

Contemporary Moral Problems

Review for Second Exam

CAPITAL PUNISHMENT

- Two central issues
 - Deterrence and justice

ERNEST VAN DEN HAAG

- Responses to:
 - Uneven distribution of the death penalty
 - Unevenly distributed amongst convicted murders because of race and wealth. VOH says that the moral status of CP and its distribution are distinct, but different, issues
 - Miscarriages of justice
 - Some innocent people may have and could get the death penalty
 - The number of innocent people saved by the deterrent effects of capital punishment is greater than the number of innocent killed by capital punishment then the benefits outweigh the cost.
 - The claim that capital punishment encourages unlawful killing
 - Brutalization Hypothesis
 - The idea that there is some statistical evidence that CP has higher murder rates per capita.
 - This implies that imprisonment encourages kidnapping & fines encourage burglary, which is absurd.
 - Reiman's claim that execution is analogous with slavery
 - Van Den Haag replies with while slavery is involuntary, the murderer voluntarily ran the risk of capital punishment
 - Subjugation with murderers is fine, for slaves it is not.
 - Reiman's definition of 'progress in civilization'
 - Characterized by a lower tolerance for one's own pain and that suffered by others.
- Deterrence
 - Thought experiment (involving determination of punishment by day of the crime)
 - Capital punishment deters more would-be criminals.
 - His reply is that most will take place when the punishment is life in prison. That doesn't prove capital punishment is a better deterrent but it is an intuition pump.
 - Our intuitions do not prove anything since we are not murderers.
 - 'Common-sense' argument
 - If one punishment is more feared it will deter more than the second one.
 - Capital punishment is more feared than life in prison
 - Therefore capital punishment will deter more would be murderers
- Why he thinks that life imprisonment is more cruel than the death penalty
 - Over time eventually the person who is in jail their identity changes, they can become innocent. Then you're punishing an innocent person which is cruel.

JEFFREY REIMAN

- Definition of 'progress in civilization'
 - Lower tolerance for one's own pain for those suffered by others
- Two conditions under which we ought not reduce the horrible things we do to others
 - It would be unjust or it amounts to an injustice

- It would make our life more dangerous
- Think of justice deterrence issue then.
- Reiman says we should get rid of them
- Argument against the injustice of refusing to execute murderers
 - Refusing to do horrible things to others does not amount to an injustice, unless the alternative falls short of the bottom end of justice.
 - It would make our lives more dangerous, life in prison does not fall short of the bottom end of justice.
 - Pain and subjugation
- Two reasons for thinking that execution is horrible
 - The same reason why torture is horrible
 - Pain and subjugation
 - We develop lethal injection to be more humane but according to Reiman it just trades in physical pain for greater subjugation.
- Two responses to van den Haag's 'common-sense' argument
 - This implies that life in prison doesn't already deter all those who could be deterred, adding more fear will not deter any more people
 - If the argument works then we ought to torture criminals to death. It proves too much, we should have the most feared punishments. It's very uncivilized. We ought to get rid of the chair or reinstate the rack (medieval torture device)

EUTHANASIA

- Euthanasia Definition
 - Intentionally causing or allowing the death of a person for the benefit of that person.
- Active v. Passive
 - Active - Involves a deliberate action which intentionally causes the death of a person
 - Passive – Involves withholding or withdrawing life prolonging or life-sustaining measures in order to allow for the death of a person.
- Voluntary v. Nonvoluntary v. Involuntary
 - Voluntary – Informed consent of the dying person.
 - Non-Voluntary – Without the consent of the individual.
 - Involuntary – Against the will of the individual.
- Two common considerations in favor of Euthanasia
 - Compassion for painfully and terminally ill
 - Concern for human dignity and freedom of choice

ARTHUR DYCK

- Benemortasia
 - Allows for actions and inactions which cause or hasten death but never because they cause or hasten death. The death is always a side-effect.
- Suicide
 - Four reasons why suicide is wrong
 - Repudiates (Rejects) the meaning of life
 - Deprives others of access to you
 - May cause years of suffering for others
 - Implies that other people can commit suicide if they believe their lives are meaningless

- Two worries regarding legalization of (voluntary) euthanasia
 - Sanctions physician assisted suicide (Social approach)
 - Giving doctors too much power
 - Slippery slope argument – Nazi Germany example
 - Second one is, it goes against the cardinal principle of medical practice (do no harm) (Principle approach)
- Intent criterion & the objection to Dyck
 - Intent Criterion
 - What is the intent criterion?
 - It is always impermissible to intend harm.
 - What is the most plausible interpretation of the intent criterion?
 - Is it always impermissible to intend harm as an end or as a means to an end?
 - It is always impermissible to intend harm as an end. (Intend harm to just mess with you)
 - It is PERMISSIBLE to intend harm as a means to an end. (Intend harm to help fix the feeling in your hand)
 - Can be used as an objection to Dyck's position.
 - Grant for a moment death is harmful. Is euthanasia as a means to an end or as an end?

