

0001 We started out last time
0002 with some stories
0003 with some moral dilemmas
0004 about trolley cars
0005 and about doctors
0006 and healthy patients
0007 vulnerable
0008 to being victims of organ transplantation
0009 we noticed two things
0010 about the arguments we had
0011 one had to do with the way we were arguing
0012 it began with our judgments in particular cases
0013 we tried to articulate the reasons or the principles
0014 lying behind our judgments
0015 and then confronted with a new case
0016 we found ourselves re-examining those principles
0017 revising each in the light of the other
0018 and we noticed the built-in pressure to try to bring into alignment
0019 our judgments about particular cases
0020 and the principles we would endorse
0021 on reflection
0022 we also noticed something about the substance of the arguments
0023 that emerged from the discussion.
0024 We noticed that sometimes we were tempted to locate the morality of an act in the consequences
0025 in the results, in the state of the world that it brought about.
0026 We called is consequentialist
0027 moral reason.
0028 But we also noticed that
0029 in some cases
0030 we weren't swayed only
0031 by the results
0032 sometimes,
0033 many of us felt,
0034 that not just consequences but also the intrinsic quality or character of the act
0035 matters morally.

0036 Some people argued that there are certain things that are just categorically wrong
0037 even if they bring about
0038 a good result
0039 even
0040 if they save five people
0041 at the cost of one life.
0042 So we contrasted consequentialist
0043 moral principles
0044 with categorical ones.
0045 Today
0046 and in the next few days
0047 we will begin to examine one of the most influential
0048 versions of consequentialist
0049 moral theory
0050 and that's the philosophy of utilitarianism.
0051 Jeremy Bentham,
0052 the eighteenth century
0053 English political philosopher
0054 gave first
0055 the first clear systematic expression
0056 to the utilitarian
0057 moral theory.
0058 And Bentham's idea,
0059 his essential idea
0060 is a very simple one
0061 with a lot of
0062 morally
0063 intuitive appeal.
0064 Bentham's idea is
0065 the following
0066 the right thing to do
0067 the just thing to do
0068 it's to
0069 maximize
0070 utility.
0071 What did he mean by utility?
0072 He meant by utility the balance

0073 of pleasure over pain,
0074 happiness over suffering.
0075 Here's how we arrived
0076 at the principle
0077 of maximizing utility.
0078 He started out by observing
0079 that all of us
0080 all human beings
0081 are governed by two sovereign masters,
0082 pain and pleasure.
0083 We human beings
0084 like pleasure and dislike pain
0085 and so we should base morality
0086 whether we are thinking of what to do in our own lives
0087 or whether
0088 as legislators or citizens
0089 we are thinking about what the law should be,
0090 the right thing to do individually or collectively
0091 is to maximize, act in a way that maximizes
0092 the overall level
0093 of happiness.
0094 Bentham's utilitarianism is sometimes summed up with the slogan
0095 the greatest good for the greatest number.
0096 With this
0097 basic principle of utility on hand,
0098 let's begin to test it and to examine it
0099 by turning to another case
0100 another story but this time
0101 not a hypothetical story,
0102 a real-life story
0103 the case of
0104 the Queen versus Dudley and Stephens.
0105 This was a nineteenth-century British law case
0106 that's famous
0107 and much debated in law schools.
0108 Here's what happened in the case
0109 I'll summarize the story

0110 and then I want to hear
0111 how you would rule
0112 imagining that you are the jury.
0113 A newspaper account of the time
0114 described the background:
0115 A sadder story of disaster at sea
0116 was never told
0117 than that of the survivors of the yacht
0118 Mignonette.
0119 The ship foundered in the south Atlantic
0120 thirteen hundred miles from the cape
0121 there were four in the crew,
0122 Dudley was the captain
0123 Stephens was the first mate
0124 Brooks was a sailor,
0125 all men of
0126 excellent character,
0127 or so the newspaper account
0128 tells us.
0129 The fourth crew member was the cabin boy,
0130 Richard Parker
0131 seventeen years old.
0132 He was an orphan
0133 he had no family
0134 and he was on his first long voyage at sea.
0135 He went, the news account tells us,
0136 rather against the advice of his friends.
0137 He went in the hopefulness of youthful ambition
0138 thinking the journey would make a man of him.
0139 Sadly it was not to be,
0140 the facts of the case were not in dispute,
0141 a wave hit the ship
0142 and the Mignonette went down.
0143 The four crew members escaped to a lifeboat
0144 the only
0145 food they had
0146 were two

