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UNIVERSITY OF NORTH BENGAL

MASTER OF ARTS- PHILOSOPHY

SEMESTER -IV

APPLIED ETHICS

CORE 401

BLOCK-2

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FOREWORD

The Self Learning Material (SLM) is written with the aim of providing simple and organized study content to all the learners. The SLMs are prepared on the framework of being mutually cohesive, internally consistent and structured as per the university's syllabi. It is a humble attempt to give glimpses of the various approaches and dimensions to the topic of study and to kindle the learner's interest to the subject

We have tried to put together information from various sources into this book that has been written in an engaging style with interesting and relevant examples. It introduces you to the insights of subject concepts and theories and presents them in a way that is easy to understand and comprehend.

We always believe in continuous improvement and would periodically update the content in the very interest of the learners. It may be added that despite enormous efforts and coordination, there is every possibility for some omission or inadequacy in few areas or topics, which would definitely be rectified in future.

We hope you enjoy learning from this book and the experience truly enrich your learning and help you to advance in your career and future endeavours.

APPLIED ETHICS

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Unit 1: Introduction: Applied Ethics

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Unit 3: Theological formulation of applied ethics;

Unit 4: Analysis of the concept of prima facie obligation

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BLOCK 2: APPLIED ETHICS

Introduction to the Block

Unit 8 deals with Social Justice: philosophical perspectives and presuppositions. Justice is of central importance in political practice and theory. In defending or opposing laws, public policies and administrative decisions of governments, appeals are made to notions of justice.

Unit 9 deals with Euthanasia and Abortion. When philosophers have turned their attention to the ethics of reproduction, they have mostly focused on abortion, and to a lesser extent on various assisted reproductive technologies used to create a pregnancy.

Unit 10 deals with Environmental Ethics. One of the main objectives of studying the Environmental Ethics is to know in depth that our existence is impossible if the nature does not exist.

Unit 11 deals with Medical ethics. Core and Other Ethical Considerations
Respect for Persons in emergency of medical need.

Unit 12 deals with Business ethics. Every business has an ethical duty to each of its associates namely, owners or stockholders, employees, customers, suppliers and the community at large.

Unit 13 deals with Professional ethics and Limits of applied ethics. Professions differ from occupations in that the goods they serve are complex. Lawyers are expected to serve not only the interests of their clients in the settlement of disputes and the negotiation and supervision of contracts, but the rule of law and the administration of justice.

Unit 14 deals with Peter Singer and his Critics. Peter Albert David Singer AC (born 6 July 1946) is an Australian moral philosopher. He is the Ira W. DeCamp Professor of Bioethics at Princeton University, and a Laureate Professor at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne.

UNIT 8: SOCIAL JUSTICE: PHILOSOPHICAL PERSPECTIVES AND PRESUPPOSITIONS

STRUCTURE

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8.2 The Idea of Justice

8.2.1 Procedural Justice and Substantive Justice

8.2.2 Needs, Rights and Deserts

8.3 Rawls's Liberal-Egalitarian Principles of Social Justice

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8.0 OBJECTIVES

After this unit 8, we can able to understand:

- To discuss the Idea of Justice.
- To know about the Rawls's Liberal-Egalitarian Principles of Social Justice.
- To discuss Some Criticisms of Rawls's Liberal-Egalitarian Conception of Justice.

8.1 INTRODUCTION

Justice is of central importance in political practice and theory. In defending or opposing laws, public policies and administrative decisions of governments, appeals are made to notions of justice. Justice is also invoked in social and political movements, civil disobedience and satyagraha campaigns. Thus, the civil rights or civil liberties movements are essentially movements for justice. So are the dalit, feminist and environmental movements. While a decent or good society or polity must have several virtues, justice is, according to a widespread view, the first of them. In the words of the leading contemporary moral and political philosopher, John Rawls of Harvard University, “justice is the first virtue of social institutions.” He made that statement in his book, *A Theory of Justice*, which was published in 1971. Some two decades earlier, it was proclaimed in the Preamble of the Indian Constitution that the Democratic Republic of India stood committed to securing to all its citizens “Justice, social, economic and political.” It is noteworthy that the Preamble lists justice above the other moral-political values of liberty, equality and fraternity. Rawls’s book inaugurated what has been rightly called “a golden age in theorising about justice.” Consequently, justice, as noted by Tom Campbell, is today “the central and commanding concept of current mainstream normative political philosophy.” In his edited volume, entitled *John Rawls and the Agenda of Social Justice*, B.N. Ray observes that Rawls’s book has renewed not only scholarly interest, but also popular interest in justice.

While there is a widespread agreement among ordinary peoples, politicians and philosophers about the centrality of justice as a moral-political value, there is no such agreement among them on its meaning and scope. On these, there are very major differences in the views of the liberal-utilitarian, liberal-egalitarian (i.e., Rawlsian), libertarian, communitarian, Marxist and feminist theorists. Of them, the liberal-egalitarian theory of social justice propounded by Rawls has come to occupy a deservedly central position. Those who advanced alternative or competing theories of justice feel compelled to present their worth or merit in comparison and contrast with Rawls’s theory.

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The idea of justice occupies centre stage both in ethics, and in legal and political philosophy. We apply it to individual actions, to laws, and to public policies, and we think in each case that if they are unjust this is a strong, maybe even conclusive, reason to reject them. Classically, justice was counted as one of the four cardinal virtues (and sometimes as the most important of the four); in modern times John Rawls famously described it as ‘the first virtue of social institutions’ (Rawls 1971, p.3; Rawls, 1999, p.3). We might debate which of these realms of practical philosophy has first claim on justice: is it first and foremost a property of the law, for example, and only derivatively a property of individuals and other institutions? But it is probably more enlightening to accept that the idea has over time sunk deep roots in each of these domains, and to try to make sense of such a wide-ranging concept by identifying elements that are present whenever justice is invoked, but also examining the different forms it takes in various practical contexts. This article aims to provide a general map of the ways in which justice has been understood by philosophers, past and present.

We begin by identifying four core features that distinguish justice from other moral and political ideas. We then examine some major conceptual contrasts: between conservative and ideal justice, between corrective and distributive justice, between procedural and substantive justice, and between comparative and non-comparative justice. Next we turn to questions of scope: to who or what do principles of justice apply? We ask whether non-human animals can be subjects of justice, whether justice applies only between people who already stand in a particular kind of relationship to one another, and whether individual people continue to have duties of justice once justice-based institutions have been created. We then examine three overarching theories that might serve to unify the different forms of justice: utilitarianism, contractarianism, and egalitarianism. But it seems, in conclusion, that no such theory is likely to be successful.

‘Justice’ has sometimes been used in a way that makes it virtually indistinguishable from rightness in general. Aristotle, for example, distinguished between ‘universal’ justice that corresponded to ‘virtue as a whole’ and ‘particular’ justice which had a narrower scope (Aristotle,

Nicomachean Ethics, Book V, chs. 1–2). The wide sense may have been more evident in classical Greek than in modern English. But Aristotle also noted that when justice was identified with ‘complete virtue’, this was always ‘in relation to another person’. In other words, if justice is to be identified with morality as such, it must be morality in the sense of ‘what we owe to each other’ (see Scanlon 1998). But it is anyway questionable whether justice should be understood so widely. At the level of individual ethics, justice is often contrasted with charity on the one hand, and mercy on the other, and these too are other-regarding virtues. At the level of public policy, reasons of justice are distinct from, and often compete with, reasons of other kinds, for example economic efficiency or environmental value.

As this article will endeavour to show, justice takes on different meanings in different practical contexts, and to understand it fully we have to grapple with this diversity. But it is nevertheless worth asking whether we find a core concept that runs through all these various uses, or whether it is better regarded as a family resemblance idea according to which different combinations of features are expected to appear on each occasion of use. The most plausible candidate for a core definition comes from the Institutes of Justinian, a codification of Roman Law from the sixth century AD, where justice is defined as ‘the constant and perpetual will to render to each his due’. This is of course quite abstract until further specified, but it does throw light upon four important aspects of justice.

1.1 Justice and Individual Claims

First, it shows that justice has to do with how individual people are treated (‘to each his due’). Issues of justice arise in circumstances in which people can advance claims – to freedom, opportunities, resources, and so forth – that are potentially conflicting, and we appeal to justice to resolve such conflicts by determining what each person is properly entitled to have. In contrast, where people’s interests converge, and the decision to be taken is about the best way to pursue some common purpose – think of a government official having to decide how much food to stockpile as insurance against some future emergency – justice gives way to other values. In other cases, there may be no reason to

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appeal to justice because resources are so plentiful that we do not need to worry about allotting shares to individuals. Hume pointed out that in a hypothetical state of abundance where ‘every individual finds himself fully provided with whatever his most voracious appetites can want’, ‘the cautious, jealous virtue of justice would never once have been dreamed of’ (Hume, *An Enquiry Concerning the Principles of Morals*, pp. 183–4). Hume also believed – and philosophical controversy on this point persists until today – that justice has no place in close personal relationships, such as the family, where (it is alleged) each identifies with the others’ interests so strongly that there is no need and no reason for anyone to make claims of personal entitlement. (See Sandel 1982 for a defence of this view; for a critique, see Okin 1989. See also the entry on feminist perspectives on reproduction and the family).

That justice is a matter of how each separate person is treated appears to create problems for theories such as utilitarianism that judge actions and policies on the basis of their overall consequences aggregated across people – assuming that these theories wish to incorporate rather than discard the idea of justice. In Section 4 below we examine how utilitarians have attempted to respond to this challenge.

Although justice is centrally a matter of how individuals are treated, it is also possible to speak of justice for groups – for example when the state is allocating resources between different categories of citizens. Here each group is being treated as though it were a separate individual for purposes of the allocation.

1.2 Justice, Charity and Enforceable Obligation

Second, Justinian’s definition underlines that just treatment is something due to each person, in other words that justice is a matter of claims that can be rightfully made against the agent dispensing justice, whether a person or an institution. Here there is a contrast with other virtues: we demand justice, but we beg for charity or forgiveness. This also means that justice is a matter of obligation for the agent dispensing it, and that the agent wrongs the recipient if the latter is denied what is due to her. It is a characteristic mark of justice that the obligations it creates should be enforceable: we can be made to deliver what is due to others as a matter of justice, either by the recipients themselves or by third parties.

However it overstates the position to make the enforceability of its requirements a defining feature of justice (see Buchanan 1987). On the one hand, there are some claims of justice that seem not to be enforceable (by anyone). When we dispense gifts to our children or our friends, we ought to treat each recipient fairly, but neither the beneficiaries themselves nor anyone else can rightfully force the giver to do so. On the other hand, in cases of extreme emergency, it may sometimes be justifiable to force people to do more than justice requires them to do – there may exist enforceable duties of humanity. But these are rare exceptions. The obligatory nature of justice generally goes hand-in-hand with enforceability.

- Justice and Impartiality

The third aspect of justice to which Justinian's definition draws our attention is the connection between justice and the impartial and consistent application of rules – that is what the 'constant and perpetual will' part of the definition conveys. Justice is the opposite of arbitrariness. It requires that where two cases are relevantly alike, they should be treated in the same way (We discuss below the special case of justice and lotteries). Following a rule that specifies what is due to a person who has features X, Y, Z whenever such a person is encountered ensures this. And although the rule need not be unchangeable – perpetual in the literal sense – it must be relatively stable. This explains why justice is exemplified in the rule of law, where laws are understood as general rules impartially applied over time. Outside of the law itself, individuals and institutions that want to behave justly must mimic the law in certain ways (for instance, gathering reliable information about individual claimants, allowing for appeals against decisions).

- Justice and Agency

Finally, the definition reminds us that justice requires an agent whose will alters the circumstances of its objects. The agent might be an individual person, or it might be a group of people, or an institution such as the state. So we cannot, except metaphorically, describe as unjust states of affairs that no agent has contributed to bringing about – unless

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we think that there is a Divine Being who has ordered the universe in such a way that every outcome is a manifestation of His will. Admittedly we are tempted to make judgements of what is sometimes called ‘cosmic injustice’ – say when a talented person’s life is cut cruelly short by cancer, or our favourite football team is eliminated from the competition by a freak goal – but this is a temptation we should resist.

To say that for injustice or injustice to occur, there must be some agent who has acted in a certain way, or produced some outcome, is less restrictive than might at first appear. For agents can create injustice by omission. It is not unjust – though it is undoubtedly regrettable – that some children are born with a cleft lip. But it may well be unjust, once remedial surgery becomes feasible, to deny this to children whose lives would otherwise be blighted by the condition.

8.2 THE IDEA OF JUSTICE

The word “justice” is derived from the Latin words *jungere* (to bind, to tie together) and *jus* (a bond or tie). As a bonding or joining idea, justice serves to organise people together into a right or fair order of relationships by distributing to each person his or her due share of rights and duties, rewards and punishments. The Roman Emperor, Justinian, stated some of the precepts of justice (in Latin) as *alterum non laedere* (not to harm or injure others); and *sum cuique tribuere* (to allocate to each what is due to him or her). Justinian’s precepts of justice were derived from the Greek philosopher, Aristotle, who had defined justice as the treating of equals equally and of unequals unequally in proportion to their inequalities. He had also distinguished three types of justice, namely, distributive justice, corrective justice and commutative justice (i.e. the justice of equivalence in the exchange of different kinds of goods). As a moral-political value, justice is inter-linked with such other moral-political values as liberty, equality and fraternity. What makes a society or state just in a basic sense is its right or fair ordering of human relations by giving to each person her or his due rights and duties as well as due rewards and punishments. Justice does this by bringing about adjustments between the principles of liberty, equality, co-operation, etc. Traditionally, then, the principle of justice was taken to be a principle

which balances or reconciles the principles of liberty, equality, etc. Such a balancing or reconciling is done with reference to some ultimate value, e.g., the value of the greatest happiness of the greatest number or the value of the freedom and equality of all the members of a society. In this context, it may be noted in passing that it is the balancing or reconciling nature of justice, which is represented in the figure of personified justice, who holds a balance in her hands.

8.2.1 Procedural Justice and Substantive Justice

In discussions of justice, a distinction is drawn between procedural justice and substantive justice. The former refers to justice or fairness or impartiality of the processes and procedures through which a law or policy or decision is arrived at and applied. Substantive justice refers to justice or fairness of the content or outcome of laws, policies, decisions, etc. Principles of procedural justice have traditionally been based on the idea of formal equality of persons, i.e., their equality as human beings or as subjects of the rule of law, irrespective of their differences in gender, religion, race, caste, wealth, etc. Often, rights-based justice is seen as procedural justice, whereas needs-based justice is seen as substantive justice. John Rawls, whose principles of just distribution of social primary goods we shall consider below, claims that his is a theory of “pure procedural justice.” By pure procedural justice, he means that the justice of his distributive principles is founded on justice-as-fairness of the procedure through which they have been arrived at and that they have no independent or antecedent criteria of justice or fairness. If those principles had such independent or antecedent criteria of justice or fairness but were lacking procedural justice or fairness, they would have been principles of imperfect procedural justice. As we shall see below, Rawls’s libertarian critic, Robert Nozick, maintains that the former’s theory is actually not a procedural theory, but a set of principles of “end-state” or “patterned” justice.

8.2.2 Needs, Rights and Deserts

A passing reference has been made above to rights-based and needs-based conceptions of justice. What they mean and how they differ from

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deserts-based justice is indicated below. The most famous formulation of a needs-based justice is Marx's principle of communism: "From each according to his ability, to each according to his needs." Generally, socialists subscribe to one or another version of needs-based, egalitarian justice. They differentiate needs, especially basic material needs, from wants, preferences or desires. The former are taken to be objective and universal, whereas the latter are seen to be culture-related and market-related. According to Abraham Maslow, there is a hierarchy of human needs, ranging from our most basic needs for fresh air, water, food, shelter to our needs for safety, love, self-esteem and self-realisation. Obviously, needs-based justice calls for egalitarian distribution of resources within and across countries. Rights-based conceptions of justice differ from egalitarian, needs-based justice. According to classical liberalism (Locke and Hume), the main function of the state was to protect the negative liberty rights of the individuals. The welfare-state or egalitarian liberals stress the positive freedom or welfare rights of the citizens. The present-day libertarians (e.g. Nozick), who are heirs to classical liberalism, espouse an entitlement-centred, non-egalitarian conception of social justice. Deserts-based conceptions of justice are occasionally referred to as "natural justice." It is a tough and non-egalitarian version of rights-based justice. It emphasises the idea of the natural deserts or innate worth of the individuals, which are assumed to constitute the basis of a Godgiven, natural, unalterable order of things. Edmund Burke and Herbert Spencer upheld these ideas. Spencer maintained that each individual should get "the benefits and the evils of his own nature and consequent conduct." These ideas serve to give a conservative, social-darwinian defense of free-market capitalism.

8.3 RAWLS'S LIBERAL-EGALITARIAN PRINCIPLES OF SOCIAL JUSTICE

8.3.1 Critique of Utilitarianism

Rawls's principles of social justice are a corrective to the liberal-utilitarian principle of the greatest happiness of the greatest number. What then are his objections to utilitarianism? Rawls recognises that

liberal utilitarianism marked a progressive, welfare-oriented departure from classical liberalism's preoccupation with individualistic rights. Yet, utilitarianism is, in Rawls's view, a morally flawed theory of justice. Its moral flaw is that it justifies or condones the sacrificing of the good of some individuals for the sake of the happiness of the greatest number. For the utilitarians, the criterion of justice in a society is the aggregate sum of utility or happiness or welfare it produces, and not the well-being or welfare of each member of the society.

In his critique of, and alternative to utilitarianism, Rawls derives inspiration from Immanuel Kant's moral idea of the freedom and equality of every human being. According to Kant, every human being is to be treated as an end in himself or herself and not as means to the ends of others. It is this liberal-egalitarian moral principle, which is violated by utilitarianism and which Rawls reinstates in his theory of social justice. Both in his method or procedure of arriving at the principles of distributive or social justice and, consequently, in the content or substance of those principles, Rawls tries to give centrality to the moral principle of the freedom and equality of every person.

8.3.2 Rawls's Liberal-Egalitarian Principles of Justice

According to Rawls, a stable, reasonably well-off society is "a cooperative venture for mutual advantage." Along with cooperation, there is also conflict among its members regarding their share of the burdens and benefits of social living. The purpose of principles of social justice is to ensure that the distribution of the benefits and burdens of society is just or fair to all its members. The basic institutions of society should, according to Rawls, be so constructed as to ensure the continuous distribution of "social primary goods" to all the members of society in a fair or just manner. "Social primary goods" are goods, which are distributed by the basic structure of a society. They include rights and liberties, powers and opportunities, and income and wealth. Rawls argues that the distribution of these social primary goods among the members of

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a society is just, if that distribution is made in accordance with the following principles of justice:

Principle 1 (Principle of Equal Basic Liberties)

Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, scheme which is compatible with the same scheme of liberties for all.

Principle 2 (2-i: Fair Equality of Opportunity; 2-ii: Difference Principle)

Social and economic inequalities are to satisfy two conditions : first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society These principles are listed here in the order of their lexical priority. By “lexical priority”, Rawls means that the first principle must be fully satisfied before the next principle is applied. It means, for instance, that “liberty can be restricted only for the sake of liberty”, and not, say, for the sake of income or wealth. It must, however, be noted in this context that Rawls assumes that society (his own society, in fact) to which his principles of social justice are to be applied is one which is reasonably well-off and in which the basic material needs of all are provided for. The main purpose of the rule of priority is to assign greater importance to equal basic liberties than to other primary social goods. In “basic liberties,” Rawls includes freedom of conscience, freedom of thought, freedom of the person along with the right to hold personal property, freedom from arbitrary arrest and detention or, in other words, the freedom of the rule of law, freedom of speech and assembly and political freedoms. According to Rawls, these basic rights and liberties enable us to exercise and realise our “two highest-order moral powers,” namely, (i) the capacity to understand, apply and act according to the principles of justice and (ii) the capacity to form, revise and pursue conceptions of the good. In Rawls’s view, every member of a just society must be viewed as having these two moral capacities. These make them free and equal citizens. The moral equality of citizens means that “they each have, and view themselves as having, a right to equal respect and consideration in

determining the principles by which the basic arrangements of their society are to be regulated". The freedom of the citizens includes their freedom to realise their capacity to pursue their own conception of the good life. Since the distribution of social primary goods will have to respect the equality and freedom and "fraternity" and welfare, etc. of all the members of society, it cannot strictly be an equal distribution across the board. According to Rawls, once the basic material needs of the people are met, their right to basic liberties is to be accorded priority over their right to the other social primary goods, which are covered by the principle of equal opportunities and the difference principle. While he is opposed to any unequal distribution of basic liberties, he assumes that some inequalities in income and wealth are inevitable and perhaps not undesirable. Accordingly, the main purpose of his second principle of social justice is to keep inequalities within the bounds of justice-as-fairness. Obviously, the distinction between just or fair inequalities and unjust or unfair inequalities is of crucial importance in Rawls's theory of social justice. Rawls thinks that excessive equality in income and wealth would destroy the economic incentives required for greater creativity and productivity. This would be harmful to both the rich and the poor. From the standpoint of the poor (as well as of the rich), justice does not require the complete elimination of economic inequality. Rawls believes that certain inequalities, which serve as incentives for the greater creativity and productivity of the talented and the gifted, are not unjust if that greater creativity and productivity are integrated into a social-structural or institutional arrangement for distribution to the benefit of all, especially the least advantaged members of the society. He also thinks that giving advantage to the least advantaged would invariably entail giving benefits to everyone else. Rawls maintains that a society can so structure or re-structure its basic institutions as to make inequalities in income and wealth yield maximum benefits to the least advantaged – maximum in comparison to any reasonable, alternative social restructuring. His Difference Principle is meant not to replace inequality with equality in income and wealth, but to transform unfair or unjust degrees or kinds of economic inequalities into a fair or just kind or degree by maximising the benefits of the least advantaged. According to

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the Difference Principle, inequalities which are advantageous to the better off but not to the least advantaged are unjust. Rawls's principle of fair equality of opportunity stipulates that the state should ensure fair equality of opportunity in the educational, cultural and economic spheres as well as provide unemployment and sickness benefits. These require an interventionist, welfare state to run or aid schools, to regulate the economy, etc. The principles of justice, which we have discussed so far, have been described by Rawls as "special" formulations of a "general" conception of justice. This general conception is stated as: All social primary goods – liberty and opportunity, income and wealth and the bases of selfrespect – are to be distributed equally, unless an unequal distribution of any or all of these goods is to the advantage of the least favoured. What Rawls means by this general conception of justice is that only those inequalities are unjust¹⁸ which, as in the case of utilitarianism, put some members of the society at a disadvantage. This "general" conception of justice, however, does not differentiate between the different social primary goods. It does not say, for instance, how to resolve the conflict, if any, between the distribution of income and the distribution of liberty. It is to meet this difficulty that Rawls divides the general conception into a "special conception" of the two principles, which we have discussed above.

