learn from each other. For example, one pod of dolphins independently learned to use a sponge to root the sea floor and others have learned this behavior from them. Third, their behaviors are not always instinctual and are independent of direct external control. For example, they play and will even



engage in behaviors contrary to what we would think they would instinctively. Fourth, they do have communication, and a rather sophisticated one. The language is learned by the children, meaning that different pods might not understand another and we have even learned aspects of it able to communicate with them. Similarly, they are able to learn more than one language. Dolphins which we have trained will learn the whistle patterns for various tricks (like a dog), but will also mimic them to attempt at communication with other dolphins and even understand that the whistles in different orders will mean different things. The fifth aspect is self-awareness. This can be seen in both how they will pass the mirror test and also how they have naming customs for their young and how they introduce themselves. These make some dolphins non-human persons and worthy of our protection.

### **Extraterrestrials and Advanced AI**

Both of these are at the bottom merely because their existence is controversial. No, I do not think that such beings are currently on the planet, rather they are worthy of mention because of their possibility. The section regarding the Mind-Body Problem shows us that proving person-hood for an AI will be tough, it will need to have Strong AI, if they are possible at all. However, a Strong AI would obviously be able to speak, have consciousness, self-awareness, self-motivated activity, and reasoning to the same degree as human persons, if they are possible. Not recognizing that an AI machine has reached the level of person-hood is the base-line for pretty much ev-

ery robot-uprising Sci-Fi.

Extraterrestrials will likely have an easier time proving their person-hood than the machines. This is because they will have likely come from a process much like the one humans did. But, it would not surprise me at all if, on the day the first contact is made, there's a group out there who think that they aren't persons, not worthy of our consideration, because they have built into it the idea that person-hood is exclusively human. This, it would seem, would be mistaken.

# *I Was Once a Fetus by Alexander Pruss*

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## INTRODUCTION

I am going to give an argument showing that abortion is wrong in exactly the same circumstances in which it is wrong to kill an adult. To argue further that abortion is always wrong would require showing that it is always wrong to kill an adult or that the circumstances in which it is not wrong—say, capital punishment—never befall a fetus. Such an argument will be beyond the scope of this paper, but since it is uncontroversial that it is wrong to kill an adult human being for the sorts of reasons for which most abortions are performed, it follows that most abortions are wrong. The argument has three parts, of decreasing difficulty. The most difficult will be the first part where I

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<sup>79</sup>Alexander R. Pruss, “I Was Once a Fetus: An Identity-Based Argument Against Abortion.”

will argue that I was once a fetus and before that I was an embryo. This argument will rest on simple considerations of the metaphysics of identity. The next part of the argument will be to show that it would have been at least as wrong to have killed me before I was born as it would be to kill me now. I will argue for this in more than one way, but the guiding intuition is clear: if you kill me earlier, the victim is the same but the harm is greater since I am deprived of more the earlier I die. Finally, the easiest part of the argument will be that I am not relevantly different from anybody else and the fetus that I was was not relevantly different from any other human fetus, and so the argument applies equally well to all fetuses. The advantage of this argument over others is that it avoids talking of personhood, except in one of the several independent arguments in part two.

## 1. I WAS ONCE A FETUS

The first part seems innocuous. After all, is it not biologically evident that first I was an embryo, then a fetus, then a neonate, then an infant, then a toddler, then a child, then an adolescent, and then an adult? Does not my mother talk of the time when she was “pregnant with me” and thereby imply that it was I who was in her womb when she was pregnant? Is not the sonogram of my daughter the sonogram of that daughter of mine who will be born? Evident as it might be that I was once a fetus and given how clear it will be that abortion is wrong if I was once a fetus, it is obvious, however, that the opponent will have

to focus his attack on this part of the argument. So more needs to be said.

About thirty years ago, nine months before I was born, a conception occurred. A sperm from my father fertilized an ovum from my mother. Within twenty-four hours, or sooner, a new organism came into existence, an organism that was neither a part of my mother nor of my father. For one, this organism was genetically distinct from both. For another, this organism's functioning was directed towards its own benefit—selfishly, the organism colonized the womb, released hormones that trigger changes in the woman beneficial to the organism, and so on. It certainly did not behave like a body part of either my mother or my father. Moreover, it clearly was not a part of my father—it need no longer have had any interaction with him. But it could not really be a part of my mother since the genetic contribution from my father was equal to that from the mother, so it was either a part of both or of neither. Thus, indeed, it was not a part of either. Besides, we can see that in the earliest days of this organism before implantation, the organism floated free, independently seeking nutrition in my mother's womb. This organism certainly was not a part of my mother.

Hence, we have on the scene a new individual organism, one that did not exist before. Let's give this organism a name: call it Bob. If we have a camera and look at what was happening in the womb in which Bob is living, we will see an embryo developing, cells differentiating, a fetus forming, growing, and finally a birth. If we keep watching, we see a neonate, then an infant, then a toddler, then

a child, then an adolescent and then an adult. It's all a continuous history. But recall what I am out to prove. I am out to prove that I was once a fetus and indeed an embryo against an opponent who will not grant this. My opponent will thus have to deny that I and Bob are one and the same entity. He will have to say that "Bob" and "Alex" name two different entities, rather than being two names for one and the same entity at different stages of its life.

In any case, we have on the scene Bob the embryo. And then all this development happens. I now need a simple metaphysical principle. If an organism that once existed has never died, then this organism still exists. I will not argue for this principle. Someone who thinks that something can exist at time A and not exist at a later time B, without having ceased to exist in between, is beyond the reach of argument. The crucial question now is: Has Bob the embryo ever died? This is a question to which the biologists can tell us the answer. Bob's cells have divided, differentiated, and Bob has developed. But nowhere in the continuous history just described have we seen anything we could identify as "the death of Bob." In fact, the whole process is the very opposite of the process of death: we have a process of growth. That embryo that was conceived nine months before my birth never died. True, it ceased to be an embryo, and at the end of the nine months it ceased to be a fetus. But this is no more a literal death than my passing from childhood to adolescence or from adolescence to adulthood was.

Indeed, if Bob died, we would be mystified as to when

he died. All we have in its life history is a process of growth and development. Now, it is true that not all deaths are alike—not all deaths involve an evident destruction. For instance, some philosophers think that the right way to describe an amoeba's splitting is to say that the original amoeba dies and from its ashes there arise two new amoebae. Likewise, some philosophers think that when two entities merge into a single unified entity, the original entities perish and a new one is formed. That in fact may be how we should understand the process of conception: the egg and sperm perish, and a new thing results. But again, for as long as Bob has existed, he has always, in fact, been a single unified organism, and nothing like that happened in Bob's life history—Bob never split in two and never merged with anything else so as to lose its own identity. If I were an identical twin, matters would be slightly different as an argument could then be made that the pre-twinning embryo has indeed perished when it split in two. But that's not what happened to Bob. It is clear that Bob has not died in the prosaic way of having his organic functioning disrupted, and hasn't even died in these two more outré ways that philosophers discuss.

Furthermore, the very continuity in Bob's development speaks against the hypothesis that he died. When did that momentous event happen? When did Bob cease to exist? Could there have been some moment in Bob's growth where one millisecond Bob was alive and a millisecond later Bob was no longer around? Surely not.

Therefore, it is sufficiently established that Bob, that embryo who came into existence nine months before my

birth, has never died. But by my metaphysical principle, if he has never died, he is still alive. Where, then, is Bob? But surely there is no mystery there. Every part of Bob—other than the cells in the placenta and the umbilical cord that were shed—developed continuously into a part of me, and every part of me has developed ultimately out of a part of Bob. It is thus quite futile to look for Bob outside of me. If Bob is anywhere, he is right here, where I am. It may be true that most of the original cells in Bob are no longer around, but that does not stop the survival of an organism: organisms replace their cells regularly and do not perish thereby.

Now, Bob can't be a mere part of my body, because all of my body has continuously come from Bob's body. Therefore, one can't set aside some special part of my body and say "that part of me is Bob." So, where is Bob? The answer is simple: Here. I am Bob. That embryo has grown to be a fetus, then to be a neonate, then an infant, then a child, then an adolescent and finally an adult. Bob is I and I am Bob. This was what I was trying to establish.

But this is a little too quick. I just said, vaguely, that Bob is here, and concluded that Bob is I. We need the following argument. Here where I stand there is only one large animal—Alexander Pruss. Bob is presumably right here—there is nowhere else for him to be. Bob has been growing for much of his life, and so Bob is also a large animal. The only large animal here is Alexander Pruss, and hence Bob and Alexander Pruss are one and the same animal. I, thus, am Bob. If Bob is here, and if no part of me is a large animal, and if Bob is a large animal,



Bob and I must be one and the same entity.

Besides, given how organic development works, it is easy to see that every organ of mine is an organ of Bob's since Bob's organs have developed into being my organs, and yet without any transplant happening. Thus, I and Bob are organisms having all of our organs in common. But the only way that can be is if I and Bob are the same organism, i.e., I am Bob. "Bob" and "Alex" are just different names for one and the same being: Alexander Robert Pruss.

There is only one way of countering this argument, and this is to deny that I am an animal, that I am an organism. This response seems absurd on the face of it, and it is right that we should see it as absurd. I am a rational animal. But there are three seemingly plausible ways of making this objection work. They are not the only ones, but they will be representative.

The first form that this objection can take is Cartesian dualism. Souls and bodies are separate substances. What I really am is a soul, a spiritual substance. The body is simply a tool that my soul owns and uses, much as I might use a hammer. My body is an organism, indeed an animal, but I am not myself an organism or animal. Thus, what Bob is is my body: an animal that I own. This dualistic view has various paradoxical consequences. My wife has never kissed me—she has only kissed Bob, my body. You cannot touch me—you can only touch Bob. Likewise, rape is then a mere property crime. Making philosophical sense of the meaning of sexuality is a lost cause: two persons' having sexual intercourse is nothing but the

intercourse between the animals owned by each of the persons. My body is simply my property, and so stealing one of my kidneys is a mere property crime—it is not stealing a part of me. These consequences are ethically unacceptable. After all, the government can morally take away some of my property for the greater good and does so in taxes. If my body were mere property, then the government would in principle have a right, when necessary, to extract a kidney from me as a tax payment. Finally, if this is right, then the traditional rallying cry of abortion supporters that “it’s my body” is no different in principle from the silly argument that I can do whatever I like in my house because my house is my property.

There is too much absurdity there, and so this Cartesian view fails.

But even if it did not fail, it could only be used by the proponent of abortion if he had good reason to deny that the soul substance was united with the embryo from conception—otherwise, the safer thing is to refrain from killing what might be I. But since the soul substance is unobservable, no such grounds are possible, apart from revelation-based religious arguments, and those should not be brought into a secular societal context.

The arguments against the Cartesian view are not arguments against the existence of a soul. The Cartesian view that the soul is a separate substance, distinct from the body, is not the only view of the soul. The Aristotelian or Thomistic view is that the soul is that which makes an organism to be the organism it is and to develop as it does. Thus, the soul is not something over and beyond

the organism—it constitutes the organism as what it is, and what we are are organisms, organisms constituted by our souls. Thus, as soon as there is a unitary organism, there is a soul. (Admittedly, Aristotle and Thomas believed that the conceptus did not have the same kind of soul that I do—but they were theorizing in the absence of empirical evidence about the conceptus being an animal that continuously grows and develops into me, or else they were going against what they should have said by their own lights.) The Cartesian view is rather unpopular these days in secular circles. But there is a secular version of it, that replaces body-soul duality with body-brain duality: I am not my body and I am not an animal—I am a brain. This kind of a view will not help the abortion supporter all that much since the brain develops relatively early in pregnancy—around six weeks after conception. But in fact the most trenchant objections against the “I am a soul” view can be made against the “I am a brain” view. Only in the course of brain surgery can my wife kiss me if I am a brain. Rape, still, is only a property crime. My kidneys are not parts of me but mere property, and hence can be expropriated by the government if necessary.

And there is a further objection. My brain developed out of earlier cells guided by the genetic information already present in the embryo. There was, first, a neural tube, and earlier there were precursors to that. Brain development was gradual, cells specializing more and more and arranging themselves. At which point did I come to exist? And why should the cells that were the precursors of the brain cells not be counted as having been the

same organ as the brain, albeit in inchoate form? If so, then perhaps I was there from conception, even on this view.

The third response to my argument is that I am not my body or my brain, but what I am is my body's intellectual functioning. This response requires a metaphysical answer. On this view, I do not think. Rather, I am nothing else than thought itself, or more precisely, I am nothing else than a process of thinking. We would do well to reject this view just because it contradicts the commonsensical fact that we think. But we can also reject this view for a deeper reason. If I am a particular process of thought, then it follows that if that process of thought were not to have occurred, I would not have existed. Thus, when asleep, I do not exist. Moreover, were I not to have engaged in the processes of thought that I have engaged in over my lifetime, but instead were I to have engaged in different processes of thought, then I would not have existed—there would then have been a different process of thought, and hence someone else, if what I am is the process of thought that I am. It follows that we cannot think otherwise than we do because our very identity is defined by the process of thought we engage in. This fatalism, this deprivation of free will, is unacceptable.

As I said, there are views of who I am that compete with the view that I am an animal and that are not the same as these three, but they tend to be variations of these three. For instance, some think that what I am is a whole made up of two parts, a Cartesian soul and a body-animal. This view is open to the simple objection

that two interacting parts do not automatically make for a whole. Moreover, there is the objection that surely I think, and yet my soul thinks, and since I am not a part of me, it follows absurdly that there are two thinkers here: I and my soul.

We see thus that I am Bob. I was once an embryo and a fetus. The embryo or fetus that was there was just I—in an earlier stage of my life. This completes the first and hardest step of the argument.

An objection. In the first two weeks or so after conception, the blastocyst was not an individual, and hence in particular is not the same individual as I am, because it was capable of twinning—of splitting into two or more individuals—which in fact it does in about once every 260 cases. While what is normally called “abortion” is not likely to be done at this time since the woman at this time rarely knows herself to be pregnant, nonetheless there are abortifacients that act this early—for instance the IUD, Emergency Birth Control or the Pill in those cases where these act through an abortifacient effect—and hence the question is not merely of theoretical interest.

This objection rests on the false principle that if it is merely possible that an organism will split in the future, then we do not have a genuine individual on the scene. But this is plainly false: amoebae are certainly individuals, but they are capable of splitting. What happens to the individuality when they split is disputed by philosophers. One might hold that the old amoeba continues existing as one of the two new ones, but we simply do not know which one. Or one might hold, more plausibly, that the

old perishes and a new one comes to be in its place. In the latter case, if I had had an identical twin, then I would have come to exist about two weeks after conception, not at conception, and the human being who came to exist at conception would no longer be alive.