JAMES RACHELS

- AMA (1973) position
 - While Passive Euthanasia is permissible, Active Euthanasia is not.
- Apparent justification for passive euthanasia
 - Passive Euthanasia is permissible to reduce suffering
 - Rachels' response regarding active euthanasia
 - Active Euthanasia is preferable on these grounds
 - Irrelevant Grounds
 - If a life of a child with down syndrome is not worth then they should let the child die with or without the intestinal blockage
 - If a life of a child with down syndrome IS worth something then they should not let the child with the intestinal blockage to die.
- Argument regarding the morally relevant difference between 'killing' and 'letting die'
 - 1. The morally relevant difference (MRD) between passive euthanasia and active euthanasia depends upon the MRD between letting die and killing 2. There is no MRD between letting die and killing 3. Therefore there is no MRD between passive euthanasia and active euthanasia
- Smith/Jones case
 - Both stand to gain something, motive is the same.
 - Smith killed the 6 year old by drowning him
 - Jones let the kid die by drowning
- His response to the view that death is a 'great evil'
 - There are some cases of which the continuation of life is just as great of an evil as letting them die.

ABORTION

- Standard anti-abortion argument
 - It is wrong to kill an innocent person
 - A fetus is an innocent person
 - There's no non-arbitrary dividing line between a zygote and the person it becomes
 - Therefore a zygote is a person
 - Abortion is the killing of a fetus
 - Therefore, abortion is wrong
- Refutation by analogy
 - Refutation of an argument by way of a distinct argument with the same logical form, but which has an obvious flaw.
 - Example
 - There's no non-arbitrary dividing line between an acorn and the oak tree it becomes.
 - Therefore, an acorn is an oak tree
 - Example 2
 - Persons have a right to life
 - A fetus is a potential person
 - Therefore a fetus has a right to life
 - It's not valid since the truth of the premises doesn't mean the conclusion is true.

JUDITH JARVIS THOMSON

- The extreme view and the argument for it
 - Abortion is never morally permissible.
 - Argument
 - A fetus is a person
 - All persons have the right to life
 - The mother has the right to bodily autonomy
 - The right to life is stronger than the right to bodily autonomy
 - Therefore, abortion is impermissible
 - The right to bodily autonomy is the right to decide what happens in and to one's own body.
- The famous violinist & the refutation by analogy
 - The famous violinist is a person
 - All persons have the right to life
 - You have the right to bodily autonomy
 - The right to life is stronger than the right to bodily autonomy
 - Therefore, unplugging is impermissible
 - Clearly a false argument
- The Right to Life
 - Three distinct views (and Thomson's reasons for rejecting the first two)
 - Right to have one's life sustained
 - Right to not be killed
 - The right to not be killed unjustly.
 - To be unjust to someone is to deprive them of something they have a right to

- The right to life by itself does not get you the right to the use of someone else's body
- **Thomson's view & how it relates to the issue of abortion (or, when abortion is permissible/impermissible)**
- The right to bodily autonomy
 - Definition
 - Both sides grant the right to bodily autonomy (the right to choose what happens to your body). Those that are pro-life say that that right is trumped by the fetus' right.
 - 'People-seeds' analogy
 - You live in a home without AC, it gets stuffy and you open your window. You know about these people seeds, if they take root in your carpet they can grow into a people plant (human baby). You know about them so you go to the store and buy top of the line mesh screens to specifically prevent people seeds out of your home. You install them; unfortunately, you get the 1 in 100 that's defective. It roots in your carpet. In that case does the people seed have right to use your home?
 - What it shows
 - Abortion in the failed case of contraception is permissible. It's OK because you cannot constrain the woman granting the fetus to inhabit her. In using contraception she's saying no she's saying no to enter her body.
- Good Samaritan vs. Minimally decent Samaritan
 - Good Samaritan - One who risks harm to him or himself for the benefit of another
 - Minimally Decent Samaritan- One who does the bare minimum for the sake of another