8.3.3 The Social Contract Procedure

So far, our focus has been on the content or substance of Rawls's principles of social/distributive justice. Let us now turn briefly to his method or procedure of argumentation in defense of those principles. Why, according to Rawls, should we accept his principles, rather than some other principles (say, the utilitarian or libertarian principles), as principles of just or fair distribution? Briefly stated, Rawls's response is that a social contract method or procedure of political deliberation respects the Kantian liberal-egalitarian moral idea of the freedom and equality of all persons and that an agreement or contract arrived at through such a method or procedure is just or fair to all the parties to that contract. He, in fact, adopts such a procedure and argues that all the contractors would agree to the above-mentioned general and special

formulations of the principles of distributive justice – principles, which he espouses and defends as the liberal-democratic-egalitarian principles of social justice. His social contract is hypothetical and not historical or actual. It is only meant to be a hypothetical assembly or “original position” of “heads of families.” They hypothetically assemble (before the formation or organisation of their society) in order to enter into an agreement or social contract on the general principles of distributive justice, on the basis of which the institutions of their society are to be constructed. In order to ensure impartiality and fairness in their agreement or social contract and to incorporate the moral idea of the freedom and equality of persons, Rawls postulates that the contractors in his “original position” are under a “veil of ignorance” about their attributes, class, social status or their own conceptions of the good. They, however, do have knowledge of the general circumstances of justice such as the limited benevolence of people and the conflict of interests over the limited amount of social primary goods. They also know that in the actual society in which they would have to live, they may perhaps end up as the least advantaged members of the society. Given the uncertainty about the actual position, which a contractor may come to occupy in the actual society, it is rational for him or her (in the contracting situation, i.e. the “original position”) to assume that he or she may end up in the least-advantaged position and, accordingly, to choose a general principle of distribution that would give the best deal to the least advantaged members of the society. Each contractor would, in other words, follow the “maximin rule” of choice, which says that in an uncertain situation, one should choose so as to maximise one’s minimum prospects. Taken together, Rawls’s principles of social justice, ranked in the order of their lexical priority, embody the liberal-egalitarian moral injunction of Kant; namely, that human beings are always to be treated as ends in themselves and never as mere means to the ends of others. From this perspective, it would be unjust to sacrifice the basic rights and liberties of some persons for the sake of any majoritarian or utilitarian conceptions of the good. Unlike liberal-utilitarian justice, Rawls’s liberal-egalitarian justice is marked by its concern for the equality and welfare of everyone, including, especially, the least advantaged members of the society

8.3.4 The Basic Structure of Society

Rawls has persuasively shown that social justice is of crucial importance to social life and that it should inform constitutions, laws, policies, legal processes, etc. In fact, according to him, the primary subject of justice is the basic structure of society. His principles of social justice justifies, and is justified by, liberal democracy, a regulated market economy and the liberal-egalitarian welfare state. He states that for translating his Difference Principle into practice, the government should have four branches, viz., i) an allocation branch “to keep the price system workably competitive and to prevent the formation of unreasonable market power” ii) a stabilisation branch to bring about “reasonably full employment” and, jointly with the allocation branch, to maintain the efficiency of the market economy iii) a transfer branch to attend to “the claims of need and an appropriate standard of life” and iv) a distribution branch “to preserve an appropriate justice in distributive shares” by taxation measures and adjustments in propertyrights.

8.4 SOME CRITICISMS OF RAWLS’S LIBERAL-EGALITARIAN CONCEPTION OF JUSTICE

8.4.1 The Libertarian Critique

As mentioned above, Rawls’s liberal-egalitarian conception of social justice occupies a central position within contemporary political philosophy. But it is not an unchallenged or unopposed conception. Many political philosophers have criticised it and have advanced alternative conceptions of justice. Some of these criticisms and alternatives are indicated below. Rawls’s liberal-egalitarian conception of justice has been subjected to a rigorous libertarian critique by his late colleague, Robert Nozick. In his book, *Anarchy, State and Utopia* (1974), Nozick draws a distinction between “end-state” and “patterning” conceptions of justice on the one hand and “historical” and entitlement-based conceptions of justice on the other. The former types of justice call for social reconstruction or patterning by the state in the name of some

endstage goal. Rawls's conception of justice is, according to Nozick, such an end-state and patterning conception, which by undermining the liberty rights of the individuals is unfair or unjust to them. Instead of prescribing any end-state or patterning principles of distribution, Nozick looks for justice or injustice in the history of the acquisition of the titles to our property holdings. According to him, the individual has absolute liberty rights, including the right to own property and exchange it in the market, regardless of the end-state or pattern of distribution it may lead to. This entitlement theory of justice, however, includes a principle of rectificatory justice, which is meant to correct past injustices, if any, in the acquisition or transfer of property. It can be seen that Nozick's libertarian conception of justice is a defense of free-market capitalism. While it is eloquent on the defense of individual rights from state interference, it is silent on the undermining of individual freedom and equality by very rich people or corporations.

8.4.2 Some Marxist Criticisms

Many Marxists criticise liberal egalitarians for their preoccupation with just or fair distributions within the capitalist system and their failure to address its underlying or inherent exploitative or alienating inequalities between the capitalists and the workers. The ideal communist society, which Marxism seeks to bring about through the destruction of the system of private ownership of the means of production, is envisaged as a society in which there will be no scarcity, no limits to human benevolence and no state. Since the scarcity of social primary goods and the limited nature of human benevolence are the "circumstances of justice" for Rawls's theory, their (presumed) absence in the communist society makes any principles of fair or just distribution irrelevant to such a society. Instead of any such juridical, superstructural distributive principle, the higher form of community envisaged by communism will function according to the principle: "From each according to his ability, to each according to his needs." In the socialist phase, which precedes and gives birth to the higher and final communist phase, a work-based or contribution-based principle of distribution will prevail. The collapse of Soviet communism and the growing pace of "liberalisation" in country

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after country, each with its own pattern of inequalities, have served to cast doubts on the “realism” of the traditional Marxist hope for the elimination of the “circumstances” of injustice and for ushering in a society in which social or distributive justice is irrelevant. In fact, departing from traditional Marxism, some contemporary Marxists interpret the extraction of surplus value from the workers by the capitalists as a derived form of injustice, which, according to them, rests on a prior and larger injustice in access to the means of production. In this way, the agenda of liberal-egalitarian social justice that has been launched by Rawls seems to be having some impact on Marxism

8.4.3 The Communitarian Critique

The communitarian theorists criticise Rawls’s liberal-egalitarian conception of justice for its emphasis on individual rights at the expense of the good of the community. In his book, *Liberalism and the Limits of Justice* (1982), Michael Sandel, also of Harvard University, criticises what he calls Rawls’s notion of disembodied or unencumbered self or subject, in opposition to which he advances the notion of the situated self, i.e. the self or subject, who is invariably a member of a community. While, for Rawls, the right is prior to the good and justice is the first virtue of a society, for Sandel, justice is only a remedial virtue that is needed in an individualistic society. For Sandel, moreover, the common good of the community is prior to the rights of the individuals. Charles Taylor, who too is a leading communitarian political philosopher, bemoans liberalism’s “atomistic” conception of the self. According to him, the well-being of the individual depends on the good of his community and therefore, the recognition and protection of the group or cultural rights of the community is not less important than the just distribution of the freedom and equality rights to the individuals.

Check Your Progress 1

Note: Use the space provided for your answer

1. Discuss the Idea of Justice.

.....

 2. Write about the Rawls's Liberal-Egalitarian Principles of Social Justice.

.....

 3. Discuss Some Criticisms of Rawls's Liberal-Egalitarian Conception of Justice.

8.5 LET US SUM UP

In this unit, you have read about the idea and concept of justice. It is one of the important concepts in Political Science as well as other social sciences. There are different types of justice viz., procedural and substantive. One of the most pathbreaking works in the domain of justice has been done by John Rawls. His liberal – egalitarian conception of justice is basically a critique of the utilitarian conception of justice. Of course, Rawls too has had his critics. Thus, the marxists, libertarians and the communitarians have criticised the Rawlsian framework on different grounds. Be that as it may, Rawls's theory has its non-standing contemporary political discourse.

In this unit we explore what some great thinkers have had to say about social justice. Our method will be a careful reading and evaluation of texts, reflection on philosophical presuppositions and extensions of the ideas therein, and applications to real-life situations. Our guiding questions center around justice: What is it? Is there such a thing? How do and should we try to learn about it? Why should we care about it? Why do we care? Are there different kinds? If so, how do they relate? Is everyone and every culture thinking of the same thing when they think of it? What are the kinds of things which can have it (e.g., societies, social structures, people, actions)? Where, what kinds, and how much is

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there in the world as we know it? How might we increase the amount of it? How does justice relate to morality, equality, desert, rights, liberty, democracy, the common good, the good life, and other important matters? (These other matters will also come under investigation in their own right: we will ask some of the same questions about them.) The only required text is *Social Justice*, Matthew Clayton & Andrew Williams, eds. Further reading will be assigned, and students will be expected to do relevant outside research. In general, though, quality of inquiry will have priority over quantity of inquiry: there won't be a lot of reading, but much of it will be intense, and you're expected to give it the attention it calls for.

8.6 KEY WORDS

Justice: Just behaviour or treatment. A judge or magistrate, in particular a judge of the Supreme Court of a country or state.

Egalitarian: Egalitarianism, or equalitarianism, is a school of thought within political philosophy that prioritizes equality for all people. Egalitarian doctrines are generally characterized by the idea that all humans are equal in fundamental worth or moral status.

Marxist: Marxism is a method of socioeconomic analysis that views class relations and social conflict using a materialist interpretation of historical development and takes a dialectical view of social transformation. It originates from the works of 19th-century German philosophers Karl Marx and Friedrich Engels.

8.7 QUESTIONS FOR REVIEW

1. Briefly explain the concept and idea of Justice.
2. Critically examine Rawls's egalitarian conception of social justice.
3. Write a note on the Rawlsian conception of justice.
4. Critically examine the Marxist views on justice.
5. Write a note on the communitarian critique of the Rawlsian notion of justice.

8.8 SUGGESTED READINGS AND REFERENCES

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8.9 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 8.2
2. See Section 8.3
3. See Section 8.4

UNIT 9: EUTHANASIA AND ABORTION

STRUCTURE

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Euthanasia
- 9.3 Five Conditions Often Proposed as Necessary for Candidacy for Voluntary Euthanasia
- 9.4 A Moral Case for Voluntary Euthanasia
- 9.5 Five Objections to the Moral Permissibility of Voluntary Euthanasia
- 9.6 Abortion
- 9.7 Let us sum up
- 9.8 Key Words
- 9.9 Questions for Review
- 9.10 Suggested readings and references
- 9.11 Answers to Check Your Progress

9.0 OBJECTIVES

After this unit, we can able to know:

- Euthanasia
- Five Conditions Often Proposed as Necessary for Candidacy for Voluntary Euthanasia
- A Moral Case for Voluntary Euthanasia
- Five Objections to the Moral Permissibility of Voluntary Euthanasia
- Abortion

9.1 INTRODUCTION

When philosophers have turned their attention to the ethics of reproduction, they have mostly focused on abortion, and to a lesser extent on various assisted reproductive technologies used to create a pregnancy. However, a number of thorny ethical issues can arise during the course of a continuing pregnancy, labor, and birth, and these are

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receiving growing attention in bioethics. This article is restricted to a discussion of such issues. See the entries on feminist perspectives on reproduction and the family, parenthood and procreation, and the grounds of moral status for discussions of related issues such as abortion and assisted reproduction.

Pregnancy and birth can be approached from many philosophical angles. Pregnancy raises interesting issues in philosophy of law, such as the appropriate legal status of the fetus and whether pregnancy ought to be legally classified as a disability. Some authors have discussed pregnancy in phenomenological terms, and others have used pregnancy and/or birth as a springboard for more theoretical reflections on the nature of selfhood, care, embodiment, and personal identity. In this article, however, we will focus on pregnancy and birth insofar as they are treated as medical processes and situated within a medical context. (The boundary around this topic is necessarily imperfect, since medical, legal, metaphysical, experiential, and other contexts intersect. For instance, one cannot responsibly examine the ethics of treating the fetus as a medical patient without at least considering the legal ramifications of doing so.) For better or for worse, in most developed countries, including the United States and Canada, normal pregnancy and birth are highly ‘medicalized’. Furthermore, it is not uncommon for women to experience problems during pregnancy that require medical care and intervention. The medical management of both ‘normal’ pregnancies and those that face complications raises a variety of complex ethical issues, and these will be our topic.

We will begin with a general discussion of pregnancy and childbirth as medicalized processes. We will then move on to three categories of ethical issues: (1) issues arising in the course of obstetrical care for women who are taken to be competent and capable of autonomous decision-making; (2) issues that arise when women are decisionally incompetent or when their right to decisional autonomy is in question; (3) issues concerning the management and communication of reproductive risk.

Pregnancy and childbirth have become increasingly medicalized in most parts of the world since the early twentieth century. That is, they are

increasingly processes that—in fact and as a social ideal—are managed and overseen by medical professionals, typically involve a high degree of technological medical intervention and contact with clinics and hospitals, and are assessed by medical experts who are the authorities on their progress. Amy Mullin explains that medicalized pregnancy “involves interpreting pregnancy itself as a disruption to health that necessarily requires expert medical intervention, and thinking of pregnancy as primarily about health and illness” (Mullin 2005, 54). The concept of medicalization is helpful in making clear how this sort of insertion into a medical context is not (or not simply) a response to fixed biological facts, but rather a contingent social and institutional process. Death, depression, and short attention span are other examples of processes or conditions that have undergone intense medicalization. In general, medicalization comes with both benefits and burdens, and the medicalization of pregnancy and birth is no exception. Increasingly few obstetricians would claim that intense medicalization straightforwardly promotes good birth outcomes for mothers and infants; rather, almost all would acknowledge that while medical interventions have lessened many risks (e.g. death from placenta previa and ectopic pregnancy), other medical interventions have become routine despite having no proven benefit and some proven added risks for patients (e.g. routine fetal monitoring, normalization of the lithotomy position for childbirth, and episiotomies). Partly because of these mixed effects of increased medicalization, opposing narratives of pregnancy and birth continue to grow in visibility and support. These narratives may aim to demedicalize the notion of normalcy in pregnancy and birth, or centralize the knowledge and competence of midwifery (e.g., Lyerly 2012; Shaw 2013)

The medicalization of pregnancy and birth takes many forms. North American births typically involve a variety of technological interventions, regularly including labor-inducing drugs, spinal epidurals, fetal monitoring, and—in roughly one third of births—surgical delivery. Prior to birth, most pregnancies will involve medical interventions such as genetic testing, ultrasound screening, prescriptions to control various symptoms and risks, and—with increasing frequency—technological

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assistance for conception. Importantly, however, the rate and intensity with which such interventions are offered or imposed is far from uniform. Dorothy Roberts highlights the striking disparity of benefits enjoyed as a result of medicalization: "The multibillion-dollar apparatus devoted to technologically facilitating affluent couples' procreative decisions stands in glaring contrast to the high rate of infant death among black people, which remains more than twice the rate for whites" (2009, 784, citing Mathews and MacDorman 2007). Some dimensions of the medicalization of pregnancy do not directly involve medical interventions. Both inside and outside the clinic, pregnancy is treated as a medical event requiring intense risk management, monitoring, and appeals to expert medical knowledge: pregnant women are expected to regulate and monitor their eating, drinking, fetal kicks, weight gain, sleeping position, emotions, exposure to basic household products, exercise, sexual activity, and many other aspects of their lives according to standards established by medical professionals (Kukla 2005). Recently, there has been a vigorous mandate to involve medical professionals in helping women regulate their bodies in accordance with medical standards for minimizing reproductive risk even prior to conception. The CDC now recommends that all primary care for all women who may eventually become pregnant (including prepubescent girls) be treated as 'preconception care' (Kuehn 2006). A majority of women embrace at least some aspects of medicalization; many take it as part of responsible motherhood to maximize the expert management of their pregnancies and to follow risk-minimization advice carefully (Seigel 2013).

The general trend towards medicalizing pregnancy and birth has had several ethically noteworthy effects (Davis-Floyd 2004, Duden 1993, Mitchell 2001, Morgan 1998, Sherwin 1992). First, medicalization has encouraged us to imagine pregnancy and birth as inherently high-risk, pathological processes that it is irresponsible to undertake without large amounts of expert help and surveillance. Second, when medical professionals become the primary managers of reproduction, pregnant women's epistemic privilege is undermined and they are arguably reduced to playing passive roles in their own pregnancies and births (e.g.,

Freeman 2015). Third, some have argued that medicalization has rendered pregnancy in general, and labor and birth in particular, more alienating and stressful for women, burdening them with constant and complicated responsibilities for elaborate risk management and bodily and behavioral surveillance (for review see, e.g., Mykitiuk and Scott 2011; Savell 2012).

Among the voices pushing back against the medicalization of reproduction are those that insist that pregnancy is a ‘natural’ process that generally needs no technological assistance, and advocate ‘natural’ childbirth, free of labor-inducing and pain medications and attended by midwives rather than doctors. There are reasons for philosophers to be as wary of the ‘natural’ birth movement as of uncritical, unchecked medicalization (Kukla 2005, Lyster 2006 and 2012, Purdy 2001). Typically, its advocates do not specify a clear concept of the ‘natural’—for example, they have no account of why prescription pain medications are ‘unnatural’ while acupuncture or pain-relieving herbs are ‘natural’. Nor do they explain why the ‘natural’ is *prima facie* better or more ethical. More broadly, this account of pregnancy and birth involves comparable pressures on pregnant women to conform to rigid standards of attitudes and behaviours, and, like the medicalized account, is in danger of de-politicizing and essentializing the experience and management of pregnant women (Beckett 2005, Malacrida and Boulton 2014).

Frank Chervenak and Laurence McCullough (2006) contrast medicalization, not with an absence of technological interventions, but with the co-option of these technological interventions by the non-medical sphere of commodification. They focus on the upsurge in “boutique” fetal ultrasound centers that offer expectant parents “pictures of the baby”, without any pretence that these pictures serve a diagnostic medical role. They argue that such non-medical, social imaging is ethically unacceptable, as it raises concerns about informed consent, psychosocial risks to women, false senses of security in the health of the baby, and economic conflicts of interest. They conclude that medical professionals ought to retain control and authority over the use and

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interpretation of fetal imaging technology. Their argument could easily be extended to other technologies used in obstetrics.

Yet Chervenak and McCullough may overestimate the authority that medical professionals are generally able to exercise over the meaning and use of technology. For instance, ultrasound imaging is already viewed by pregnant women as playing much more of a social than a medical role; whether it occurs in a medical clinic or at a boutique parlour, it is primarily understood as the first opportunity to “meet the baby”, and women are caught off guard when this event yields substantive medical information (Mitchell 2001, Kukla 2005a). All the same, their argument raises an important point: the alternative to medicalized pregnancy is not, in practice, ‘natural’ pregnancy. Instead, medicine is one institution among many that vies for control over the cultural use and significance of this technology, and pregnancy is likely to continue to be technologically intensive no matter how his struggle plays out.

9.2 EUTHANASIA

Like we already know, euthanasia brings up numerous heated debates around the world. Depending where you are in the world, the politics, morals and religions define what euthanasia is and the extent the local government and medico legal communities are comfortable with the subject. Garn LeBaron defines: “Euthanasia is commonly defined as the act of bringing about the death of a hopelessly ill and suffering person in a relatively quick and painless way for reasons of mercy. In this report, the term euthanasia will signify the medical administration of a lethal agent to a patient for the purpose of relieving the patient's intolerable and incurable suffering.” Euthanasia is a general term that can actually mean a variety of different things depending upon the context in which it is used. For this reason, a number of supporting terms have become the convention when discussing euthanasia. These terms help to narrow the subject matter and distinguish between different types of euthanasia. The important terms that help to subdivide and classify euthanasia by type are voluntary/involuntary and active/passive.

Voluntary euthanasia is a death performed by another with the consent of the person being killed. This consent may be in writing as in the case of a living will or advance directive. Involuntary euthanasia is a death performed by another without the consent of the person being killed. "Voluntary euthanasia is euthanasia that is provided to a competent person on his or her informed request. Non-voluntary euthanasia is the provision of euthanasia to an incompetent person according to a surrogate's decision. Involuntary euthanasia is euthanasia performed without a competent person's consent." Those who condemn euthanasia of both kinds would call the involuntary form murder and the voluntary form a compounded crime of murder and suicide if administered by the physician, and suicide alone if administered by the patient himself. As far as voluntary euthanasia goes, it is impossible to separate it from suicide as a moral category; it is, indeed, a form of suicide. Voluntary euthanasia may involve participation of second parties." The distinction between active and passive euthanasia seems to be critical for medical ethics. Most doctors accept this idea and the house of delegates of the American Medical Association (AMA) also endorsed it on December 4, 1973. This idea is based on the conventional doctrine that it is permissible, at least in some cases, to withdraw treatment and allow the patient to die, but it is never permissible to take any direct action designed to kill the patient. The AMA statement asserts: "The intentional termination of the life of one human being by another, mercy killing, is contrary to that for which the medical profession stands and is contrary to the policy of the American Medical Association. The cessation of employment of extraordinary means to prolong the life of the physician should be freely available to the patient and or his immediate family." James Rachel, an American moral philosopher, criticizes the policy statement of the AMA on the grounds that it endorses the doctrine that there is a moral difference between active and passive euthanasia. He developed a strong case against for making this distinction is that many people imagine that killing someone is morally worse than letting someone die. Rachel denies that there is any moral difference between active and passive euthanasia. He points out that the conventional doctrine concerning decisions about life and death was based on irrelevant grounds. He argues that once we

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judge a patient would be better off to die, it does not matter much whether the doctor kills him or lets him die. If the doctor lets a patient die for humane reasons, he is in the same moral position if he had given the patient a lethal injection for human reasons. If the doctor's decision to kill a terminally ill patient is right, it is not important which method he uses to carry it out. When killing and letting someone die are similar in relevant respects, our moral assessment of these acts is also similar. There is no reason to think that one is morally better than the other. There is no moral difference between them. If some one believes that active euthanasia is immoral, then one must conclude that passive euthanasia must also be immoral. Thus Rachel' argument that both forms of euthanasia, passive and active, are equivalent and therefore, either, one should accept or reject both seems to be more appealing and sound.

9.3 FIVE CONDITIONS OFTEN PROPOSED AS NECESSARY FOR CANDIDACY FOR VOLUNTARY EUTHANASIA

Advocates of voluntary euthanasia typically contend that if a person

- is suffering from a terminal illness;
- is unlikely to benefit from the discovery of a cure for that illness during what remains of her life expectancy;
- is, as a direct result of the illness, either suffering intolerable pain, or only has available a life that is unacceptably burdensome (e.g., because the illness has to be treated in ways that lead to her being unacceptably dependent on others or on technological means of life support);
- has an enduring, voluntary and competent wish to die (or has, prior to losing the competence to do so, expressed a wish to be assisted to die in the event that conditions (a)-(c) are satisfied); and
- is unable without assistance to end her life,
- then there should be legal and medical provision to facilitate her being allowed to die or assisted to die.

It should be acknowledged that these conditions are quite restrictive, indeed more restrictive than many think appropriate. In particular, the first condition restricts access to voluntary euthanasia to those who are terminally ill. While that expression is not free of all ambiguity, for present purposes it can be agreed that it does not include those who are rendered quadriplegic as a result of accidents, or sufferers from motor neurone disease, or individuals who succumb to forms of dementia like Alzheimer's Disease, to say nothing of those afflicted by 'existential suffering'. Those who consider that cases like these show the first condition to be too restrictive (e.g., Varelius 2014) may, nonetheless, agree that including them as candidates for legalized voluntary euthanasia is likely to make it far harder in many jurisdictions to gain sufficient support for legalization (and so to make it harder to help those terminally ill persons who wish to die). Even so, they believe that voluntary euthanasia should be permitted for those who consider their lives no longer worth living, not just for the terminally ill. The fifth condition further restricts access to voluntary euthanasia by excluding those capable of ending their own lives, and so may be thought unduly restrictive by those who would wish to discourage terminally ill patients from attempting suicide. There will be yet others who consider this condition to be too restrictive because competent patients can always refuse nutrition and hydration (see, e.g., Bernat, et al., 1993; Savulescu 2014). Though this is true, many competent dying persons still wish to have access to legalized medically assisted death, rather than having to rely on refusing nutrition and hydration, so that they may retain control over the timing of their deaths and avoid needlessly prolonging the process of dying.

The second condition is intended simply to reflect the fact that it is normally possible to say when someone's health status is incurable. So-called 'miracle' cures may be proclaimed by sensationalist journalists, but progress toward medical breakthroughs is typically painstaking. If there are miracles wrought by God that will be quite another matter entirely, but it is at least clear that not everyone's death is thus to be staved off.

