

Utilitarianism, Kantian Ethics, Natural Rights Theories, and Religious Ethics

A “utilitarian” argument, in the strict sense, is one that alleges that we ought to do something because it will produce more total happiness than doing anything else would. Act utilitarianism (AU) is the moral theory that holds that the morally right action, the act that we have a moral duty to do, is the one that will (probably) maximize “utility” (happiness, welfare, well-being). AU is not to be confused with egoism. The egoist really only cares about his own happiness. AU says that everyone’s happiness counts equally.

Suppose that executing Joseph would in the long run produce more total happiness than letting him live would. Then according to AU, we ought to execute Joseph. Now if Joseph is a convicted serial murderer who would probably escape and commit more murders if we tried to incarcerate him, then it’s reasonable to think that executing him would be the right thing to do. But what if he has committed no crime? What if he is simply an extremely irritating person with no friends or loved ones, and the many people with whom he has contact in his life are very sensitive and dislike him intensely? Since more total happiness is produced if Joseph dies (the increased happiness of the many who no longer have to endure him outweighs his unhappiness about dying) than if he lives, AU says that it’s right to kill him. This example illustrates what is probably the main objection to AU: it tells us to violate rights/commit injustices when doing so is necessary to produce the greatest total amount of happiness.

A “utilitarian” argument in a looser sense is one that alleges that we ought to do something because of its “good consequences” (or not do something because of its “bad consequences”), where good/bad consequences needn’t be limited to what increases or decreases happiness, but might include other things that a strict utilitarian theory attaches no positive or negative intrinsic value to.

-- An example: “the FDA shouldn’t approve the ‘morning after’ pill, because it will only promote out-of-wedlock sex.” This argument assumes that out-of-wedlock sex is something that is *per se* bad, and that the risk of unwanted pregnancy and babies will deter at least some, perhaps many, from engaging in it, thereby reducing the total amount of it. The strict utilitarian rejects the idea that such sex is an intrinsic moral evil, holding instead that if such sex is bad, it is bad only insofar as it causes bad consequences like unwanted pregnancy and babies.

-- This argument for why the FDA shouldn’t approve the ‘morning after’ pill is better described as “consequentialist” rather than “utilitarian.” All strictly utilitarian arguments are consequentialist, but not all consequentialist arguments are strictly utilitarian.

The important point is that one needn’t believe that utilitarianism is the correct moral theory in order to believe that consequentialist arguments of either the strictly utilitarian kind or other kinds provide good reasons. We can admit that the increase in the happiness to others is a good reason to execute Joseph. But we can say that the fact that it would violate his right to life is an even better reason not to do it. Respect for rights “trumps” maximizing utility.

Suppose that we want to build a highway that connects two cities. The shorter route would require destroying some scenic wilderness that is enjoyed by some nature lovers. The longer route avoids that but entails a longer driving time for people who commute between the two cities. Which route should the highway be built on? Here it's plausible to think that we should make the decision on the basis of utilitarian considerations. We look at all the costs and benefits of both alternatives and pick the one with the most favorable benefit to cost ratio.

The other three views—Kantian ethics, natural rights theories, and “religious ethics”—all agree that there are many circumstances when maximizing utility would be wrong. Perhaps the strongest objection to AU comes from the natural rights theory: AU is false, because it tells us to violate people's rights when that's necessary to maximize utility. The example of Joseph illustrates it, but here's another example. A surgeon has 1 healthy and 5 sick and dying patients. Each of the sick and dying patients needs a new organ—one a new kidney, another a new liver, the third a new heart, etc.—and would fully recover if he received it. It so happens that the 1 healthy patient would be a suitable organ donor for all of them. If the surgeon kills the 1 and redistributes his organs, he saves 5. If he does nothing, then 1 is alive and 5 are dead. On the assumption that all six are equally happy, loved by others, and productive of utility for others in society, then the way to maximize utility is to kill the 1. But if he won't consent to being killed and having his organs transplanted (he doesn't believe in utilitarianism), then killing him would violate his right to life. The objection is simply that it would be wrong to violate his right even if it's the way to maximize utility.

