

Moral Controversies in Contemporary Society

ORGANS: PART TWO

Essay Writing

Three centrally important things to do:

1. Answer the question (in the very first sentence, think about what the question is asking you to do)
2. Structure your essay (opening paragraph, tell the reader what you'll do and then do it! Signpost throughout)
3. Use the literature (use it for objections for your view, to support your view, go out and do research!)

Justice and Body Parts

What is a right?

Joseph Raz: "X has a right if ... an aspect of X's well-being (his interest) is a sufficient reason for holding some other person(s) to be under a duty" (The Morality of Freedom, 1986, 166).

Cécile Fabre – We all have a right to a minimally decent life. There is an (enforceable) duty of justice to provide others with the means to have this **minimally decent life**.

Negative vs Positive Rights Explained Again

Negative Rights – If I have a negative right to X, there is a duty not to interfere with me attaining X
(For example, a negative right to life means there is a duty not to kill me)

Positive Rights – If I have a positive right to X, there is a duty to provide me with X (or to assist me achieving X) (For example, a positive right to life means there is a duty to provide health care, etc.)

Fabre argues that the right to a minimally decent life is a positive right.

What do you need to have a minimally decent life?

1. _____
2. _____
3. _____
4. _____
5. _____

Many people hold that we owe everyone a minimally decent life, and in order to fulfil this duty we contribute money through taxation. Fabre argues if we accept that we ought to do this, then we should also be committed to a duty to provide certain body parts (blood, kidney, liver lobe, bone marrow).

Why not heart, lungs etc? If we gave these up, we would no longer have a minimally decent life. So, it is different to the demands of the survival lottery.

What's the moral difference between the duty to pay tax and the duty to give body parts? If it is just to require that we all pay tax, why isn't it also just that that we all give body parts?

Write down any moral differences. Are there any?

1. _____
2. _____
3. _____

Possible Moral Differences

Respect Autonomy – We should respect a person’s autonomous decision not to choose to donate her body parts.

Response: Is the duty to give your body parts any more of a constraint on your autonomy than the duty to pay taxes? Plausibly not. Example: **David’s Luxury Yacht Dream**.

Bodily Integrity – It is far too onerous to be required to use your body as a means of acting in accordance with duties of justice. Tax does not require this (arguably). So – perhaps this is the moral difference!

Response: There are many uncontroversial duties of justice that require your body. Example: Peter **Singer’s Drowning Child**.

Risk – There’s no risk to your life when you pay tax, but there is a risk to your life (albeit small) when you give up parts of your body (even blood donations).

Response: We think we ought to incur risks brought about by ambulances and fire engines.

Justice and Body Parts of the Dead

Many people think we should respect the wishes of the dead, even if we could save a life by disregarding those wishes. **But** - the problem is that, when you are dead, you no longer exist.

In terms of the right to autonomy “Not only is there no longer anyone who *will* exercise these rights; there is no longer a rights-holder at all” (Dressel, p. 326)

But why then should we respect anyone’s wishes after they die? What about their **wills**? What about **necrophilia**? Why should we respect those wishes too?

Possible solution: Perhaps we can *harm* the dead by disregarding their wishes after they die.

Harm – An action harms a person when it makes her worse off than she otherwise would have been had the action not been performed. Example: A and B’s goals to be bestselling romantic novelists.

But even if you can be harmed after you die, does this mean inflicting that harm can’t be justified in order to achieve some significant good (such as saving a life)? And what about the dead’s bizarre wishes? (Bentham) Should we respect those wishes too? If not, what’s the difference?

Lecture Bibliography

- Boonin, D. 2019 Freedom and the (Posthumous) Harm Principle. In *The Oxford Handbook of Freedom*. Oxford University Press
- Dressel, A. 2015 Directed Obligations and the Trouble with Deathbed Promises. *Ethical Theory and Moral Practice* 18 (2):323-33
- Pitcher, G. 1984 The Misfortunes of the Dead. *American Philosophical Quarterly*, 21(2), 183-188
- Raz, J. 1986 *The Morality of Freedom*. Oxford University Press
- Wisnewski, J. 2009 What We Owe the Dead. *Journal of Applied Philosophy*, 26: 54-70.