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The third condition recognises what many who oppose the legalization of voluntary euthanasia do not, namely, that it is not only a desire to be released from pain that leads people to request help with dying. In The Netherlands, for example, pain has been found to be a less significant reason for requesting assistance with dying than other forms of suffering like frustration over loss of independence (see e.g., Marquet, et al., 2003; Onwuteaka-Philipsen, et al., 2012; Emanuel, et al., 2016). Sufferers from some terminal conditions may have their pain relieved but have to endure side effects that, for them, make life unbearable. Others may not have to cope with pain but, instead, with having to rely on forms of life support that simultaneously rob their lives of quality (as with, e.g., motor neurone disease). Yet others struggle with psychological distress and various psychiatric conditions and believe these conditions ought to be counted among the forms of suffering that qualify competent individuals to access medical assistance with dying. There has been greater recognition of, and support for, this position in The Netherlands and Belgium than elsewhere, probably because legislation in those jurisdictions makes the role of unbearable suffering central to the determination of the eligibility of competent individuals for medical assistance with dying. Even so, inclusion of these forms of suffering highlights legitimate issues to do with the competence of at least some of those who suffer from them. (For a helpful recent study of the handling of requests for assistance with dying by psychiatric patients in The Netherlands see Kim, et al., 2016.)

A final preliminary point is that the fourth condition requires that the choice to die not only be uncoerced and competent but that it be enduring. The choice is one that will require time for reflection, and, almost certainly, discussion with others, so should not be settled in a moment. Nonetheless, as with other decisions affecting matters of importance, adults are presumed to choose voluntarily and to be competent unless the presence of defeating considerations can be established. (See the entry on decision-making capacity.) The burden of proof of establishing lack of voluntariness, or lack of competence, is on those who refuse to accept an adult person's choice. There is no need to deny that this burden can sometimes be met (e.g., by pointing to the

person's being in a state of clinical depression). The claim is only that the onus falls on those who assert that an adult's choice is not competent. Clearly the five conditions set out above are likely to require some refinement if complete agreement is to be reached but there is sufficient agreement for us to proceed without further ado to consideration of the cases for and against legalization of voluntary euthanasia. (However, for a fuller discussion of issues concerning the definition of 'euthanasia' see, e.g., Beauchamp and Davidson 1979.)

9.4 A MORAL CASE FOR VOLUNTARY EUTHANASIA

One central ethical contention in support of voluntary euthanasia is that respect for persons demands respect for their autonomous choices as long as those choices do not result in harm to others. Respect for people's autonomous choices is directly connected with the requirement for competence because autonomy presupposes competence (cf., Brock 1992). People have an interest. Advocates of voluntary euthanasia typically contend that if a person

- is suffering from a terminal illness;
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- is, as a direct result of the illness, either suffering intolerable pain, or only has available a life that is unacceptably burdensome (e.g., because the illness has to be treated in ways that lead to her being unacceptably dependent on others or on technological means of life support);
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A final preliminary point is that the fourth condition requires that the choice to die not only be uncoerced and competent but that it be enduring. The choice is one that will require time for reflection, and, almost certainly, discussion with others, so should not be settled in a moment. Nonetheless, as with other decisions affecting matters of importance, adults are presumed to choose voluntarily and to be competent unless the presence of defeating considerations can be established. (See the entry on decision-making capacity.) The burden of proof of establishing lack of voluntariness, or lack of competence, is on those who refuse to accept an adult person's choice. There is no need to deny that this burden can sometimes be met (e.g., by pointing to the person's being in a state of clinical depression). The claim is only that the onus falls on those who assert that an adult's choice is not competent.

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Clearly the five conditions set out above are likely to require some refinement if complete agreement is to be reached but there is sufficient agreement for us to proceed without further ado to consideration of the cases for and against legalization of voluntary euthanasia. (However, for a fuller discussion of issues concerning the definition of ‘euthanasia’ see, e.g., Beauchamp and Davidson 1979.)

in making important decisions about their lives in accordance with their own conception of how they want to live. In exercising autonomy, or self-determination, individuals take responsibility for their lives; since dying is a part of life, choices about the manner of their dying and the timing of their death are, for many people, part of what is involved in taking responsibility for their lives. Many are concerned about what the last phase of their lives will be like, not merely because of fears that their dying might involve them in great suffering, but also because of the desire to retain their dignity, and as much control over their lives as possible, during this phase. A second contention in support of voluntary euthanasia was mentioned at the beginning of this entry, namely the importance of promoting the well-being of persons. When someone is suffering intolerable pain or only has available a life that is unacceptably burdensome (see the third condition above), and he competently requests medical assistance with dying, his well-being may best be promoted by affording him that assistance. When harnessed together, the value to individuals of making autonomous choices, and the value to those individuals who make such choices of promoting their own well-being, provide the moral foundation for requests for voluntary euthanasia. Each consideration is necessary for moral justification of the practice, but taken in isolation neither suffices (see, e.g., Young 2007, 2017; Sumner 2011, 2017).

The technological interventions of modern medicine have had the effect of stretching out the time it takes for many people to die. Sometimes the added life this brings is an occasion for rejoicing; sometimes it drags out the period of significant physical and intellectual decline that a person undergoes with the result that life becomes no longer worth living. Many believe there is no single, objectively correct answer as to when, if at all, a person’s life becomes a burden and hence unwanted. If they are right,

that simply points up the importance of individuals being able to decide autonomously for themselves whether their own lives retain sufficient quality and dignity to make life worth living. Others maintain that individuals can be in error about whether their lives continue to be worth living (cf., Foot 1977). The conditions outlined above in Section 2 are intended by those who propose them to serve, among other purposes, to safeguard against such error. But it is worth adding that in the event that a person who considers that she satisfies those conditions is judged by her medical attendants to be in error about whether it would be worth her continuing to live, the likely outcome is that those attendants will refuse to provide medical assistance with dying. (Evidence that will be mentioned below shows that this happens frequently in jurisdictions in which medically assisted dying has been legalized.) Unless a patient is able to be transferred to the care of other medical professionals who accept her assessment, she will have to rely on her own resources (e.g., by refusing nutrition and hydration). Even so, other things being equal, as long as a critically ill person is competent, her own judgement of whether continued life is a benefit to her ought to carry the greatest weight in any end-of-life decision making regardless of whether she is in a severely compromised and debilitated state. The idea that a competent individual's autonomous judgment of the value to her of continued life should trump an assessment by others of her well-being should not be thought surprising because precisely the same happens when a competent patient refuses life-prolonging treatment.

Suppose, for the sake of argument, that it is agreed that we should respect a person's competent request for medical assistance with dying (e.g., so as to enable her to achieve her autonomously chosen goal of an easeful death). It might be thought that in such an eventuality different moral concerns will be introduced from those that arise in connection with competent refusals. After all, while competent patients are entitled to refuse any form of medical treatment, they are not entitled to insist on the administration of forms of medical treatment that have no prospect of conferring a medical benefit or are not being provided for reasons to do with scarcity of medical resources or affordability. While each of these points is sound, it remains the case that medical personnel have a duty to

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relieve suffering when that is within their capacity. Accordingly, doctors who regard medical assistance with dying as an element of appropriate medical care will consider it morally permissible to agree to a request for assistance with dying by a competent dying patient who wishes to avoid unnecessary suffering. The reason for claiming only that this is morally permissible rather than morally obligatory will be explained in a subsequent paragraph. (For further reflections on the issue of responses to requests for medical assistance see, for instance, Dworkin in Frey, et al. 1998; Sumner 2011; Young 2017.)

Notwithstanding this response, as was seen earlier, at least some proponents of voluntary medically assisted dying wish to question why medical assistance with dying should be restricted to those covered by, in particular, the first three conditions set out above in Section 2. If people's competent requests for medically assisted death should be respected why impose any restrictions at all on who may have access to medically assisted death? Why, for example, should those suffering from depression, or forms of dementia, not be eligible for medically assisted dying? Most proponents of voluntary medically assisted dying hold that there are at least two reasons for restricting access to it to those who satisfy the conditions set out earlier (or, a modified set that takes account of the concerns canvassed in the discussion of those proposed conditions). First, they contend that there are political grounds for doing so, namely, that because legalizing medically assisted dying for competent individuals is politically contested, the best hope for its legalization lies in focusing on those forms of suffering most likely to effect law reform. That is why some proponents deny the eligibility even of sufferers from conditions like 'locked-in' syndrome, motor neurone disease, and multiple sclerosis for voluntary medically assisted dying since, strictly, they are not terminally ill, and reliance has to be placed in consequence on their claim to be suffering unbearably. Second, and relatedly, most proponents of the legalization of medical assistance with dying have been cautious about supporting medically assisted death for those suffering from, for example, depression and dementia, because not only are they not terminally ill, but their competence to request assistance with dying is apt to be called into question, particularly in

instances where they have given no prior indication of their preference for such assistance. Restricting access to medical assistance with dying to those whose suffering is less likely to be disputed avoids becoming embroiled in controversy. Some critics of the restrictive approach (e.g., Varelius 2014) take a harder line still and claim that it should not even be necessary for a person to be suffering from a medical condition to be eligible for medical assistance with dying; it should be enough to be 'tired of life'. Only in a few jurisdictions, viz., Switzerland, The Netherlands and Belgium, has this issue been seriously broached. Regardless of what may happen in those jurisdictions, those seeking the legal provision of medical assistance with dying in other jurisdictions seem likely to maintain that if such assistance is to be seen as a legitimate form of medical care it has to be provided in response to a medical condition (rather than because someone is 'tired of life'), and, indeed, restricted to those who satisfy the conditions outlined earlier in Section 2 (or some similar set of conditions). In short, these latter hold that making an autonomous request for assistance with dying is necessary, but should not be sufficient, for triggering such assistance.

There is one final matter of relevance to the moral case for voluntary medically assisted death on which comment must be made. The comment concerns a point foreshadowed in a previous paragraph, but it is also linked with the remark just made about the insufficiency of an autonomous request for assistance with dying to trigger that assistance. It is important to make the point that respect has to be shown not only for the dying person's autonomy but also for the professional autonomy of any medical personnel asked to lend assistance with dying. The value (or, as some would prefer, the right) of self-determination does not entitle a patient to try to compel medical professionals to act contrary to their own moral or professional values. Hence, if voluntary euthanasia is to be legally permitted, it must be against a backdrop of respect for professional autonomy. Similarly, if a doctor's view of her moral or professional responsibilities is at odds with her patient's competent request for euthanasia, she should make provision, where it is feasible to do so, for the transfer of the patient to the care of a doctor who faces no such conflict. Given that, to date, those who contend that no scope should

be permitted for conscientious objection within medical practice have garnered very little support for that view, making use of referrals and transfers remains the most effective means of resolving such disagreements.

Opponents of voluntary euthanasia have endeavored in a variety of ways to counter the very straightforward moral case that has been laid out above for its legalization (see, for example, Keown 2002; Foley, et al. 2002; Biggar 2004; Gorsuch 2006). Some of the counter-arguments are concerned only with whether the moral case warrants making the practice of voluntary euthanasia legal, whereas others are concerned with trying to undermine the moral case itself. In what follows, consideration will be given to the five most important counter-arguments. (For more comprehensive discussions of the morality and legality of medically assisted death see Keown 2002; Biggar 2004; Gorsuch 2006; Young 2007; Sumner 2011.)

9.5 FIVE OBJECTIONS TO THE MORAL PERMISSIBILITY OF VOLUNTARY EUTHANASIA

Objection 1

It is sometimes said (e.g., Emanuel 1999; Keown in Jackson and Keown 2012) that it is not necessary nowadays for people to die while suffering from intolerable or overwhelming pain because the provision of effective palliative care has improved steadily, and hospice care is more widely available. Some have urged, in consequence, that voluntary euthanasia is unnecessary.

There are several flaws in this contention. First, while both good palliative care and hospice care make important contributions to the care of the dying, neither is a panacea. To get the best palliative care for an individual involves trial and error, with some consequent suffering in the process; moreover, even the best care fails to relieve all pain and suffering. Perhaps even more importantly, high quality palliative care commonly exacts a price in the form of side-effects such as nausea, incontinence, loss of awareness because of semi-permanent drowsiness, and so on. A rosy picture is often painted as to how palliative care can

transform the plight of the dying. Such a picture is misleading according to those who have closely observed the effect of extended courses of treatment with drugs like morphine. For these reasons many skilled palliative care specialists acknowledge that palliative care does not enable an easeful death for every patient. Second, even though the sort of care provided through hospices is to be applauded, it is care that is available to only a small proportion of the terminally ill and then usually only in the very last stages of the illness (typically a matter of a few weeks). Notwithstanding that only relatively few of the dying have access to hospice care it is worth drawing attention to the fact that in, Oregon, to cite one example, a high proportion of those who have sought physician-assisted suicide were in hospice care. Third, and of greatest significance for present purposes, not everyone wishes to avail themselves of palliative or hospice care. For those who prefer to die on their own terms and in their own time, neither option may be attractive. As previously mentioned, a major source of distress for many dying patients is the frustration that comes with being unable to satisfy their autonomous wishes. Fourth, as also indicated earlier, the suffering that occasions a desire to end life is not always traceable to pain caused by illness. For some, what is intolerable is their forced dependence on others or on life-supporting machinery; for these patients, the availability of effective pain control is not the primary concern. (In relation to the preceding matters see Rietjens, et al., 2009 and Onwuteaka-Philipsen et al. 2012 for findings for The Netherlands; and, for Oregon, Ganzini, et al. 2009.)

Objection 2

A second, related objection to the moral and legal permissibility of voluntary euthanasia turns on the claim that we can never have sufficient evidence to be justified in believing that a dying person's request to be helped to die is competent, enduring and genuinely voluntary.

It is certainly true that a request to die may not reflect an enduring desire to die (just as some attempts to commit suicide may reflect only temporary despair). That is why advocates of the legalization of voluntary euthanasia have argued that a cooling off period should

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normally be required before euthanasia is permitted to ensure that the request is enduring. That having been said, to claim that we can never be justified in believing that someone's request to die reflects a settled preference for death is to go too far. If a competent person discusses the issue with others on different occasions over time, and remains steady in her resolve, or privately reflects on the issue for an extended period and does not waver in her conviction, her wish to die surely must be counted as enduring.

But, it might be asked, what if a person is racked with pain, or mentally confused because of the measures taken to relieve her pain, and is, in consequence, unable to think clearly and rationally about the alternatives? It has to be agreed that a person in those circumstances who wants to die should not be assumed to have a truly voluntary and enduring desire to die. However, there are at least two important points to make about those in such circumstances. First, they do not account for all of the terminally ill, so even if it is acknowledged that such people are incapable of agreeing to voluntary euthanasia that does not show that no one can ever voluntarily request help to die. Second, it is possible in at least some jurisdictions for a person to indicate, in advance of losing the capacity to give competent consent, how she would wish to be treated should she become terminally ill and suffer either intolerable pain or an unacceptable loss of control over her life (cf., for instance, Dworkin 1993). 'Living wills' or 'advance directives' are legal instruments for giving voice to people's wishes while they are capable of giving competent, enduring and voluntary consent, including to their wanting help to die. As long as they are easily revocable in the event of a change of mind (just as civil wills are), they should be respected as evidence of a well thought-out conviction. (For more detailed consideration of these instruments see the entry on advance directives.)

Perhaps, though, what is really at issue in this objection is whether anyone can ever form a competent, enduring and voluntary judgement about being better off dead, rather than continuing to suffer from an illness, prior to suffering such an illness (cf., Keown in Jackson and Keown 2012). If this is what underlies the objection it is surely too paternalistic to be acceptable. Why is it not possible for a person to have

sufficient inductive evidence (e.g., based on the experience of the deaths of friends or family) to know her own mind, and act accordingly, without having had direct experience of such suffering?

Objection 3

According to the traditional interpretation of the 'doctrine of double effect' it is permissible to act in a way which it is foreseen will have a bad effect, provided only that the bad effect occurs as a side-effect (i.e., indirectly) to the achievement of the act that is directly aimed at; the act directly aimed at is itself morally good or, at least, morally neutral; the good effect is not achieved by way of the bad, that is, the bad must not be a means to the good; and the bad effect must not be so serious as to outweigh the good effect. Hence, it is permissible, according to the doctrine of double effect, to, for example, alleviate pain (a good effect) by administering a drug such as morphine, knowing that doing so will shorten life, but impermissible to administer the same drug with the direct intention of terminating a patient's life (a bad effect). This latter claim is said to apply regardless of whether the drug is given at the person's request.

This is not the appropriate forum for a full consideration of the doctrine, for which see the entry on the doctrine of double effect. However, there is one very important criticism to be made of the application of the doctrine that has direct relevance to the issue of voluntary euthanasia.

On the most plausible reading, the doctrine of double effect can be relevant to the permissibility of voluntary euthanasia only when a person's death is bad for her or, to put it another way, a harm to her. Sometimes the notion of 'harm' is understood simply as damage to a person's interests whether consented to or not. At other times, it is understood, more strictly, as damage that has been wrongfully inflicted. On either understanding of harm, there can be instances in which death for a person does not constitute a harm for her because it will either render her better off, or, as some would insist, no worse off, when compared with remaining alive. Accordingly, in those instances, the doctrine of double effect can have no relevance to the debate about the permissibility of voluntary euthanasia. (For extended discussions of the

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doctrine of double effect and its bearing on the moral permissibility of voluntary euthanasia see, e.g., McIntyre 2001; Woodward 2001; Cavanaugh 2006; Young 2007; Sumner 2011.)

Objection 4

As was noted earlier in Section 3, there is a widespread belief concerning the moral acceptability of so-called passive (voluntary) euthanasia, wherein life-sustaining or life-prolonging measures are withdrawn or withheld in response to a competent patient's request. The reason why passive (voluntary) euthanasia is said to be morally permissible is that the patient is simply allowed to die because steps are not taken to preserve or prolong life. This happens, for example, when a dying patient requests the withdrawal or the withholding of measures whose administration would be medically futile, or unacceptably burdensome. By contrast, active (voluntary) euthanasia is said to be morally impermissible because it is claimed to require an unjustifiable intentional act of killing to satisfy the patient's request (cf., for example, Finnis, 1995; Keown in Jackson and Keown 2012).

Despite its popularity and widespread use, the distinction between passive and active euthanasia is neither particularly clear nor morally helpful. (For a fuller discussion, see McMahan 2002.) Whether behavior is described in terms of acts or omissions (a distinction which underpins the alleged difference between active and passive voluntary euthanasia and that between killing a person and letting her die), is often a matter of pragmatics rather than anything of deeper moral importance. Consider, for instance, the practice (once common in hospitals) of deliberately proceeding slowly to a ward in response to a request to provide assistance for a patient who has been assigned a 'not for resuscitation' code. Or, consider 'pulling the plug' on a respirator keeping an otherwise dying patient alive, as against not replacing the oxygen supply when it runs out. Are these acts or omissions? If the answers turn on merely pragmatic considerations the supposed distinction between passive euthanasia and active euthanasia will be hard to sustain.

Even supposing that the distinction between acts and omissions, and the associated distinction between killing and letting die, can be

satisfactorily clarified (on which see the entry doing v. allowing harm), there remains the issue of whether these distinctions have moral significance in any particular circumstance. Consider a case of a patient suffering from motor neurone disease who is completely respirator dependent, finds her condition intolerable, and competently and persistently requests to be removed from the respirator so that she may die. Even the Catholic Church in recent times has been prepared to agree that it is permissible, in a case like this, to turn off the respirator. No doubt this has been because the Catholic Church considers such a patient is only being allowed to die. Even were it to be agreed, for the sake of argument, that such a death should be regarded as an instance of letting die, this concession would not show that it would have been morally worse had the patient been killed at her request (active voluntary euthanasia) rather than being allowed to die (passive voluntary euthanasia). Indeed, supporters of voluntary medically assisted death maintain that since death is beneficial in such an instance (or, at the very least, leaves the dying person no worse off), actively bringing about the death is morally to be preferred to just allowing it to happen because the desired benefit is achieved sooner.

Opponents of voluntary euthanasia claim, however, that the difference between active and passive euthanasia is to be found in the agent's intention: if someone's life is intentionally terminated she has been killed, whereas if she is just no longer being aggressively treated, her death should be attributed to the underlying disease. Many physicians would say that their intention in withholding or withdrawing life-sustaining medical treatment in such circumstances is simply to respect the patient's wishes. This is plausible in those instances where the patient competently requests that aggressive treatment no longer be given (or, the patient's proxy makes such a request). But it will often be implausible. In many cases the most plausible interpretation of a physician's intention in withholding or withdrawing life-sustaining measures is that it is to end the patient's life. Consider the palliative care practice of 'terminally sedating' a patient after a decision has been made to cease aggressive treatment. Suppose (as sometimes happens) that this is then followed by withholding artificially supplied nutrition. In these

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latter instances the best explanation of the physician's behavior is that the physician intends thereby to end the life of the patient. What could be the point of the action, the goal aimed at, the intended outcome, if not to end the patient's life? (Cf. Winkler 1995.) No sense can be made of the action as being intended to palliate the patient's diseased condition, or to keep the patient comfortable. Nor is it appropriate to claim that what kills the patient is the underlying disease. What kills the patient is the act of depriving her of nutrition (i.e., of starving her to death). The point can be generalized to cover many more instances involving either the withdrawal or the withholding of life-sustaining medical treatment. In short, there is no good reason to think that whereas so-called passive voluntary euthanasia is morally acceptable active voluntary euthanasia never can be.

But we can go further. Giving titrated doses of morphine that reach levels beyond those needed to control pain, or removing a respirator from a sufferer from motor neurone disease, seem to many of us to amount to intentionally bringing about the death of the person being cared for. To be sure, as was acknowledged above, there are circumstances in which doctors can truthfully say that the actions they perform, or omissions they make, will bring about the deaths of their patients even though it was not their intention that those patients would die. So, for instance, if a patient refuses life-prolonging medical treatment because she considers it futile, it can be reasonable to say that her doctor's intention in complying with the request was simply to respect her wishes. Nevertheless, as we have seen, there are other circumstances in which it is highly stilted to claim, as some doctors continue to do, that they had no intention of bringing about death.

These considerations should settle matters but do not do so for those who maintain that killing, in medical contexts, is always morally unjustified – a premise that underwrites much of the debate surrounding this fourth objection. But this underlying assumption is open to challenge and has been challenged by, for instance, Rachels 1986 and McMahan 2002. One of the reasons the challengers have given is that there are cases in which killing a competent dying person when she requests assistance with dying, is morally preferable to allowing her to die, namely, when taking

the latter option would serve only to prolong her suffering against her wishes. Further, despite the longstanding legal doctrine that no one can justifiably consent to be killed (on which more later), it surely is relevant to the justification of an act of killing that the person killed has autonomously decided that she would be better off dead and so asks to be helped to die.

Objection 5

It is sometimes said that if society allows voluntary euthanasia to be legalized, we will then have set foot on a slippery slope that will lead us eventually to support other forms of euthanasia, including, in particular, non-voluntary euthanasia. Whereas it was once the common refrain that that was precisely what happened in Hitler's Germany, in recent decades the tendency has been to claim that experience with legalized euthanasia in The Netherlands and Belgium, in particular, has confirmed the reality of the slippery slope.

Slippery slope arguments come in various versions. One (but not the only) way of classifying them has been to refer to logical, psychological and arbitrary line versions. The common feature of the different forms is the contention that once the first step is taken on a slippery slope the subsequent steps follow inexorably, whether for logical reasons, psychological reasons, or to avoid arbitrariness in 'drawing a line' between a person's actions. (For further discussion see, e.g., Rachels 1986; Brock 1992; Walton 1992.)

We need first to consider whether, at the theoretical level, any of these forms of argument is powerful enough to refute the case for the legalization of voluntary euthanasia. We will then be in a position to comment on the alleged empirical support from the experiences of Hitler's Germany and, more recently, of legalized euthanasia in The Netherlands and elsewhere, for the existence of a slippery slope that will supposedly come into being with the legalization of voluntary euthanasia.