Kantian ethics is based on what Immanuel Kant claimed is the supreme principle of morality, the Categorical Imperative. Kant claimed that there were a few different but equivalent ways of stating the Categorical Imperative. The first, the Universal Law Formula, says that we should act only on principles that we can will to be a universal law that applies to everyone. The idea here seems to be that when people act immorally, they want everyone else to obey “the rules” but want to make an exception for themselves. Another way of stating the Categorical Imperative, the one we'll focus on, is the Principle of Humanity. It says that whenever we act we must be sure always to treat all “persons” (both ourselves and others) as “ends” and never as “mere means.”

“Persons” in Kantian ethics refers to any being with the capacity to make moral judgments and conform to them (where that often requires that one resist various urges, inclinations, and temptations to act against them). Persons have free will and reason. Babies are not *yet* persons, and cows and pigs never will be. Kant's Principle of Humanity implies that it is only persons who possess “dignity” and must be treated as “ends.” Animals only have a “use value” and may be treated as mere means or resources. Animals may be used in experiments to test new drugs, but “persons” may be used in such experiments only with their “informed consent.” Kantians agree that killing the 1 healthy person in the above example is wrong, even if it maximizes utility for society as a whole. It is wrong because it treats him as a “mere means.”

Kant held that if one commits suicide because one believes that the remainder of one's life will be filled with more discomfort than pleasure, then one fails to treat oneself as an "end." So long as one retains the capacities that make one a person, then one has dignity and one ought to respect this dignity. To think that life is worth living only if it is pleasant is to fail to respect this dignity. Another objection that Kantians have to AU, especially the hedonistic version, is that it is a degrading to humanity to think and act as though pleasure were the point of life. Kantians think that the point of life is the exercise of one's personhood capacities in moral deliberation and choice. This does not mean that Kantians must oppose *all* suicide and euthanasia. They support it in cases where people have permanently lost the capacities for free will and reason (e.g. PVS patients like Terry Schiavo). Euthanasia in these cases provides a dignified death. Of course sometimes when people talk about "dying with dignity" they're assuming that it's the need to be cared for by others (e.g. to wear Depends diapers and have them changed by others) that's "undignified." A Kantian has to say that those people have mistaken views about the basis of human dignity. It's personhood, not the ability to care for oneself without assistance from others, that gives human beings their dignity.

Another implication of the Principle of Humanity is that lying is typically wrong. A woman who persuades me to sell her my new car at a low price by telling me a lie that I believe ("males who drive your model of car are 20 times more likely to develop testicular cancer than males who don't") treats me as a mere means. She manipulates me in a way that I would not consent to if I were aware of what her purposes are. What many people have criticized in Kant is not his claim that lies like this one are wrong, but his view that lying is *always* wrong. In the case where lying to evil people will help to thwart their evil aims (e.g. someone intent on committing murder asks me the whereabouts of his intended victim) Kant held that lying remains wrong. Instead of lying, I should simply not say anything.

The main problem with the Principle of Humanity is that it's not entirely clear what it means to treat another person as an "end." It's been claimed that it means you must treat others in ways that they would not object to if they were morally reasonable, thinking clearly, and well-informed about relevant factual matters. When society puts a thief in prison, it's treating him as an end, because even though he might object to being incarcerated, he wouldn't object if he were morally reasonable; he would admit that thieves deserve to go to jail. One problem with this interpretation of the Principle is that it assumes some other, independent standard of what's "morally reasonable." Wasn't the Principle of Humanity itself supposed to provide that standard? Another problem is that it probably cannot support Kant's judgment that lying is always wrong. After all, if the morally reasonable thief must admit that he deserves a loss of liberty as punishment for his crimes, shouldn't a morally reasonable person agree that lying to him is okay as a means of preventing him from committing murder?

The Principle of Humanity is sometimes interpreted as supporting the Principle of Autonomy. The Principle of Autonomy says that everyone has the right to live his/her life in accordance with his/her own views about religion, the meaning of life, the moral virtues, dignity and honor, etc., so long as one doesn't infringe on the right of others to do

the same. (Since this principle asserts the existence of a certain moral right, certain natural rights-based moral theories might also support it). You violate my autonomy if restrict my liberty for my own good on the basis of values that I reject. Consider two examples. First, you knock a cup of coffee out of my hands before I can drink from it. I object, but only because I assume, incorrectly, that there's nothing wrong with the coffee; in fact, it contains poison. You have not violated my autonomy, because your interference can be justified by an appeal to my own values. Second, a competent, adult Jehovah's Witness refuses to consent to a blood transfusion because it's against his religion, but his friends force him to have one anyway, because they are convinced that he has misinterpreted the Biblical passage that forbids the "eating of blood." In this case the Principle of Autonomy is violated.