But if we have an amoeba in front of us for a period of time during which it does not split, then it is the same amoeba, the same organism, over all of this time. This judgment is unaffected even should we learn that the amoeba could have split during this period of time, just as our judgment that someone is alive is unaffected by learning that she could have died yesterday. As long as the amoeba does not in fact split, it is one and the same individual as we had on the scene earlier.

One might argue that if one could know in the first two weeks that twinning was going to occur, then one would thereby know that the conceived embryo would cease to exist at two weeks of age, and one could abort it earlier, since one would not be depriving it of a long and meaningful life. Whether this argument is correct or not—and I am inclined to think it is not, since I think how good the life that one is being deprived of should not affect whether it is wrong for someone deprive one of it—it does not matter in practice. We just cannot tell at the moment. And as in 259 out of 260 cases twinning will not occur, one needs to act on the presumption that it will not in fact occur.

## 2. IF I WAS A FETUS, IT WOULD HAVE BEEN WRONG TO KILL THAT FETUS

There are several paths to the conclusion of the second part of the argument, that if I was once a fetus (or an embryo for that matter), then it would have been wrong to kill that fetus, under exactly the same circumstances under which it would be wrong to kill me now.

The most powerful argument is to look at what is wrong with killing me now. Killing me now is a paradigmatic crime-with-a-victim, the victim being me. What would make killing me now wrong is the harm it would do to me: it would deprive me, who am juridically innocent, of life, indeed of the rest of my life. Now, consider the hypothetical killing of the fetus that I once was. This killing would have exactly the same victim as killing me now would. Moreover, the harm inflicted on the victim would have been strictly greater, in the sense that any harm inflicted on me by killing me now would likewise have been inflicted on me by killing me when I was a child. I am now 29 years old. Suppose that left to nature's resources, I would die at 65. Then, killing me now would deprive me of years 29 through 65 of my life. However, killing me when I was a fetus would also deprive me of years 29 through 65 of my life—as well as the years from the moment of the killing up to 29. Given that murder is a crime whose wrongness comes from the harm to the victim, it is clear that when the victim is the same, and the harm greater, killing is if anything more wrong.

Of course, there may be circumstances in which it is acceptable to kill me now. It might be that under some circumstances capital punishment is justified. If so, then it might be acceptable to kill the fetus under the same circumstances. However, it is also clear that the circumstances involved in capital punishment do not apply in the case of the fetus. Whether there are any other circumstances in which it would be acceptable to kill me now is a question that is beyond the scope of this paper, although I believe that the answer is basically negative.<sup>ii</sup> In any case, we see that the wrongfulness of killing me when I was a fetus is at least as great as the wrongfulness of killing me now in relevantly similar circumstances. Thus, my moral status when I was a fetus with respect to being killed is the same, or more favorable to me than, my status now.

The reason for the “more favorable than now” option is that we have an intuition that it is particularly wrong to kill people earlier. Although there may be no duty thus to sacrifice one’s life, we see nothing irrational in an older person sacrificing his life for a younger on the grounds that the older has literally less to lose by death. When I was a fetus, I had more to lose by death than I do now. Thus, to have killed me then would, strictly speaking, have been to inflict a greater harm.

Observe that nothing is said here about whether I was a person when I was a fetus. That issue is irrelevant. Whether I was a person then or not, killing me would have had the same victim and involved greater harm as killing me now. Observe that if I was not a person when I was a



fetus, then the harm in killing me then would have been even greater than if I was a person then. For killing me when I was not a person would thus have deprived me of all of my personhood as lived out on earth, and this radical deprivation would have been a greater crime than killing me now which would not deprive me of ever having had a personhood lived out on earth.

That said, an independent argument shows that in fact I was a person when I was a fetus. This gives a second argument for why killing a fetus is wrong, and it is the only argument I give that depends on issues of personhood. The argument turns on the metaphysical notion of an “essential property.” The essential property of a being is a property which that being cannot lack as long as that being exists. For instance, many philosophers think that being a horse is an essential property of a horse. If you take a horse like Silver Blaze and modify it to such a degree that it is no longer a horse, Silver Blaze will cease to exist and something else will come to exist in his place. Being material is an essential property of a rock: it could not exist without being material. Now, it is likewise plausible that being a person is an essential property of every person. If someone were a person and if personhood were removed from her, she would cease to exist. If this is correct, then the fetus that I was truly was a person since I am a person. If the fetus that I was were not a person, then it would be the case that I could have existed without being a person—which is impossible.

Even more plausibly, it is an essential property of me to have a property that I will call human dignity. Human

dignity is a property of me that makes it wrong for another human being to set out to kill me<sup>iii</sup> when I am juridically innocent. As before, I leave capital punishment as an open question. Human dignity is an essential property: it is part of the essence of who I am. Were I to lack this intrinsic dignity, I would not be myself; I would not exist. But if human dignity understood in this way is an essential property and I have it, then the fetus that I was also had it—otherwise it wouldn't be an essential property.

Finally, there is a very different argument for the wrongfulness of killing the fetus that I was, based on John Rawls's concept of justice. Even though I take this concept to be incorrect, the more bases on which our argument can rest, the better the argument. Rawls bids us to imagine that we do not know which role in society we fill—imagining this is called entering under the “veil of ignorance.” What kind of a society I would I come up with, and what kinds of rules would I rationally devise on selfish grounds, if I did not know which role in this society I am going to live in? Rawls says that that kind of society is the just society, and its rules are the rules of justice. In such a society, for instance, we would forbid racism because under the veil of ignorance we would not know whether we would end up having the role of victim or inflicter of racism, and we would not want to take the risk of being on the victim. Likewise, we would prohibit the murder of adults.

Would we forbid the killing of fetuses? This question depends on just how much we are to be ignorant of under the veil of ignorance. If we know that we are not fetuses, then we might not forbid the killing of fetuses when

it is convenient to non-fetuses because we would have no selfish reason to prohibit it. So, is the fact of us not being fetuses something that is under the veil of ignorance or not? Well, we must be careful not to take too much out from under the veil. For instance, if racism is to end up being deemed unjust, our race must lie under the veil. Moreover, even our being conscious must fall under the veil—thereby showing how much the veil is just a figure of speech since we cannot really be ignorant of our consciousness. The reason our being conscious must fall under the veil is that otherwise we might well enact that it is right to kill the unconscious for the sake of the conscious—to use the man in a coma for medical experiments, say. But at the same time, we cannot put too much under the veil. We had better have an awareness of ourselves as human since otherwise our “just society” will end up prohibiting all killing of animals, and this would make even most vegetarian farming wrong because of the moles and voles and other animals killed in the process of farming, as someone has once argued.

So, where do we draw the line? I would propose this simple criterion. Under the veil, we are aware of which social roles it would be logically possible for us to fill, but not aware which of those roles we do in fact fill. It would not be logically possible for me to fill the role of a mole in the ground—I would not be myself then. So I know, even under the veil, that I am not a mole. However, it plainly is logically possible for me to fill the role of a fetus—it is possible because I did fill the role of a fetus once! Thus, whether I am a fetus or not is something that must fall un-

der the veil of ignorance, and hence the killing of fetuses will end up being prohibited in exactly the same way as that of adults: we just wouldn't want to take the risk that we might end up being a fetus that is being killed. Hence, justice requires a prohibition on killing fetuses in exactly the way in which it requires a prohibition on killing adults.

Later, Rawls modified his criterion by talking of an unselfish caretaker for someone making the decision under a veil of ignorance about what role her charge would fill. This takes care of the problem that we can hardly be ignorant of whether we are conscious, while a caretaker can be ignorant of whether her charge is conscious. But it does not affect the rest of the argument. The caretaker needs to be ignorant of some properties of her charge, such as the charge's profession in life, but not of others, such as that her charge is not an insect. Again, I would suggest that a natural way to draw the line is apt to make the caretaker be ignorant of whether her charge is a fetus or not. For at the very least the caretaker should be ignorant as to which of the roles her charge could fill she in fact fills, and certainly her charge could fill the role of a fetus. And if that were so, the caretaker, truly loving whoever is entrusted into her care, would not want to take the risk of enacting a system whereby her charge could be killed.

### 3. IF IT WAS WRONG TO KILL ME WHEN I WAS A FETUS, IT WAS WRONG TO KILL ANYONE WHEN HE IS A FETUS

If you cut me, do I bleed any more than the next guy? No. I was not and am not special. If it was wrong to kill me when I was a fetus, it was likewise wrong to kill anyone else when he was a fetus.

It might be argued that there are some special differences between the fetus that I was, which we have seen it would have been wrong to kill me when I was a fetus, it was likewise wrong to kill anyone else when he was a fetus. It might be argued that there are some special differences between the fetus that I was, which we have seen it would have been wrong to kill, and some other fetuses. For instance, I was wanted. But that I was wanted did not anywhere enter into my arguments against killing me when I was a fetus. It is wrong to kill me now no matter whether I am wanted by others or not. Killing me earlier, I have argued, is not significantly different from killing me now, and so whether I was wanted or not is irrelevant.

A different objection would be that, as far as I know, I did not endanger my mother's life. However, my arguments would continue to apply even if I did: the fetus needs to be protected at least to the extent to which we would protect an adult under relevantly similar circumstances. If the fetus endangers the mother's life, it does so unintentionally. Whether it is acceptable to kill the fetus under those circumstances depends on whether it

would be acceptable to kill me now were I to endanger my mother's life unintentionally. As I announced, the aim of this paper is limited: it is to argue that killing fetuses is wrong under the same circumstances under which it is wrong to kill adults, but it is not the paper of the paper to discuss the circumstances, if any, under which it is permissible to kill adults. I think it would not be acceptable to kill me were I endangering my mother's life unintentionally: I will simply say in support of this that were I alone in a space capsule, three days from rescue, with my mother, with only enough air for 1.5 days each, it would not be acceptable for my mother or her agent to kill me.

A yet different objection is: I was a healthy fetus, but some others are not. The wrong in killing me when I was a fetus would have been depriving me of a meaningful and long future life. But what if the fetus cannot be expected to have such a life? Again, I respond that the purpose of this paper is limited: I am not going to settle issues of euthanasia here. It is acceptable to kill such a fetus only if it is acceptable to kill an adult who cannot be expected to have a meaningful and long future life. Again, I think it is not acceptable to kill an adult under such circumstances. Human life is intrinsically worthwhile and always meaningful. But this is not a paper about euthanasia. If I have shown that the fetus is worthy of at least the same respect as an adult in comparable circumstances, I have done my task.

## *Part 25: The Abortion Debate (Pro-Life)*

For this module, thus far, we have been looking at one of the best arguments which can be made on the pro-choice side. This argument goes after the core beliefs of the pro-life side. Namely, that if a fetus is a person, then abortion is murder (and thereby wrong) and that a fetus is in fact a person. The argument does not rely on consequentialist reasoning nor on a woman's bodily rights.

For the sake of fairness, I feel that it's appropriate for us to also look at one of the best arguments from the pro-life side. This is a purely optional reading as you can complete the assignments without reading it. However, it may serve you well if you ever encounter puzzles like this or if you are on the pro-life side of the debate, this paper will give you a far stronger argument for your stance. The paper is called *I Was Once a Fetus: That is Why Abortion is Wrong* by Alexander Pruss. His argument does not rely on religious beliefs nor on any notions of person-hood (per se). The argument goes like this:

- 1 I was once a fetus.
- 2 If I was once a fetus, it would have been wrong to kill that fetus.
- 3 If it was wrong to kill me when I was a fetus (that fetus), then it would be wrong to kill anyone while they were a fetus.
- 4 Therefore, it is wrong to kill anyone while they are a fetus.

The conclusion, the fourth line, makes all cases of abortion morally wrong. It may seem a bit strong, but that is what is argued. We will go through the paper point by point.

### **I was once a fetus**

This is the first line of his argument and it is the most seemingly obvious of the lines. Pruss starts off by asking us a few rhetorical questions (avoid them in philosophy papers, they just lead to confusion if they are not well crafted and obvious). The point of them is to show that at some point in the far past 'I' was an embryo, then a fetus, then a neonate, then an infant, then a toddler, a child, an adolescent, and then, finally, an adult. There are several ways in which a person can show that they were once a fetus. Pruss does this in an interesting way, one which I would not have thought to apply to this debate. he uses what we in the philosophy biz call a 'continuum', or an indiscrete series. To make these philosophically interesting, you need to have it such that something clearly holds on one side of the spectrum and clearly doesn't



hold on the other. These are often called Sorites Paradoxes. 'Sorites' is Greek for 'heap' or 'pile'. These sort of cases are where we get the stereotypical philosophical question "how many grains of sand does it take to make a heap?" So, imagine that you have a pile of sand, a large pile, something which is clearly a heap of sand. If you take 1 singular grain of sand off of the top, is it still a heap? Clearly and obviously it is. Now, I remove another, and another, and another. All the while, 1 grain of sand doesn't make a difference, all the way down until I have only 1 grain of sand left. This grain of sand is clearly not a heap, but the reasoning shows that it is. For another example, take a spectrum of colors, from blue to red. The far side is clearly blue and the other is clearly red. What if I start at the blue end and move over, ever so slightly, is it still blue? Yes, yes it is. Now, what if I move over a little more, still blue, a little more, still blue, and so on. In the middle, we will likely find something which we would call 'purple', but, by the reasoning, it would still be blue. As we continue, the responses get seemingly more and more absurd, until we are saying that red is blue.

Any line which we draw in this spectrum, saying that before this point, it's blue and after this point it's red or some other color would, frankly, be unnatural and arbitrary. In a third example, one which was given to me when I learned about this paper in the equivalent of 101 which I took (that course was exclusively epistemology and metaphysics, no ethics), concerns baldness. My professor, at the time, was balding, and was the example person for the entire department for this concept. On one

side, you have him when he was young, full head of glorious hair. On the other side you have what he will become, a chrome-dome. Now, where is he now? Somewhere in the middle, is he bald? No, but is he 'haired'? No. There's the paradox, something is both bald and not bald.

Now, at this point, the same sort of reasoning can be used for the developing embryos through pre-birth infants all the way to you reading this in-front of some screen. You, now, are clearly you. You 1 second ago is also clearly you. You 2 seconds ago is also clearly you.<sup>80</sup> We can keep going back, and back, and back, deducting seconds off the clock, until we get to your birth. Before this point, it gets a little more tricky to imagine it. The continuous nature of the transitions are even more evident in this case. We have, now, that at your birth, that's you, and on the opposite side, at conception, we have a zygote, or some such. But this is again, a continuous spectrum. There's no hard-line, no non-arbitrary position where we could, within reason, say that you appeared and the zygote disappeared. Without such a line, then you are that zygote. So, this first line is pretty obviously true. I was once a fetus.