To begin with, there is nothing logically inconsistent in supporting voluntary euthanasia while maintaining the moral inappropriateness of non-voluntary euthanasia. Undoubtedly, some advocates of voluntary

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euthanasia wish also to lend their support to some acts of non-voluntary euthanasia, for example, for those in persistent vegetative states who have never indicated their wishes about being helped to die, or for certain severely disabled infants for whom the outlook is hopeless. (See, e.g., Kuhse and Singer 1985; Singer 1994; Stingl 2010; Sumner 2017.) Others believe that the consent of the patient is strictly required if euthanasia is appropriately to be legalized. The difference is not a matter of logical acumen; it is to be explained by reference to the importance placed on key values by the respective supporters. Thus, for example, those who insist on the necessity for a competent patient request for medical assistance with dying typically believe that such a request is the paramount consideration in end-of-life decision making (even when it is harnessed to the value of individual well-being), whereas those who consider a person's best interests to be the paramount consideration are more likely to believe in the justifiability of instances of non-voluntary euthanasia like those mentioned above.

Next, it is hard to see why moving from voluntary to non-voluntary euthanasia is supposed to be psychologically inevitable. Why should those who support the legalization of voluntary euthanasia, because they value the autonomy of the individual, find it psychologically easier, in consequence, to endorse the killing of those who are not able competently to request assistance with dying? What reason is there to believe that they will, as a result of their support for voluntary euthanasia, be psychologically driven to endorse a practice of non-voluntary euthanasia?

Finally, since there is nothing arbitrary about distinguishing voluntary euthanasia from non-voluntary euthanasia (because the line between them is based on clear principles), there can be no substance to the charge that only by arbitrarily drawing a line between them could non-voluntary euthanasia be avoided were voluntary euthanasia to be legalized.

What, though, of Hitler's Germany and the recent experience of legalized voluntary euthanasia in The Netherlands and elsewhere? The former is easily dismissed as an indication of an inevitable descent from voluntary euthanasia to non-voluntary. There never was a policy in favor of, or a

legal practice of, voluntary euthanasia in Germany in the 1920s to the 1940s (see, for example, Burleigh 1994). There was, prior to Hitler coming to power, a clear practice of killing some disabled persons. But it was never suggested that their being killed was justified by reference to their best interests; rather, it was said that society would be benefited. Hitler's later revival of the practice and its widening to take in other groups such as Jews and gypsies was part of a program of eugenics, not euthanasia.

Since the publication of the Remmelink Report in 1991 into the medical practice of euthanasia in The Netherlands, it has frequently been said that the Dutch experience shows that legally protecting voluntary euthanasia is impossible without also affording shelter to the non-voluntary euthanasia that will follow in its train (see, e.g., Keown 2002). In the period since that report there have been a further four national studies of the practice of euthanasia in The Netherlands. These studies were carried out in 1995, 2001, 2005 and 2010 respectively (see, e.g., Rietjens, et al. 2009; Onwuteaka-Philipsen, et al. 2012). The findings from these national studies have consistently shown that there is no evidence for the existence of such a slippery slope. Among the specific findings the following are worth mentioning: of those terminally ill persons who have been assisted to die about sixty per cent have clearly been cases of voluntary euthanasia as it has been characterised in this entry; of the remainder, the vast majority of cases were of patients who at the time of their medically assisted deaths were no longer competent. It might be thought that these deaths ought to be regarded as instances of non-voluntary euthanasia. But, in fact, it would be inappropriate to regard them as such. Here is why. For the overwhelming majority of these cases, the decisions to end life were taken only after consultation between the attending doctor(s) and close family members, and so can legitimately be thought of as involving substituted judgements. Moreover, according to the researchers, the overwhelming majority of these cases fit within either of two common practices that occur in countries where voluntary euthanasia has not been legalized, namely, that of terminal sedation of dying patients, and that of giving large doses of opioids to relieve pain while foreseeing that this will also end life. In a

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very few cases, there was no consultation with relatives, though in those cases there were consultations with other medical personnel. The researchers contend that these instances are best explained by the fact that families in The Netherlands strictly have no final legal authority to act as surrogate decision-makers for incompetent persons. For these reasons the researchers maintain that non-voluntary euthanasia is not widely practised in The Netherlands.

That there have only been a handful of prosecutions of Dutch doctors for failing to follow agreed procedures (Griffiths, et al., 1998), that none of the doctors prosecuted has had a significant penalty imposed, that a significant proportion of requests for medical assistance with dying are rejected as unjustifiable, and that the Dutch public have regularly reaffirmed their support for the agreed procedures suggests that, contrary to the claims of some critics, the legalization of voluntary euthanasia has not increased the incidence of non-voluntary euthanasia. A similar picture to the one in The Netherlands has emerged from studies of the operation of the law concerning physician-assisted suicide in Oregon. Indeed, in a recent wide-ranging study of attitudes and practices of voluntary euthanasia and physician-assisted suicide covering two continents, a prominent critic of these practices has concluded (in agreement with his co-authors) that little evidence exists of abuse, particularly of the vulnerable (see Emanuel, et al., 2016). Unfortunately, insufficient time has elapsed for appropriate studies to be conducted in the other jurisdictions that have legalized either voluntary euthanasia or physician-assisted suicide. Finally, some commentators have pointed out that there may, in reality, be more danger of the line between voluntary and non-voluntary euthanasia being blurred if euthanasia is practised in the absence of legal recognition, since there will, in those circumstances, be neither transparency nor monitoring (which cannot be said of The Netherlands, Belgium, Oregon and so on).

None of this is to suggest that it is not necessary to ensure the presence of safeguards against potential abuse of legally protected voluntary euthanasia. This is particularly important for the protection of those who have become incompetent by the time decisions need to be taken about whether to assist them to die. Furthermore, it is, of course, possible that

the reform of any law may have unintended effects. However, if the arguments outlined above are sound (and the experience in the The Netherlands, Belgium and Luxembourg, along with the more limited experience in several states in the United States, is, for the present, not only the best evidence we have that they are sound, but the only relevant evidence), that does not seem very likely.

It is now well-established in many jurisdictions that competent patients are entitled to make their own decisions about life-sustaining medical treatment. That is why they can refuse such treatment even when doing so is tantamount to deciding to end their life. It is plausible to think that the fundamental basis of the right to decide about life-sustaining treatment – respect for a person’s autonomy and her assessment of what will best serve her well-being – has direct relevance to the legalization of voluntary euthanasia (see, e.g., Dworkin in Frey et al., 1998; Young 2007, 2017; Sumner 2011). In consequence, extending the right of self-determination to cover cases of voluntary euthanasia does not require a dramatic shift in legal policy. Nor do any novel legal values or principles need to be invoked. Indeed, the fact that suicide and attempted suicide are no longer criminal offences in many jurisdictions indicates that the central importance of individual self-determination in a closely analogous context has been accepted. The fact that voluntary euthanasia and physician-assisted suicide have not been more widely decriminalized is perhaps best explained along a similar line to the one that has frequently been offered for excluding the consent of the victim as a justification for an act of killing, namely the difficulties thought to exist in establishing the genuineness of the consent. But, the establishment of suitable procedures for giving consent to voluntary euthanasia and physician-assisted suicide is surely no harder than establishing procedures for competently refusing burdensome or otherwise unwanted medical treatment. The latter has already been accomplished in many jurisdictions, so the former should be achievable as well.

Suppose that the moral case for legalizing voluntary euthanasia and physician-assisted suicide does come to be judged more widely as stronger than the case against legalization, and they are made legally permissible in more jurisdictions than at present. Should doctors take part

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in the practice? Should only doctors perform voluntary euthanasia? These questions ought to be answered in light of the best understanding of what it is to provide medical care. The proper administration of medical care should promote the welfare of patients while respecting their individual self-determination. It is these twin values that should guide medical care, not the preservation of life at all costs, or the preservation of life without regard to whether patients want their lives prolonged should they judge that life is no longer of benefit or value to them. Many doctors in those jurisdictions where medically assisted death has been legalized and, to judge from available survey evidence, in other liberal democracies as well, see the practice of voluntary euthanasia and physician-assisted suicide as not only compatible with their professional commitments but also with their conception of the best medical care for the dying. That being so, doctors of the same conviction in jurisdictions in which voluntary medically assisted death is currently illegal should no longer be prohibited by law from lending their professional assistance to competent terminally ill persons who request assistance with dying because of irremediable suffering or because their lives no longer have value for them.

9.6 ABORTION

Nowadays, the problem of abortion, and, consequently, the problem of antiabortion become vitally important particularly for well-developed, post-industrial societies. It is evident that it is not a problem of an individual anymore but a really social problem because it concerns not only the health and choice of a woman but it also produces a serious impact on a demographic situation in the whole country. And this impacts further on a psychological atmosphere in the society at large and within the family in particular. Traditionally, abortion was the point of serious arguments ‘for and against’ this phenomenon in the majority of societies. As a rule, a significant part of the society is against abortion but on certain conditions even conservatives agree that abortion may be necessary or even inevitable. Anyway, the society must be very careful resolving the problem whether to support or completely reject abortion ideas but at the same time women must have a choice and a chance for

abortion. The term 'abortion' means a premature termination of pregnancy or termination of an unborn life during its gestation period, or expulsion of the product of conception from the uterus of a pregnant woman. Abortions may be either spontaneous or induced. A spontaneous abortion is one that occurs naturally as a result of certain pathological conditions often beyond the control of the pregnant woman and the physician. Spontaneous abortion is commonly known as a miscarriage. Y.V. Satyanarayana writes: "An induced abortion is the deliberate interruption of pregnancy by artificially inducing the loss of the fetus. Induced abortion is divided into legal and illegal abortions. The legality of an induced abortion depends on the particular laws of a country. Usually a therapeutic abortion, carried out to save the life of the mother is legal. An induced abortion is carried out in case of an unwanted pregnancy for a variety of reasons."¹³ Abortion is not the problem of women only it is the problem of the whole society. It means that definite social groups are ready to defend their antiabortion belief even by going to the extent of violating the existing laws. At the same time, abortion may cause problems within families which are part of the society. The fact is that it is extremely important for a woman to have a supportive atmosphere from the part of the closest relatives, namely husband and parents and overall from the society that she lives in. Specialists highly recommend taking the abortion decision by both partners that may make the family stronger while disagreement can lead to divorce. But it is also important that women cannot be forced to abortion as well and need to take her individual will into the consideration. So the role of the family in taking the decision is not less important than the influence of the community, legislations or personal beliefs. Taking into account all above mentioned, it is necessary to say that abortion, being a social phenomenon, has many opponents as well as supporters but only small part is radical enough and ready to deny the opposite point of view. The vast majority is ready to accept abortion though under certain conditions. It means that abortion has to be legalized but at the same time it should be strictly regulated in order not to harm the health of women or their children in cases when abortion may be evitable. Moreover, it is evident that a total forbidden of abortion is doomed to fail because the only result

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that the forbidden may have is the increasing of illegal abortions and greater risk for women's health.

In an article entitled, "The Moral and Legal Status of Abortion, Prof. Mary Anne Warren, (1946 -2010) an American philosopher and a competent authority in this subject, attempts to move beyond the stalemate in the debate over who is a "human." The typical argument against abortion, she claims, begins with the universal truism of moral consideration that it is "wrong to kill innocent human beings." The pro-life advocate then develops a simple syllogism based on this first major premise. The second premise being, "Fetuses are innocent human beings." These two premises together force the intellect to conclude that it is wrong to kill a fetus. Warren's next move is not to deny the first premise. To the contrary, she allows that it is "a self-evident moral truth." Her tactic in casting doubt on the conclusion is to allow premise one but to suggest that the second premise switches the meaning of the term "human being" and the syllogism is then a case of equivocation. If the terms change meaning, one can no longer have confidence in the conclusion drawn from their use. She suggests that there are really two senses in which the term human is used. The first sense is with regard to those who are "full fledged members of the moral community.

Check Your Progress 1

Note: a) Use the space provided for your answer

b) Check your answers with those provided at the end of the unit

1. Discuss the Five Conditions Often Proposed as Necessary for Candidacy for Voluntary Euthanasia.

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2. Discuss a Moral Case for Voluntary Euthanasia.

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3. What are the Five Objections to the Moral Permissibility of Voluntary Euthanasia?

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4. Discuss the rule of abortion in applied ethics.

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9.7 LET US SUM UP

Euthanasia (from Greek: εὐθανασία; "good death": εὖ, eu; "well" or "good" + θάνατος, thanatos; "death") is the practice of intentionally ending a life to relieve pain and suffering.

Different countries have different euthanasia laws. The British House of Lords Select Committee on Medical Ethics defines euthanasia as "a deliberate intervention undertaken with the express intention of ending a life, to relieve intractable suffering". In the Netherlands and Belgium, euthanasia is understood as "termination of life by a doctor at the request of a patient". The Dutch law, however, does not use the term 'euthanasia' but includes the concept under the broader definition of "assisted suicide and termination of life on request".

Euthanasia is categorized in different ways, which include voluntary, non-voluntary, or involuntary:

- Voluntary euthanasia is legal in some countries.
- Non-voluntary euthanasia (patient's consent unavailable) is illegal in all countries.
- Involuntary euthanasia (without asking consent or against the patient's will) is also illegal in all countries and is usually considered murder.

It is evident that it is not a problem of an individual anymore but a really social problem because it concerns not only the health and choice of a woman but it also produces a serious impact on a demographic situation in the whole country. And this impacts further on a psychological atmosphere in the society at large and within the family in particular.

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Traditionally, abortion was the point of serious arguments ‘for and against’ this phenomenon in the majority of societies. As a rule, a significant part of the society is against abortion but on certain conditions even conservatives agree that abortion may be necessary or even inevitable.

9.8 KEY WORDS

Euthanasia (from Greek: εὐθανασία; "good death": εὖ, eu; "well" or "good" + θάνατος, thanatos; "death") is the practice of intentionally ending a life to relieve pain and suffering.

9.9 QUESTIONS FOR REVIEW

1. What is meant by euthanasia? Write the types of it.
2. Discuss the characteristics of euthanasia?

9.10 SUGGESTED READINGS AND REFERENCES

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9.11 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 9.3
2. See Section 9.4
3. See Section 9.5
4. See Section 9.6

UNIT 10: ENVIRONMENTAL ETHICS

STRUCTURE

- 10.0 Objectives
- 10.1 Introduction
- 10.2 Environmental Ethics: Meaning
- 10.3 The modern construction of environmental ethics
- 10.4 Environmental ethics and sustainable development
- 10.5 Environmentalism and pacifism
- 10.6 Ecosystems: The Land Ethic
- 10.7 Environmental Ethics: Descriptive, Normative and Critical
- 10.8 Environmental Ethics: Why and How?
- 10.9 Let us sum up
- 10.10 Key Words
- 10.11 Questions for Review
- 10.12 Suggested readings and references
- 10.13 Answers to Check Your Progress

10.0 OBJECTIVES

One of the main objectives of studying the Environmental Ethics is to know in depth that our existence is impossible if the nature does not exist. There is a flow of energy that seeps out from us to the environment and vice versa. This energy form a connecting link between us and the nature which is indispensable. Study of the environment and all its components is nothing but the relationship that we humans share with the nature. So I would say that by studying Environmental Ethics we establish a link, a relationship with the nature and our concern for the environment becomes stronger. Thus we are urged to do something that would stop the exploitation of the environment. Environmental ethics has been described as having a conscience or moral that reflects one's commitment and responsibility toward the environment as well as present and future generations of people. In essence it refers to human societies living in harmony with the natural world on which they depend for survival and well being. Human beings are a part of the society and so are the other living beings. When we talk about the philosophical

principle that guides our life, we often ignore the fact that even plants and animals are a part of our lives. They are an integral part of the environment and hence have a right to be considered a part of the human life.

10.1 INTRODUCTION

Adjusting the relationship between humans and nature is one of the most fundamental issues we face and must deal with today. With the increasing deterioration of ecological systems on which human beings rely and the aggravation of the environmental crisis, human beings have realized that we cannot rely on economic and judicial methods alone to solve the problems of environmental pollution and ecological imbalances; we must also appeal to human beings' limitless internal ethical resources. Only after we have adopted an appropriate attitude towards nature and have established a new ethical relationship between human beings and nature will we be able to love and respect nature automatically as well as conscientiously; and only with the guidance of such love and respect can we successfully deal with the issues of environmental pollution and ecological imbalances.

10.2 ENVIRONMENTAL ETHICS: MEANING

Environmental ethics is a new sub-discipline of philosophy that deals with the ethical problems surrounding environmental protection. It aims to provide ethical justification and moral motivation for the cause of global environmental protection. There are several distinctive features of environmental ethics that deserve our attention. First, environmental ethics is extended. Traditional ethics mainly concerns intra-human duties, especially duties among contemporaries. Environmental ethics extends the scope of ethical concerns beyond one's community and nation to include not only all people everywhere, but also animals and the whole of nature – the biosphere – both now and beyond the imminent future to include future generations. Second, environmental ethics is interdisciplinary. There are many overlapping concerns and areas of

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consensus among environmental ethics, environmental politics, environmental economics, environmental sciences and environmental literature, for example. The distinctive perspectives and methodologies of these disciplines provide important inspiration for environmental ethics, and environmental ethics offers value foundations for these disciplines. They reinforce, influence and support each other. Third, environmental ethics is plural. From the moment it was born, environmental ethics has been an area in which different ideas and perspectives compete with each other. Anthropocentrism, animal liberation/rights theory, biocentrism and ecocentrism all provide unique and, in some sense, reasonable ethical justifications for environmental protection. Their approaches are different, but their goals are by and large the same, and they have reached this consensus: it is everyone's duty to protect the environment. The basic ideas of environmental ethics also find support from, and are embodied in, various well-established cultural traditions. The pluralism of theories and multicultural perspectives is critical for environmental ethics to retain its vitality. Fourth, environmental ethics is global. Ecological crisis is a global issue. Environmental pollution does not respect national boundaries. No country can deal with this issue alone. To cope with the global environmental crisis, human beings must reach some value consensus and cooperate with each other at the personal, national, regional, multinational and global levels. Global environmental protection depends on global governance. An environmental ethic is, therefore, typically a global ethic with a global perspective. Fifth, environmental ethics is revolutionary. At the level of ideas, environmental ethics challenges the dominant and deep-rooted anthropocentrism of modern mainstream ethics and extends the object of our duty to future generations and non-human beings. At the practical level, environmental ethics forcefully critiques the materialism, hedonism and consumerism accompanying modern capitalism, and calls instead for a 'green lifestyle' that is harmonious with nature. It searches for an economic arrangement that is sensitive to Earth's limits and to concerns for quality of life. In the political arena, it advocates a more equitable international economic and political order that is based on the principles of democracy, global justice

and universal human rights. It argues for pacifism and against an arms race. In short, as the theoretical representation of a newly emerging moral idea and value orientation, environmental ethics is the fullest extension of human ethics. It calls on us to think and act locally as well as globally. It calls for a new, deeper moral consciousness.

10.3 THE MODERN CONSTRUCTION OF ENVIRONMENTAL ETHICS

We are cutting down forests for making our homes. We are continuing with an excessive consumption of natural resources. Their excessive use is resulting in their depletion, risking the life of our future generations. Is this ethical? This is the issue that environmental ethics takes up. Scientists like Rachel Carson and the environmentalists who led philosophers to consider the philosophical aspect of environmental problems, pioneered in the development of environmental ethics as a branch of environmental philosophy. The Earth Day celebration of 1970 was also one of the factors, which led to the development of environmental ethics as a separate field of study. Today, environmental ethics is one of the major concerns of mankind. When industrial processes lead to destruction of resources, is it not the industry's responsibility to restore the depleted resources? Moreover, can a restored environment make up for the originally natural one? Mining processes hamper the ecology of certain areas; they may result in the disruption of plant and animal life in those areas. Slash and burn techniques are used for clearing the land for agriculture. Most of the human activities lead to environmental pollution. The overly increasing human population is increasing the human demand for resources like food and shelter. As the population is exceeding the carrying capacity of our planet, natural environments are being used for human inhabitation. Thus human beings are disturbing the balance in the nature. The harm we, as human beings, are causing to the nature, is coming back to us by resulting in a polluted environment. The depletion of natural resources is endangering our future generations. The imbalance in nature that we have caused is going to disrupt our life as well. But environmental ethics brings about the fact that all the life forms on Earth have a right to live. By destroying the

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nature, we are depriving these life forms of their right to live. We are going against the true ethical and moral values by disturbing the balance in nature. We are being unethical in treating the plant and animal life forms, which co-exist in society. Human beings have certain duties towards their fellow beings. On similar lines, we have a set of duties towards our environment. Environmental ethics says that we should base our behavior on a set of ethical values that guide our approach towards the other living beings in nature. Environmental ethics is about including the rights of non-human animals in our ethical and moral values. Even if the human race is considered the primary concern of society, animals and plants are in no way less important. They have a right to get their fair share of existence. We, the human beings, along with the other forms of life make up our society. We all are a part of the food chain and thus closely associated with each other. We, together form our environment. The environment is not the property of the humans alone. Humans exist because of all other nonliving elements of the environment. Therefore conservation of natural resources is not only the need of the day or time but also our prime duty. Does the Earth exist for the benefit of humanity alone? Do humans have any ethical obligations with respect to the natural world? Have we the right to take all the Earth's resources for our own use? Do we have a responsibility to be good stewards over the Earth? Do other species have an intrinsic right to exist? Do trees have legal standing? What do various religions have to say about humanity's relationship to the rest of the living world? These are some of the questions addressed in the study of environmental ethics.

Check Your Progress 1

Note: Use the space provided for your answer

1. What is Environmental Ethics?

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2. What are the distinctive features of environmental ethics?

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10.4 ENVIRONMENTAL ETHICS AND SUSTAINABLE DEVELOPMENT

Although there is disagreement over the meaning of sustainable development, most countries have accepted sustainable development as their basic policy. The overlapping areas of consensus between sustainable development and environmental ethics are obvious: the need for environmental justice among the present generation (especially to eliminate absolute poverty), the need to care for future generations and the need to live harmoniously with nature. Only once human society gets on track with regard to achieving sustainable development can we deal successfully with the challenges of global warming, diminishing biodiversity and world hunger.

10.5 ENVIRONMENTALISM AND PACIFISM

The last thing human beings should do is expend huge amounts of resources on studying and making weapons of mass destruction. Environmental security, does not come from hegemonic militant power, but from a just and peaceful international order. As war is a massive violation of humans' right to life, and causes massive destruction of the environment, avoidance of war should be the primary concern of environmental ethics. Democratic countries should apply their domestic political principles to relations with other countries and allow themselves to be subject to the authority of the UN. The policy that might is right, which prevailed in colonial times, must be condemned and abandoned. The UN and its Member States must aim to construct and strengthen the international legal and judicial system and to arbitrate any disputes among its Member States through this system to avoid military conflict. Only a peaceful international order can foster co-operation among countries in dealing with the global environmental crisis. The close

connection between environmental protection and peace must be recognized. All countries have a responsibility to spend more money on environmental programmes rather than on military programmes.