0147 cans of preserved
0148 turnips
0149 no fresh water
0150 for the first three days they ate nothing
0151 on the fourth day that opened one of the cans of turnips
0152 and ate it.
0153 The next day they caught a turtle
0154 together with the other can of turnips
0155 the turtle
0156 enabled them to subsist
0157 for the next few days and then for eight days
0158 they had nothing
0159 no food no water.
0160 Imagine yourself in a situation like that
0161 what would you do?
0162 Here's what they did
0163 by now the cabin boy Parker is lying at the bottom of the lifeboat in a corner
0164 because he had drunk sea water
0165 against the advice of the others
0166 and he had become ill
0167 and he appeared to be dying
0168 so on the nineteenth day Dudley, the captain, suggested
0169 that they should all
0170 have a lottery. That they should
0171 all draw lots to see
0172 who would die
0173 to save the rest.
0174 Brooks
0175 refused
0176 he didn't like the lottery idea
0177 we don't know whether this
0178 was because he didn't want to take that chance or because he believed in categorical moral
0179 principles
0180 but in any case
0181 no lots were drawn.
0182 The next day
0183 there was still no ship in sight

0184 so a Dudley told Brooks to avert his gaze
0185 and he motioned to Stephens
0186 that the boy Parker had better be killed.
0187 Dudley offered a prayer
0188 he told a the boy his time had come
0189 and he killed him with a pen knife
0190 stabbing him in the jugular vein.
0191 Brooks emerged from his conscientious objection to share in the gruesome bounty.
0192 For four days
0193 the three of them fed on the body and blood of the cabin boy.
0194 True story.
0195 And then they were rescued.
0196 Dudley describes their rescue
0197 in his diary
0198 with staggering euphemism, quote:
0199 "on the twenty fourth day
0200 as we were having our breakfast
0201 a ship appeared at last."
0202 The three survivors were picked up by a German ship. They were taken back to Falmouth in England
0203 where they were arrested and tried
0204 Brooks
0205 turned state's witness
0206 Dudley and Stephens went to trial. They didn't dispute the facts
0207 they claimed
0208 they had acted out of necessity
0209 that was their defense
0210 they argued in effect
0211 better that one should die
0212 so that three could survive
0213 the prosecutor
0214 wasn't swayed by that argument
0215 he said murder is murder
0216 and so the case went to trial. Now imagine you are the jury
0217 and just to simplify the discussion
0218 put aside the question of law,
0219 and let's assume that
0220 you as the jury

0221 are charged with deciding
0222 whether what they did was morally
0223 permissible or not.
0224 How many
0225 would vote
0226 not guilty, that what they did was morally permissible?
0227 And how many would vote guilty
0228 what they did was morally wrong?
0229 A pretty sizable majority.
0230 Now let's see what people's reasons are, and let me begin with those who are in the minority.
0231 Let's hear first from the defense
0232 of Dudley and Stephens.
0233 Why would you morally exonerate them?
0234 What are your reasons?
0235 I think it's I think it is morally reprehensible
0236 but I think that there's a distinction between what's morally reprehensible
0237 what makes someone legally accountable
0238 in other words the night as the judge said what's always moral isn't necessarily
0239 against the law and while I don't think that necessity
0240 justifies
0241 theft or murder any illegal act,
0242 at some point your degree of necessity does in fact
0243 exonerate you from any guilt. ok.
0244 other defenders, other voices for the defense?
0245 Moral justifications for
0246 what they did?
0247 yes, thank you
0248 I just feel like
0249 in a situation that desperate you have to do what you have to do to survive.
0250 You have to do what you have to do
0251 ya, you gotta do what you gotta do, pretty much.
0252 If you've been
0253 going nineteen days without any food
0254 you know someone just has to take the sacrifice has to make sacrifices and people can survive
0255 and furthermore from that
0256 let's say they survived and then they become productive members of society who go home and then start like

0257 a million charity organizations and this and that and this and that, I mean they benefit everybody
in the end so

0258 I mean I don't know what they did afterwards, I mean they might have

0259 gone on and killed more people

0260 but whatever.

0261 what? what if they were going home and turned out to be assassins?

0262 What if they were going home and turned out to be assassins?

0263 You would want to know who they assassinated.

0264 That's true too, that's fair

0265 I would wanna know who they assassinated.

0266 alright that's good, what's your name? Marcus.

0267 We've heard a defense

0268 a couple voices for the defense

0269 now we need to hear

0270 from the prosecution

0271 most people think

0272 what they did was wrong, why?