**If I was a fetus, it would have been wrong to kill that fetus**

The last line of the argument showed that I was once a fetus. It is worth noting, and this will come up again later, that I could have used any one of you in place of myself.

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<sup>80</sup>I am not sure about the grammar of these two sentences.

Now, our job is to show that if I was once a fetus (I was), then it would have been wrong to kill that fetus (me). We need to show that there's a causal connection between me (or you, or anyone) being a fetus and the wrongness of killing that fetus. There are two ways which I would go in trying to show this connection, if I were Pruss. Here's the route which he takes (along with my connections to previous content in this course) and then there's my personal preferred route. We will start by looking at the route which Pruss takes and then move on to the route which I would take. Both involve an intermediary proof for the stance that it's wrong to kill me now.

### Pruss' way of showing that it's wrong to kill that fetus

If you remember way back in the course, we covered Nagel's work *Death*. In that work, Nagel came from the idea that death is always bad for the person who died because something of great value is lost. That thing must be of such great value that losing it is worse than anything which can come from having it. For Nagel, this is experience. Having experience is so valuable that death is always worse than whatever experiences may come from the experiences. Connecting this into Pruss, my untimely death now would be cutting off experiences which I would have otherwise had. This means that killing me has deprived me of some good, and that makes it wrong. This is, interestingly, in line with the typical Consequentialist kind of thinking (as in the way of approaching it is how the Consequentialist would do so). This is not Utili-

tarian thinking, however, because experience is included as an ultimate, super, good, which Utilitarianism does not incorporate.

So, we have that it's wrong to kill me now, which is awesome, but how do we move from this to killing me as a fetus? Well, we need to look at why it's wrong. As I have likely mentioned several times now, the why is the big aspect, this is the aspect which we can use in debate, either for or against, and make headway. To reiterate, it's wrong because I was deprived of experience. Suppose that I'm 28 and I would have otherwise lived to be 65. Killing me now would deprive me of 37 years of experience. Had I been terminated as a fetus, I would have been deprived 65 years of experience. From this, because 65 is greater than 37, we can say that killing me as a fetus is at least on par with killing me now, if not worse than killing me now. Because of this, we get that if I was a fetus, then it would be wrong to kill that fetus. Putting this as a more formal argument, we have the following:

1. Depriving someone of a good which they would have otherwise had is wrong.
2. Killing someone deprives them of a good which they would have otherwise had (namely experience).
3. If I was a fetus, then killing that fetus would have deprived me of a good which I would have otherwise had.
4. Therefore, if I was a fetus, then killing that fetus would have been wrong.

### An Argument Which He Could Have Used

Pruss' way of getting to the premise relies on the intuition which Nagel uses. This is not shared by many, but there are those who have it. An alternative way which Pruss could have used to get this line, but does not (for reasons which we will see later), is to reapply the Sorites style thinking to this problem. All one needs to make this reasoning work is that it's wrong to kill me now and that the morality of killing another person does not change with time (which is Non-consequentialist style thinking). The first half, that it's wrong to kill me now, can be gotten through your preferred method, though non-consequentialist thinking will likely be preferred. To start, if it's wrong to kill me now, then it would have been wrong to kill me a second ago. This is because the morality of killing someone does not change with time. This also means that if it's wrong to kill me now, then it would have been wrong to kill me two seconds ago, and three seconds, four, and so on. This goes all the way back to when I was a fetus. This means that if I was once a fetus, then it would have been wrong to kill that fetus. Put as a more formal argument, we get the following:

1. It is wrong to kill me now (at T).
2. If it is wrong to kill me now (T), then it was wrong to kill me a second ago (T-1).
3. If something is wrong at T-n, then it is wrong at T-(n+1).

4. Therefore, If I was fetus, then it would have been wrong to kill that fetus.

There is a very innocent jump between lines 3 and 4 which can be glossed over. Basically, to make that move, there are some additional, veiled, premises which concern the time I was a fetus and the identity between myself and that fetus. The main point of this argument is that there's no hard line which makes it OK to kill me before a certain point, and wrong to kill me after that point.

**If it was wrong to kill me when I was a fetus, then it was wrong to kill anyone when they were a fetus**

The author's original line used the gendered pronoun which I have replaced, but the point remains the same. Proving this line in a way that makes the entire thing still valid is a bit more difficult than normal. You see, this will appear to be inductive, which is not strong enough for philosophy, but it's not. As I have mentioned a few times in this proof, I am not special. I could have put that you were once a fetus and ran the argument in the same way and I could have put any person in this argument in place of myself and gotten the same result. Since there are no cases where the validity of this argument does not transfer to another, we are safe in making the generalization to all people. Take these two arguments, which are oddly similar:

I Argument	Sally Argument
I was once a fetus.	Sally was once a fetus.
If I was once a fetus, then it would have been wrong to kill me when I was a fetus.	If Sally was once a fetus, then it would have been wrong to kill Sally when Sally was a fetus.
Therefore, it would have been wrong to kill me when I was a fetus.	Therefore, it would have been wrong to kill Sally when Sally was a fetus.

The first argument is the one which we currently have a proof for. But, if we take the reasoning and replace the references to myself with references to Sally, we get the same result. Now, what if I was to replace the references to Sally with some generic, like, I don't know, a human person. Take these for the comparison:

Sally Argument	Human Person Argument
Sally was once a fetus.	A human person was once a fetus.
If Sally was once a fetus, then it would have been wrong to kill Sally when Sally was a fetus.	If a human person was once a fetus, then it would have been wrong to kill them when they were a fetus.
Therefore, it would have been wrong to kill Sally when Sally was a fetus.	Therefore, it would have been wrong to kill a human person when they were a fetus.

But, a human person is just a generic stand in, if this reasoning works (and it does, soundness is a different

story), then the reasoning applies to all, real or potential, human persons. This means that I can move from the individual case, that it would have been wrong to kill me when I was a fetus, to the stance that it would have been wrong to kill anyone when they were a fetus, because the justification applies just as well to them as it does me. This gives us the final premise of the argument, namely, if it was wrong to kill me when I was a fetus, then it would have been wrong to kill anyone when they were a fetus. This last line connects everything together, and with some pretty easy reasoning, we have that killing anyone when they were a fetus is wrong, which makes abortion always wrong.

- 1 I was once a fetus.
- 2 If I was once a fetus, then it would have been wrong to kill that fetus.
- 3 If it would have been wrong to kill that fetus, then it would have been wrong to kill anyone when they were a fetus.
- 4 So, it would have been wrong to kill anyone when they were a fetus.
- 5 If it would have been wrong to kill anyone when they were a fetus, then abortion is wrong (this is implied from the definition of an abortion).
- 6 Therefore, abortion is wrong.

With that, we have what is likely the best pro-life argument which you will find. Your typical pro-life argument which we saw earlier relied on an equivocation between 'human' and 'person'. This one, however, relies on sorites



reasoning and, maybe, some intuition about experience. This could, maybe, also be used to make a hole in Warren's reasoning as well. But, that being said, there are some objections to this argument which need to be addressed. It should be noted that Pruss' replies rely on the Nagel intuition which we have seen previously. To reply to these objections without the value of experience being so much would require a different line of thinking than the one which Pruss uses.

### **But I was wanted!**

This is rather cold, I admit, but there may be one important difference between fetus-me and some other fetuses, namely that I was wanted. But, you have to notice that nowhere in the arguments for the impermissibility of abortion were the claims that I was wanted. It solely relies on the fact that I am a person and that I was a fetus. There are some cases where the pregnancy and child-rearing will result in undue and heavy burdens on the mother. In these cases, it seems like abortion should be available (according to some). This is not to say that those burdens will always be present in that person's life, but rather that they would not be removed or be very difficult to remove if she went to term. This sort of reasoning falls in line with one of the popular pro-choice arguments which I have given for Warren, namely the ones which rely on the undue burdens on poor women.

### Pruss' Reply

It is worth noting that nowhere in the argument was there something about the want of a child, nor was there anything about the life of the child after birth. Even if I wasn't wanted, there's still a loss, namely the fact that I would have otherwise had experiences. A person is a person, no matter how small. Morality, often, will force us into situations which we don't want to do, which might not be in line with our self-interest.

### But I didn't endanger my mommy!

That was me making a joke of the objection a bit. The point of it is that, as far as I am aware, there were no complications with my birth/time in the womb which added risk to my mother's life, which may make a relevant difference between me and other fetuses. There are some cases where a person must choose between the life of the mother and the life of the child. There are other cases, even more extreme, where the process (not just child-birth) of going to term will kill both. Such as cases of unidentified ectopic pregnancies. These cases make up 10% the deaths during pregnancy.

### Pruss' Reply

But, you have to notice, that we have to choose between the life of one and another person from time to time, though it is not common. More over, in cases where a fetus is endangering the life of the mother, it does so unintentionally. In cases where it is acceptable to kill a person

who is endangering another, it is intentional. So, since it is unintentional, it is not acceptable to kill the fetus. Also, if it comes to a choice between the mother and the child, if we were to apply Nagel's thoughts, we should choose the child. Namely because the experiences had by the mother up until that point plus those which will be had by the child is greater than the amount had by the mother if she were to continue living. This, however, does not work in cases where the fetus is not able to develop and the process of development will only kill both. For example, extreme cases of ectopic pregnancies.

### **But I was a healthy fetus!**

This becomes a debate about euthanasia (the killing of a person painlessly when they have some extreme health problem). Killing me as a fetus would have deprived me of a long life, but killing an unhealthy fetus would not have deprived them of much. For example, Peter Singer, who I have used as examples before, is a rather extreme Utilitarian, both in his work as well as in his actions. His charity work and donation practices are top-tier. However, when Singer was directing a bioethics center in Australia (which is a universal healthcare country), he was contacted by doctors concerning their ethical dilemmas. In one case, he was contacted concerning issues in the Neonatal Intensive Care Units, ICUs for newborns. Many of these newborns had a range of very serious medical conditions which often lead to a very slow and painful death. If the newborns actually did survive, they would

need multiple extremely expensive surgeries which would drain the resources from the collective system (it's even worse in a system without universal healthcare) and they would be very disabled in various ways. In the extreme cases of these conditions, the ones which the doctors were contacting Singer about, all people concerned, the doctors, nurses, and even the parents, believed that the babies should not survive. In these cases, all the newborns could do is experience pain. As a result, many infants were being left in the ICU untreated, with minor adjustments to alleviate the suffering where possible. This was an very painful experience for all those concerned, on an emotional level and took up resources which would have otherwise been provided to healthy newborns. Almost all cases like these die before they are 6-months old. Peter Singer advised that the newborns with the extreme cases of this condition be given a quick and painless death. Would it not be better for the parents to have this condition identified early and be able to have an abortion?

### Pruss' Reply

This becomes a debate about euthanasia (the killing of a person painlessly when they have some extreme health problem). The connection is that, for the author, killing an unhealthy fetus is the same as killing a person with a terminal illness. So, if you think that killing a person with a terminal illness is permissible, then you must also think that killing an unhealthy fetus is permissible. The author thinks that euthanasia is wrong, full stop. Again, this is

a lot like Nagel's reasoning. The core principle is that no experience can make life not worth it. Because of this, every human life, for Pruss, must be worthwhile.

### A Reply to this Reply

There is an issue with this reply. Namely, if experience is what makes human life always worthwhile, what if the fetus is going to be brain-dead? For example, what if the child has a certain genetic abnormality or some other factor which results in anencephaly (Greek for no-in-head (AKA brain)). This is a real thing, the baby, if it has the main brain stem, will be alive, but will not have any experiences whatsoever. No consciousness at all. The life expectancy for a baby born with this is between a few hours and a few days. This means that the human's life would not have anything to it, there would be none of what makes life always worth it, according to Pruss. This means that he does not have a way of saying that abortion would be wrong in this case.

# MODULE IX

## *Feminist Ethics*

## *Part 26: Feminist*

### *Ethics*

This week, we will be discussing one of the newer perspectives on ethics, Feminist Ethics. Before we start, however, ask yourself what every theory which we have covered in this class has in common. The answer might be a little surprising. Every theory which we have covered was kicked off by men. The vast majority of them lived in societies which were very patriarchal. This type of society lead them to make some rather disturbing claims about women. For example, with Virtue Ethics, Aristotle wrote "the male is superior, the female, inferior." For Divine Command Theory, Aquinas wrote "as regards to her individual nature, each woman is defective and misbegotten." And for Kantianism, Kant wrote "Laborious learning or painful pondering, even if a woman should greatly succeed at it, destroy the merits proper to her sex. . . . Her philosophy is not to reason but to sense."

These statements could be read as a product of their time and we could think that these views did not bleed

into the theories. And in a sense, this is correct, none of the authors really wrote much about women (with the exception of J.S. Mill (Utilitarianism)).<sup>81</sup> But there's a sense which it would be wrong to downplay these quotes. There are two ways philosophers have not given women their due: First, they make false or damaging claims about women (those quotes). Second, they do not value or totally ignore the experiences and perspectives of women. Feminist ethics seeks to change this.

Some people think of Feminist Ethics as a stance itself, and there has been a lot of advancement in trying to make an ethical theory 'from scratch' in the feminist framework, however, Feminist Ethics, like Virtue Ethics and some of the more 'meta' theories, is better seen as a family of different theories which all share a certain family resemblance. It is possible to make versions of the various theories inside of the feminist ethics framework, though they will be a little different (just like how it's possi-

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<sup>81</sup> John Stuart Mill was an avid supporter of women's rights. His wife, Harriet Taylor Mill, who I mention later in other footnotes, was a heavy hitter in early British feminism and was very influential on him (those who claim otherwise are why we need feminist ethics, as we will see later). His work "The Subjection of Women" and Harriet Taylor Mill's work "The Enfranchisement of Women" are very often cited in feminist literature today. After the passing of Harriet Taylor, J.S. Mill ran for parliament and won. He was the first person in the history of that body to argue for women's suffrage and would passionately engage with anyone on the topic. He also argued for extensive cultural reforms to enfranchise women, recognizing that it was not just legal hurdles standing in their way but also cultural. For example, if there were no laws blocking you from having a certain position but you were brought up with the belief that those roles just 'weren't for you', it's very unlikely for you to try and get the position and then there's those selecting others for the position who think that the position just isn't 'for you'. J.S. Mill recognized that not only the laws needed to change but also the culture.



ble to make a consequentialist theory inside of the virtue ethics framework).<sup>82</sup> One way to think of this is that feminist ethics is a meta-ethical stance about the correct way of doing ethics, like what the methodology should be, or one could see this as a perspective on ethics. For example, Julia Driver (Virtue Consequentialism) sought to make a Feminist Consequentialism. There are several (4) features which makes an ethical theory fit into this family, these features are, in a sense, part of the family resemblance which links them all together. Also, these features, or tenets, if applied differently, are used to handle the ethics of race and sexual orientation today. This is, in part, why feminist philosophy has sort of adopted those topics in recent years.