10.6 ECOSYSTEMS: THE LAND ETHIC

Aldo Leopold, a forester-ecologist, wildlife manager, professor, conservationist, author, and prophet of environmental ethics, claimed, famously: A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.' 'That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics' (Leopold 1969: 224-5, viii-ix). In a holistic ethic, this ecosystemic level in which all organisms are embedded also counts morally-in some respects more than any of the component organisms, because the systemic processes have generated, continue to support, and integrate tens of thousands of member organisms. The appropriate unit for moral concern is the fundamental unit of development and survival. That, we were just saying, is species lines. But a species is what it is where it is, encircled by an ecology. A land ethic might seem a naturalistic ethic, but people are living on this land, and so nature and culture soon mix. Trying to map the human environments, we are valuing three main territories: the urban, the rural and the wild - all three of which are necessary if we are to be threedimensional persons. Nature is much present in the hybrid habitats of rural landscapes; we need an ethic for agro-ecosystems. Wildlife can extensively remain on landscapes put to multiple use; and so we need an ethic of wildlife management. We need an ethic for forests and farmlands, for the countryside. Nature is present in, and a support of, our cities as well. A land ethic changes the role of Homo sapiens from conqueror of the land-community to plain member and citizen of it. It implies respect for his fellow members, and also respect for the community as such". Nature means everything in our environment - the soil, the climate, and all living things. Is Christianity to blame for the destruction of the natural environment? How do different religions approach our relationship with the natural world? The world was not created solely for man's use, but exists apart from humans, complete in

its own right. "A numerous class of men are painfully astonished whenever they find anything, living or dead, in all God's universe, which they cannot eat or render in some way what they call useful to themselves". Environmental ethics is also concerned with the issue of responsible personal conduct with respect to natural landscapes, resources, species, and non-human organisms. Conduct with respect to persons is, of course, the direct concern of moral philosophy as such. "Moral responsibility" normally implies knowledge, capacity, choice, and value significance. That is to say, if a person is morally responsible to do something, then he (a) knows of this requirement, (b) is capable of performing it, (c) can freely choose whether or not to do it, and (d) the performance thereof affects the welfare and/or liberty of other beings. Because one's response to these requirements reflects upon his value as a person, we say that this response has "moral significance. We know that we can cause massive and permanent damage to natural landscapes, resources and ecosystems. Not only do we know that we can cause these insults, we also know how we can cause them, and how we can prevent or remedy them. Knowing all this exacts a moral obligation to act with care, foresight and, at times, with forbearance and constraint. In our dealings with the natural environment, we are, in short, called upon to reflect, act, or perhaps to refrain from acting, in a manner which testifies to our worth as persons and as a culture -- in a word, to respond morally. One of the most serious problems with the environmental movement today is that its moral position is badly articulated and defended -- it is more "felt" than thought through.

Values in Ecology: Values in Ecology: One of the most important challenges faced by intellectuals is, understanding the implications of ecology in social and political thought. There is growing interest in the area of eco-philosophy. It is mainly because of the result of response to the problems of environment and man's relation with nature. Eco-philosophy is a challenge to the enlightenment definition of relation between man and nature. Philosophers are still in the stage of debate to determine about ecologically grounded values. How value systems can put a check on ecological deterioration is the most crucial part in eco-philosophy. Since humans are rational animals they can think of their

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future, future of ecology and future of earth as a whole. Their value systems generate a sort of obligation to act differently from other organisms. Any value system that advocates holistic principles is favored.

Prof. Tim Hayward of Great Britain and specifically promoter of “Just World Institute”, points out three such categories, which can be articulated in terms of general imperatives.

1. Live in harmony with nature- This is a fundamental principle which elaborates the relationship between man and nature. Western culture viewed nature as a thing to be controlled and mastered. From ecological point of view humans are themselves a part of nature.

2. Overcome anthropocentric prejudice-It is also a western contribution. Anthropocentrism encourages thinking like man as the master and other species as slaves. But the man, who thinks himself as part of nature, lives with it.

3. Recognize intrinsic values in beings other than humans. Peaceful co-operation and co-existence is possible only by recognizing values in every one. Humanism of man is also included in nature. Nature is the teacher of man and without nature man has no other possibility to develop humanism. Man learns to respect each other by seeing the bounty of nature over man.

Check Your Progress 2

Note: Use the space provided for your answer

1. What is sustainable development?

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2. How do we foster pacifism?

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3. Explain Land ethics.

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10.7 ENVIRONMENTAL ETHICS: DESCRIPTIVE, NORMATIVE AND CRITICAL

Moral philosophers have found it useful to distinguish three "levels" of study in their discipline. The first "level," "descriptive ethics," consists of accounts of what people and/or their cultures do, in fact, value. Imagine, for example, a hypothetical public opinion survey reporting that 55% of Californians favor extraordinary and costly measures to protect and preserve their northern forests, that 30% oppose such measures, and that 15% are undecided. Since the survey reports the moral opinions of the sample population without offering a moral judgment of these beliefs, the poll is an exercise in descriptive ethics. Similarly, an anthropological report that such and such a tribe values head hunting describes the values of that tribe. Descriptive ethics, then, can be regarded as a specialized type of social science. The second level, normative ethics (also called "prescriptive ethics") deals with moral issues in the conventional sense of that term -- that is, with questions of right or wrong, duties and rights, justice and injustice, virtue and wickedness, and so forth. On this level of ethical discourse, judgments are made and defended concerning the moral value of acts, motives and policies, or of the persons or communities responsible for these acts, motives or policies. Also, in particular cases, recommendations are made as to the morally "best" course of action or conduct. Thus a normative response to the hypothetical poll on the Northland forests might be "how dreadful that our fellow citizens should care so little about their biotic legacy." Or, on the other hand, "I am glad to see that our citizens are at last coming to their moral senses and recognizing that human beings are more important than a bunch of trees." Similarly, one might normatively condemn the practice of head hunting accurately described by the anthropologist. The philosopher, accustomed as he is to "ask the next question," is not

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content simply to hear a normative opinion. He insists upon a clear and precise statement of the meanings of the concepts employed in the opinion. When the philosopher seeks to clarify the meaning of normative terms or to examine the structure, grounds and justification of normative arguments, he is engaging in the activity of critical ethics, or "metaethics." He is thus, in a sense, an intellectual spectator of the normative judgment. It is the task of the critical moral philosopher to take account of the logic, language and methodology of normative discourse and argument.

Thus, if a moralist condemns capital punishment as "unjust" or head hunting as "barbaric," the meta-ethical philosopher will ask the meaning of "justice" and "barbarism" in these contexts. He will also inquire as to the nature and soundness of the arguments offered in defense of these normative (i.e, moral) claims. A failure to discriminate among these levels of ethical inquiry can lead to considerable confusion and error. For instance, a failure to distinguish between descriptive and normative ethics can draw one into a naive cultural relativism or even a subjective relativism. Failure to distinguish normative ethics from critical ethics can lead to hasty moral conclusions. For example, if we affirm (metaethically) that future generations can meaningfully be said to "have rights," it does not follow that they (normatively) have a right to share the company of snail darters or to find the Boundary Waters Canoe Area in a natural state. Furthermore, if someone (normatively) argues that dumping nuclear wastes in the ocean is "inherently unjust," we should neither accept nor reject his claim until we have (metaethically) determined what he means by "inherently unjust" and have examined the structure of his argument and the premises and point of view from which it is argued. Let us now apply these three levels of ethical inquiry to environmental ethics. First, descriptive environmental ethics is not a significant problem in environmental ethics for the simple reason that, strictly speaking, "descriptive ethics" isn't really a part of moral philosophy at all. Rather, because it is "descriptive," it is really a type of social science. If we ask "what do 'the American people' think of their national parks? Do they believe the parks to be 'valuable'? Worth the cost of their preservation?" If we judge the environmental values of most

Americans to be "deplorable" (a normative judgment) and thus feel moved to "do something about it," we might attempt to change these attitudes. And so we would enter the fields of environmental education and moral education. And what teaching methods most effectively produce the attitude we approve of? Normative ethics deals directly with the "nerve" of morality; namely, the question "what should we do?" or example, such issues as: What is the optimum use of this canyon, or forest, or desert? How should we treat this natural area? Use it up? Protect it? Preserve it intact? What "good" is a "useless" endangered species? How much effort and cost should we devote to protecting it? What damage to the environment and what risk to future generations is acceptable in return for the development of synthetic fuels and nuclear power?

Critical ethics ("metaethics") is concerned with the meanings of ethical concepts and with the justification of normative claims. Thus environmental metaethics brings to policy and legislative debate such questions as these: Upon what unstated moral assumptions are these contending positions based (e.g., the positions of the "developer" and the "preservationist")? We are now prepared to clarify a crucial distinction: "Environmental Ethics" is to be identified in this Introduction, as a metaethical term designating any ethical position that expresses a viewpoint concerning man's responsibility to nature. "Ecological morality," on the other hand, identifies the particular normative environmental ethics of such writers as Aldo Leopold, who view man as a part of the natural community with duties of respect and forbearance toward that community.

Environmental ethics is relatively a new branch in applied ethics. The term "applied ethics" is used in practical sense to find moral solutions to the problems in society and it is an attempt to solve our problems in professional ethics. Some of the important events that paved the way for the existence of environmental ethics in the West are as follows:

1. Environmental philosophy philosophy: Environmental philosophy first came to be noticed as an academic discipline in the West in the context of reformist philosophers who were divided on the basis of their theories

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and who debated on normative and meta-ethics started to think about an applied philosophy. So applied philosophy was formulated in order to bridge the gap between metanormative and practical ethics. As a result, numerous subfields came under applied philosophy. The most important ones among them were medical ethics, environmental ethics and business ethics.

2. Demerit Demerits of science: science: science: Instead of concentrating on humanitarian measures, Modern scientific, political, and cultural ethos has refused to entertain the term 'value'. Politicians used science to capture power and to promote their as well as national interests. They were limited in thinking beyond next elections. Their policy became mainly on higher production and higher export thus higher profit / higher Gross Domestic Product (GDP). Therefore science is no more treated as an embodiment of human dignity. Science and technology expanded their horizons, beyond the limits. The rapid development is visible not only in technology, but also in the opportunity to use the technology. These rapid developments in science and technology pushed the existing ethical frame-works to the back seat. Human rationality is basically two pronged. It has both moral and scientific dimensions. The excessive use of scientific rationality often ignored the basic moral dimension of human rationality. This is evident from the rapid developments in science and technology which at times undermine the quintessence standards of fundamental morality (such as invention of biological weapons of mass destruction).

3. Anthropocentric morality: A number of thinkers and some committed environmentalists, however, are dissatisfied with anthropocentric morality, because it is inadequate to provide a satisfactory basis for a moral obligation with regard to the non-human world. They plead radical changes in our moral and legal reasoning they want to give a special place to nature in our attitude and thinking, and maintain that there is a need for a new morality, a morality, which recognizes our duties and obligations to the natural world. The root of anthropocentric view is that man thinks that he is above nature's laws. Man used science as to

discover the ways and methods and devices to govern nature and to improve man's environment. Several laws. Ethical, social and cultural laws are evolved and promoted by nature over thousands of years are now being destroyed in mere 5000 years of scientific and technological experimentation. Man destroyed old bond of tradition between man and nature and now he struggles to create new bond. But it is in vain, because the new bond is attempted with the help of violent science. As an outcome of dedicated effort of environmentalists, the need for a new ethics which has its own moral commitments is being promoted and often not promoted. These moral commitments were such as bio-diversity ought to be preserved, environment policies should be formulated along with the lines of environmental ethics, barring of nuclear weapons, and so on. Underlying all these commitments is single concern, i.e., concern for environment. Thus environmental ethics is gaining more and more popularity in contemporary human society. Environmental ethics is the crux of the concept of sustainable development. The concept of sustainable development was first articulated by the World Commission on Environment and Development in 1987 through the now well-known Brundtland report entitled 'Our Common Future'. It reveals a paradigm shift in our thinking on the concept of economic development, which had assumed that natural resources are inexhaustible and are available to be exploited for human welfare and at times the insatiable greed for comfort and luxury of the rich nations. Sustainable development is now seen as that process of development. According to P. S. Radhakrishnan: "Sustainable development is now seen as that process of development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs."

This concept of sustainable development is an important concept in the sense that it works as a connecting link between ecology, economics and ethics. In the ecological front, sustainable development is the preservation for future development. From the economic standpoint, sustainable development works for minimum and optimum use of natural resources. From the ethical viewpoint, sustainable development means reminding about future generations' right to use natural resources.

Contemporary ethical sources in environmental ethic

Contemporary ethical sources in environmental ethics: The major concern of Meta-ethics is the status and nature of ethical claims. It is the discussion about ethics itself. Cambridge dictionary of philosophy explains about Meta ethics as. “To a large extent, the general studies of goodness and right action and special studies of applied ethics consist in systematizing, deepening and revising our beliefs about how we ought to conduct our lives. At the same time, it is characteristic of philosophers when reflecting on such systems of belief to examine the nature and grounds of these beliefs. These questions, when asked about beliefs, define the field of Meta-ethics.”

There are several controversies exist within meta-ethical theories which includes discussion on environmental ethics also. The influence of metaethical disputes in environmental ethics is visible when we consider the relationship of humans to a non-human world. According to a prominent contemporary American philosopher Prof. Stephen. L. Darwall of Yale University, the domain of meta-ethics and specifically abstract philosophical issues that falls under four different kinds they are

1. Questions in the philosophy of language concerning the meaning and content of ethical judgments.
2. Related issues in the philosophy of mind concerning what mental states ethical judgment express or what it is to hold an ethical view.
3. Metaphysical issues concerning the possibility and nature of ethical truth. Epistemological questions concerning the possibility and nature of ethical knowledge and how we can justify our ethical views.

The meta-ethical issues about environment fall under the fourth category.

Values in Ecology:

One of the most important challenges faced by intellectuals is, understanding the implications of ecology in social and political thought. There is growing interest in the area of eco-philosophy. It is mainly because of the result of response to the problems of environment and man's relation with nature. Eco-philosophy is a challenge to the

enlightenment definition of relation between man and nature. Philosophers are still in the stage of debate to determine about ecologically grounded values. How value systems can put a check on ecological deterioration is the most crucial part in eco-philosophy. Since humans are rational animals they can think of their future, future of ecology and future of earth as a whole. Their value systems generate a sort of obligation to act differently from other organisms. Any value system that advocates holistic principles is favored.

Prof. Tim Hayward of Great Britain and specifically promoter of "Just World Institute", points out three such categories, which can be articulated in terms of general imperatives.

1. Live in harmony with nature- This is a fundamental principle which elaborates the relationship between man and nature. Western culture viewed nature as a thing to be controlled and mastered. From ecological point of view humans are themselves a part of nature.

2. Overcome anthropocentric prejudice-It is also a western contribution. Anthropocentrism encourages thinking like man as the master and other species as slaves. But the man, who thinks himself as part of nature, lives with it.

3. Recognize intrinsic values in beings other than humans. Peaceful co-operation and co-existence is possible only by recognizing values in every one. Humanism of man is also included in nature. Nature is the teacher of man and without nature man has no other possibility to develop humanism. Man learns to respect each other by seeing the bounty of nature over man.

10.8 ENVIRONMENTAL ETHICS: WHY AND HOW?

Why? Because we can't sit this one out. "Not to decide" about issues of environmental ethics is "to decide" -- in favor of the status quo, and in favor of "business as usual." But our poor, battered, plundered and polluted planet can not long endure a continuation of "business as usual."

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We have, in the past couple of centuries, achieved a cleverness that has far overshot our wisdom. The explosive growth of scientific knowledge, followed shortly by a parallel growth in technical ingenuity, has created an "explosive growth" in moral problems -- some unprecedented in human history. Ethics is a very ancient human preoccupation (older, perhaps, than philosophy itself). And yet, environmental ethics is very new. In view of the recent dramatic growth in knowledge and technology, it is not difficult to see why this is so. Ethics deals with the realm of imaginable human conduct that falls between the impossible and the inevitable -- that is, within the area of human capacity and choice. And now, even within our own lifetime (and ever more so with each year), we have acquired capabilities and thus face choices that have never been faced before in the course of human history -- indeed, we now face many capabilities and choices never contemplated or even imagined before. These include choices of birth, life, and death for our species and others; choices that are rapidly changing the living landscape forever. When the ecosystem was not understood, or even recognized or appreciated as a system; when the earth and its wilderness were believed to be too vast to be damaged by voluntary human choice; at such a time, there was no environmental ethics. But in our own time we have revalidated the myth of Genesis, for in our own time, with knowledge has come power, and with both knowledge and power, we have lost our innocence. This knowledge and this power are due, of course, to the scientific revolution. And therein resides a puzzle and a paradox: The scientists, steadfastly and correctly, claim that their content and methodology are "value neutral." In the narrow sense, they are right. As methodology, science is properly value-free and should be value-free (an evaluative reflection, you will notice). But this "properly value-free" methodology has opened up a bewildering array of capacities and choices to us evaluating creatures. And we are not equipped with the ethical insights and the moral restraints that are necessary to deal wisely and appropriately with these choices. Yet the choices are before us and we can not evade them. "Not to decide is to decide." The issues of environmental ethics are momentous, live and forced (to borrow William James' terms); that is to say, these issues involve moral choices of

enormous importance that we can make and, even more, that we must make. Our moral responsibility to nature and to the future is of unprecedented significance and urgency, and it is a responsibility that we can not escape. In our heretofore careless and capricious hands lies the fate of our natural environment, our brother species, and the generations that will succeed us. Therein lies our inalienable, dreadful challenge --- and our awesome responsibility.

Check Your Progress 3

Note: Use the space provided for your answer.

- 1. Distinguish three "levels of environmental ethics.

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- 2. What is "Ecological morality"?

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.....

10.9 LET US SUM UP

Environmental ethics is theory and practice about appropriate concern for, values in, and duties regarding the natural world. By classical accounts, ethics is people relating to people in justice and love. Environmental ethics starts with human concerns for a quality environment, and some think this shapes the ethic from start to finish. Others hold that, beyond inter-human concerns, values are at stake when humans relate to animals, plants, species and ecosystems. Humans deliberately and extensively rebuild the spontaneous natural environment and make the rural and urban environments in which they reside. We care about the quality of life in these hybrids of nature and culture. Ethics arises to protect various goods within our cultures: this, historically, has been its principal arena. As philosophers frequently model this, ethics is a feature of the human social contract. People arrange a society where they and the others with whom they live do not (or ought not) lie, steal,

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kill. This is right, and one reason it is right is that people must co-operate to survive; and the more they reliably co-operate the more they flourish. One way of envisioning this is the so-called original position, where one enters into contract, figuring out what is best for a person on average, oblivious to the specific circumstances of one's time and place. This is where a sense of universality, or at least pan-culturalism, in morality has a plausible rational basis. The four most critical issues that humans currently face are peace, population, development and environment. All are interrelated. Human desires for maximum development drive population increases, escalate exploitation of the environment and fuel the forces of war. Those who exploit persons will typically exploit nature as readily -animals, plants, species, ecosystems and the Earth itself. Eco-feminists have found this to be especially true where both women and nature are together exploited. The interests of environmental ethics done from perspectives of political ecology, sustainable development, bioregionalism, ecojustice, from an ethics of stewardship, or human virtues in caring, or a sense of place -all these tend to be humanistic and to recognize that nature and culture have entwined destinies.

10.10 KEY WORDS

Environmental Ethics: new sub-discipline of philosophy that deals with the ethical problems surrounding environmental protection. It aims to provide ethical justification and moral motivation for the cause of global environmental protection.

Pacifism: Peaceful international order to foster cooperation among countries in dealing with the global environmental crisis.

10.11 QUESTIONS FOR REVIEW

1. Discuss the meaning of Environmental Ethics.
2. What is meant by the modern construction of environmental ethics?
3. What is the Environmental ethics and sustainable development?
4. Discuss the Environmentalism and pacifism.
5. Discuss the Ecosystems and the Land Ethic.

6. Discuss the Environmental Ethics.
7. Discuss the Descriptive, Normative and Critical.
8. Environmental Ethics: Why and How?

10.12 SUGGESTED READINGS AND REFERENCES

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10.13 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 10.2
2. See Section 10.3

Check Your Progress 2

1. See Section 10.4
2. See Section 10.5
3. See Section 10.6

Check Your Progress 3

1. See Section 10.7
2. See Section 10.8

UNIT 11: MEDICAL ETHICS

STRUCTURE

- 11.0 Objectives
- 11.1 Introduction
- 11.2 History
- 11.3 Values
- 11.4 Moral pluralism
- 11.5 Social dimensions
- 11.6 Core and Other Ethical Considerations Respect for Persons
- 11.7 Minimizing Harms While Maximizing Benefits
- 11.8 What are the Basic Principles of Medical Ethics?
- 11.9 Let us sum up
- 11.10 Key Words
- 11.11 Questions for Review
- 11.12 Suggested readings and references
- 11.13 Answers to Check Your Progress

11.0 OBJECTIVES

After this unit 11, we can able to know:

- To discuss the Social dimensions of Medical ethics.
- To know the Core and Other Ethical Considerations Respect for Persons
- To understand the Minimizing Harms While Maximizing Benefits
- What are the Basic Principles of Medical Ethics?

Students will • Understand that ethical inquiry uses a set of concepts and skills aimed at analyzing challenging situations and making decisions about the best course of action; • Distinguish ethical questions from scientific and legal questions and from questions of personal preference, custom, or habit; • Apply important ethical considerations, such as respect for persons, minimizing harms while maximizing benefits, and fairness, in analysing bioethical problems; and • Recognize that while there can usually be several answers or approaches to an ethical question,

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it is important to present a strong, well-reasoned argument for one's position. • Ethics seeks to determine what a person should do, or the best course of action, and provides reasons why. It also helps people decide how to behave and treat one another, and what kinds of communities would be good to live in.

11.1 INTRODUCTION

Medical ethics is a system of moral principles that apply values to the practice of clinical medicine and in scientific research. Medical ethics is based on a set of values that professionals can refer to in the case of any confusion or conflict. These values include the respect for autonomy, non-maleficence, beneficence, and justice. Such tenets may allow doctors, care providers, and families to create a treatment plan and work towards the same common goal. It is important to note that these four values are not ranked in order of importance or relevance and that they all encompass values pertaining to medical ethics. However, a conflict may arise leading to the need for hierarchy in an ethical system, such that some moral elements overrule others with the purpose of applying the best moral judgement to a difficult medical situation.

There are several codes of conduct. The Hippocratic Oath discusses basic principles for medical professionals. This document dates back to the fifth century BCE. Both The Declaration of Helsinki (1964) and The Nuremberg Code (1947) are two well-known and well respected documents contributing to medical ethics. Other important markings in the history of Medical Ethics include Roe v. Wade in 1973 and the development of Hemodialysis in the 1960s. More recently, new techniques for gene editing aiming at treating, preventing and curing diseases utilizing gene editing, are raising important moral questions about their applications in medicine and treatments as well as societal impacts on future generations.

As this field continues to develop and change throughout history, the focus remains on fair, balanced, and moral thinking across all cultural and religious backgrounds around the world. Medical ethics encompasses a practical application in clinical settings as well as scholarly work on its history, philosophy, and sociology.

Medical ethics encompasses beneficence, autonomy, and justice as they relate to conflicts such as euthanasia, patient confidentiality, informed consent, and conflicts of interest in healthcare. In addition, medical ethics and culture are interconnected as different cultures implement ethical values differently, sometimes placing more emphasis on family values and downplaying the importance of autonomy. This leads to an increasing need for culturally sensitive physicians and ethical committees in hospitals and other healthcare settings.

