

## MORE MORAL THEORY: DUTIES, RIGHTS, AND VIRTUES

Bioethics: Course Notes | Brendan Shea, PhD ([Brendan.Shea@rctc.edu](mailto:Brendan.Shea@rctc.edu))

**Learning Outcomes.** In this lesson, you'll learn to:

1. Explain and apply Kant's deontological theory of ethics.
2. Explain and apply a simple rights-based theories of ethics.
3. Explain and apply virtue ethics.

### WHAT THE HECK IS A DEONTOLOGIST? KANT ON DUTIES

According to **Kantian** (or **deontological**) theories of ethics, the rightness or wrongness of an action depends on MORE than just the consequences. So, for example, deontologists often argue that it's *always* wrong to kill or torture innocent people, even if this is obviously "for the greater good." Some basic concepts of Kantian (named after Immanuel Kant) ethics are as follows<sup>1</sup>:

- **The Categorical Imperative ("Universal Law" Version).** Kant's first formulation of the CI states "Act only according to that maxim whereby you can at the same time will that it should become a universal law without contradiction."
- **The Categorical Imperative ("Respect for Persons" Version).** The second formulation of the CI states "Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end." This means that you should never treat people as if they are simply *tools* that you are using to get money, entertainment, work, etc., but always remember that all people (or at least, other competent adults capable of moral reasoning) have their *own* interests and desires, and that these are just as important as *your* interests and desires are.
- **Deontology in Action: An Example.** Kant's example is *breaking a promise*. A person who is breaking a promise cannot consistently intend for *everyone* to behave in this way, because this would lead to a world in which no one would ever believe in promises (and hence, there would no longer be any such thing as promises, or "breaking promises"). Breaking a promise also violates a person's autonomy, since it restricts their ability to make their own choices on the basis of all of the available evidence.
- **Strengths.** This theory coheres well with the idea that we ought to respect people's *autonomy* and that morality often requires us to be *impartial* followers of rules. It works well as a theory concerning many aspects of professional relationships. Many of its adherents claim that it is more practicable than consequentialism, since it gives "permission" for people to lead their own lives (and not simply devote themselves to following the greater good).
- **Weaknesses.** While the theory *looks* simple and clear, it is often very difficult to determine how to apply the categorical imperative in particular cases (especially since the categorical imperative can almost always often be applied in multiple ways: "lying" vs. "convincing the patient to choose the right treatment"). Its requirement that the moral actions must be done out of *duty* doesn't cohere well with the common morality notion that a good person ought to *enjoy* doing moral things and do them "without second thought." Some critics contend the theory lacks power, since the "answers" any particular deontologist arrives at seem to depend more on that person's psychology than on the theory itself (of course, *any* ethical theory can be misused).

### IS MORALITY BASED ON RIGHTS? LOCKE'S RIGHTS-BASED THEORY

*"The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. (John Locke)"<sup>2</sup>*

Much contemporary political discourse is phrased in terms of **moral rights**<sup>3</sup>. It important to note that moral rights are NOT the same as **legal rights** (e.g., someone might have a legal right to cheat on their spouse, but not have a moral right to do so), even though they are closely related. Some theorists (including John Locke and many **libertarians**) have argued that ALL or MOST of morality can be understood in terms of rights.

- **Rights are Justified Claims.** Rights can be defined as "justified claims to something that individuals or groups can legitimately assert against other individuals or groups. A right thereby positions one to determine by one's choices what others morally must or must not

<sup>1</sup> While Kant is notoriously difficult to read, it's almost impossible to overstate just how influential his ideas have been (on philosophy, politics, psychology, and many other areas). The categorical imperative can be found in Immanuel Kant, *Fundamental Principles of the Metaphysic of Morals*, trans. Thomas Kingsmill Abbott, 1785, <http://www.gutenberg.org/ebooks/5682>. A good contemporary overview of Kantian ethics is Robert Johnson and Adam Cureton, "Kant's Moral Philosophy," 2016, <https://plato.stanford.edu/entries/kant-moral/>. Finally, an introduction to deontology more generally (not limited to the Kantian version) is Larry Alexander and Michael Moore, "Deontological Ethics," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2016, 2016, <https://plato.stanford.edu/archives/win2016/entries/ethics-deontological/>.