## The Tenets of Feminist Ethics

Generally, when deciding whether a theory is of one kind or another, not just in Ethics, but in any field, we look at the general features which the theory has. For example, with Consequentialism, the main feature is that the consequences matter morally or that there is a basic obligation to leave the world a better place.<sup>83</sup> With Feminist

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<sup>82</sup>The closer the theory is to having the core features already, the less the ethicist will need to modify the theory to fit in with the Feminist Ethics family. In much of this module, you will see me reference Feminist Consequentialism and the optional reading for this module is about that. This is because Consequentialism needs the least modification to fit in with the family, as you can probably tell from the previous footnote and great strides have been made in making such a theory in the last 15 years.

<sup>83</sup>As Samantha Brennan puts it in her 2020 article "The Love-Hate Relationship Between Feminism and Consequentialism", quote, "it's my view that to say we have a moral reason to do x because x would make the

Ethics, there are 4 such tenets or features. It should be noted, however, that many contemporary philosophers working in this field have limited it to 2 tenets, namely the first two.<sup>84</sup> Some ethical theories could, potentially have these features by design or because of a consequence accidentally.

### Tenet 1: The Equality of Men and Women

The first feature of a feminist ethical theory is that it must, either by design or consequence, have built in that men and women are equal morally and intellectually. Any theory which justifies the subjugation of women or downplay their interests is wrong. This plays right into my initial note about how all of the authors, with the exception of Mill,<sup>85</sup>

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world better is to engage in consequentialist moral reasoning.” (Samantha Brennan, “[The Love–Hate Relationship between Feminism and Consequentialism](#),” *The Oxford Handbook of Consequentialism* [Oxford UP, 2020])

<sup>84</sup>Alison Jaggar in her article “Feminist Ethics” (1991) says that there are two features to a Feminist Ethical theory, first that it must state that the subordination of women is morally wrong and second that the moral experiences of women need to be treated with equal consideration to those had by men. (Alison M. Jaggar, “[Feminist Ethics](#),” *The Blackwell Guide to Ethical Theory*, edited by Hugh LaFollette [Oxford / Malden: Blackwell Publishers, 1992] pp. 348–74) Samantha Brennan in “Recent Work in Feminist Ethics” (1999) says that a Feminist Theory must have two aims; first, to achieve a theoretical understanding of women’s oppression with the purpose of ending that oppression and second, to develop an account of morality based on women’s experiences. (Samantha Brennan, “[Recent Work in Feminist Ethics](#),” *Ethics* vol. 109, no. 4, 1999, <https://doi.org/10.1086/233951>, pp. 858–93) In these two accounts of the tenets of feminist ethics, there’s nothing, directly, about the traits traditionally associated with women nor is there anything, directly, about the methods of moral reasoning. However, one could derive the third tenet from the first and the fourth from the second, without adding or detracting very much.

<sup>85</sup>For a historical note, John Stuart Mill’s wife, Harriet Taylor Mill (often cited as Harriot Taylor), was very influential on J.S. Mill. She was a

we have seen thus far have downplayed or ignored the interests of women. We can think of this as a methodological point. In constructing an ethical theory, one must take the interests of women into account and give them equal weight to the other voices in the debate.

People of different sexes are morally equal; any theory which justifies the subjugation of a group or downplays their interests because of sex is wrong.

As I mentioned before, a very similar tenet is found when one is developing an ethical theory with other groups in mind. In the case of race, this tenet would read as something along the lines of "people of different races are morally equal; any theory which justifies the subjugation of a group or downplays their interests because of race is wrong." Similarly, in the case of the LGBTQ+ community, this tenet would be phrased as "all people are morally equal, regardless of their gender or sexual orientation; any theory which justifies the subjugation of a group or downplays their interests because of gender or orientation is wrong." This tenet can be found throughout the history of Feminism, both in Academia and elsewhere. Any theory or policy which does not recognize the equality of women and men in the relevant regard is just plain wrong.

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'heavy hitter', so to speak, in early Feminism and a great philosopher in her own right. Many of his works, he later claimed, were actually hers, or at the very least her ideas. Several of her works were applications of the consequentialist theories which she and her husband developed. We could also, maybe, credit her with pushing J.S. Mill towards a more Rule Utilitarian approach, which has similarities to the general approaches in Feminist Ethics today. It makes sense, then, that J.S. Mill would be the exception to the general claim about the authors of classical ethical theories.

## Tenet 2: The Experiences of Women are Vital

This next tenet plays right into the previous and adds a little bit to it. This tenet claims that the experiences of women deserve our respect and are vital to a complete moral picture. Any theory which does not take these into account (ignores them) will be incomplete and likely will be biased. The core idea here is that the perspectives of women when formulating a moral theory have often been a blind spot in the history of ethical frameworks. This seeks to make the perspectives of women on equal footing to those of men.

The perspectives of women are essential to a complete moral picture. Those which do not take those into consideration will be incomplete and biased.

This feature applied to race/racism looks like this “the perspectives of members of different races are essential to a complete moral picture; any theory which does not take them into account will be incomplete and likely biased.” Similarly, for the LGBTQ+ community, we have something along the lines of “the perspectives of members of the LGBTQ+ community are essential to a complete moral picture; any theory which does not take them into account will be incomplete and likely biased.” As before, we see this sort of tenet found in various Feminist movements today. For example, in many of the contemporary arguments against Anti-Abortion Laws (the pro-choice arguments), we are quick to point out that those making the laws in question are not affected by the laws, in that they

are all men. The lack of a woman's input makes the likelihood of a biased or incomplete law too high to ignore.

### Tenet 3: Masculine vs Feminine Traits

We notice in interacting with others, there are certain character traits which are stereotypically feminine and those which are stereotypically masculine. For example, some feminine traits include sympathy, empathy, caring, mercy, compassion, and cooperation. On the other side, some of the more masculine traits include things like competitiveness, independence, willingness to resort to violence, demanding one's fair share, and the defense of personal honor. Many ethical theories over-emphasize the masculine traits in a person and many patriarchal cultures value those traits over the feminine ones. This tenet wishes to draw attention to this and claims that the feminine traits are, at least, as important as the masculine ones, if not more so.<sup>86</sup>

Feminine traits are at the very least as important as  
masculine ones.

For this one, we are talking about traditional traits associated with men and women. No one will claim that all women have all of these traits, nor will they claim that all men lack those traits. However, our cultures have long

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<sup>86</sup>The mention of traits and character dispositions like this should remind you of Virtue Ethics, and you would be correct in spotting this. Though I am unaware of advancements down this path, but placing 'feminine' traits on equal footing as the masculine and amending the methods for determining which traits are virtues might lead to interesting advancements into a feminist virtue theory.

cultivated the idea that men have these traits and women have those traits. In the case of applying this tenet to race and gender/sexual orientation, it would be far more culturally relative to assign traits to the communities and, as a result, far more difficult. In general, the initial version should be able to handle those variations without need for modification, though I may be wrong.

#### **Tenet 4: Feminine Moral Reasoning**

In the previous theories which we have seen, there has been an emphasis on abstraction, impartiality, and strict adherence to some principle rules. Consequentialism gets around the latter because of its flexibility, which is why feminist consequentialism is possible. But, traditionally feminine moral reasoning has features emphasizing cooperation, flexibility, openness to competing ideas, and relationships between people.

Those traditionally feminine features are superior to the traditionally masculine features in a moral theory.

Feminist moral theories will, in a sense, be more grounded in the cases, because of their flexibility. They will also be more open to seeking a common ground with other people in cases where there are competing interests, because of the emphasis on relationships and competing ideas. The emphasis on the relationships does lead to a rejection of impartiality. For the theories which we have seen, they are built up to be impartial, that is, they treat all people equally, regardless of the relationship to the per-

son. This rejection is very interesting to me, at least. For example, take this thought experiment:

**Drowning Children** You are at the park with your child and their two friends. They choose to go swimming. As you watch, they begin to drown. If you dive in, you can either save your child or their friends, you can't save all three. What do you do?

An impartial ethical theory would treat the three people the same, regardless of their relation to you. This, however, does not sit well with some people.<sup>87</sup> They claim that you have a greater moral duty to save your child than the other two kids because your child is, well, your child. That is an example of this built in bias at work. If your initial reaction is to call for help, if there is no one, dive in, the idea of cooperation is also exemplified.<sup>88</sup>

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<sup>87</sup>With this case, also, there is something interesting. In my family, those who are related to me, man or woman, tend to be the 'bread-winners'. When I pose this question to the people who actually raised the children (the moms or mr. moms), I tended to get that they went with 'save my kid', while those not directly involved in the raising tended to have a harder time. This difference is an example of how the feminine traits are not associated with sex, rather with a role they play.

<sup>88</sup>Harriet Taylor Mill, who I spoke about in the third footnote, once said to her husband "[religion and superstition] must be superseded by morality deriving its power from sympathies and benevolence and its reward from the approbation of those we respect." This was in a Letter to J.S. Mill dated February 15th 1854. The nature of the letter as well as the content surrounding this quote, leads one to believe that she was influencing him towards both emphasizing the feminine traits which we saw before as well as placing greater emphasis on personal relationships. (J.S. Mill and F.A. Hayek, *John Stuart Mill and Harriet Taylor, Their Friendship and Subsequent Marriage* [A. M. Kelley, 1969])

There are two additional features which tend to naturally arise when developing an ethical theory with these tenets at the heart. Some authors have even treated these as fundamental features, tenets, in their own right.

### Against Unification

Most ethical theories try to get one rule to determine morality. For example Utilitarianism had the Principle of Utility, Kantianism had the Categorical Imperative, and so on. Feminist Ethics doesn't like that. There isn't one formula for right actions, rather several. This is sometimes called ethical pluralism. We see this all the time in life, especially in the home-life, we have conflicting demands from various family members and each one needs to be treated differently. In which case, we need to apply different rules in different cases. This shares most of its features with virtue ethics.

### Against Impartiality and Abstraction

There are many reasons why philosophers want one overarching rule for morality. One of them is that the more general the rule, the less likely it will have bias. Feminist ethics thinks that being at least a little bias and down to earth (not abstract) illuminates the nature of things like justice and our moral duties far better. For example, take pragmatic encroachment. As far as I am aware, this particular concept has not been applied to Ethics, it has mostly been a problem for Epistemology (the study of knowledge). In the case of knowledge claims, this is where we would say that we know something on an ab-



stract level, but that fails to transfer to the applied level. Pragmatic, real world, considerations encroach on it. Here is an example: Suppose that you know that 99% of people in a town don't have a high school diploma. Now, I take one of them aside and put them in front of you and ask "do you know that this person doesn't have a high school diploma?" Given normal levels of certainty, on the abstract level, you would say that you know, or are highly certain, but something is changing the case.

When we take this idea and apply it to ethics, we get something interesting. On an abstract level, we might be willing to say that certain things are right or wrong, make general rules, but something about the cases, when we apply it, comes out odd and we aren't willing to say that the theory gets it right. For an example, take one of the ethical theories which I have presented to you and that you liked, now think about whether you agreed with the counter examples.

## *Part 27: History and The Ethics of Care*

Feminist ethics really came into its own in the 1980s. In 1982, a Harvard psychologist, Carol Gilligan published a book, *In A Different Voice*. In it, she argued that women experience and interact with the world differently than men (kind of a no-duh). But the difference was that she rejected the idea that this was inferior to men. Gilligan's teacher, Kohlberg, defined six stages of moral development. Gilligan noticed that women hardly ever move beyond the third stage. She saw that claiming that women are in this stage and this stage is inferior, as a bias. Here is a chart of the different stages of moral development according to Kohlberg:



Moral Development	Cognitive Prerequisite	Who Decides?	How Do I Know?	Why Act Morally?
Level 1: Preconventional Morality				
Stage 1: Punishment	Egocentrism	Authority	Reward and punishment	Reward and punishment
Stage 2: Instrumental	Individualistic	I do based on my needs.	Self-interest	If I act good, then will get something in return.
Level 2: Conventional Morality				
Stage 3: Interpersonal Expectations	Can think about other's wants and needs.	Social Roles	They are what a good person in my society would do.	Others expect me to act like a good person.
Stage 4: Social System		Social laws and conventions.	The Law	If I don't follow the laws, society will break down.
Level 3: Postconventional Morality				
Stage 4.5: Transition	Considers many different perspectives at once.	Each individual must decide what is moral.	Moral behaviors are what's right for each person.	You need to do what you think is right.
Stage 5	Considers many different perspectives at once including an objective impartial outside perspective.	An abstract, impartial moral principle. Social laws are contracts which should be changed when necessary to reflect that principle.	Morality is what is right for all people, this is may or may not be legal.	One must promote justice and equality.
Stage 6		I define what is right or wrong based on my own self-evident principles.	Morality is abstract and universal, transcending social conventions.	All people deserve equality and justice. It's our duty to promote those.

In testing the stages of moral development for various people, Kohlberg and Gilligan presented people with what is known as the Heinz Dilemma. It comes in various different forms, but the basic principle behind the case is the same:

## The Heinz Dilemma

In Europe, a woman was near death from cancer. One drug might save her, a form of radium that a druggist in the same town had recently discovered. The druggist was charging \$2,000, ten times what the drug cost him to make. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said, "No." The husband got desperate and broke into the man's store to steal the drug for his wife. Was this morally right or wrong? Why?

According to studies involving this case, women tended to say that the husband should not steal the drug. While men tended towards claiming that he should. For the study, they, prior to conducting, made a hierarchy of moral development. According to them, the opinions of women for this case were less developed than those of men. This caused women philosophers to analyze the case and come up with the reasons why women went this direction and why the study would, in error, think that women

were less morally developed.

## Woman's Experience

In her studies, Gilligan did not argue that all women share these feminine traits, nor did she argue that all men have the masculine. Also, it is very difficult to define the 'female perspective', as women are just as diverse as men are in their ideas and thinking. But, there are certain experiences which can only be had by females (childbirth for example) and there are many experiences which are mostly had by women, and men less-so, pay inequality, and near total exclusion from certain professions (airline pilot). These experiences, according to Gilligan and others, like Nel Noddings, lead women to tend to have a different perspective. This perspective, according to the authors, centers around concrete particulars, rather than abstract cases, focusing on relationships, rather than impartial judgements. These aspects of this perspective have evolved into the fourth tenet of feminist ethics.