Ethics is the activity of deciding what one should do, as an individual and a member of a community. Members of a democratic society must offer each other reasons that show why one way of dealing with a problem is better than another. Ethics is the activity of offering reasons to support a decision about what one should do. Bioethics is a subfield of ethics that explores ethical questions related to the life sciences. Bioethical analysis helps people make decisions about their behavior and about policy questions that governments, organizations, and communities must face when they consider how best to use new biomedical knowledge and innovations. Since the 1970s, the field of bioethics has grown considerably. While it is true that bioethics today includes medical ethics issues, its originality lies in the fact that it goes much further than the various professional codes of ethics concerned. It entails reflection on societal changes and even on global balances brought about by scientific and technological developments. To the already difficult question posed by life sciences – How far can we go? – other queries must be added concerning the relationship between ethics, science and freedom. The word ‘bioethics’ is the intersection of ethical issues and life sciences. In tandem, the investigations of biology, scientific technology and ethical issues combine to form a new science² called ‘bioethics’. For this multidisciplinary science, Van Rensselaer Potter in 1971 coined the term ‘bioethics’ stating that it is ‘biology combined with diverse humanistic knowledge forging a science that sets a system of medical and environmental priorities for acceptable survival.’ Bioethics is considered useful in promoting critical thinking. It allows greater accessibility to the content through connectivity rather than stand-alone units. It engages the content and process of real-life situations (present and future) where

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decisions have real consequences, seldom with risk-free outcomes. Finally, it promotes a focusing framework that places the biology in a fully integrated form. Faced with new ethical challenges emerging as a result of technological developments in modern medicine, bioethics seeks ways in which people in societies can work together under the provision of medical care and research. The field is supposed to provide an insight into the issues of moral community, and into how society understands political authority and its appropriate exercise. Bioethics also involves social philosophy because the basic concepts of health care (concepts like 'health' and 'disease') are socially constructed categories. Finally, bioethics connection to social philosophy is cemented by the fact that central questions in clinical medicine – questions concerning the allocation of resources, for instance – are those of social philosophy and ethics. Thomas Kuhn has tried to sketch a different, deeper and richer conception of bioethics that can emerge from a historical analysis. The moral world of medicine sketched here is one of continual debate, of reformers and reactionaries, of revolutions and reactions, of progress and regress. It is a world that philosophers have played a pivotal role in shaping, and that they can shape best if they understand the historical contexts in which their ideas have proven influential and successful. Bioethics is a multidisciplinary field which emerged to address the normative ethical issues in medical practice, research and policy. However, it can be stipulated that bioethics is distinct from traditional 'medical ethics' which was primarily concerned with the conduct of physicians. The emergence of bioethics, as distinct from traditional medical ethics, was due in part to medical advances and the realization of the important roles of non-physicians in the ethical choices present in medicine. The ethics of the guild was no longer adequate to address the ethical questions involved in medical practice and research. For example, industrialized and developing countries which pursue globalization and privatization of their economies can view the contemporary questions concerning managed care as one instance of controversy about the authority of health care resources and patient care. However, these questions raise, in turn, more fundamental questions about how medicine and health are understood within a society. Bioethics is a complex and

potentially revealing subject for empirical investigation. Discussions of bioethics can sometimes make it seem as if there was no ethical reflection before the emergence of the field. As a social movement, bioethics developed in the mid-twentieth century as a critical discourse, a response to felt inhumanities in the system of health care and biomedical research. As a response to specific abuses, bioethics has remained practice oriented; society expects bioethics to solve or at least ameliorate visible problems. But Callahan asserts that bioethics is ‘less wayward and more establishmentarian’, and finds that four developments were important: the opening up of once-closed professions to public scrutiny, which happened strikingly with medicine; a fresh burst of liberal individualism, putting autonomy at the top of the moral mountain; the brilliant array of technological developments in biomedicine, ranging from the pill and safe abortions to control the beginning of life to dialysis and organ transplantation to hold off the end of life; and the renewed interest within philosophy and theology in normative ethics, pushing to one side the positivism and cultural relativism that seemed for a time in the 1940s and 1950s to have spelled the end of ethics as a useful venture.

11.2 HISTORY

The term medical ethics first dates back to 1803, when English author and physician Thomas Percival published a document describing the requirements and expectations of medical professionals within medical facilities. The Code of Ethics was then adapted in 1847, relying heavily on Percival's words. Over the years in 1903, 1912, and 1947, revisions have been made to the original document. The practice of Medical Ethics is widely accepted and practiced throughout the world.

Historically, Western medical ethics may be traced to guidelines on the duty of physicians in antiquity, such as the Hippocratic Oath, and early Christian teachings. The first code of medical ethics, Formula Comitis Archiatrorum, was published in the 5th century, during the reign of the Ostrogothic king Theodoric the Great. In the medieval and early modern period, the field is indebted to Islamic scholarship such as Ishaq ibn Ali al-Ruhawi (who wrote the *Conduct of a Physician*, the first book dedicated to medical ethics), Avicenna's *Canon* of

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Medicine and Muhammad ibn Zakariya ar-Razi (known as Rhazes in the West), Jewish thinkers such as Maimonides, Roman Catholic scholastic thinkers such as Thomas Aquinas, and the case-oriented analysis (casuistry) of Catholic moral theology. These intellectual traditions continue in Catholic, Islamic and Jewish medical ethics.

By the 18th and 19th centuries, medical ethics emerged as a more self-conscious discourse. In England, Thomas Percival, a physician and author, crafted the first modern code of medical ethics. He drew up a pamphlet with the code in 1794 and wrote an expanded version in 1803, in which he coined the expressions "medical ethics" and "medical jurisprudence". However, there are some who see Percival's guidelines that relate to physician consultations as being excessively protective of the home physician's reputation. Jeffrey Berlant is one such critic who considers Percival's codes of physician consultations as being an early example of the anti-competitive, "guild"-like nature of the physician community. In addition, since the mid 19th century up to the 20th century, physician-patient relationships that once were more familiar became less prominent and less intimate, sometimes leading to malpractice, which resulted in less public trust and a shift in decision making power from the paternalistic physician model to today's emphasis on patient autonomy and self-determination.

In 1815, the Apothecaries Act was passed by the Parliament of the United Kingdom. It introduced compulsory apprenticeship and formal qualifications for the apothecaries of the day under the license of the Society of Apothecaries. This was the beginning of regulation of the medical profession in the UK.

In 1847, the American Medical Association adopted its first code of ethics, with this being based in large part upon Percival's work. While the secularized field borrowed largely from Catholic medical ethics, in the 20th century a distinctively liberal Protestant approach was articulated by thinkers such as Joseph Fletcher. In the 1960s and 1970s, building upon liberal theory and procedural justice, much of the discourse of medical ethics went through a dramatic shift and largely reconfigured itself into bioethics.

Well-known medical ethics cases include:

- Albert Kligman's dermatology experiments
- Deep sleep therapy
- Doctors' Trial
- Greenberg v. Miami Children's Hospital Research Institute
- Henrietta Lacks
- Chester M. Southam's Cancer Injection Study
- Human radiation experiments
- Jesse Gelsinger
- Moore v. Regents of the University of California
- Surgical removal of body parts to try to improve mental health
- Medical Experimentation on Black Americans
- Milgram experiment
- Radioactive iodine experiments
- The Monster Study
- Plutonium injections
- The David Reimer case
- The Stanford Prison Experiment
- Tuskegee syphilis experiment
- Willowbrook State School
- Yanomami blood sample collection

Darkness in El Dorado

Since the 1970s, the growing influence of ethics in contemporary medicine can be seen in the increasing use of Institutional Review Boards to evaluate experiments on human subjects, the establishment of hospital ethics committees, the expansion of the role of clinician ethicists, and the integration of ethics into many medical school curricula

11.3 VALUES

A common framework used in the analysis of medical ethics is the "four principles" approach postulated by Tom Beauchamp and James Childress in their textbook Principles of biomedical ethics. It recognizes four basic moral principles, which are to be judged and weighed against

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each other, with attention given to the scope of their application. The four principles are

- Respect for autonomy – the patient has the right to refuse or choose their treatment.
- Beneficence – a practitioner should act in the best interest of the patient.
- Non-maleficence – to not be the cause of harm. Also, "Utility" – to promote more good than harm
- Justice – concerns the distribution of scarce health resources, and the decision of who gets what treatment.
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Autonomy

The principle of autonomy, broken down into "autos" (self) and "nomos" (rule), views the rights of an individual to self-determination. This is rooted in society's respect for individuals' ability to make informed decisions about personal matters with freedom. Autonomy has become more important as social values have shifted to define medical quality in terms of outcomes that are important to the patient and their family rather than medical professionals. The increasing importance of autonomy can be seen as a social reaction against the "paternalistic" tradition within healthcare. Some have questioned whether the backlash against historically excessive paternalism in favor of patient autonomy has inhibited the proper use of soft paternalism to the detriment of outcomes for some patients.

The definition of autonomy is the ability of an individual to make a rational, uninfluenced decision. Therefore, it can be said that autonomy is a general indicator of a healthy mind and body. The progression of many terminal diseases are characterized by loss of autonomy, in various manners and extents. For example, dementia, a chronic and progressive disease that attacks the brain can induce memory loss and cause a decrease in rational thinking, almost always results in the loss of autonomy.

Psychiatrists and clinical psychologists are often asked to evaluate a patient's capacity for making life-and-death decisions at the end of life. Persons with a psychiatric condition such as delirium or clinical

depression may lack capacity to make end-of-life decisions. For these persons, a request to refuse treatment may be taken in the context of their condition. Unless there is a clear advance directive to the contrary, persons lacking mental capacity are treated according to their best interests. This will involve an assessment involving people who know the person best to what decisions the person would have made had they not lost capacity. Persons with the mental capacity to make end-of-life decisions may refuse treatment with the understanding that it may shorten their life. Psychiatrists and psychologists may be involved to support decision making.

Beneficence

The term beneficence refers to actions that promote the well being of others. In the medical context, this means taking actions that serve the best interests of patients and their families. However, uncertainty surrounds the precise definition of which practices do in fact help patients.

James Childress and Tom Beauchamp in *Principles of Biomedical Ethics* (1978) identify beneficence as one of the core values of healthcare ethics. Some scholars, such as Edmund Pellegrino, argue that beneficence is the only fundamental principle of medical ethics. They argue that healing should be the sole purpose of medicine, and that endeavors like cosmetic surgery and euthanasia are severely unethical and against the Hippocratic Oath.

Non-maleficence

The concept of non-maleficence is embodied by the phrase, "first, do no harm," or the Latin, *primum non nocere*. Many consider that should be the main or primary consideration (hence *primum*): that it is more important not to harm your patient, than to do them good, which is part of the hippocratic oath that doctors take.^[28] This is partly because enthusiastic practitioners are prone to using treatments that they believe will do good, without first having evaluated them adequately to ensure they do no harm to the patient. Much harm has been done to patients as a result, as in the saying, "The treatment was a success, but the patient died." It is not only more important to do no harm than to do good; it is

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also important to know how likely it is that your treatment will harm a patient. So a physician should go further than not prescribing medications they know to be harmful—he or she should not prescribe medications (or otherwise treat the patient) unless s/he knows that the treatment is unlikely to be harmful; or at the very least, that patient understands the risks and benefits, and that the likely benefits outweigh the likely risks.

In practice, however, many treatments carry some risk of harm. In some circumstances, e.g. in desperate situations where the outcome without treatment will be grave, risky treatments that stand a high chance of harming the patient will be justified, as the risk of not treating is also very likely to do harm. So the principle of non-maleficence is not absolute, and balances against the principle of beneficence (doing good), as the effects of the two principles together often give rise to a double effect (further described in next section). Even basic actions like taking a blood sample or an injection of a drug cause harm to the patient's body. Euthanasia also goes against the principle of beneficence because the patient dies as a result of the medical treatment by the doctor.

Double effect

Double effect refers to two types of consequences that may be produced by a single action, and in medical ethics it is usually regarded as the combined effect of beneficence and non-maleficence.

A commonly cited example of this phenomenon is the use of morphine or other analgesic in the dying patient. Such use of morphine can have the beneficial effect of easing the pain and suffering of the patient while simultaneously having the maleficent effect of shortening the life of the patient through the deactivation of the respiratory system.

Respect for human rights

The human rights era started with the formation of the United Nations in 1945, which was charged with the promotion of human rights. The Universal Declaration of Human Rights (1948) was the first major document to define human rights. Medical doctors have an ethical duty

to protect the human rights and human dignity of the patient so the advent of a document that defines human rights has had its effect on medical ethics. Most codes of medical ethics now require respect for the human rights of the patient.

The Council of Europe promotes the rule of law and observance of human rights in Europe. The Council of Europe adopted the European Convention on Human Rights and Biomedicine (1997) to create a uniform code of medical ethics for its 47 member-states. The Convention applies international human rights law to medical ethics. It provides special protection of physical integrity for those who are unable to consent, which includes children.

No organ or tissue removal may be carried out on a person who does not have the capacity to consent under Article 5.

As of December 2013, the Convention had been ratified or acceded to by twenty-nine member-states of the Council of Europe.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) also promotes the protection of human rights and human dignity. According to UNESCO, "Declarations are another means of defining norms, which are not subject to ratification. Like recommendations, they set forth universal principles to which the community of States wished to attribute the greatest possible authority and to afford the broadest possible support." UNESCO adopted the Universal Declaration on Human Rights and Biomedicine to advance the application of international human rights law in medical ethics. The Declaration provides special protection of human rights for incompetent persons.

In applying and advancing scientific knowledge, medical practice and associated technologies, human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.

Solidarity == individualistic standards of autonomy and personal human rights as they relate to social justice seen in the Anglo-Saxon community, clash with and can also supplement the concept of solidarity, which stands closer to a European healthcare perspective focused on community, universal welfare, and the unselfish wish to provide

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healthcare equally for all. In the United States individualistic and self-interested healthcare norms are upheld, whereas in other countries, including European countries, a sense of respect for the community and personal support is more greatly upheld in relation to free healthcare.

Acceptance of Ambiguity in Medicine

The concept of normality, that there is a human physiological standard contrasting with conditions of illness, abnormality and pain, leads to assumptions and bias that negatively affects health care practice. It is important to realize that normality is ambiguous and that ambiguity in healthcare and the acceptance of such ambiguity is necessary in order to practice humbler medicine and understand complex, sometimes unusual medical cases. Thus, society's views on central concepts in philosophy and clinical beneficence must be questioned and revisited, adopting ambiguity as a central player in medical practice.

11.4 MORAL PLURALISM

While the emergence of medical knowledge and technology was essential for the development of bioethics, it does not by itself explain the emergence of the field. To understand other elements that contributed to the field's emergence, it is important to recall that traditional medical ethics had relied on two sources of moral guidance. One was the tradition of professional physician's ethics, the other was the teachings of the theological ethics. Furthermore, there have been extensive theological reflections on ethics and medicine in many religious traditions. In the past there has been no shortage of ethical reflections regarding medicine. This being the case, one might ask why there was a need to develop this new area of ethical reflection that has been named bioethics. Why not rely on the various traditions of medical ethics that already existed? The claim is that traditional medical ethics is really 'physician ethics' and that bioethics emerged as a result of the recognition that there are other people besides physicians who are involved in medical decision making. This means that the field of bioethics emerged as a response to social dimensions of medicine and health care. Why were these sources no longer able to guide medicine once it reached its modern scientific

phase? To understand why neither of these sources is sufficient for contemporary medicine, one must take into account the phenomenon of ‘moral pluralism’, according to which people not only hold different moral values, views on topics (e.g. abortion), but work out different moral frameworks and with different moral methodologies.

As it has been mentioned traditional medical ethics had been focused on physician ethics. The development of scientific medicine gave patients so-called choices and options concerning courses of treatments to be pursued or refused. If a physician and patient share the same moral value and way of thinking, such choices may not be all that problematic. However, when patients and physicians hold different views, the understanding of medical ethics must not be seen as reflecting the judgment of the physician alone. Determining what is in the patient’s best interest cannot be done solely by the physician. The physician may speak in the medically best interests of the patient, but not necessarily the overall best interests of the patient. To make judgment concerning the patient’s best interests, the patient needs to be involved. Furthermore, in secular societies there are likely to be different religious views that shape people’s judgments about what is morally appropriate. This is why procedures like informed consent have come to play such a central role in both clinical and research ethics, such procedures allow people to exercise judgment about what is in their best interest.

11.5 SOCIAL DIMENSIONS

Bioethics has emerged as a result of several developments and complexity in medicine and society; two in particular stand out. First, the development of medical knowledge and technology created ‘choices’ in medical care. Second, the moral pluralism and multi-culturalism in societies led to the existence of different moral voices and views. This, in turn, meant that there would be differing views on appropriate medical care. Bioethics arose as a way to help people from different moral views navigate these choices and cooperate together. The field provides a window into the social and cultural settings of medical practices and as such provides a way to understand a society. It can help a society or culture examine basic questions of health, disease, sickness and death. It

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can also enlighten the way a society thinks about moral authority and how it is exercised. There are other reasons beyond those that emerge when one considers the development of bioethics as a research field, to conceive bioethics as a form of social philosophy. One such additional reason is the nature of medicine itself. That is why physicians and health care workers apply scientific and medical knowledge that has been discovered in the laboratory. There is little, if any, acknowledgement that science, especially medical science, is not value-free. Medical science is embedded in values of the society or culture. The scientific norms of medicine, such as health and disease, are often influenced by the social and moral values involved in their specification. If medicine is a social construction, then bioethics should be thought of as a form of social philosophy. The term 'social construction' has multiple meanings and should be used with caution; philosopher Ian Hacking has pointed out that the term suffers from over use and is incoherent. Given the ambiguity and confusion surrounding the term, one might ask what value it will have for understanding medicine. The term 'social construction' is helpful because it recognizes that the practice and goals of medicine are contextualized and specified by the society's values. The specification of meaning of key medical concepts like 'health' disease, and 'standard of care' is socially influenced by many instances. While there are universal elements in medicine, such as healing and health, there are many local elements involved in specification of universals. It is in this sense that one can speak of medicine as social construction. How one can understand and practice medicine will depend largely on what one assumes about the nature of medicine and the nature of knowledge. There is a common perception that medicine is applied science and that philosophy of medicine is about models of explanations.

However, to think of medicine as a science, or as a scientific one, needs the articulation of the assumptions that one holds about the different models of science. Medical knowledge is scientific in that it is statistically based, empirical, verifiable and generalized. A scientific model alone, however, does not capture our experience or expectations about medical practice, for such a model does not appreciate sufficiently how medicine acts as a social structure and set of practices within a given

society. The relationship between the values of a society and its medical practices can be discerned by examining how the concepts of medicine such as the concept of disease, are specified in that society.

11.6 CORE AND OTHER ETHICAL CONSIDERATIONS RESPECT FOR PERSONS

Respect for persons means not treating someone as a means to an end or goal. For example, even if one person's organs could help five people live, it would be an ethical violation of respect for persons to kill that one person and distribute the organs to save the five who need them. Respect for persons is also often a matter of not interfering with a person's ability to make and carry out decisions. In some cases, it is also a matter of enabling a person to make choices or supporting them in the choices they make. Respect means more than just listening to another person; it means hearing and attempting to understand what other people are trying to say. It also means not belittling or making fun of thoughts or feelings or perspectives that other people hold.

11.7 MINIMIZING HARMS WHILE MAXIMIZING BENEFITS

This core ethical consideration focuses on trying to promote positive consequences by balancing harms (or burdens) and benefits. In doing so, one must consider which actions would do the least harm and provide the most benefit. This emphasis is central to the ethical approach known as utilitarianism. The root word in utilitarianism is utility, which refers to the positive uses (benefits or utilities) that will come about as a consequence of choosing one path over another. Harms and benefits come in a variety of types, including physical, emotional, economic, and social, to name a few. Utilitarians consider all types of harms and benefits in their ethical deliberations. "First of all, do no harm" is a familiar expression of minimizing harms when practicing medicine. Even if physicians cannot help a patient directly, they should try to avoid actions that cause harm. "Do no harm" is sometimes referred to as non

maleficence. A closely related concept, beneficence (“Do good”), stresses acting in the best interest of others and being of benefit to them.

11.8 WHAT ARE THE BASIC PRINCIPLES OF MEDICAL ETHICS?

Bioethicists often refer to the four basic principles of health care ethics when evaluating the merits and difficulties of medical procedures. Ideally, for a medical practice to be considered "ethical", it must respect all four of these principles: autonomy, justice, beneficence, and non-maleficence. The use of reproductive technology raises questions in each of these areas.

- **Autonomy**

Requires that the patient have autonomy of thought, intention, and action when making decisions regarding health care procedures. Therefore, the decision-making process must be free of coercion or coaxing. In order for a patient to make a fully informed decision, she/he must understand all risks and benefits of the procedure and the likelihood of success. Because ARTs are highly technical and may involve high emotions, it is difficult to expect patients to be operating under fully-informed consent.

- **Justice**

The idea that the burdens and benefits of new or experimental treatments must be distributed equally among all groups in society. Requires that procedures uphold the spirit of existing laws and are fair to all players involved. The health care provider must consider four main areas when evaluating justice: fair distribution of scarce resources, competing needs, rights and obligations, and potential conflicts with established legislation. Reproductive technologies create ethical dilemmas because treatment is not equally available to all people.

- **Beneficence**

Requires that the procedure be provided with the intent of doing good for the patient involved. Demands that health care providers develop and maintain skills and knowledge, continually update training, consider

individual circumstances of all patients, and strive for net benefit.

- **Non-maleficence**

Requires that a procedure does not harm the patient involved or others in society. Infertility specialists operate under the assumption that they are doing no harm or at least minimizing harm by pursuing the greater good. However, because assistive reproductive technologies have limited success rates uncertain overall outcomes, the emotional state of the patient may be impacted negatively. In some cases, it is difficult for doctors to successfully apply the do no harm principle.

Check Your Progress 1

Note: Use the space provided for your answer

1. Discuss the Social dimensions of Medical ethics.

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2. What do you know about the Core and Other Ethical Considerations
Respect for Persons?

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3. How do you understand the Minimizing Harms While Maximizing
Benefits?

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4. What are the Basic Principles of Medical Ethics?

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11.9 LET US SUM UP

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“Talking about bioethics in today’s world seems an illusion... a fairy tale or at least, a matter that is drawn up from the imaginaries of the different disciplines or knowledge. A theoretical and practical reality imposed every day that should be nurtured as a discipline or set of knowledge related to life and health but at the same time, as a series of rules and ethical commitments of citizens which lead to the control and supervision of human behavior. From them, personal autonomy and human rights such as life are not injured by anyone who inhabits this planet. The concept of quality of life can never be a measure to judge and compare the value of life in anyway. This comparison could bring errors ignoring the values lies on which human life is based upon. Because of this very reason, judging and ranking the value of life becomes an utopian idea. This attempt to compare the value of life would eventually discriminate people who have lost intellectual ability, people who are considered to be useless or people who seem to not have ability to enjoy their lives. It is pretty obvious that when people make ethical decisions guided by the utility and pleasure or when the meaning of life cannot be found in painful situations, or consider life as meaningless and full of suffering, or people when do not contribute to society they would consider the ending life as justifiable.

11.10 KEY WORDS

Social construction: The term ‘social construction’ has multiple meanings and should be used with caution; philosopher Ian Hacking has pointed out that the term suffers from overuse and is incoherent. The term ‘social construction’ is helpful because it recognizes that the practice and goals of medicine are contextualized and specified by the society’s values.

Moral pluralism: The phenomenon of ‘moral pluralism’, according to which people not only hold different moral values, views on topics (e.g. abortion), but work out different moral frameworks and with different moral methodologies.

Global ethics : "Global ethics," a discipline representing a link between biology, ecology, medicine and human values in order to attain the survival of both human beings and other animal species.

11.11 QUESTIONS FOR REVIEW

1. What are the advantages of Bioethics?
2. Explain some contributions made by Bioethics to medicine.
3. Explain the phenomenon of 'moral pluralism'
4. Explain the term 'social construction'
5. What is utilitarianism?

11.12 SUGGESTED READINGS AND REFERENCES

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- Hastings Center (1984). The Hastings Center's Bibliography of Ethics, Biomedicine, and Professional Responsibility. OCLC 10727310.
- Kelly, David (1979). The Emergence of Roman Catholic Medical Ethics in North America. New York: The Edwin Mellen Press. See especially chapter 1, "Historical background to the discipline."

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- Sherwin, Susan (1992). No Longer Patient: Feminist Ethics and Health Care. Philadelphia: Temple University Press. OCLC 23654449.