0273 One of the first things that I was thinking was, oh well if they haven't been eating for a really
long time,

0274 maybe

0275 then

0276 they're mentally affected

0277 that could be used for the defense,

0278 a possible argument that oh,

0279 that they weren't in a proper state of mind, they were making

0280 decisions that they otherwise wouldn't be making, and if that's an appealing argument

0281 that you have to be in an altered mindset to do something like that it suggests that

0282 people who find that argument convincing

0283 do you think that they're acting immorally. But I want to know what you think you're defending

0284 you k 781 00:37:41,249 00:37:45,549 you voted to convict right? yeah I don't t

0285 appropriate way. And why not? What do you say, Here's Marcus

0286 he just defended them,

0287 he said,

0288 you heard what he said,

0289 yes I did

0290 yes

0291 that you've got to do what you've got to do in a case like that.

0292 What do you say to Marcus?

0293 They didn't,
0294 that there is no situation that would allow human beings to take
0295 the idea of fate or the other people's lives into their own hands that we don't have
0296 that kind of power.
0297 Good, okay
0298 thanks you, and what's your name?
0299 Britt? okay.
0300 who else?
0301 What do you say? Stand up
0302 I'm wondering if Dudley and Stephens had asked for Richard Parker's consent in, you know, dying,
0303 if that would
0304 would that exonerate them
0305 from an act of murder, and if so is that still morally justifiable?
0306 That's interesting, alright consent, now hang on, what's your name? Kathleen.
0307 Kathleen says suppose so what would that scenario look like?
0308 so in the story
0309 Dudley is there, pen knife in hand,
0310 but instead of the prayer
0311 or before the prayer,
0312 he says, Parker,
0313 would you mind
0314 we're desperately hungry,
0315 as Marcus empathizes with
0316 we're desperately hungry
0317 you're not going to last long anyhow,
0318 you can be a martyr,
0319 would you be a martyr
0320 how about it Parker?
0321 Then, then
0322 then what do you think, would be morally justified then? Suppose
0323 Parker
0324 in his semi-stupor
0325 says okay
0326 I don't think it'll be morally justifiable but I'm wondering. Even then, even then it wouldn't be?
No
0327 You don't think that even with consent
0328 it would be morally justified.
0329 Are there people who think

0330 who want to take up Kathleen's
0331 consent idea
0332 and who think that that would make it morally justified? Raise your hand if it would
0333 if you think it would.
0334 That's very interesting
0335 Why would consent
0336 make a moral difference? Why would it?
0337 Well I just think that if he was making his own original idea
0338 and it was his idea to start with
0339 then that would be the only situation in which I would
0340 see it being appropriate in anyway
0341 because that way you couldn't make the argument that
0342 he was pressured you know it's three
0343 to one or whatever the ratio was,
0344 and I think that
0345 if he was making a decision to give his life then he took on the agency
0346 to sacrifice himself which some people might see as admirable and other people
0347 might disagree with that decision.
0348 So if he came up with the idea
0349 that's the only kind of consent we could have confidence in
0350 morally, then it would be okay
0351 otherwise
0352 it would be kind of coerced consent
0353 under the circumstances
0354 you think.
0355 Is there anyone who thinks
0356 that the even the consent of Parker
0357 would not justify
0358 their killing him?
0359 Who thinks that?
0360 Yes, tell us why, stand up
0361 I think that Parker
0362 would be killed
0363 with the hope that the other crew members would be rescued so
0364 there's no definite reason that he should be killed
0365 because you don't know
0366 when they're going to get rescued so if you kill him you're killing him in vain

0367 do you keep killing a crew member until you're rescued and then you're left with no one?
0368 because someone's going to die eventually?
0369 Well the moral logic of the situation seems to be that.
0370 That they would
0371 keep on picking off the weakest maybe, one by one,
0372 until they were
0373 rescued and in this case luckily when three at least were still alive.
0374 Now if
0375 if Parker did give his consent
0376 would it be all right do you think or not?
0377 No, it still wouldn't be right.
0378 Tell us why wouldn't be all right.
0379 First of all, cannibalism, I believe
0380 is morally incorrect
0381 so you shouldn't be eating a human anyway.
0382 So
0383 cannibalism is morally objectionable outside
0384 so then even in the scenario
0385 of waiting until someone died
0386 still it would be objectionable.
0387 Yes, to me personally
0388 I feel like of
0389 it all depends on
0390 one's personal morals, like we can't just, like this is just my opinion
0391 of course other people are going to disagree.
0392 Well let's see, let's hear what their disagreements are
0393 and then we'll see
0394 if they have reasons
0395 that can persuade you or not.
0396 Let's try that
0397 Let's
0398 now is there someone
0399 who can explain, those of you who are tempted by consent
0400 can you explain
0401 why consent makes
0402 such a moral difference,
0403 what about the lottery idea