Women aren't the only ones who suffer those things, men do too, but it is a far smaller percentage. Philosophers before the 80s largely ignored these issues. One of the goals of Feminist Ethics is to talk about these things. Another point worth bringing up is that women, the world over, experience decreased autonomy and increased dependence on their spouse. All of these points lead to a different outlook on ethics which makes the theories in feminist ethics so different.

## The Ethics of Care

Most of the theories which we have spoken about have not been made with the familial roles in mind. But since most of our treasured moments are spent with our family and many of our choices concern close relationships. What would a theory look like if that was the starting point? In particular, feminist ethicists have argued that the maternal love for a child should be the model for ethics. This is the ethics of care. It's not egoist and it's not Kantian. Justice is absent in the mother-child relationship. It's not utilitarian because it has at its heart a bias. Mothers are biased towards their children.

The Ethics of Care has, at its heart, an important feature. It places great emphasis on caring and emotion. Care is an emotion, or at least a set of reinforcing emotions like love, sympathy, and empathy. Like all emotions, care involves both thinking and feeling. The relevant thoughts for care are towards the wants and needs of the being cared for. The feelings are positive, like love. Care makes us more attuned to the needs of others. Parents often know their kids better than anyone else. Both utilitarians and Kantians don't place much stock on emotions. But feminists hold that care is central to moral motivation and discovery.

### But What is Care?

We have seen this idea of care before in the Mohist Consequentialism section, but we still need to explore it in depth in order to fully appreciate the theory which is being

proposed here. As I have mentioned, care is an emotion. It is a disposition or an attitude towards the well-being of another thing.<sup>89</sup> We need to be careful, however, because there are, at least, two general ways in which this may manifest. One could *care about* another thing or one could *care for* another thing. Caring-about is where you have a desire for the betterment of the well-being for a thing. For example, I can care about the survivors of some disaster, care about the health of a friend, or care about the state of the economy. Caring-about does not require me to actually do anything.<sup>90</sup> Caring-for is where you are actively taking steps to promote the well-being of the thing in question. It is certainly possible to care for something without caring about them, though such a dispassionate approach might be seen as monstrous. It is also possible to care about something without caring for it, such as caring about the well-being of disaster survivors without taking steps to help them.

When one actually cares about something, there are certain general things which arise in that person, all of which can give some moral guidance. First, we have attentiveness. If you care about another person, then you are attentive to their needs. You understand what they need and want and are able to recognize when something is off. You could be ignorant of another person's needs, but being inattentive to a dependent's needs seems far worse. There is a difference between doing something for them when needed and being attentive. When you are

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<sup>89</sup>it is possible to care for a rock or a person or an animal.

<sup>90</sup>Though, if you really do care about something then you are motivated to do something.



merely doing something for them, then it's likely prompted by external expectation, like it's your job. When you are attentive, the same action is prompted internally. You recognize the need. Second, when we really care about/for another, we are willing to take on responsibilities. One could be attentive to the needs of another, as in keeping track of their needs, but to really care about them, you need to take on the responsibilities involved in getting them those needs. If you really care about something, you willingly take on the obligations to see it through. We all have responsibilities. Some of these are thrust upon us, others we take onto ourselves. When you care about something, you place the responsibility to attend and act on their behalf without external pressures. You willingly take it on because you care for them. Third, when we care about/for something, we need to recognize our own competency. You can take on the responsibility and be attentive, but you are also obligated to be competent in fulfilling those obligations. You need to fill them adequately. If you care about someone, then likely the standards for adequacy will seem bigger than they actually are, and this is a good thing. When you care for something, it should feel wrong to only do as much as necessary for them/it. It should also feel wrong to fail to fulfill the responsibilities. This means that you are obligated to fill the role with competence and, maybe, go above and beyond. And finally, we have responsiveness. You can take on the responsibility, be competent, and attentive, but there's the problem of your knowledge. When you care about someone, you are responsive to their actual needs, the sort of

condition they are in. This is different than ‘putting yourself in their shoes’, you are responding to their condition and wanting to help from outside, recognizing what they would want, not what you would want in their position.

## Some Overarching Issues with Feminist Ethics

Since Feminist Ethics is a family of theories, if we are going to pose challenges or problems for it, we will need to focus on the core similar features which all share. These would be the tenets which they all have in common. These issues mostly arise from the fourth tenet in a feminist ethical theory. The heart of the theories generated will be against abstraction, impartiality, and unification.

### Issue 1: The scope of the moral community

Feminist ethics threatens to limit the scope of who we have moral duties towards to just those we care about. Early feminist ethicists argued that we only have duties towards those we care about. This isn’t argued for any more but the idea is still central. For example, do I have some obligation to a stranger? What about a person I can’t stand? Similarly, if I am morally expected to be biased towards certain individuals, then is it permissible for me to hoard resources for them and leave very little for others?

A potential way out is to pull some ideas from other theories when it comes to caring. For example, the Feminist Ethicist could argue that we need to care about the

well-being of all people but at the same time only need to care for the well-being of those we *ought* to care for.<sup>91</sup> This would mean that I have some obligations towards others, as I ought to care about all people's well-being, I just have a greater obligation towards some people.

## Issue 2: The Role of Emotions

While emotions certainly give us insight into morality, the exact role of it needs to be fleshed out. In some cases, our emotions will cloud our judgement and make the right move hidden to us. So, more research into this role of emotions is needed, what emotions are the guiding ones? What exactly is this emotion 'care'? And so on.

## Issue 3: Bias has its costs

What is the justification for treating the perspectives of another group equally to your own? Well, it would be because it would be biased and incomplete not to include those perspectives. However, at the same point, Feminist Ethics is opposed to this kind of impartiality. For example, with the Ethics of Care, it would make sense for a mother to treat the interests of her child with a greater weight than the interests of another child. Being against impartiality, allowing for a bias like this, detracts from the very motivation behind the theory itself.

More contemporary researchers in Feminist Ethics have recanted their rejection of impartiality, at least a little bit, and have stated that being impartial, at least some of

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<sup>91</sup>This is the line of reasoning which is found in Mohism.

the time, is the right thing to do. This naturally expands the scope of the moral community beyond those which we care about. There are certain social roles and situations which demand impartiality and moral consideration of others, even beyond those you care for. Feminist Ethics' emphasis on relationships and social roles makes adding a dash of impartiality a natural addition, though it will be open to bias when one is in certain roles. This addition is covered in the optional reading, Consequentialism and Feminist Ethics by Julia Driver, along with other minor amendments. This development also can expand the scope of the moral community, which removes the first issue.<sup>92</sup>

#### Issue 4: Conflicts

Like with virtue ethics, feminist ethics doesn't have a hard and fast rule for morality. Without it, it is very difficult to actually use the stances. This is an issue with just about any form of ethical pluralism. The best route to take is to, at least in spirit, accept some manner of unification and then use the tenets as methodological principles to either create an ethical theory in the model of the normative theories which we have seen or use the tenets to modify existing theories into the feminist family (such as a feminist virtue theory or feminist consequentialism).<sup>93</sup>

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<sup>92</sup>The thing to note is that the addition of at least some impartiality, in the right contexts, is very recent and I don't know whether it has 'picked up steam' and became the prevailing view. Treat this as a remaining issue for Feminist Ethics to tackle until such a time as this, or another solution is found.

<sup>93</sup>Some examples of this line of work, incorporating Feminist tenets into existing theories, can be found in the optional reading. There has, re-

## Issue 5: Uncooperative people

Feminist Ethics places a very heavy emphasis on cooperation. While cooperation is awesome, we need strategies for dealing with uncooperative people and governments. Sometimes, good faith efforts and a helping hand are met with an iron fist. This can be seen in the Heinz Dilemma from earlier. Sometimes, even with an uneven weighing system for interests and consideration, the best option would be to fight and act on some of the more masculine traits which we have seen in order to solve the problems.

Similarly, people often claim that cooperation is the opposite of competition. Competition can be a good thing, though I will admit that the benefits are often over exaggerated in more patriarchal cultures. It's motivating in that the drive to win in a game or the drive to be better at something than another gives us reason to do it. Engaging in competitions among ourselves teach us particular life lessons which, in turn, make us better people. Since a competitive drive is a masculine trait and Feminist Ethics claims that feminine traits are at least as important as the masculine ones, we need a system in place for determining which of the traits is better to act on or have given a situation. This would be a wonderful place to incorporate some of the developments in Virtue Ethics. Being hyper-competitive all the time is not a virtue but neither

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cently, been work to show that the reasoning and principles in Feminist Ethics are justified and established using consequentialist principles. This can be seen in *The Love-Hate Relationship between Feminism and Consequentialism* by Samantha Brennan. The justification for allowing bias (in certain circumstances) into a consequentialist framework is a bit sophisticated, functioning in a similar way to Rule Consequentialism.

is being submissive and overly cooperative. There is a middle ground here which would do wonders in solving this issue.<sup>94</sup>

### Issue 6: Justice and Rights

There are two general ways in which people think about justice in American Political Philosophy. For more left-leaning philosophers, justice is equality. That justice is being treated fairly and un-equal treatment is only justified if it makes everyone better off. There is no room in Feminist Ethics, as the tenets lay out, for this kind of impartiality. Fair and equal treatment for all people seems to be a core feature of the moral picture and something which should not be easily swept aside. The picture is just as incomplete and one which ignores the views of women.

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<sup>94</sup>One could also use the work in Virtue Consequentialism to determine which of the traits is better to act on and thereby virtuous.

## *Part 28: Feminist Consequentialism*

Through out this content about Feminist Ethics, I have been careful to note that this is a family of theories or a methodology for doing Ethics, Feminist Ethics is not a theory in and of itself. As a result, there could be Feminist versions of the other theories which we have seen in this class. There could be a Feminist Virtue Ethics or a Feminist Kantianism, for example. While I do see great promise in a Feminist Virtue Ethics, one which has caught my attention and seems worthy of doing into detail about is Feminist Consequentialism (Utilitarianism).<sup>95</sup> As an approach to Ethics, Consequentialism in general and Utilitarianism in particular is very open to taking many different viewpoints into consideration and is very flexible in generating ever more robust versions of itself from those considerations. It seems strange, then, that Feminist Consequentialism wasn't taken as the original theory

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<sup>95</sup>Julia Driver, "Consequentialism and Feminist Ethics," *Hypatia* vol. 20, no. 4. *JSTOR*, 2005, [www.jstor.org/stable/3810895](http://www.jstor.org/stable/3810895): pp. 183–99.

at the beginning.

## Feminist Historical Opposition to Consequentialism

Though, from my perspective, calling this 'historical' feels wrong, but as I have mentioned, Feminist Ethics is relatively young. In the early 1990s, many philosophers thought that the bedrock principles of Utilitarianism were opposed to the same for Feminist Ethics. Utilitarianism seems to be a highly abstract theory with a very deeply seeded commitment to impartiality. Feminist Ethics, on the other hand, is supposed to be a very down-to-Earth theory with a deeply held commitment to bias (at least to those we care about or have some relationship with). This was noted by Virginia Held in this passage:<sup>96</sup>

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<sup>96</sup>Virginia Held, "Feminist Transformations of Moral Theory," *Philosophy and Phenomenological Research* vol. 50, n/a, 1990, <https://doi.org/10.2307/2108046>, pp. 321–44.



Utilitarians suppose that one highly abstract principle, the Principle of Utility, can be applied to every moral problem no matter what the context. A genuinely universal or gender-neutral moral theory would be one that would take account of the experience and concerns of women as fully as it would take account of the experience and concerns of men. When we focus on women's experience of moral problems, however, we find that they are especially concerned with actual relationships between embodied persons and with what these relationships seem to require.

This passage illustrates that at least a Naïve Act Utilitarianism would be committed to some principles opposed to the features of Feminist Ethics. Carol Gilligan and Nel Noddings both also noted that women's experience of morality tended to be primarily about concrete, real world, cases rather than abstract and distant moral principles and also focused on close caring relationships rather than impartiality. These notes too place Naïve Act Utilitarianism in opposition to Feminist Ethics. For most ethical theorists, impartiality, a lack of bias, is a good thing for a theory to have. Feminist Ethicists, on the other hand, don't think that this is so. Many think that the correct ethical theory would have the person following it lead a good life. Our friendships/relationships are of great importance to a good life and those relationships require a certain degree of bias on the part of those in them. For example, we have special obligations towards our children and we

should care about them more than other people and we owe our families more consideration than others. Naïve Act-Utilitarianism would not have room for this. So, this means that Utilitarianism, at least a Naïve Act Utilitarianism, could not be correct. Take this case for example:

## Genius vs Your Child

You are having a picnic lunch by a lake, your kid and their friend had just finished eating and decided to go swimming. They swim out pretty far and both begin to drown. Being attentive, you notice this immediately. They are so far out that you can only save one of them, either your child or their friend. You know full well that your child is a bit dull and would likely lead a pretty average life. Their friend, on the other hand, is a genius and stands to cause great things in the world.

Who do you save?

This example is one of a family of issues which arise from a completely impartial theory of Ethics. We call them Special Obligation Problems.<sup>97</sup> We want to say that we have a greater duty to our children than we do to other kids, we have *special obligations* towards family members or those we have a relationship with. Any reasonable ethical theory will say that we have some obligations to other people, but a truly impartial theory will apply those obligations evenly, regardless of their social or familial relation to us. For Naïve Act Utilitarianism, I have

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<sup>97</sup>or just The Special Obligation Problem

just as much an obligation to my child as I do to a child on the other side of the globe. In the above case, Naïve Utilitarianism would have it that I should save the friend rather than my child. But, there is a sense in which I have a greater obligation towards my child, some sort of special obligation to them which is not had towards others. If that is the case, then we have a problem. For Consequentialism, in general, to survive this objection, there must be a way to create this sort of bias from the impartial system. In other versions of this problem, we see that Naïve Act Utilitarianism doesn't have room for some kind of special obligation to ourselves (like taking on hobbies or going on vacation). We could only do this once we have ensured that everyone else was living the best life they could. It seems to call for great self-sacrifice. To many feminist writers, this will be a problem because such routine sacrifice has traditionally been asked of women and a Feminist ethical theory should be opposed to or mitigate this sacrifice. For an example of this thought, take this passage from Virginia Woolf, called the Angel of the House:<sup>98</sup>

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<sup>98</sup>Virginia Woolf, "Professions for women," *The Virginia Woolf Reader*, edited by Mitchell Leaska (Harcourt Brace, 1984).