11.13 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 11.5
2. See Section 11.6
3. See Section 11.7
4. See Section 11.8

UNIT 12: BUSINESS ETHICS

STRUCTURE

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Concept of Business Ethics
- 12.3 Scope of Ethics
- 12.4 Stakeholders and Ethics
- 12.5 Business and Ethics
- 12.6 Business Ethics and External Environment
- 12.7 Business Ethics and Internal Environment
- 12.8 Ethics and Business : Objections
- 12.9 Let us sum up
- 12.10 Key Words
- 12.11 Questions for Review
- 12.12 Suggested readings and references
- 12.13 Answers to Check Your Progress

12.0 OBJECTIVES

After reading this unit you should be able to:

- To explain the meaning of business ethics;
- To understand the concept and scope of business ethics;
- To understand ethics and its relation to different stakeholders;
- To build the case for ethics in business and new dimensions in the changing business paradigm;
- To discuss on ethics in market place and organization's external and internal exchanges
- To debate towards the objections to bringing ethics into business

12.1 INTRODUCTION

Every business has an ethical duty to each of its associates namely, owners or stockholders, employees, customers, suppliers and the community at large. Each of these affect organization and is affected by it. Each is a stakeholder in the enterprise with certain expectations as to what the enterprise should do and how it should do it. Business ethics is

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applied ethics. It is the application of our understanding of what is good and right to that assortment of institutions, technologies, transactions, activities and pursuits that we call business. Ethical behaviour is the best long term business strategy for company, however this does not mean that occasions may never arise when doing what is ethical will prove costly to a company nor does it mean that ethical behaviour is always rewarded or that unethical behaviour is always punished. On the contrary, unethical behaviour sometimes pay off and the good sometimes lose. Strategy means merely that over the long run and for most of the part, ethical behaviour can give a company significant competitive advantages over companies that are not ethical.

Some people might think that business ethics is an oxymoron. How can business, with all of its shady dealings, be ethical? This is a view that can be taken even by well educated people. But in the end, such a position is incorrect. Ethics is a study of morality, and business practices are fundamental to human existence, dating back at least to agrarian society, if not even to pre-agrarian existence. Business ethics then is a study of the moral issues that arise when human beings exchange goods and services, where such exchanges are fundamental to our daily existence. Not only is business ethics not something oxymoronical, it is important.

a. Corporate Social Responsibility

One important issue concerns the social responsibility of corporate executives, in particular those taking on the role of a CEO. In an important sense, it is stockholders, and not corporate executives (via their role as executives), who own a corporation. As such, a CEO is an employee, not an owner, of a corporation. And who is their employer? The stockholders. Who are they, the CEO and other executives, directly accountable to? The board of directors, representing the stockholders. As such, there is the view taken by what's called stockholder theorists, that the sole responsibility of a CEO is to do what the stockholders demand (as expressed by the collective decision of the board of directors), and usually that demand is to maximize profits. Therefore, according to stockholder theory, the sole responsibility of the CEO is to,

through their business abilities and knowledge, maximize profit. (Friedman, 1967)

The contesting viewpoint is stakeholder theory. Stakeholders include not just stockholders but also employees, consumers, and communities. In other words, anyone who has a stake in the operations of a corporation is a stakeholder of that corporation. According to stakeholder theory, a corporate executive has moral responsibilities to all stakeholders. Thus, although some corporate ventures and actions might maximize profit, they may conflict with the demands of employees, consumers, or communities. Stakeholder theory very nicely accounts for what some might consider to be a pre-theoretical commitment – namely, that an action should be assessed in terms of how it affects everyone involved by it, not just a select group based on something morally arbitrary. Stakeholder theorists can claim that the stakeholders are everyone affected by a business's decision, and not just the stockholders. To consider only stockholders is to focus on a select group based on something that is morally arbitrary.

There are at least two problems for stakeholder theory worth discussing. First, as was mentioned above, there are conflicts between stockholders and the rest of stakeholders. A stakeholder account has to handle such conflicts. There are various ways of handling such conflicts. For example, some theorists take a Rawlsian approach, by which corporate decisions are to be made in accordance with what will promote the least well-off. (Freeman, 2008) Another kind of Rawlsian approach is to endorse the use of the veil of ignorance without appeal to the Difference Principle, whereby it might result that what is morally correct is actually more in line with the stockholders (Dittmer, 2010). Additionally, there are other decision making principles by which one could appeal in order to resolve conflict. Such stakeholder theories will then be assessed according to the plausibility of their decision making theories (resolving conflict) and their ability to achieve intuitive results in particular cases.

Another challenge of some stakeholder theories will be their ability to make some metaphysical sense of such entities as community, as well as making sense of potentially affecting a group of people. If a corporate decision is criticized in terms of it affecting a community, then we should

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keep in mind what is meant by community. It is not as if there is an actual person that is a community. As such, it is hard to understand how a community can be morally wronged, like a person can be wronged. Furthermore, if the decisions of a corporate executive are to be measured according to stakeholder theory, then we need to be clearer about who counts as a stakeholder. There are plenty of products and services that could potentially affect a number of people that we might not initially consider. Should such potential people be counted as stakeholders? This is a question to be considered for stakeholder theorists. Stockholder theorists could even use this question as a rhetorical push for their own theory.

b. Corporations and Moral Agency

In the media, corporations are portrayed as moral agents: “Microsoft unveiled their latest software”, “Ford morally blundered with their decision to not refit their Pinto with the rubber bladder design”, and “Apple has made strides to be the company to emulate”, are the types of comments heard on a regular basis. Independently of whether or not these claims are true, each of these statements relies on there being such a thing as corporations having some kind of agency. More specifically, given that intuitively corporations do things that result in morally good and bad things, it makes sense to ask whether such corporations are the kind of entities that can be moral agents. For instance, take an individual human being, of normal intelligence. Many of us are comfortable with judging her actions as morally right or wrong, and also holding onto the idea that she is a moral agent, eligible for moral evaluation. The question relative to business ethics is: Are corporations moral agents? Are they the kind of thing capable of being evaluated in such a way as to determine if they are either morally good or bad?

There are those who do think so. Peter French has argued that corporations are moral agents. It is not just that we can evaluate such entities as shorthand for the major players involved in corporate practices and policies. Instead, there is a thing over and above the major players which is the corporation, and it is this thing that can be morally evaluated. French postulates what's called a “Corporate Internal Decision

Structure” (CID structure), whereby we can understand a corporation over and above its major players as a moral agent. French astutely observes that any being that is a moral agent has to be capable of intentionality – that is, the being has to have intentions. It is through the CID structure that we can make sense of a corporation as having intentions, and as such as being a moral agent. (French, 1977). One intuitive idea driving CID structures as supporting the intentionality of corporations is that there are rules and regulations within a corporation that drives it to make decisions that no one individual within it can make. Certain decisions might require either majority or unanimous approval of all individuals recognized in the decision-making process. Those decisions then are a result of the rules regulating what is required for decision, and not any particular go ahead of any individual. As such, we have intentionality independent of any particular human agent.

But there are those who oppose this idea of corporate moral agency. Now, there are various reasons one might oppose it. In being a moral agent, it is usually granted that one then gets to have certain rights. (Notice here a metaethical and normative ethical issue concerning the status of rights and whether or not to think of morality in terms of rights respect and violation.) If corporations are moral agents with rights, then this might allow for too much moral respect for corporations. That is, corporations would be entities that would have to have their rights respected, in so far as we're concerned with following the standard thoughts of what moral agency entails – that is, having both obligations and rights.

But there are also more metaphysical reasons supporting the idea that corporations are not moral agents. For example, John Danley gives various reasons, many of them metaphysical in nature, against the idea that corporations are moral agents (Danley, 1980). Danley agrees with French that intention is a necessary condition for moral agency. But is it a sufficient condition? French sympathizers might reply that even if it is not a sufficient condition, its being a necessary condition gives reason to believe that in the case of corporations it is sufficient. Danley then can be interpreted as responding to this argument. He gives various considerations under which theoretically defined intentional corporations

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are nevertheless not moral agents. In particular, such corporations fail to meet some other conditions intuitively present with other moral agents, namely most human beings. Danley writes “The corporation cannot be kicked, whipped, imprisoned, or hanged by the neck until dead. Only individuals of the corporation can be punished” (Danley, 1980). Danley then considers financial punishments. But then he reminds us that it is individuals who have to pay the costs. It could be the actual culprits, the major players. Or, it could be the stockholders, in loss of profits, or perhaps the downfall of the company. And furthermore, it could be the loss of jobs of employees; so, innocents may be affected.

In the literature, French does reply to Danley, as well as to the worries of others. Certainly, there is room for disagreement and discussion. Hopefully, it can be seen that this is an important issue, and that room for argumentative maneuver is possible.

c. Deception in Business

Deception is usually considered to be a bad thing, in particular something that is morally bad. Whenever one is being deceptive, one is doing something morally wrong. But this kind of conventional wisdom could be questioned. In fact, it is questioned by Albert Carr in his famous piece “Is Business Bluffing Ethical?” (Carr, 1968). There are at least three arguments one can take from this piece. In this section, we will explore them.

The most obvious argument is his Poker Analogy Argument. It goes something like this: (1) Deception in poker is morally permissible, perhaps morally required. (2) Business is like poker. (3) Therefore, deception in business is morally permissible. Now, obviously, this argument is overly simplified, and certain modifications should be made. In poker, there are certain things that are not allowed; you could be in some serious trouble if it were found out what you were doing. So, for example, the introduction of winning cards slid into the mix would not be tolerated. As such, we can grant that such sliding would not be morally permissible. Similarly, any kind of business practice that would be considered sliding according to Carr's analogy would also not be permissible.

But there are some obvious permitted kinds of deception involved in poker, even if it's disliked by the losing parties. Similarly, there will be deceptive practices in business that, although disliked, will be permitted. Here is one objection though. Whereas, the loser of deception in poker is the player, the loser of deception in business is a wide group of people. Whether we go with stockholder theory or stakeholder theory, we are going to have losers/victims that had nothing to do with the poker/deceptive playing of the corporate executives. Employees, for example, could lose their jobs because of the deception of either corporate executive of competing companies or the bad deception of the home companies. Here is a response, though: When one is involved in corporate culture, as employee for example, they take on the gamble that the corporate executives take on. There are other ways to respond to this charge, as well.

The second reason one might side with Carr's deception thesis is based on a meta-theoretical position. One might take the metaethical position that moral judgments are truth-apt, but that they are categorically false. So, we might think that a certain action is morally wrong when in fact there is no such thing as moral wrongness. When we make claims condemning a moral practice we are saying something false. As such, condemning deception in business is really just saying something false, as all moral judgments are false. The way to reply to this worry is then through a metaethical route, where one argues against such a theory, which is called Error Theory.

The third reason one might side with Carr is via what appears to be a discussion, on his part, of the difference between ordinary morality and business morality. Yes, in ordinary morality, deception is not morally permissible. But with business morality, it is not only permissible but also required. We are misled in judging business practices by the standards of ordinary morality, and so, deception in business is in fact morally permissible. One response is this is: Following Carr's lead, one is to divide her life into two significant components. They are to spend their professional life in such a way that involves deception, but then spend the rest of their life, day by day, in a way that is not deceptive with

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their family and friends, outside of work. This kind of self looks very much like a divisive self, a self that is conflicted and perhaps tyrannical.

d. Multinational Enterprises

Business is now done globally. This does not just mean the trivial statement of global exchange of goods and services between nations. Instead, it means that goods and services are produced by other nations (often underdeveloped) for the exchange between nations that do not partake in the production of such goods and services.

There are various ways to define multiple national enterprises (MNE's). Let us consider this definition, though: An MNE is a company that produces at least some of its goods or services in a nation that is distinct from (i) where it is located and (ii) its consumer base. Nike would be a good example of a MNE. The existence of MNE's is motivated by the fact that in other nations, an MNE could produce more at lesser cost, usually due to the fact that in such other nations wage laws are either absent or such that paying employees in such countries is much less than in the host nation. As a hypothetical example, a company could either pay 2000 employees \$12/hr for production of their goods in their own country or they could pay 4000 employees \$1.20/hr in a foreign country. The cheaper alternative is going with the employment in the foreign country. Suppose an MNE goes this route. What could morally defend such a position?

One way to defend the MNE route is by citing empirical facts concerning the average wages of the producing nation. If, for example, the average wage is \$.80/hr, then one could say that such jobs are justified in virtue of providing opportunities to make higher wages than otherwise. To be concrete, \$1.20 is more than \$.80, and so such jobs are justified.

There are at least two ways to respond. First, one might cite the wrongness of relocating jobs from the host nation to the other nation. This is a good response, except that it does not do well in answering to pre-theoretical commitment concerning fairness: Why should those in a nation receiving \$12/hr be privileged over those in a nation receiving \$1.20/hr? Why do the \$12/hr people count more than the \$1.20/hr people? Notice that utilitarian responses will have to deal with how the

world could be made better (and not necessarily morally better). Second, one might take the route of Richard Miller. He proposes that the \$1.20/hr people are being exploited, and it is not because they are doing worse off than they would otherwise. He agrees that they are doing better than they would otherwise (\$1.20/hr is better than \$.80/hr). It's just that their cheapness of labor is determined according to what they would get otherwise. They should not be offered such wages because doing so exploits their vulnerability of already having to work for unjust compensation; being compensated for a better wage than the wage they would get under unjust conditions does not mean that the better wage is just (Miller, 2010).

12.2 CONCEPT OF BUSINESS ETHICS

A discussion of business ethics must begin by providing a framework of basic principles for understanding what is meant by the terms good and right, only then we can proceed to discuss the implications of ethics to our business world. Managers should hold and develop a deeper knowledge of the nature of ethical principles and concepts and an understanding of how these apply to ethical problems encountered in business. This type of knowledge and understanding should help managers more clearly see their way through the ethical uncertainties that confront them in their business lives. According to the dictionary, the term ethics has a variety of meanings. One of the meanings given to it is, “ the principles of conduct governing an individual or a group”. We sometimes use the term personal ethics while referring to the rules by which an individual lives his or her personal life. A second and more important meaning of ethics according to the dictionary is, ‘ethics is the study of morality’. Although ethics deals with morality, it is not quite the same as morality. Ethics is a kind of investigation and includes both the activity of investigating as well as the results of that investigation – whereas morality is the subject matter that ethics investigates. Now the basic question which arise is what morality is. It is often said that morality is the standards which individual or group determine about deciding what is right or wrong and good or evil. Moral standards include the norms we have about the kind of actions we believe are

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normally right and wrong as well as the values we place on the kinds of objects we believe are morally good and morally bad. Moral norms can usually be expressed as general rules or statements such as ‘Always tell the truth’ or ‘it is wrong to kill innocent people’ Ethics is the discipline that examines one’s moral standards or the moral standards of the society. It asks how these standards apply to our lives and whether these standards are reasonable or unreasonable – that is whether they are supported by good reasons or poor ones. Ethics is however not the only way to study morality. The social sciences – such as anthropology, sociology and psychology also study morality but do so in a way that is quite different from the approach to morality that is characteristics of ethics. It is a descriptive study which tries to describe or explain the world without reaching any conclusions about whether the world is as it should be and does not try to reach any conclusions about what things are truly good or bad or right or wrong. Ethics in contrast, is a study of moral standards whose explicit purpose is to determine as far as possible whether a given moral standard is more or less correct. The above conveys an idea of what ethics is. Now coming to business ethics, it is a specialized study of moral right and wrong. It concentrates on moral standards as they apply to business policies, institutions and behaviour and how these apply to the systems and organizations through which modern societies produce and distribute goods and services and to the people who work within these organizations. Business ethics therefore includes not only the analysis of moral norms and moral values but also attempt to apply the conclusions of this analysis to that assortment of institutions, technologies, transactions, activities and pursuits that we call business. To cope up with their complex coordination and control problems, the officers and managers of large corporations adopt formal bureaucratic systems of rules that link together the activities of the individual members of the organization so as to achieve certain outcomes or objectives. So long as the individual follows these rules the outcome can be achieved, the outcome can be achieved even if the individual does not know what it is and does not care about it. Business enterprises are the primary economic institutions through which people in modern

societies carry on the tasks of producing and distributing goods and services.

12.3 SCOPE OF ETHICS

The issues that business ethics covers encompass a wide variety of topics. However, business ethics briefly investigates three kinds of issues – systemic, corporate and individual. Systemic issues in business ethics are ethical questions raised about the economic, political, legal and other social systems within which business operates. These include questions about the morality of capitalism or of the laws, regulations, industrial structures and social practices within which business operates. Corporate issues in business ethics are ethical questions raised about a particular company. These include questions about the morality of the activities, policies, practices or organizational structure of an individual company taken as a whole. Here questions about morality would be a company's decision to invest millions of dollars on a project that the company knew would probably not generate any profits. Finally, individuals' issues in business ethics are ethical questions raised about a particular individual or particular individuals within a company. These include questions about the morality of the decisions, actions, or character of an individual. An example here could be the question whether it is moral for a leader of an organization to allow its researchers to develop a drug that would probably not generate any profits. Though this categorization may be helpful for our understanding, often we come across decisions that involve a large number of extremely complicated interrelated kinds of issues that can cause confusion unless the different kinds of issues are first carefully sorted out and distinguished from each other. Corporate organizations pose major problems for anyone who tries to apply moral standards to business activities. Must we say that it makes no sense to apply moral terms to organizations as a whole but only to the individuals who make up the organization? Organizations are composed of related human individuals that we conventionally agree to treat as a single unit and they 'act' only when we conventionally agree to treat the actions of these individuals as the actions of that unit. It makes perfectly good sense to say that a corporate organization has moral duties and that it is morally

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responsible for its acts. However organizations have moral duties and are morally responsible in a secondary sense. A corporation has a moral duty to do something only if some of its members have a moral duty to make sure it is done and a corporation is morally responsible for something only if some of its members are morally responsible for what happened. Individuals are the primary carriers of moral duties and moral responsibilities. However corporate policies, corporate culture, corporate norms and corporate design can and do have an enormous influence on the choices, beliefs and behaviors of corporate employees.

Check Your Progress 1

Note: a) Use the space provided for your answer

b) Check your answers with those provided at the end of the unit

1) What do you understand by business ethics?

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2) Explain how ethics is important for business.

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12.4 STAKEHOLDERS AND ETHICS

A company's duty to employees arises out of respect for the worth and dignity of individuals who devote their energies to the business and who depend on the business for their economic well being. Principled strategy making requires that employee related decisions be made equitably and compassionately with concern for due process and for the impact that strategic change has on employee's lives. At best the chosen strategy should promote employee interests and concerns such as compensation, career opportunities, job security and overall working conditions. At worst the chosen strategy should not disadvantage employees. Even in crisis situations, businesses have an ethical duty to minimize whatever hardships have to be imposed in the form of workforce reductions, plant

closings, job transfers, relocations, retraining and loss of income. The duty to the customer arises out of expectations that attend the purchase of a good or services. However, the questions which still abound are, should a seller voluntarily inform consumers that its products contain ingredients that though officially approved for use are suspected of having potentially harmful effect? Is it ethical for cigarette manufacturers to advertise at all? Is it ethical for manufacturers to stonewall efforts to recall products they suspect have faulty parts or defective designs. A company's ethical duty to suppliers arises out of the market relationship that exists between them. They are both partners and adversaries. They are partners in the sense that the quality of suppliers' parts affects the quality of a firm's own product and in the sense that their businesses are connected. They are adversaries in the sense that the supplier wants the highest price and profit it can get while the buyer wants a cheaper price, better quality and speedier service. A company confronts several ethical issues in its supplier relationship. The questions that arise are – Is it ethical to purchase goods from foreign suppliers who employ child labour, pay substandard wages? Is it ethical for supermarket chains to demand “slotting fees” from food suppliers in return for placing their items in favourable shelf? Is it ethical to threaten to cease doing business with a supplier unless supplier agrees not to do business with key competitors? Is it ethical to reveal one suppliers' price quote to a rival supplier? A company's ethical duty to the community at large stems from its status as a member of the community and as an institution of society. Communities and society are reasonable in expecting businesses to be good citizens – to pay their fair share of taxes for fire and police protection, waste removal, streets and highways and so on, and to exercise care in the impact their activities have on their environment, on society, and on the communities in which they operate. The questions that arise are – for example, whether it is ethical for a brewer of beer to advertise its products on TV, at slots when these ads are likely to be seen by underage viewers or not? A company's community citizenship is ultimately demonstrated by whether it refrains from acting in a manner contrary to the well being of society and by the degree to which it supports community activities, encourages employees to participate in

community activities, handles the health and safety aspects of its operations, accepts responsibility for overcoming environmental pollution, relates to regulatory bodies and employee unions and exhibits high ethical standards.

12.5 BUSINESS AND ETHICS

One way to argue that ethics should be brought into business is simply by pointing out that, ethics should govern all voluntary human activities and because business is a voluntary human activity. The other way of looking at it is that business is a cooperative activity whose very existence requires ethical behaviour. For example, any individual business will collapse if all of its managers, employees and customers come to think that it is morally permissible to steal from, lie to, or break their agreements with the company. Because no business can exist entirely without ethics, the pursuit of business requires at least a minimal adherence to ethics on the part of those involved in business. Second, all businesses require a stable society to carry on their business dealings and the stability of any society requires that its members adhere to some minimal standards of ethics. Another persuasive way to argue that ethics should be brought into business is by showing that ethical considerations are consistent with business pursuits in particular the pursuits of profit. As we understand, TATA is renowned for its long standing ethical culture and yet it is one of the most spectacularly profitable companies of all time.

The Changing Business Paradigm and Ethical Dilemmas

Most of the big corporate houses operate globally and maintain manufacturing, marketing, service or administrative operations in many different host countries. With a worldwide presence, these corporations draw capital, raw materials and human labour from wherever in the world they are cheap, skilled and available, and assemble and market their products in whatever nations offer manufacturing advantages and open markets. The fact that these corporations operate in more than one country produces ethical dilemmas for their managers than the managers of firms limited to a single country. The reason to this is that the

corporations have operations in more than one country, and the ability to shift their operations out of any country that becomes inhospitable and relocate in another country that offers it cheaper labour, less stringent laws or more favourable treatment. This ability to shift the operations sometimes enables the multinationals to escape the social controls that a single nation might attempt to impose on the multinational and can allow the corporation to play one country against another. Environmental laws for example which can ensure that domestic companies operate in responsible manner that a country deems right for its people, may not be effective constraints on a corporation that can simply move or threaten to move to a country without such laws. The managers therefore are confronted with the dilemma of choosing between the economic needs and interests of their business, on the one hand and the local needs and interests of their host country on the other hand. Another set of dilemmas is created since corporations operate plants in several countries, it can sometimes transfer raw materials, goods and capital among its plants in different countries at terms that enable it to escape taxes and fiscal obligations that companies limited to a single nation must bear. Yet another group of dilemmas is faced by multinationals – because they operate in several countries they often have the opportunity to transfer a new technology or set of products from a developed country into nations that are less developed. The multinational wants to carry out the transfer of course because it perceives an opportunity for profit and the host country wants and allows the transfer because it perceives these technologies and products as key to its own development. However, the transfer of technologies and products into a developing country can create risks when the country is not ready to assimilate them.