<sup>2</sup> John Locke, *Second Treatise of Government*, 1764, chap. 2, sec 6, <https://www.gutenberg.org/ebooks/7370>.

<sup>3</sup> Leif Wenar, "Rights," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2015, 2015, <https://plato.stanford.edu/archives/fall2015/entries/rights/>.

do.” B-C argue that rights are not absolute “trumps”, and that we can sometimes **infringe** upon a right (if we had pressing reasons to do so) without this amounting to a **violation** of the right (which would always be morally wrong).

- B-C defend the **correlativity thesis**, which states that (1) every right I have entails an obligation on the behalf of others and (2) every obligation I have entails a right held by others.
- **Negative rights** consists of the right to NOT have other people interfere with you (“the right to free speech”, “the right to bear arms”); **positive rights** consist of rights TO some resource (“the right to receive emergency medical care”, “the right to be paid a minimum wage”). Rights-based theorists generally emphasize negative rights, as opposed to positive ones.
- **Rights Theory in Action: An Example.** The (negative) “right to life” constrains others’ actions (it prohibits them from shooting us for fun). Some people have argued for a (positive) “right to a living wage,” which would confer on employers the obligation to pay workers a certain amount. In health care, competent patients have the moral (and legal) right to not be operated or experimented upon without their consent.
- **Strengths.** The theory is very simple, and applies well to our interactions with strangers. It provides a good description of the sort of *basic* moral consideration every person is due, and can serve as a check on the other theories (for example, rights theory provides a good check on the consequentialist idea that “the end justifies the means.”).
- **Weaknesses.** In comparison to the other theories, it isn’t very powerful or explanatory (it doesn’t explain why things like *motive* or *outcome* matter), and also seems to stand in need of outside justification (where did all these “rights” come from? Why do humans have them? Do animals have them?). It can’t easily account for the moral importance of providing for the sorts of communal goods important to medicine (public health, biomedical research, etc.).

## WHAT ARE THE VIRTUES? HOW DOES ONE BEHAVE VIRTUOUSLY?

*“Thus it is therefore with the habits of perfected Self-Mastery and Courage and the rest of the Virtues: for the man who flies from and fears all things, and never stands up against anything, comes to be a coward; and he who fears nothing, but goes at everything, comes to be rash. In like manner too, he that tastes of every pleasure and abstains from none comes to lose all self-control; while he who avoids all, as do the dull and clownish, comes as it were to lose his faculties of perception: that is to say, the habits of perfected Self-Mastery and Courage are spoiled by the excess and defect, but by the mean state are preserved.” -Aristotle*

Consequentialism, deontology, and rights-based accounts all try to answer the question “What sorts of *actions* are moral or immoral?” By contrast, **virtue ethics** focuses on the questions concerning which sorts of *motives* or *character traits* are morally commendable or reprehensible<sup>4</sup>. According to Aristotle’s classic account of virtue ethics, a virtuous person cultivate a **habit** of choosing the **right action** AND have the **proper motive** in doing so. The quote above illustrates his ideas (not shared by all virtue ethicists) that virtues can be thought of a sort of “mean” between two extreme (and wrong) ways of doing things. His basic idea was that we only admire people if they consistently (and without second thought) do the right thing *for the right reasons*. For example, we don’t call a person “generous” who only gives money to charity to impress his neighbors, and we don’t call someone “courageous” who only risks danger because she is too ignorant to recognize that there *was* any danger.