## The Angel of the House

[She was] intensely sympathetic. She was immensely charming. She was utterly unselfish. . . . She sacrificed herself daily. If there was chicken, she took the leg: if there was a draught, she sat in it—in short she was so constituted that she never had a mind or a wish of her own, but preferred to sympathize always with the minds and wishes of others.

This passage illustrates, on a more local level, what the Naïve Act Utilitarian would hold as a good life or a good person. She is constantly sacrificing her own happiness and betterment for that of others. She is ignoring the special obligations she has to care for herself and have a mind of her own. Something does not seem right here.

At the same time, the truly dedicated Naïve Act Utilitarian would say that being the Angel of the House is too small of a scale, she should be the Angel of the World. The Angel of the World is much like the Angel of the House but is far more global, making the problem even worse. Naïve Utilitarianism would have us always act for the betterment of the world as a whole, not just those we have special obligations towards and do so impartially. The Angel of the World would not carve out time for special obligations nor would she really carve out time for her individuality. She would subsume this for the betterment of the world.

From the Naïve Act Utilitarian perspective, it would be

hard to justify any sort of friendship at all, let alone the special obligations necessary to maintain them. This is because it would be hard to see how friendship with some particular person would serve to promote the good. If the idea is to promote the good for others, and this governs all aspects of one's life, then she should be cultivating friendships that serve the greater good. She tries to get others to give to Oxfam, or volunteer at the soup kitchen, or protest against polluting business practices, and so forth. She thinks of the people she interacts with as potential beneficiaries of benevolence, but also as potential contributors to overall happiness in the world. Rather than thinking of friendships as good or thinking of the special obligations maintaining those friendships require, she thinks of friendship as a mere-means to the goal of making the world overall better. Even at her own detriment.

This illustrates to us that Naïve Act Utilitarianism simply could not fit into the Feminist Ethics family. But maybe, just maybe, there are other, more sophisticated version of Consequentialism which could fit in with the family.

## Naïve VS Sophisticated Utilitarianism

While it is certainly the case that Naïve Act Utilitarianism is committed to the view that we should all be the Angel of the World, this does not hold for all Consequentialist theories. Naïve Act Utilitarianism falls into this conclusion because it conflates the decision making procedure with the criterion for right action. As we have seen previously, every Consequentialist theory is going to need to answer

these two questions:

1. What is the good?
2. How should I promote that?

Utilitarianism answers the first question by saying that it's happiness or well-being. A more sophisticated form of Consequentialism (or more particularly, Utilitarianism) would answer the second question by *not* claiming that we need to promote it in every action we take, but rather by other, indirect means, such as in how we make choices about what actions we take.<sup>99</sup> The decision making procedure for a theory is how we actually use it in the real world. While on an abstract level, it would seem like the decision procedure should map closely with the criterion for right action, it doesn't need to be and maybe, just maybe, on a more applied level, they could easily come apart. A more sophisticated Consequentialism would have our actions indirectly cause the best outcomes rather than directly. It could say that we should follow rules which, if followed generally, would lead to the best outcomes or it could say that we should do as the virtuous person would do and then define virtues using Virtue Consequentialism. In such a theory, we would praise and blame based on the decision procedure used and the actual moral rectitude would be based on the actual consequences of the action. To see this distinction in action, take this example:

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<sup>99</sup>This should remind you of Rule Consequentialism and Mohist Consequentialism.

## Juan and Linda

Juan and Linda are a happily married couple but due to work and other factors, they rarely see each other (constantly on business trips) to the point that Juan has an apartment in another city. Because of a bonus Juan received, he could choose to forgo going on one of the business trips and spend the money to visit his wife when she would be home. Juan could also, without much distress, donate the money to charity.

From the Naïve perspective, the right thing to do would be to donate the money to charity. This is because the act in isolation would be for the betterment of the world as a whole, even if it displays some less than admirable character trait. But the more sophisticated Utilitarian/Consequentialist would argue that using the money to visit his wife is the correct course of action because it displays or ingrains a disposition to act in a caring way towards those you care about. Having this character trait is good because it encourages similar actions and makes the world better that way. Juan using the money to visit would be a case of blameless wrong-doing.<sup>100</sup> This would be a case where what they did was technically the wrong thing to do, but they used the correct decision procedure to arrive at it and we want to encourage those kinds of choices. A good consequentialist decision procedure would have

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<sup>100</sup>For the Naïve Utilitarian/Consequentialist, this is wrong and blame-worthy, for the more sophisticated form of the theory, it's right because of the indirect consequences.

these sorts of cases.

Continuing to use this example, there are two different kinds of sophisticated consequentialism which have the general tenets for Feminist Ethics and get the general intuitions correct. First, we have a form of Virtue Consequentialism.<sup>101</sup> From a Virtue Consequentialist perspective, we have an obligation to fulfill these special obligations because they engrain or encourage certain character traits which systematically produce the greatest good, all things considered. Though the individual act did not produce the best outcome, in the long run, having this character trait does.<sup>102</sup> It can also be shown that the generally considered feminine traits, like compassion, are virtues and therefore more desirable than the traditionally considered masculine ones, like aggression. The feminine moral reasoning aspect would also play a part in that the traits which come out as virtues would generate this sort of reasoning.

The next would be Rule Consequentialism. From an Rule Consequentialist perspective, though the individual act of visiting Juan's wife might not produce the greatest good, if everyone followed this sort of rule, spelled out in terms of caring for those we have special obligations towards, then the world would be better. While this theory does not deal with traits and dispositions, only with actions, there is potential room for a rule to be made about

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<sup>101</sup>Which we have seen previously in this textbook.

<sup>102</sup>One could also say that Consequentialism says that one ought to act in such a way as to bring about a world they ought to want. It is worth noting that 'ought to want' concerns the dispositions or traits of a person. Caring, like the Ethics of Care and Mohist Consequentialism, might, maybe be the guiding emotion which tells one what they ought to want.



the short of traits which should be used and the general moral reasoning used will be more concrete and less abstract than the one found in the Naïve Act Utilitarianism.

Both of these approaches have one thing in common. Neither of them tells the agent to consciously try for the best outcome on a universal scale, they are indirect in this way. They do not hold that we should think of people as mere-means. In a way, the impartial abstract rules and procedures generate the obligations to be partial and concrete in more practical cases.<sup>103</sup> So, from this perspective, it is at least possible that the applied versions of Virtue Consequentialism or Rule Consequentialism will behave the same as a good Feminist Ethics theory in all of the positive ways while avoiding most of the issues which may arise.

## Some Concluding Remarks

Since this stance is even more of an infant than regular Feminist Ethics, I am not comfortable spelling this out in terms of a biconditional, like I normally do, but I am willing to give some general features: Feminist Consequentialism will be an indirect Utilitarian stance, meaning that it will see a distinction between blameworthiness and rectitude for actions. It will most likely say that an action is right if it stems from a virtue and the virtues are defined using Virtue Consequentialism. Feminist Consequentialism would promote friendships and social relationships

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<sup>103</sup>This can get the Feminist Ethicist's opposition to impartiality and abstraction into the picture nicely.

as instrumentally good from an abstract level but encourage seeing them as intrinsically good on a practical level. This is because the belief would make the world better indirectly. Feminist Consequentialism will see degrees of obligation reflecting those found in Feminist Ethics generally. For example, I will have a greater obligation towards my family and those I care about that I would towards those who I have little to no relationship, but they are still worthy of my consideration. As more ideas and other voices enter into this discussion and perspective on Ethics, the tenets of Feminist Ethics may change, but Consequentialism is powerful and flexible enough to give justification for the additions and amendments.

# MODULE X

## *Environmental/Intergenerational Ethics*

## *Part 29: Duties to the Environment*

Environmental Ethics is the study of the moral relationship between humans and the environment (including non-human animals). For example, the question ‘are certain animals members of our moral community?’ would be discussed in this field.<sup>104</sup> For example, if you think that a fetus is a member of our moral community, then you must be against abortion. In connection to the previous stances which we have seen, the consequentialist will have no problem thinking that animals are members of the moral community, because the only requirement for moral consideration there is that they can suffer. The Non-consequentialist and Feminist Ethicist, in general, will have a harder time determining the moral duties which we have to the environment and the animals in it

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<sup>104</sup>Remember that a member of our moral community is the sort of thing that we have some sort of moral obligation to.

because they limit the scope of the moral community.<sup>105</sup>

As global warming and human caused crises actively threaten our planet and all those who live on it,<sup>106</sup> we must face the moral questions concerning our duties to animals and the environment which they live in. To deal with those questions we need to figure out what the moral value of a non-human animal is. If the value of an animal life is equal to that of the life of a human person, then we have just as much a duty to ensure that they can lead a good life as we do to another human person. If, on the other hand, they have a greater value than the life of a human person, we would have a greater duty to ensure that they can lead a good life. And finally, to finish off all the possibilities, if an animal life is worth less than that of a human person, we have a lesser duty to them.

Most people come to this question and immediately jump onto a stance which many people find intuitive, The Unequal Value Thesis. This is a stance which says that we have some duties to animals but we have a greater duty to human persons. Moreover, it has it that there are certain animals who have more valuable lives than others. This stance can be summed up as three claims:

1. Animal Life Has Some Value
2. Some Animal Lives Are Worth More Than Others
3. Human Lives Are The Most Valuable

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<sup>105</sup>This can be because either they only take human persons as members of the moral community or they say that the moral community only contains those we care about.

<sup>106</sup>Including animals.

But, each of these three claims needs to be defended. We need cases and arguments which really show that these are intuitive. The cases we will look at are three different variations on the classic Trolley Problem. For spoilers, if you think that you should flip the switch for all three, then you agree with this unequal value thesis and this will have interesting implications regarding our duties to animals.

## Animal Life Has Some Value

This is, roughly, claiming that we have some kind of duty towards non-human animals. For an example, consider this case:

### Kitten Vs Nothing

There is a runaway trolley and if you do nothing, then it will run over and kill a kitten who wandered onto the tracks. If, however, you flip the switch to divert the trolley, then nothing will happen, the trolley will curve around the little fluff ball.

Do you flip the switch?

There are three different ways one could respond to this case. If you have a strong urge to flip the switch, then you are saying that at least some animals have moral value.<sup>107</sup> If you have it that one should do nothing, then you might hold that animal lives have a negative value or have a value so low that it doesn't compensate the effort

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<sup>107</sup>And that value is greater than the effort to flip the switch.

to flip the switch. Finally, if you find yourself needing to flip a coin, then you hold that animal life is so low in value that it's equal to the effort of flipping the switch.

Given this case, I would argue that most people would hold that flipping the switch is the right thing to do. Doing nothing is rather monstrous, from the ordinary person's perspective, and needing to flip a coin shows an inhuman level of discompassion. This means that we have some duties to non-human animals. This claim does not have it that we have the same duties to animals as we do to human persons. If we were to add the extra, stronger, claim that all animal lives are equal in value (your life and an earthworm's are the same value), then this would entail that we have the same duties across the board. This, however, will be into question by the other thought experiments. A simple argument can be made for this aspect of the Unequal Value Thesis:

1. If animal lives have no value, then in cases of saving an animal vs doing nothing, we would probably do nothing (or at least flip a coin).
2. We don't do nothing (nor do we flip a coin). All else being equal, we save the animal.
3. So, animal lives have some value (not necessarily the same value, but some).

## Some Animal Lives Are Worth More Than Others

### Chimp Vs Earthworm

There is a runaway trolley and if you do nothing, then it will run over and kill a chimp who wandered onto the tracks. If, however, you flip the switch to divert the trolley, it will kill an earthworm who has also wiggled onto the tracks. It is not possible for you to save both, one must die so the other may live.

Do you flip the switch?

For this scenario, if you claim that one ought to flip the switch, then you are saying that the chimp's life is worth more than that of the earthworm.<sup>108</sup> If you say that we ought not flip the switch, then you are making the claim that the worm's life is more valuable than that of the chimp. And, finally, if you must flip a coin about what to do, then you hold that the lives are of equal value.

From my experience, the vast majority of people would say that refusing to flip the switch or needing to flip a coin is just plain wrong. It is obviously the case that the chimp's life is more valuable than that of the earthworm.

This is the second stance which needs to be supported. This is to reject the possible answer to the question concerning the value of animal life in comparison to human life which claims that all life is equal. It should, at first glance, seem pretty intuitive. It does not make a

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<sup>108</sup>I chose two animals which are extremely different in what most take to be the relevant aspects in order to make this very clear.



claim that human life is more valuable than all other animal life, rather it merely makes the claim that there is an inequality in the values. It is perfectly possible for these last two stances to be true and humans be the least valuable (debunking that option is the last stance). Here is a quick argument concerning this:

1. If all animal lives are equal in value, then in cases of saving an kitten vs an earthworm, we would need to flip a coin.
2. But we don't flip a coin. All else being equal, we save the kitten.
3. So, animal lives are not equal in value (some are worth more than others).

**Human life is more valuable than animal life.**

This final stance builds off of the others, it requires that there be a discrepancy in value between the different kinds of life and that there be some kind of value to begin with. But it does add in something interesting, namely that human life is at the top of the ladder, so to speak. Whatever we take the value of puppies and kittens to be, it seems clear that we would prefer to save a human over saving them. If we took human life as less valuable, then we would save the animal over a human. If we took human life as equal to animal life, we would need to flip a coin. But we don't do that, we take human life as more valuable. Take this case as an example:

## Baby Vs Chimp

There is a runaway trolley and if you do nothing, then it will run over and kill a toddler who crawled onto the tracks. If, however, you flip the switch to divert the trolley, it will kill a chimp who has also wandered onto the tracks. It is not possible for you to save both, one must die so the other may live.

Do you flip the switch?

In this case, if you have a strong preference to flipping the switch, then you would say that human lives have greater value than that of a chimp.<sup>109</sup> If, however, you have a strong opposition to flipping the switch, this shows that you hold that the chimp's life is more valuable than that of a human's. And, finally, if you find yourself needing to flip a coin about whether to flip the switch, then you likely hold that the lives are of equal value.

I would wager that most people, if faced with this choice would flip the switch, most without question. This is because we, naturally, hold that human lives are more valuable. There are several possible explanations for why this is, which we will explore in this module. Here is this put as a clear argument:

1. If human lives aren't more valuable than animals lives, then in cases of saving a baby vs an earth-

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<sup>109</sup>Since chimps are the most like us when it comes to non-human animals, this may also show that you hold that human lives are more valuable than any animal life.

worm, we would save the earthworm, or, at least, need to flip a coin.