0404 does that count as consent. Remember at the beginning
0405 Dudley proposed a lottery
0406 suppose that they had agreed
0407 to a lottery
0408 then
0409 how many would then say
0410 it was all right. Say there was a lottery,
0411 cabin boy lost,
0412 and the rest of the story unfolded. How many people would say it's morally permissible?
0413 So the numbers are rising if we add a lottery, let's hear from one of you
0414 for whom the lottery would make a moral difference
0415 why would it?
0416 I think the essential
0417 element,
0418 in my mind that makes it a crime is
0419 the idea that they decided at some point that their lives were more important than his, and that
0420 I mean that's kind of the basis for really any crime
0421 right? It's like
0422 my needs, my desire is a more important than yours and mine take precedent
0423 and if they had done a lottery were everyone consented
0424 that someone should die
0425 and it's sort of like they're all sacrificing themselves,
0426 to save the rest,
0427 Then it would be all right?
0428 A little grotesque but,
0429 But morally permissible? Yes.
0430 what's your name? Matt.
0431 so, Matt for you
0432 what bothers you is not
0433 the cannibalism, but the lack of due process.
0434 I guess you could say that
0435 And can someone who agrees with Matt
0436 say a little bit more
0437 about why
0438 a lottery
0439 would make it, in your view,
0440 morally permissible.

0441 The way I understood it originally was that that was the whole issue is that the cabin boy was
never
0442 consulted
0443 about whether or not it something was going to happen to him even though with the original
0444 lottery
0445 whether or not he would be a part of that it was just decided
0446 that he was the one that was going to die. Yes that's what happened in the actual case
0447 but if there were a lottery and they all agreed to the procedure
0448 you think that would be okay?
0449 Right, because everyone knows that there's gonna be a death
0450 whereas
0451 you know the cabin boy didn't know that
0452 this discussion was even happening
0453 there was no
0454 you know forewarning
0455 for him to know that hey, I may be the one that's dying. Okay, now suppose the everyone agrees
0456 to the lottery they have the lottery the cabin boy loses any changes his mind.
0457 You've already decided, it's like a verbal contract, you can't go back on that. You've decided the
decision was made
0458 you know if you know you're dying for the reason for at others to live,
0459 you would, you know
0460 if the someone else had died
0461 you know that you would consume them, so
0462 But then he could say I know, but I lost.
0463 I just think that that's the whole moral issue is that there was no consulting of the cabin boy and
that that's
0464 what makes it the most horrible
0465 is that he had no idea what was even going on, that if he had known what was going on
0466 it would
0467 be a bit more understandable.
0468 Alright, good, now I want to hear
0469 so there's some who think
0470 it's morally permissible
0471 but only about twenty percent,
0472 led by Marcus,
0473 then there are some who say
0474 the real problem here
0475 is the lack of consent

0476 whether the lack of consent to a lottery to a fair procedure
0477 or
0478 Kathleen's idea,
0479 lack of consent
0480 at the moment
0481 of death
0482 and if we add consent
0483 then
0484 more people are willing to consider
0485 the sacrifice morally justified.
0486 I want to hear now finally
0487 from those of you who think
0488 even with consent
0489 even with a lottery
0490 even with
0491 a final
0492 murmur of consent from Parker
0493 at the
0494 very last moment
0495 it would still
0496 be wrong
0497 and why would it be wrong
0498 that's what I want to hear.
0499 well the whole time
0500 I've been leaning towards the categorical moral reasoning
0501 and I think that
0502 there's a possibility I'd be okay with the idea of the lottery and then loser
0503 taking into their own hands to
0504 kill themselves
0505 so there wouldn't be an act of murder but I still think that
0506 even that way it's coerced and also I don't think that there's any remorse like in
0507 Dudley's diary
0508 we're getting our breakfast
0509 it seems as though he's just sort of like, oh,
0510 you know that whole idea of not valuing someone else's life
0511 so that makes me
0512 feel like I have to take the categorical stance. You want to throw the book at him.

0513 when he lacks remorse or a sense of having done anything wrong. Right.