- **What are (Moral) Virtues?** According to B-C **virtue** is “a dispositional trait of character that is socially valuable and reliably present in a person” and a **moral virtue** is “a dispositional trait of character that is morally valuable and reliably present.” Example of virtues include respectfulness (for autonomy, confidentiality, and privacy), nonmalevolence, benevolence, and justice.
- **How do Virtues Guide Actions?** In any particular case, ask yourself “What would a virtuous person do in these circumstances?” and then do that. Many writers on virtue ethics emphasizes the use of (real or fictional) moral role models (Gandhi, Martin Luther King, Mother Theresa, Dumbledore, etc.).
- **Strengths.** Virtue ethics works well in the context of close personal relationships, since it (correctly) requires that we are morally required to do more than merely “follow the rules” in order to be a good friend, coworker, or caregiver. Instead, its important to recognize that person has slightly different needs, and that different actions will be appropriate in different contexts.
- **Weaknesses.** Virtue ethics is perhaps the most complex ethical theory to apply, in that it leaves a lot of room for individual interpretation. For this reason, it may not be well-suited for determining how we ought to interact with strangers (in these cases, it is best to have explicit rules laying down rights and obligations) or for determining how we ought to formulate rules and policies.

## CONCLUSION: DO MORAL THEORIES CONVERGE?

B-C conclude by suggesting that while the four moral theories just discussed have very different general principles, they actually *converge* on many judgments concerning particular cases. So, for example, consider the question: “Is it OK for a physician to conduct dangerous research on a patient without getting informed consent?”

- The consequentialist says “NO” because these sorts of actions are almost always found out, and this will lead people to distrust the medical system. This will be the case *even if* the research is meant to “serve humanity.”

<sup>4</sup> Rosalind Hursthouse, “Virtue Ethics,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2013, 2013, <http://plato.stanford.edu/archives/fall2013/entries/ethics-virtue/>; Nafsika Athanassoulis, “Virtue Ethics,” in *Internet Encyclopedia of Philosophy*, ed. James Feiser, 2019, <http://www.iep.utm.edu/virtue/>.

- The deontologist says “NO” because (1) it involves deception, which cannot be universalized and (2) it treats the patient merely as a *means* to some end.
- The rights-based theory says “NO” because it violates the patient’s right to control what happens to her own body.
- The virtue-based theory says “NO” because this is not what a respectful physician would do.

There is an important lesson here: after studying ethical theory, there’s a temptation to say “Well, no one agrees on ethical theory. So, I guess I can do whatever I want!” But this simply isn’t true: while ethical theorists (understandably) tend to focus on areas of disagreement between theories, nearly *every* ethical theory is going to condemn selfish or harmful actions. In general, most ethical choices are actually pretty easy ones (at least theoretically)—the main problem is motivating ourselves to “do the right thing” when doing so requires we make personal sacrifices.

## REVIEW QUESTIONS

1. Developing your own, personal “professional ethics” can be challenging. Suppose that you can distribute 10 points to represent how much of your “ethics” is captured by the following theory. You can give all 10 points to one theory, give 2 point to five theories, or whatever:
  - a. \_\_\_\_\_ Concern about the long-term consequences of an action for everyone who might be affected by it (consequentialism).
  - b. \_\_\_\_\_ Duties to respect and foster autonomy, and respect others as persons (deontology).
  - c. \_\_\_\_\_ Not violating the fundamental rights of others to life, freedom from harm, etc. (rights theory).
  - d. \_\_\_\_\_ Behaving in the manner that a virtuous, caring professional would—ensuring that you do the right things for the right *reasons*, and training your emotions so that this becomes easier (virtue ethics).
  - e. \_\_\_\_\_ Other ethical theories:
    - i. Obeying the precepts of a particular religion, even in the case that you can’t see any independent justification for these rules, or they seem to go against the common morality (divine command theory).
    - ii. Doing what’s best for you, even if you know that it would go against the common morality (ethical egoism).
    - iii. Following what the professional “culture” dictates, and “going with the flow,” even in cases where this conflicts with the common morality (cultural relativism).
2. B-C argue that different ethical theories work better in different contexts. Which ethical theory (or theories) do you think work best in the following sorts of situations? Why?
  - a. Professional-patient relationships
  - b. Relationships between coworkers
  - c. Relationships between family members and friends
  - d. Relationships between strangers (no professional or personal relationship whatsoever)
  - e. Discussions about law or policy (abortion, euthanasia, health care funding, and so on).