MARY ANNE WARREN

- Two senses of 'human being'
 - Genetic Sense – Having human parents. Having a human genetic code.
 - Moral Sense – Member of the moral community. Having full and equal moral rights.
 - It is wrong to kill innocent humans – Moral Sense
 - A fetus is an innocent human – Genetic Sense
 - Therefore, it is wrong to kill a fetus
- **Standard anti-abortion argument & Warren's critique**
 - **Equivocation on 'human being' and the resulting problem with the argument**
- 'Personhood'
 - Five attributes associated with 'persons'
 - **Consciousness** – Of objects and events internal and external to the being. Capacity of feeling pain
 - **Reasoning** – Solve new and complex problems
 - **Self-Motivated Activity** – Activity which is relatively independent of internal and external control
 - **Capacity to Communicate** – Message in a variety of types
 - **Self-Awareness** –
 - Jointly sufficient, but it is not necessary to possess all 5.
 - Anything that lacks all 1-5 is NOT a person
 - **Warren's claim regarding early-stage fetuses**
- Two objections and Warren's responses
 - Fetus is 'like' a person
 - Fetus has a right to life in virtue of being 'like' a person

- Warren: Late stage fetuses are no more person like than many other creatures to which we don't attribute personhood.
- Fetus is a 'potential person'
 - Fetus has a right to life in virtue of being a potential person
 - Warren: The rights of actual persons always outweigh the rights of potential persons

DON MARQUIS

- His general approach to the issue
 - What is wrong with killing us?
 - What explains the misfortune of premature death?
 - *Not* that it deprives us of biological life
 - *Not* any conscious life
 - It deprives us of the "future goods of consciousness"
- 'Future like ours'
 - Killing is wrong because it deprives one of a "future like ours" (FLO)
- Examples of the 'future goods of consciousness'
 - Completed projects of which we are proud, pursuit of our goals, aesthetic enjoyments, intellectual pursuits, physical pleasure of various sorts, friendship, and whatever makes worth living.
- 'Worst of crimes' argument
 - Explains why murder is the worst of crimes
- Objections & his responses
 - Potentiality
 - The FLO argument is a potentiality argument, potentials for things in the future.
 - Potentiality arguments are invalid
 - Therefore, the FLO argument is invalid
 - His reply: Potentiality (ie Flo) is present throughout the argument (ie Both premises) therefore the argument is **not** invalid
 - 'Contraception' objection
 - 1. If the FLO account is correct, then using contraception is wrong 2. Using contraception is not wrong 3. Therefore, the FLO account is not correct
 - Marquis' reply "at the time of contraception, there is no individual to have a FLO," therefore, "the FLO account does not entail that contraception is wrong" (i.e., premise 1 is false)

ESSAY QUESTIONS

1. State and explain Ernest van den Haag's 'common sense argument' for the deterrent effects of capital punishment. Explain one of Jeffrey Reiman's replies. State and defend your position on van den Haag's argument.
 - a. If punishment A is more feared than punishment B then punishment A is a better deterrent. Reiman replies that we do not know if life in prison does not already deter all that can be deterred and even if the common sense argument is true you would be proving too much. In that case then it would be permissible to do the worst punishment possible like torture.
2. **Explain Jeffrey Reiman's position regarding capital punishment and its relation to progress in civilization. How does he respond to the idea that it would be unjust to abolish capital punishment? Does he succeed? Explain your answer.**
 - a. **Reiman is against CP because it amounts to an injustice. I**
3. Explain Arthur Dyck's distinction between euthanasia and benemortasia. Explain why he thinks that euthanasia is always wrong. Do you agree? Explain your answer.
 - a. Euthanasia is wrong because the intent is to kill the person which he finds morally wrong. Benemortasia lacks the intent to end the life of the terminally ill, rather the morphine is of a lethal dose and is given because it will cause the patient to be pain free.
4. **State the AMA position on euthanasia. Explain James Rachels' response to the AMA. Do you agree with him? Explain your answer.**
 - a. **AMA (1973) is against active euthanasia but is OK with passive euthanasia. They believe under the cardinal rule to do no harm.**
5. **State and explain James Rachels' argument for his claim that there is no morally relevant different between active and passive euthanasia. Do you agree with him? Explain your answer.**
6. Explain Judith Jarvis Thomson's view regarding the right to life as well as how it relates to her general position regarding abortion. When is abortion permissible for Thomson and when is it not? Do you agree? Explain your answer.
 - a. Thomson has the view that you have the right to not be killed unjustly. Her general position is that you have the right to have an abortion when the woman's life is in danger, when she has no consented; whether that is through the failure of contraception, rape, or incest, etc.
7. **Explain Mary Anne Warren's critical evaluation of the standard anti-abortion argument. Does her critique succeed? Explain your answer.**
8. **State Mary Anne Warren's concept of personhood as well as the five traits associated with it. Explain how she employs this concept in her argument for choice. Does her argument succeed? Explain your answer.**
9. **State and explain Don Marquis' argument against abortion. Do you agree? Explain your answer.**