0514 Alright, good so are there any other

0515 defenders who

0516 who say it's just categorically wrong, with or without consent, yes stand up. Why?

0517 I think undoubtedly the way our society is shaped, murder is murder

0518 murder is murder and every way our society looks down at it in the same light

0519 and I don't think it's any different in any case. Good now let me ask you a question,

0520 there were three lives at stake

0521 versus one,

0522 the one, that the cabin boy, he had no family

0523 he had no dependents,

0524 these other three had families back home in England they had dependents

0525 they had wives and children

0526 think back to Bentham,

0527 Bentham says we have to consider

0528 the welfare, the utility, the happiness

0529 of everybody. We have to add it all up

0530 so it's not just numbers three against one

0531 it's also all of those people at home

0532 in fact the London newspaper at the time

0533 and popular opinion sympathized with them

0534 Dudley in Stephens

0535 and the paper said if they weren't

0536 motivated

0537 by affection

0538 and concern for their loved ones at home and dependents, surely they wouldn't have

0539 done this. Yeah, and how is that any different from people

0540 on the corner

0541 trying to having the same desire to feed their family, I don't think it's any different. I think in any case

0542 if I'm murdering you to advance my status, that's murder and I think that we should look at all

0543 of that in the same light. Instead of criminalizing certain

0544 activities

0545 and making certain things seem more violent and savage

0546 when in that same case it's all the same act and mentality

0547 that goes into the murder, a necessity to feed their families.

0548 Suppose there weren't three, supposed there were thirty,

0549 three hundred,

0550 one life to save three hundred
0551 or in more time,
0552 three thousand
0553 or suppose the stakes were even bigger.
0554 Suppose the stakes were even bigger
0555 I think it's still the same deal.
0556 Do you think Bentham was wrong to say the right thing to do
0557 is to add
0558 up the collected happiness, you think he's wrong about that?
0559 I don't think he is wrong, but I think murder is murder in any case. Well then Bentham has to be
wrong
0560 if you're right he's wrong. okay then he's wrong.
0561 Alright thank you, well done.
0562 Alright, let's step back
0563 from this discussion
0564 and notice
0565 how many objections have we heard to what they did.
0566 we heard some defenses of what they did
0567 the defense has had to do with
0568 necessity
0569 the dire circumstance and,
0570 implicitly at least,
0571 the idea that numbers matter
0572 and not only numbers matter
0573 but the wider effects matter
0574 their families back home, their dependents
0575 Parker was an orphan,
0576 no one would miss him.
0577 so if you
0578 add up
0579 if you tried to calculate
0580 the balance
0581 of happiness and suffering
0582 you might have a case for
0583 saying what they did was the right thing
0584 then we heard at least three different types of objections,
0585 we heard an objection that's said

0586 what they did was categorically wrong,
0587 right here at the end
0588 categorically wrong.
0589 Murder is murder it's always wrong
0590 even if
0591 it increases the overall happiness
0592 of society
0593 the categorical objection.
0594 But we still need to investigate
0595 why murder
0596 is categorically wrong.
0597 Is it because
0598 even cabin boys have certain fundamental rights?
0599 And if that's the reason
0600 where do those rights come from if not from some idea
0601 of the larger welfare or utility or happiness? Question number one.
0602 Others said
0603 a lottery would make a difference
0604 a fair procedure,
0605 Matt said.
0606 And some people were swayed by that.
0607 That's not a categorical objection exactly
0608 it's saying
0609 everybody has to be counted as an equal
0610 even though, at the end of the day
0611 one can be sacrificed
0612 for the general welfare.
0613 That leaves us with another question to investigate,
0614 Why does agreement to certain procedure,
0615 even a fair procedure,
0616 justify whatever result flows
0617 from the operation of that procedure?
0618 Question number two.
0619 and question number three
0620 the basic idea of consent.
0621 Kathleen got us on to this.
0622 If the cabin boy had agreed himself

0623 and not under duress
0624 as was added
0625 then it would be all right to take his life to save the rest.
0626 Even more people signed on to that idea
0627 but that raises
0628 a third philosophical question
0629 what is the moral work
0630 that consent
0631 does?
0632 Why does an act of consent
0633 make such a moral difference
0634 that an act that would be wrong, taking a life, without consent
0635 is morally
0636 permissible
0637 with consent?
0638 To investigate those three questions
0639 we're going to have to read some philosophers
0640 and starting next time
0641 we're going to read
0642 Bentham,
0643 and John Stuart Mill, utilitarian philosophers.