2. But we don't save the earthworm nor do we flip a coin. All else being equal, we save the baby.
3. So, human lives are more valuable than animal lives.

These three stances, in combination, lead us to the Unequal Value Thesis. This is the stance that humans are more valuable than animals. We hold this stance, in general, despite us being opposed to animal cruelty and recognize the value of animal life, sometimes extreme value. Many animal rights activists today seem to be inclined to accept that human life is more valuable than animals life. Our intuitions about this can be seen in the trolley problem I gave not moments ago, but this could be seen as an extreme case. In ordinary cases, this intuition also applies. This intuition can be seen in how most of us treat animals vs how we treat humans. We, consistently, oppose animal and human cruelty, but we don't take them to be equal. We also can be against the suffering of any sentient creature without thinking at they are all equal (all three of the interrelated stances can be held together).

## Consequences of the Unequal Value Thesis

While many people find this stance intuitive and, if you have followed the thought experiments, you likely do too, there are some very serious consequences to holding

this view. This is because one's beliefs about value fundamentally shape and direct their actions and one a large scale, can cause very drastic things to happen. The first consequence of the Unequal Value Thesis is that we feel justified in making life for animals worse in order to make life for humans better, even by the same degree. For example, we regularly use rabbits to test beauty products, especially those which go near the eyes, because rabbits cannot wash their eyes out naturally, like humans. Using rabbits shows the worst-case scenario for a reaction in humans. This is extremely painful for the bunny. Even if your life is made better by having the perfect shade of eye-shadow, the suffering caused on the rabbit might not be worth it.<sup>110</sup>

The next consequence of the Unequal Value Thesis is that we are justified in killing animals for food.<sup>111</sup> Since we take animal lives to be worth less than human lives, we are justified in killing animals for our own benefit. For example, we are justified in, immediately after birth, locking calves away in white huts, without the ability to move, and force feeding them large quantities of food in order to fatten them up and produce veal. Similarly, we are justified in having our livestock contained in large warehouses, so crowded that it's impossible to move, and then

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<sup>110</sup>Using the Consequentialist style reasoning, we can come up with a worst-case for this argument, where the happiness people get from the eye-shadow balances out the suffering to the rabbit. The Unequal Value Thesis would have it that we are still justified in doing so because human lives are worth more.

<sup>111</sup>we will be returning to this point in the Argument from Marginal Cases.

kill them when they are nice and fat.<sup>112</sup>

## Can we defend the Unequal Value Thesis?

The consequences of the Unequal Value Thesis might make your gut turn, and it rightly should. We can be opposed to animal cruelty without rejecting the Unequal Value Thesis, but how can we do this? What justification can the defenders of this stance provide which makes such cases permissible? The defenders of the Unequal Value Thesis would need to show that the gap between the value of a human life and that of an animal is so great that it clearly justifies us using them in the way we do. To do this, the defenders will need to argue against two competing views which might be reasonable: First, that animal life is equal to human life (this is the one which gives us a real run for our money). Second, that animal life has no value whatsoever (this one would be very hard to defend). But, we also need to ask where the burden of proof is, who needs to give evidence for their stance? Often it seems that we don't think that the stance that animal and human lives are the same in value requires the proof but we think that the stance that animal lives have no value does require the proof. This is interesting because we should think that both require proof.

When it comes to pain and suffering, we tend to think of the human and animal cases in the same way. Cruelty

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<sup>112</sup>This is the process for large scale chicken farming. Even those which claim to give them 'free range' only need to provide access to the outdoors for a few hours a day. Often, the chickens are so fat that eventually they couldn't go outside even if they wanted to.

to a child and cruelty to a dog are wrong for the same reason. Pain is pain; it is evil, it is as much an evil for dogs as for humans. Furthermore, autonomy (what people often take to say that animal life is less valuable) does not seem a relevant factor here, since the pains of nonautonomous creatures count as well as the pains of autonomous ones. Neither the child nor the dog is autonomous (yet); but the pains of both child and dog count and affect our judgments of rightness and wrongness with respect to what is done to them. But, when it comes to life, we don't tend to think of the cases similarly. A human life, we take it, is always more valuable than an animal life. We regularly experiment and kill animals for the benefit of humans and the justification for this tends to follow suit. The autonomy of a human now seems to play a part in our decisions.

We are now moving on to ways which we can defend the UVT. There are several ways in which one could do this and we will finish out with the one which might have the greatest potential of success.

### Appeals to God

This does not just apply in Christianity, but also in most religions which have a similar historical origin (Islam, Judeism, and others). In such belief systems, you have a passage or belief that God created man and gave them dominion over the world, as in God created humans with the explicit feature that they are greater than all other beings, and as a result all humans are worth more than animals. Morally speaking, no amount of animal suffering (if they actually have it) counteracts human pleasure. But this

stance does have its issues, as we will see.

1. God gave man dominion over the animals.
2. If (1), then they aren't equal.
3. If they aren't equal, then animal suffering, if beneficial to humans, doesn't count morally.
4. Therefore, animal suffering, if beneficial to humans, doesn't count morally.

This argument, however, does have its issues. For example, this assumes the existence of God, which is debatable, but it also assumes that dominion means that we can use them as we see fit without moral consideration. This might not be the case. For example, just because I own a dog, I have dominion over them, but that doesn't mean that I can treat the puppy poorly.

### Tu Quoque Fallacy

This is a Latin term for "you also". Think about it this way, imagine that a parent is a smoker and gets really angry when they catch their 21+ year old child smoking; a natural response is for the person to say "well, you smoke, why can't I?" Basically, if you do it, I can too. This is a fallacy, just because another being does something, it doesn't make it OK. In the animal kingdom, we don't see other animals treating other species without favoritism towards their own (as in, we see animal favoring members of their own species over members of different ones). This raises the question "why shouldn't we favor our own, solely because they are our own?"

The issue with this line of thinking is that it's a fallacy, the core root of the reasoning doesn't generalize well. For example, (this is an example given to me by former military students) in some cases, the enemy combatants in war will not treat our fallen soldiers with respect. The question here is "are we allowed to treat their fallen disrespectfully?" Unless you are particularly hardened, the reply is "no, we are better than that." And that's the point, we are better than that, we need to hold ourselves to a higher moral standard.

### The Richness of Human Lives

When looked at on an abstract level, killing is wrong because there is the loss of something of value. The wrongness of killing seems to be deeply connected with the value of the life taken. As we have seen, very few people think that animal lives are worthless and very few people think that they are equal in value to human lives. This means that there must be something inherent to human lives which makes them more valuable than those of other animals. We are saying that human lives have certain qualities, are of a higher quality which makes killing a human worse than killing an animal. This is not because we are humans, but rather that our lives have a 'richness' to them.

When we, at first glance, compare a human life to that of some animal, we notice that there are some fundamental aspects which seem to make our lives more valuable. These aspects are things which humans can do but the other living creatures on this planet cannot. First, humans



have far deeper and more complex intellectual and emotional lives. This complexity allows for humans to experience the world in a far richer way, which could be argued makes our lives more valuable than those had by other animals. Second, humans are capable of love. Other creatures may be capable of emotions similar to love, but only humans are capable of the real experience of love and many hold that love is the most valuable thing in the world. This means that creatures capable of love have more valuable lives than those incapable of it. Third, and most importantly, humans have autonomy. Autonomy is the fundamental aspect of a human life which allows for all of the other riches to arise. We can mold our lives to suit our conceptions of the good life. Some of us like playing sports, others like more cultural activities, others still like intellectual endeavors; some of us are good with our hands and making/building things; and all of us see a job as an important part of a full life. The emphasis is upon agency: we can make ourselves into repairmen, pianists, and accountants; by exercising our autonomy, we can impose upon our lives a conception of the good life that we have for the moment embraced. We can then try to live out this conception, with the consequent sense of fulfillment and achievement that this makes possible. Even failure can be part of the picture: a woman can try to make herself into an Olympic athlete and fail; but her efforts to develop and shape her talents and to take control of and to mold her life in the appropriate ways can enrich her life. Thus, by exercising our autonomy and trying to live out some conception of how we want to live,

we make possible further, important dimensions of value to our lives.

For the person who thinks that animal lives are worth just as much as a human life, we would need to have some kind of story, some kind of picture, which gives those animals capacities which are far beyond what we see in them or forces us into a very serious case of skepticism about the value of human life or that of the animal. For example, we don't actually know what it is like to be a rabbit, so we have no clue how good of a life it really is. But, given what we see in the capacities of little bunny foofoo, the odds of it being as good as a human life are very slim.

This argument, case, is not without its issues, same as before. Humans may be, as far as we know, the only creatures able to richly mold our own lives but not all humans have this capability and we run into an issue when we try to divide up who could lead a rich life and who can't. If we claim that all and only humans have this quality, then we also run into issues.

## Argument from Marginal Cases

To start us off, we will be discussing the Argument from Marginal Cases. Many people don't like the term 'marginal', but frankly explaining the argument without using that term is difficult. There is a video below which gives the argument without using that term. The term 'marginal' here is used to refer to an individual who, due to various factors, is severely mentally handicapped. Due to this, their

life lacks the 'richness' which makes normal human life more valuable. For example, a human who is not capable of having the mental life of a 'normal' human over the age of three. The argument from marginal cases goes like this:

1. If we are justified in denying the moral status of non-human animals (killing them for food, using them for our benefit, exploiting them for medical research, etc), then we are justified in doing so in the case of marginal humans.
2. We are not justified in doing so in the case of marginal humans.
3. Therefore, we are not justified in denying the moral status of non-human animals.

The second line is the intuition pull. Basically, ask yourself whether it would be OK to kill and eat a mentally handicapped human, someone with the mental life of a 3 year old. I hope that most of you will say that this is just wrong. It is wrong to kill and eat humans (in non-dire situations) in the same way which we do livestock (more especially pigs). But, this leads us into the first line. What is the moral difference between non-human animals and humans which justifies our using them for our benefit in this way?

**Why is it OK to eat animals and not marginal humans?**

First, one could claim that the moral difference between humans and non-human animals (which makes their use permissible) is that humans are humans and animals are animals. This is to claim that the species of the creature is the morally relevant factor. But, this can't do. Imagine that in a couple years an advanced alien society comes down and starts to farm humans for food and starts to use humans for their medical research, etc. If one was to ask you whether this is permissible, I'd wager that you'd say that it's wrong for the aliens to farm and use humans in this way. But, this goes against the initial claim that the moral difference between humans and non-human animals is the species. These aliens are aliens and humans are humans. So, the same reasoning used to argue that humans can use animals in this way is used here to show that aliens could use us in this way. This means that this just could not be right.

Second, one could claim that the moral difference between humans and animals which justifies us farming/using them is that humans are special, we have reached this certain level of development which makes it so that we aren't the sort of things which can be used in this way. Pigs and other non-human animals aren't like that. The aliens in the above example, we can assume, are that sort of thing too. But, what makes us special, in this way. We can't point to the intelligence alone for this, otherwise one could just reply with the argument from marginal cases again, because those humans don't have the intel-

ligence necessary to qualify. But, one could reply with the claim that we care about humans. This caring about them is the moral difference. But, there is an issue with this. In claiming that the moral difference is this act of caring about them, you are claiming that the reason it is wrong to kill and eat a marginal human is that another cares about them, it has nothing to do with them. So, ask yourself whether it would be OK to kill and eat a marginal human which no one cared about. If you claim that it is still wrong, then this does not have a leg to stand on.

This leaves us with the following argument:

1. If the Unequal Value Thesis is true, then there would need to be some kind of relevant moral difference between humans and animals which makes all human lives (even the marginal ones) more valuable than animal life.
2. There is no such moral difference.
3. Therefore the Unequal Value Thesis must be false.

## *Part 30: Duties to Future Generations*

When I say ‘future people’, I mean people who aren’t born yet, who, unless something terrible happens, will exist a few generations down the road. People who aren’t even a twinkle in their pappy’s eyes yet. Although I can’t be sure that any one of them will exist, I can be sure that some will exist. One way to think about this interesting point is that there, more than likely, will be people in the future, but I can’t say with certainty who those people will be, what individuals will make up the collection of people out there. We can point to things like chaos theory<sup>113</sup> to explain why we can’t know who those people will be. Now, our question is “do those people, people who don’t exist, but likely will, have rights? Are they the sort of things worthy of our moral consideration? Do we need to be concerned about their welfare?”

Some of you, I am willing to wager, will say that this

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<sup>113</sup>Chaos Theory implies determinism, but it’s an epistemic claim about whether we can predict the future.

is a no-duh sort of question, but, like with the Abortion Debate, we need to look at the reasons. Just as in that case, both sides will say that it's obvious. Some say, the consequentialists being the strongest voices there, that we have the same obligations to future people as we do currently existing people. Just because they don't exist, they will, so we need to ensure that the best future is there for them. Others will say that we don't have any obligations to future people. Here we could find the non-consequentialists. They would say that, for example, the being must exist in order to be treated as a mere-means; so we don't have obligations to them. We can only have duties to contemporaneous persons.

## Intergenerational Justice/Ethics

Trying to figure out the morality of actions concerning future people is an area of philosophy called 'intergenerational ethics'. When it comes to their rights and the duties we have to them, this is 'intergenerational justice'. Since the consequentialist is not too much of a fan of rights and doesn't, fundamentally, think about morality in terms of duties, the consequentialist will tend to work in the more general intergenerational ethics, while the non-consequentialist will tend to work in the more particular intergenerational justice. However, there are certain powers which the current generation has over the future generations which are not had by them over us. These powers add variables into the typical equations which we would use for the morality of actions which lead to both

epistemic and metaphysical questions which need to be addressed in order to figure out what the right course of action is. There are three such powers, with the third being the greatest and most perplexing problem, especially for the consequentialist.

### Limiting choices:

The current generation can set up a system which would be very costly for the future generations to change and, essentially, force them to continue with that system. For example, what if we made various choices which placed the future generations into an extreme economic debt, this would force them to maintain certain policies in order to pay off said debt. Or, on a smaller scale, what if we bought houses which were tied to familial wealth with a 200 year long repayment plan? This would force the future generations to live in that house, unless they got very wealthy rather quickly. Future generations are not able to place that sort of burden on us, they can't force us to do anything (with the exception of if time-travel happens, then they could). But the limitations don't need to just be economic, they can also, for example, be intellectual. In the case of intellectual limitations, we can greatly advance in one direction which would make the alternatives woefully under-researched, making switching to the alternatives very hard because it would require the future generation to back-track and start the research from scratch. Here are two examples:



## Green Dictators

Suppose that we know that the future generation will need to continue pursuing alternative energy sources and not transition back to coal/oil power for electricity/transportation. As a result, the current generation signs multiple treaties which make it very difficult for the countries to back out and have extreme penalties for refusing to comply with this green agenda.