I think that the Jehovah's Witness is better off having the life-saving transfusion. The Principle of Beneficence tells doctors to do what is in their patients' best interests. Hence, this Principle supports ignoring the JW's wishes and giving him the transfusion. This is a case in which the Principle of Autonomy conflicts with the Principle of Beneficence. I agree with the AMA that the doctor may not treat the JW without his "informed consent." Hence, in this sort of case the value of respecting autonomy trumps the value of doing what's best for the person. Are there any cases where the two principles conflict but beneficence overrides respect for autonomy?

Our textbook correctly mentions libertarianism as one natural rights based moral theory. (Natural rights are supposed to be moral rights that exist whether or not the government recognizes and protects them. They are not to be confused with legal rights). Let me make a two points about libertarianism. It holds that our basic human rights include rights to life, liberty, and private property. The right to life is only a "negative" right (a right not to be killed by others), not a "positive" right (a right to be provided by one's society the minimum nutrition and other goods that one needs to stay alive, if one cannot obtain them oneself). Other natural rights theorists disagree with the libertarian, holding that we have "positive" as well as "negative" natural rights. A right to decent, affordable health or to free health care if one is poor is an example of a "positive" right. Second, in saying that someone has a natural right to do x, we're not necessarily saying that it's morally permissible to do x. All we're saying is that others do not have the right to interfere, to use coercion to prevent him from doing it. Consider a racist giving a public speech in which he advocates denying black people the right to vote. To say that he has a natural right to free speech only means that others (especially the government) are forbidden to step in and prevent him from speaking. It doesn't mean that there's nothing morally wrong with his speech. There obviously is—promoting racism is immoral. And in saying that we think his speech is immoral we don't violate his free speech rights. We exercise our own.

There are many different varieties of religious ethics, but we should focus on three religious ethics ideas often introduced into biomedical ethics controversies in this country. They are:

i) The "sanctity of life" doctrine—it is absolutely forbidden either to perform or fail to perform some action with the aim of causing or facilitating the death of any

innocent human being (oneself or another), whether or not the person to die consents to the act or omission, and whether or not he is better off with a quick and painless death. Hence, euthanasia (voluntary or not) is forbidden. The taking of innocent human life is God's prerogative, not man's. No human being has the right to "play God." On the basis of the "sanctity of life" doctrine many religious people oppose the legalization of physician-assisted suicide and voluntary euthanasia. (They usually have other objections to legalization not based on this doctrine).

ii) "Unnatural" acts are wrong. Though in-vitro fertilization and surrogate birthing are both wrong for this reason, the use of fertility drugs by a couple that has had difficulty in conceiving is not.

iii) (Roman Catholicism only) The Doctrine of Double Effect-- It is permissible to perform an act the evil consequences of which one foresees but does not intend (e.g. the death of an innocent human being), so long as the intended good consequences of the act outweigh or justify the unintended but foreseen bad consequences. It is permissible to perform an act with such consequences, even though it would be impermissible to perform it if the evil were intended as an end or as a means to bringing about some other end.

-- The "craniotomy" and "hysterectomy" examples and RC moral theology's rejection of consequentialism. The craniotomy is supposed to be wrong, because the baby's death is intended as a means to saving the mother. (It is supposed to be wrong, even though both mother and baby will die if the craniotomy is not performed). The hysterectomy is supposed to be permissible, because in that case the baby's death is a foreseen but unintended side-effect of the hysterectomy.

The claim that people who condemn homosexuality, masturbation, surrogate motherhood, reproductive cloning, etc. as wrong because "unnatural" are relying on religious ideas is controversial. Contemporary Roman Catholic philosophers who defend the natural law theory of morality (e.g. John Finnis) deny that their view presupposes a belief in God and God's purposes (though it is certainly compatible with such a belief). They hold that we can know by means of unaided reason that these things are wrong. The natural law theory, they claim, is different from the "divine command theory of right and wrong." According to the latter, what makes an act wrong is that it violates a divine command. So to know that homosexuality, for example, is wrong, we would have to know that the Bible, or Quran, or whatever, is the revealed word of God and read it to see if it includes a prohibition on homosexuality. Since the belief that the Bible or whatever is the revealed word of God rests on religious faith, it follows that a condemnation of homosexuality based on the divine command theory likewise depends on faith.