## The Cheapest Route

Suppose that we build an infrastructure, roads, electrical lines, waterways, etc. with the easiest materials and power-sources available to progress very quickly and have great advancements. This infrastructure gets so ingrained that the transition to other sources of power and other infrastructure methods is very expensive and underdeveloped compared to where it would have been.

For both of these cases, we have constrained the future generations to take a path which they did not choose for themselves. They could not have given consent or a voice in the process. So, we could, maybe, say that they were coerced into the system. But, some might say that we did the right thing when it comes to The Green Dictators and the wrong thing in The Cheapest Route. This difference must be because of the consequences. But, we are still forcing another group to follow our choices,

much like the Cultural Imperialist. As an interesting side note, regardless of the path we choose, we are still imposing our wishes onto the future generations.

### Unidirectional Benefit:

This is a sort of reiteration of the 'Limiting choices' ability which our generation has on the future ones. It is possible for the current generation to benefit themselves at the expense of the future generation and the future generation will experience all of the cost and, in some cases, none of the benefits. In such cases, the current generation will enact policies or engage in behaviors which will benefit them in the short term, be costly in the long term, and be long dead by the time those bills come due. The Cheapest Route case works for this example if we add in that the benefits of the rapid expansion are less than the costs to the future generations. But there are other cases:

## **The Origins of the Automobile**

When automobiles (cars) were first becoming a product which the average American could buy, there were three different generic kinds. First, they had the steam-powered car. There were several companies producing these and they had the benefits of being familiar technology as well as able to go long distances. They weren't bought up as much because they didn't have the 'get up and go' and the speed of the other options. Second, there were the electric cars. These did not have the speed nor could they go long distances. And finally, there were the gasoline cars. These, with the introduction of the electric starter, had the quick start, the speed, and the ability to go long distances. The predominate buyers really liked these. That generation collectively greatly benefited gasoline cars, but it resulted in great costs to the future generations, in the form of Global Warming.

## Multi-Generational Mortgages

In some areas of the world, there are multi-generational mortgages 100+ year plans (the most famous are Japan's 100 year mortgages, but Sweden has 105 year plans). In such cases, the future generations will be forced to pay the debt off of the house or the loan with the current generation getting the money from the loan. This will also force those generations to live in those houses until the house is paid off and able to be sold, some cases they are forced to sell the home to pay it off.

As I said previously, there are three, general, powers which the current generation has over the future generations which they don't have towards us. But this third problem deserves a page all to itself, because it leads us into a very complex and mind-bending problem, especially for certain kinds of consequentialists.

Power to bring them into being:

Not only do we have the power, without any resistance from them, to essentially make them our slaves long after we have taken to dust, but we have the power to actually create them. We have the power to influence and alter what individuals will come into being and how many of them will come into being. We could, though unlikely, completely destroy ourselves, making no future people possible, or we could have a giant baby-boom

which makes a ton of them. Even little things, which are totally coincidental or seemingly unrelated can result in an entirely different crop of future people being produced than if it hadn't happened. Take these three cases:

## **The Black-Out Baby Boom**

In certain areas in New York, there was a time when the places would shut down because everyone was watching Friends. On one such day, a young grad student and his wife were settling down to watch and there was a power outage, so, they grab a few blankets, light the candles... 9 months later, a baby is born. This was, to be exact, the August 14th Northeast Blackout in 2003.

## **The Iron Maiden Baby Boom**

In Brazil and several South American Countries, when Iron Maiden did their world tour, on Flight 666, there was a spike in births in the cities which they visited 9 months later, in order of their visit. (This is a bit exaggerated, but Woodstock had a similar effect.)

## The Sport Event Baby Boom

In 2005, the Red Sox beat the Cardinals in a match after a 85 year losing streak. This resulted in a spike in the number of births roughly 9 months later. FC Barcelona's win in the 2009 UEFA Champions League semi-finals caused a 16.1% jump in the birth rate in Barcelona 9 months later.<sup>a</sup> This was directly attributed to the victory. On Nov. 2nd 2016, the Chicago Cubs, a Baseball team, won the world series after a 108 year losing streak.<sup>b</sup> There was a lot of celebrations in the city. As a result, roughly 40 weeks later, there was a massive increase in births.

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<sup>a</sup>Jesus Montesinos, et al., "Barcelona baby boom: does sporting success affect birth rate?" *BMJ* vol. 347, 2013, <https://doi.org/10.1136/bmj.f7387>,

<sup>b</sup>Marwa Eltagouri, "A Cubs World Series baby boom? Some parents and hospitals think so," *Chicago Tribune*, 2017, [www.chicagotribune.com/news/breaking/ct-cubs-world-series-baby-boom-met-20170726-story.html](http://www.chicagotribune.com/news/breaking/ct-cubs-world-series-baby-boom-met-20170726-story.html).

When we are talking about intergenerational ethics, we do run into a bit of a mess. Though Consequentialism does have the better methods for handling these sort of cases, it falls flat in a few regards. The reason is that, for all of the ethical theories we have discussed, there is always an individual, or group of persons, which is/are being affected. Keeping with Consequentialism, since it has the easiest time handling these cases, we will say that an action is wrong only if it makes the well-being of a person/group of persons worse than otherwise. For example, when we are talking about current people, we say

that something is wrong when they are in a worse situation than some other action which could have been taken. When thinking about future generations, sometimes, the actions we take directly cause them to exist. Those actions, so long as their lives are better than not existing, can't be said to make their lives worse off than otherwise. But, we still, sometimes, want to say that the acting generation did something wrong. This is a paradox, each line seems intuitive, but in combination, they can't work. Put clearly, we have The Non-Identity Problem.

## The Non-Identity Problem

As I said in the previous page, there are three, general, powers which the current generation has over the future generations which they don't have towards us. These powers, collectively, lead to a uniquely difficult situation to think about morally. But, the third power, the power to bring them into being, generates a very complex and mind-bending problem, especially for certain kinds of consequentialists.

1. An action is wrong only if it makes a person (morally relevant being) worse off than otherwise.
2. An action which brings a person into existence such that they couldn't have been made otherwise and their life is at least marginally better than never being born, can't have made them worse off than otherwise.

3. There are some actions which bring such a being into existence and are still wrong.

Since this is a paradox, each of these lines needs to seem intuitive. So, I will give some examples or arguments for the first two and in doing so, show that the third line is intuitive, just makes sense or seems true.

**An action is wrong only if it makes a person (morally relevant being) worse off than otherwise.**

This is the first line of the paradox and to make it seem intuitive, I could reuse ton of the examples which I have already given in the cases concerning Utilitarianism (consequentialism), but for this one, I have chosen to given another example. This example is quasi-historical, as in all of the events took place, but there were other factors involved (which, frankly, only make the actions more wrong). This particular line, however, does have an element of a person-oriented nature to Ethics. It's basically saying that there needs to be a person (current or future) who is made worse by the action for it to be wrong. If there isn't a person (future or otherwise) made worse off, then the action isn't wrong.



## The Potato Famine

George Forde<sup>a</sup> was a farmer in Ireland in 1845. Due to the oppressive practices of the British, he and his family survived on a regular potato crop and the milk of a single cow. This was quite common for his region and in fact, this diet made the people in his region healthier in several regards than their British counterparts. Then the potato famine struck. This was a blight which rotted the potatoes and made them inedible. Removing almost all of the food sources in the region. Other countries and regions throughout Europe were also affected, however, due to relief measures, it did not escalate very far. The British, for a time, did similar, and the Irish were doing quite well. But, a few years into the blight, the British powers saw this as an act of God and removed all support and relief measures.<sup>b</sup> This led to Forde contracting diseases due to malnourishment and starving to death, like approximately 1 million others.

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<sup>a</sup>Yes, George Forde was a real person, in real life, he was a preacher.

<sup>b</sup>For a more rounded explanation for the ending of support, the British Government saw this, in private, as a way to reform the moral character of the Irish people and used a sanctimonious cover to end the aid (which was, through convoluted machinations, paying for itself).

The British ending their relief programs and aid led to mass starvation and death. They could have, easily, continued those aid programs and saved more than a million

people from a slow death. The vast majority of people will say that the British were wrong in ending their aid. This is, in part, because we know the results of it looking back and, even in that time period, they could have looked at how the other countries were handling the blight. We can generalize this, as we have done in other parts of this class, to any action, which, if it follows, makes this line of the paradox seem correct.

An action which brings a person into existence such that they couldn't have been made otherwise and their life is at least marginally better than never being born, can't have made them worse off than otherwise.

I know that this line of the paradox is a bit long and seemingly convoluted, but this is because I need to give some examples for it to make sense. Essentially it is saying that a person can't be made worse than otherwise by an action which was necessary for their creation, so long as their life is better than never being born. Because of the precariousness of a person's existence, as can be seen in my above examples, there are several events (and the actions/situations which caused them) which need to go just right for any person to exist. However, if those events don't happen just right then they will not exist. This means that if we choose to take a different route than the one which will result in a person, their 'good life points' would be 0, rather than whatever they would have been had we chosen to take the other route which would have made them. So long as their life is better than 0, they

could not have been made worse by the choice. Take this as an example:

## Bio-dome Bob

Bob is a person living on Earth in a bio-dome in the far off future, breathing recycled air, unable to go outside because the O-zone layer has long since been whipped out. He eats rationed food because farming is impossible in this environment. Earth has essentially become Venus. Bob's life is not the best, but there are enough pleasures to make it better than non-existing. In this future, the past generations chose to continue with the non-green policies, not caring about global warming or the environmental effects. Bob's ancestors, in particular, were coal-mine executives, who were able to ensure that their kids meet certain people because of the profits. Bob could not have existed if the green policies were enacted.

We can give Bob's life a score, this is an arbitrary choice which we can use as a metric for later, Bob's life has 10 good-life points. In order to exist, the previous generations needed to not enact those green policies. If the previous generations had gone with the green policies, then Bob's good-life points would have been 0 (because he would not have existed). So, since  $10 \geq 0$ , Bob's life is not worse than it would have been otherwise. As more generations take place, I can generalize this to all people in the future because of Chaos Theory and things

like the Butterfly Effect. This means that for an action which makes a person who couldn't have been otherwise and has a life better than non-existence, can't have made that person worse off than otherwise. There are some actions which bring such a being into existence and are still wrong.

This is our third line to the paradox and it seems like the most intuitive of the bunch, but maybe less intuitive than the first line. For this one, we can look at several examples to justify it. But, really, it's just the underlying intuition behind things like wanting to prevent global warming and why we would think that the previous generations in the Bio-dome Bob case did something wrong. To start on potential ways out of this paradox, take this case which is based on my Bio-dome Bob case:

## Sunshine Sally

Sally is a person living on Earth in the forest 100 years from now, breathing air from the trees, happily playing outside. She eats food grown from her garden and can drink the water from the tap. Sally's life is awesome. In this future, the past generations chose to change their policies to green ones, caring deeply about the environmental effects and global warming. Sally's ancestors were pioneering wind-farmers, the move to green policies caused them to make a bunch of money and be able to send their kids to different places and meet different people.

We can say that Sally's life is, roughly, 10x better than

Bob's. If you were to choose which life you would like to be born into, you would choose one like Sally's over one like Bob's. In this case, we will give Sally's life a score of 100 good-life points. But, same as Bob, if the previous generation had chosen differently, she would not have existed. And in this case, she would have had a good-life score of 0, because she was never born.

## Two Potential Ways Out (there are problems with each)

If we take Sunshine Sally and Bio-dome Bob as our token cases of people in these two far distant futures, we can't say that the people individually were worse off than otherwise, we can only say that they are better off than otherwise. But, which do we choose? Neither is wrong (given our situation). The trick is to say that what makes something wrong is not, necessarily, making an individual worse, but rather making the collection, the group, worse. Sometimes this is a group of only one person, in which case it's the same individualistic intuition, other times it's more than one. So, for this, we are going to reject the first line of the paradox, but not become non-consequentialists, rather say that we need to take the collective well-being.

### Averagism

One way is to take the overall average of the future people and compare the averages. In Sunshine Sally's world, the average person has a better life than the average per-

son in Bio-dome Bob's world, so we can say that this abstract, average person, is worse off than otherwise and that makes the choice the wrong one. But, there is an issue with this sort of account for the outcomes, although it works for cases like Bob's and Sally's, it gets the wrong answer for more down-to-Earth cases, like those concerning inequalities.

## Great Inequality

Suppose that the average across the board for life-points is 100 (Sally's life) in some future, but this is because the top 1 percent of the population has all the points, while the lower groups have very few, if any, points, maxing out at 10 (Bob's life). But it's a far worse world than one where everyone in fact had 100 (Sally's world). To drive this home, imagine that you needed to choose which world you would want to be born into, by chance. Would you take the bet on a world with a 1% chance of having a good life or a pretty close to 100% chance of having a good life?<sup>a</sup>

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<sup>a</sup>This case/thought experiment is a variation on John Rawls' Veil of Ignorance thought experiment. I generalized his thought experiment to concern future generations.

The vast majority of people, if they are sensible, would not choose to take the 1% bet, that's just crazy. So, we can say that Sally's world is better. But, at the same point, what if I just increased the majority's max by just a few points? This would increase the average by a tiny

amount, but make it better than Sally's world. This is an issue because a sensible person still would not take that bet.

### Totalism

Another way we could go about this is to have it just be the net total of the people in each world and say that the abstract group "Future People" is better or worse off because of that. In Sunshine Sally's world, the total is higher than the total in Bio-dome Bob's world, so, that's what makes it wrong. This is called Totalism. But this one too does have its issues as well. For this case, the more people in the world, the better the world would look from an outsider's perspective, even though the individual lives in it are far worse.

## Large vs Small Population

Imagine that you have two possible futures, one where A) there are 1 million people each with 100 good-life points (a million Sallys) and another where B) there are 10 million people each with 10 good-life points (10 million Bobs). By totalism, we could not tell the difference between these two futures, and, in fact, if I changed B so that everyone had 20 good life points, totalism would claim that it's the better world, even though everyone, individually, is worse off than in A.

As before, we would not want to take this bet, if I were to give you a choice to gamble on where to be born and

I told you to choose which of these two worlds you would 'roll the dice' in, you would certainly choose A, even if I made B have everyone with 20 points rather than 10. This is the sort of issue which we saw with the Utility Monster Objection in the past.



# *Appendices*

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