Ethics in Market Place

Free markets are justified because they allocate resources and distribute commodities in ways that are just, that maximize the economic utility of society's members and that respect the freedom of choice of both buyers and sellers. These moral aspects of a market system depend crucially on the competitive nature of the system. If firms join together and use their combined power to fix prices, drive out competitors with unfair practices

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or earn monopolistic profits at the expense of consumers, the market ceases to be competitive and the results are injustice, a decline in social utility and a restriction of people's freedom of choice. In a perfectly competitive free market conditions forces drive buyers and sellers towards the so called point of equilibrium. In doing so they achieve three major moral values: i) They lead buyers and sellers to exchange their goods in a way that is just, ii) They maximize the utility of buyers and sellers by leading them to allocate, use and distribute their goods with perfect efficiency, and iii) they bring about these achievements in a way that respects buyers' and sellers' right of consent. Fairness is getting paid fully in return for what one contributes and it is this form of justice that is achieved in perfectly competitive free markets. Perfectly competitive markets embody capitalist justice because such markets necessarily converge on equilibrium point and the equilibrium point is the one point at which buyers and sellers on an average receive the value of what they contribute. In a monopoly market situation, however conditions change as compared to perfectly competitive market conditions particularly with respect to the number of buyers and sellers and also the entry is not so easy. Unregulated monopoly markets fall short of the values of capitalist justice and economic efficiency. The high prices the seller forces on a buyer in a monopoly situation are unjust and these unjustly high prices are the source of the sellers, excess profits. The high profits in a monopoly market indicate a shortage of goods. Other firms are blocked entering the market, their resources cannot be used to make up the shortages indicated by the high profits. Thus monopoly market results in a decline in the efficiency with which it allocates and distributes goods. Oligopoly markets which are dominated by a few large firms are said to be highly concentrated i.e. there are relatively small number of firms. It is relatively easy for the managers of these firms to join forces and act as a unit. By explicitly or implicitly agreeing to set their prices at the same levels and to restrict their output accordingly , the oligopolist can function like a single giant firm. This uniting of force together can create barriers to entry and result in the same high prices and low supply levels that are characteristics of a monopoly markets. As a consequence

oligopoly market, like monopolies can generate a decline in social utility and can fail to respect basic economic freedom.

Check Your Progress 2

Note: a) Use the space provided for your answer

b) Check your answers with those provided at the end of the unit

1) Write a brief note on ethics in relation to different stakeholders like customers, employees, etc.

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2) No business can exist without ethics. Briefly express your viewpoints.

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12.6 BUSINESS ETHICS AND EXTERNAL ENVIRONMENT

The process of producing goods forces businesses to engage in exchanges and interactions with two main external environments – the natural environment and a consumer environment. Here you will understand the ethical issues raised by these exchanges and interactions. The two basic problems related to the natural environment are – pollution and resource depleting. Several consumer issues, including product quality and advertising are the probables related to consumer environment.

The External Environment For centuries, business institutions were able to ignore their impact on the natural environment, an indulgence created by a number of causes. First business was able to treat air and water as free goods. However in today’s context unless business recognize the interrelationships and interdependencies of the ecological systems within which they operate and unless they ensure that their activities will not seriously injure these systems we can not hope to deal with the problem

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of pollution. Environmental issues raise large and complicated ethical and technological questions for our business society. What is the extent of the environmental damage produced by present and projected industrial technology? How large a threat does this damage pose to our welfare? What values we must give up to halt or slow such damage? Whose rights are violated by pollution and who should be responsible of paying for the costs of polluting the environment? How long will our natural resources last ? What obligations do firms have to future generations to preserve the environment and conserve our resources? Economists often distinguish between what it costs a manufacturer to make a product and what the manufacturer of that product costs as a whole when a firm pollutes its environment in any way, the firm's private costs are always less than the total social costs involved. This is a problem because when the private costs diverge from the social costs involved in its manufacture, markets no longer price commodities accurately. Consequently they no longer allocate resources efficiently. As a result the Ethics and Values welfare of society declines. The remedy for the external costs is to ensure that the costs of pollution are internalized – that is they are absorbed by the producer and take into account when determining the price of goods. In this way goods will be accurately priced, market forces will provide the incentives that will encourage producers to minimize external costs and some consumers will no longer end up paying more than others for the same commodities.

Ethics of Consumer Production and Marketing People are exposed daily to astonishingly high levels of risk from the use of consumer products. Each year people suffer serious accidental injuries and few others are killed due to accidents involving consumer products. Examples are often reported of injuries requiring hospital treatment inflicted on youngsters and adults using toys, nursery equipment and playground equipment, people using home, workshop equipment, people requiring treatment for injuries involving home construction materials. Now the dilemma which arises is where does the consumer's duty to protect his or her own interests end and where does the manufacturer's duty to protect consumers' interest begin? Three different theories on the ethical duties of manufacturers have been developed, each one of which strikes a

different balance between the consumer's duty to himself or herself and the manufacturer's duty to the consumer – the contract view, the 'due care' view, and the social cost view. The contract view would place the greater responsibility on the consumer, whereas the due care and social costs views place the larger measure of responsibility on the manufacturer. Consumers are also bombarded daily by an endless series of advertisements urging them to buy certain products. Although sometimes defended as sources of information, advertisements are also criticized on the grounds that they rarely impart additional information and only give the barest indications of the basic function a product is meant to serve and sometimes misrepresent and exaggerate its virtues. Economists argue that advertising expenditure is a waste of resources while sociologists bemoan the cultural effects of advertising. The advertising business is a massive business. The question however is who pays for these advertising expenditures? In the end, the prices consumers pay for the goods they buy must cover advertising costs—the consumer pays. What does the consumer get for his or her advertising rupee? According to most consumers, they get very little. However, the advertising industry sees things differently. Advertising, they claim is before all else communication. Its basic function is to provide consumers with information about the products available to them – a beneficial service. The question to be discussed therefore is whether advertising is a waste or a benefit? Does it harm consumers or help them? Discussion of the ethical aspects of advertising can be organized around the various features like its social effects, its creation of consumer desires and its effects on consumer beliefs. Studies have shown that advertising frequently fails to stimulate consumption of a product and consumption in many industries has increased despite minimal advertising expenditures. Thus advertising appears to be effective for individual companies not because it expands consumption but only because it shifts consumption away from one product to another. If this is true then economists are correct when they claim that beyond the level needed to impart information, advertising becomes a waste of resources because it does nothing more than shift demand from one firm to another. The moral issues raised by advertising are complex and involve several still

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unresolved problems. However there are few factors like its social effects, its effect on desire, effects on belief that should be taken into consideration when determining the ethical nature of a given advertisement. Advances in computer processing power, database software and communication technologies have given us the power to collect, manipulate and disseminate personal information about consumers on a scale unprecedented in the history of the human race. This new power over the collection, manipulation and dissemination of personal information has enabled mass invasions in the privacy of consumers and has created the potential for significant harms arising from mistaken or false information. The purpose of rights is to enable the individual to pursue his or her significant interests and to protect these interests from the intrusion of other individuals. It is also important because it has several enabling functions. Privacy enables certain professional relationships to exist. In so far as the relationships between doctor and patient, lawyer and client, and psychiatrist and patient all require trust and confidentiality, they could not exist without privacy. It is clear then that our interest in privacy is important enough to recognize it as a right that all people have, including consumers. However this right must be balanced against the rights and legitimate needs of others. For example, consumers benefit from having life insurance available to them. However there are significant consumer benefits that businesses can provide but they can provide only if there exists agencies that can collect information about individuals and make that information available to businesses. Thus consumers' rights to privacy have to be balanced with these legitimate needs of businesses.

12.7 BUSINESS ETHICS AND INTERNAL ENVIRONMENT

The Internal Environment The process of producing goods forces businesses not only to engage in external exchanges, but also to coordinate the activities of the various internal constituencies that must be brought together and organized into the processes of production. Employees must be hired and organized, stockholders and creditors must be solicited and managerial talent must be tapped. Inevitably conflicts

arise within and between these internal constituencies as they interact with each other and as they seek to distribute benefits among themselves. The ethical issues raised by these internal conflicts fall into two broad areas of job discrimination and the issue of conflicts between the individual and the organization. Although many more women and minorities are entering formerly male-dominated jobs, they still face problems that they would characterize as forms of discrimination. Experiences suggest that sexual discrimination and racial discrimination are alive and they do create flutters in the society. Regardless of the problems inherent in some of the arguments against discrimination, it is clear that there are strong reasons for holding that discrimination is wrong. It is consequently understandable that the law has gradually been changed to conform to these moral requirements and that there has been a growing recognition of the various ways in which discrimination in employment occurs. Among the practices now widely recognized as discriminatory, few of them are recruitment practices, screening practices, promotion practices and conditions of employment. Women as noted earlier are victims of a particularly troublesome kind of discrimination that is both overt and coercive. They are subject to sexual harassment. Many businesses are aware of these trends and have undertaken programmes now to respond to the special needs of women and minorities. However it should be clear in view of the future demographic trends that enlightened self interest should also prompt business to give women and minorities a special hand. It is for these reasons that companies have instituted aggressive affirmative programmes aimed at integrating large groups of minorities into their firms where they are provided with education, job training, skills, counseling and other assistance designed to enable them Ethics and Values to assimilate into workforce. The employee's main moral duty is to work toward the goals of the firm and avoid any activities that might harm those goals. To be unethical, basically is to deviate from these goals to serve one's own interest in ways that if illegal are counted as form of 'white collar crime'. There are several ways in which the employee might fail to live up to the duty to pursue the goals of the firm. The employee might act on a " conflict of interest", the employee might

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steal from the firm or the employee might use his or her position as a leverage to force illicit benefits out of others through extortion or commercial bribery. The ethical issue of misusing proprietary information has become much more prominent in the last decade as new 'information technologies' have increasingly turned information into a valuable asset to which employees have regular access. As information technologies continue to develop, this issue will continue to grow in importance. Insider trading is also unethical – not merely because it is illegal but because it is claimed, the person who trades or insider information in effect 'steals' this information and thereby gains an unjust or unfair advantage over the member of the general public. In the course of performing a job an employee may discover that a corporation is doing something that he or she believes is injurious to society. Indeed individuals inside a corporation are usually the first to learn that the corporation is marketing unsafe products, polluting the environment, suppressing health information or violating the law. Employees with a sense of moral responsibility who find their company is injuring society in some way will normally feel an obligation to get the company to stop its harmful activities and consequently will often bring the matter to the attention of their superiors. Unfortunately if the internal management of the company refuses to do anything about the matter, the employee today has few other legal options available. In the absence of legal protections of the employee's right to freedom of conscience the practice of whistle blowing is discussed and debated. Whistle blowing is an attempt by a member or former member of an organization to disclose wrongdoing in or by the organization. It can be internal or external. If the wrongdoing is reported only to those higher in the organization it is internal whistle blowing. When the wrongdoing is reported to external individuals or bodies such as government agencies, newspapers or public interest groups, the whistle blowing is said to be external. However it is for the ethical judgment to decide whether external whistle blowing is wrong because employees have a contractual duty to be loyal to their employer and to keep all aspects of the business confidential. When an employee accepts a job, the argument goes, the employee implicitly agrees to keep all aspects of the business confidential and to single

mindedly pursue the best interests of the employer. The whistleblower violates this agreement and thereby violates the rights of his or her employer. The last point to be mentioned here is the ethics of political tactics in organizations. Political behaviour in an organization can easily become abusive. Political tactics can be used to advance private interests at the expense of organizational and group interests, they can be manipulative and deceptive and they can seriously injure those who have little or no political power or expertise. However political tactics can also put at the service of organizational and social goals, they may sometimes be necessary to protect the powerless and they are sometimes the only defense a person has against the manipulative and deceptive tactics of others. The dilemma for the individual in an organization is knowing where the line lies that separates morally legitimate and necessary political tactics from those that are unethical.

12.8 ETHICS AND BUSINESS : OBJECTIONS

People taking objections to bringing ethics into business argue that persons involved in business should single mindedly pursue the financial interests of their firm and not side track their energies or their firm's resources into doing good works. Some argue that in perfectly competitive free markets the pursuit of profit will by itself ensure that the members of society are served in the most socially beneficial ways. However what experts like Manuel G Velasquez argue is that often assumptions behind this argument like perfectly competitive market situation do not exist. Another argument is that business managers should single-mindedly pursue the interests of their firms and should ignore ethical considerations. This argument finds its basis in 'loyal agent's argument', which suggests that a manager engaged in certain illegal or unethical conduct be excused because he did it not for himself but to protect the interests of his company. However again the assumptions behind this argument can be questioned on several grounds. The third kind of objection is that to be ethical it is enough for business people merely to obey the law. Business ethics is essentially obeying law. It is wrong however to see law and ethics as identical. It is true that some

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laws require behaviour that is same as the behaviour required by our moral standards. However law and morality do not always coincide. Some laws have nothing to do with morality because they do not involve serious matters. These include dress codes, parking laws and other laws covering similar matters. Beyond these arguments for and against the role of ethics in business, discussions happen whether ethical companies are more profitable than unethical ones. There are many different ways of defining ethical, many different ways of measuring profits and the findings of different studies remain inconclusive. However studies do suggest that by and large ethics do not detract from profit and seems to contribute to profits.

Check Your Progress 3

Note: a) Use the space provided for your answer

b) Check your answers with those provided at the end of the unit

- 1) Discuss any one example from Indian Companies where the case of whistle blowing was noticed.

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- 2) Briefly discuss a case of any advertising campaign of a product which according to you had a potential of creating an adverse effect on human desire. How?

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- 3) Using a case of monopoly firm which may have a contract for testing industrial pollution norms, list the ethical issues which may arise.

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12.9 LET US SUM UP

Business ethics is applied ethics. It is the application of our understanding of what is good and right to those assortments of institutions, technologies, transactions, activities and pursuits that we call business. Corporate issues in business ethics are ethical questions raised about a particular company. These include questions about the morality of the activities, policies, practices or organizational structure of an individual company taken as a whole. Free markets are justified from ethical point of view because they allocate resources and distribute commodities in ways that are just, that maximize the economic utility of society's members and that respect the freedom of choice of both buyers and sellers. The duty to the customer arises out of expectations that attend the purchase of a good or services. The questions which are discussed often are, should a seller voluntarily inform consumers that its products contain ingredients that though officially approved for use are suspected of having potentially harmful effect? The dilemma which arises is where does the consumer's duty to protect his or her own interests end and where does the manufacturer's duty to protect consumers' interest begin? The process of producing goods forces businesses not only to engage in external exchanges, but also to coordinate the activities of the various internal constituencies that must be brought together and organized into the processes of production. On the other hand, the employee's main moral duty is to work toward the goals of the firm and avoid any activities that might harm those goals. To be unethical, basically is understood as to deviate from these goals to serve one's own interest in ways that if illegal are counted as form of 'white collar crime'. Nevertheless with the emergence of concepts like whistle blowing employees with a sense of moral responsibility who find their company is injuring society in some way find an opportunity in stopping the company from its harmful activities.

12.10 KEY WORDS

Morality: Morality is the differentiation of intentions, decisions and actions between those that are distinguished as proper and those that are improper

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Marketing: Marketing is the study and management of exchange relationships. It is the business process of creating relationships with and satisfying customers. Because marketing is used to attract customers, it is one of the primary components of business management and commerce

12.11 QUESTIONS FOR REVIEW

- 1) What is Ethics and what do you understand by morality?
- 2) What do you understand by business ethics and how is it important for the business?
- 3) Explain the nature of ethics in context of different stakeholders.
- 4) Explain the ethical dilemmas in the changing business paradigm?
- 5) What is ethics of consumer production and marketing?

12.12 SUGGESTED READINGS AND REFERENCES

- Johnson, Gerry & Scholes, Kevan. (2004). Exploring Corporate Strategy. Sixth edition, Prentice-Hall of India, New Delhi,
- Jr. Thompson. A. Arthur, III Strickland A.J. (2003). Strategic Management, Concepts and Cases, Thirteenth edition, Tata McGraw Hill Publishing, New Delhi
- Rao, V.S.P. and Hari, Krishna.V. (2003). Strategic Management, Texts and Cases.
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- Prentice Hall of India, New Delhi.

12.13 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 12.2
2. See Section 12.3

Check Your Progress 2

1. See Section 12.4
2. See Section 12.5

Check Your Progress 3

1. See Section 12.6
2. See Section 12.7
3. See Section 12.8

UNIT 13: PROFESSIONAL ETHICS AND LIMITS OF APPLIED ETHICS.

STRUCTURE

13.0 Objectives

13.1 Introduction

13.2 Professional Ethics

13.3 Social Ethics, Distributive Justice, and Environmental Ethics

13.4 Theory and Application

13.5 Issues of Ethical Practice

13.6 Education as an Ethical Practice

13.6.1 Teaching - Special Features

13.7 What Moral Dilemmas Concern Teachers?

13.8 Helping Teachers with their Ethical Decisions - The Role of the
Head Teacher

13.8.1 What is To Be Done about the Weaknesses?

13.8.2 Code of Conduct for the Head-Teacher

13.9 Let us sum up

13.10 Key Words

13.11 Questions for Review

13.12 Suggested readings and references

13.13 Answers to Check Your Progress

13.0 OBJECTIVES

By the end of this unit, you shall be able to:

- list some of the ethical issues that arise in your school;
- list the areas in education in which ethical issues arise;
- perceive the reasons why ethics are important considerations in professionalism;
- Organisation and draw up some general ethical guidelines for teachers and administrators.

13.1 INTRODUCTION

Professions differ from occupations in that the goods they serve are complex. Lawyers are expected to serve not only the interests of their

clients in the settlement of disputes and the negotiation and supervision of contracts, but the rule of law and the administration of justice. Doctors are concerned not only with the length of life but also with its quality, and with the health of their communities and society as well as that of individual patients. Social workers seek not only the good for their clients, but that of society. Education, likewise, serves complex goods, concerning the development of the student and the future of society; and as part of this, the moral development of students.

The good of society is not a single thing, but many interwoven goods. So is the good of the client. Moreover, the good of the client may conflict with that of other stakeholders, or with that of society. The complexity of moral judgment in the professions comes from conflicts between these goods. Thus a list of the goods a profession serves (such as a list of educational aims) means little without priorities established. It is thus part of being a professional that ethical decisions have to be made whenever these value conflicts arise. Moreover, as society becomes more complex, professionals are inevitably faced with decisions where there are no guidelines, or where the traditional arguments are inadequate.

13.2 PROFESSIONAL ETHICS

a. What is a Profession?

Certain things like law, medicine, and engineering are considered to be professions. Other things like unskilled labor and art are not. There are various ways to try to understand what constitutes something as a profession. For the purposes of this article, there will be no discussion of necessary and jointly sufficient conditions proposed for something constituting a profession. With that said, some proposed general characteristics will be discussed. We will discuss these characteristics in terms of a controversial case, the case of journalism. Is journalism a profession? Generally, there are certain financial benefits enjoyed by professions such as law, medicine, and engineering. As such, we can see that there may be a financial motivation on the part of some journalists to consider it to be a profession. Additionally, one can be insulated from criticism by being part of a profession; one could appeal to some kind of professional authority against the layperson (or someone outside that

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profession) (Merrill, 1974). One could point out, though, that just because some group desires to be some x does not mean that they are x (a basic philosophical point). One way to respond to this is that the law, medicine, and engineering have a certain esteem attached to them. If journalists could create that same esteem, then perhaps they could be regarded as professions.

But as Merrill points out, journalism seems to lack certain important characteristics shared by the professions. With the professional exemplars already mentioned, one has to usually take a series of professional exams. These exams test a number of things, one of them being the jargon of the profession. Usually, one is educated specifically for a certain profession, often with terminal degrees for that profession. Although there are journalism schools, entry into the practice of journalism does not require education in a journalism school, nor does it require anything like the testing involved in, say, the law. Furthermore, there is usually a codified set of principles or rules, even if rather vague and ambiguous, which apply to professionals. Perhaps journalists can appeal to such mottos as tell the truth, cite your sources, protect your sources, and be objective. But in addition to the almost emptiness of these motto's, there is the problem that under interpretation, there is plenty of disagreement about whether they are valid principles in the first place. For example, if one wants to go with a more literal appeal to truth telling, then how are we to think of the gonzo journalism of Hunter Thomson? Or with documentary making, there are some who believe that the documentarian should stay objective by not placing themselves in the documentary or by not assisting subjects. Notice here that although journalism may not be a profession, there are still ethical issues involved, ones that journalists should be mindful of. Therefore, even if journalism cannot be codified and organized into something that counts as a profession, this does not mean that there are not important ethical issues involved in doing one's work. This should be no surprise, as ethical issues are abundant in life and work.

b. Engineering Ethics

In this section, we will discuss engineering ethics for two purposes. One purpose is to use engineering ethics as a case study in professional ethics.

More importantly, the second purpose is to give the reader some idea of some of the ethical issues involved in engineering as a practice.

One way to approach engineering ethics is by first thinking of it as a profession, and then given its features as a profession, examine ethical issues according to those features. So, for example, given that professions usually have a codified set of principles or rules for their professionals, one could try to articulate, expand, and flesh out such principles. Another way to approach engineering ethics is by starting with particular cases, usually of the historical as opposed to the hypothetical kind, and then draw out any moral lessons and perhaps principles from there. Accordingly, one would start with such cases as the Hyatt-Regency Walkway Collapse, the Challenger Space Shuttle Accident, and the Chernobyl and Bhopal Plant Accidents, just to name a few (Martin and Schinzinger, 2005).

The Challenger Space Shuttle Accident brings up a number of ethical issues, but one worth discussing is the role of engineer/manager. When one is both an engineer and also in upper or middle-level management, and when one has the responsibility as an engineer to report safety problems with a design but also has the pressure of project completion being a manager, (i) does one role trump the other in determining appropriate courses of action, and if so which one?; (ii) or are the two reconcilable in such a way that there really is no conflict?; (iii) or are the two irreconcilable such that inevitably assigning people to an engineer/manager role will lead to moral problems?

One philosophically interesting issue that is brought up by engineering is the assessment of safety and risk. What constitutes something being safe? And what constitutes something being a risk? Tversky and Kahneman (Tversky and Kahneman, 1981) famously showed that in certain cases, where risk-assessment is made, most people will prefer one option over another even when the expected value of both options are identical. What could explain this? One explanation appeals to the idea that people are able to appropriately think about risk in a way that is not capturable by standard risk-cost-benefit analyses. Another explanation is that most people are in error and that their basing one preference over another is founded on an illusion concerning risk. With either

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interpretation/explanation determining risk is important, and understanding risk is then important in determining the safety of a product/design option. It is of great ethical concern that engineers be concerned with producing safe products, and thereby identifying and assessing properly the risks of such products.

There are also concerns with respect to what kinds of projects engineers should participate in. Should they participate in the development of weaponry? If so, what kind of weapon production is morally permissible? Furthermore, to what extent should engineers be concerned with the environment in proposing products and their designs? Should engineers as professionals work to make products that are demanded by the market? If there are competing claims to a service/product that cannot be explained in terms of market demand, then to what extent do engineers have a responsibility to their corporate employers, if their corporate employers require production design for things that run counter to what's demanded by those "outside of" the market? Let us be concrete with an unfortunately hypothetical example. Suppose you have a corporation called GlobalCyber Initiatives, with the motto: making the world globally connected from the ground up. And suppose that your company has a contract in a country with limited cell towers. Wealthy business owners of that country complain that their middle-level manager would like a processing upgrade to their hand-held devices so that they can access more quickly the cell towers (which are conveniently placed next to factories). Your company could provide that upgrade. But you, as lead in R&D, have been working on instead providing upgrades to PC's, so that these PC's can be used in remote, rural areas that have no/limited access to cell towers. With your upgrade, PC's could be sold to the country in question for use in local libraries. The contract with the business owners would be more lucrative (slightly) but a contract with that country's government, which is willing to participate, would do much more good for that country, at both the overall level, and also specifically for the very many people throughout the very rural country. What should you do as lead of the R&D? How far should you be concerned? How far should you be pushy in making the government contract come about? Or should you not be concerned at all?

These questions are supposed to highlight how engineering ethics thought of merely as an ethic of how to be a good employee is perhaps too limiting, and how engineering as a profession might have a responsibility to grapple with what the purposes of it, as a profession, are supposed to be. As such, this then highlights how framing the purposes of a profession is inherently ethical, insofar as professions are to be responsive to the values of those that they serve.

13.3 SOCIAL ETHICS, DISTRIBUTIVE JUSTICE, AND ENVIRONMENTAL ETHICS

This section is an oddity, but due to space limitations, is the best way to structure an article like this. First of all, take something like “social ethics”. In some sense, all ethics is social, as it deals with human beings and other social creatures. Nevertheless, some people think that certain moral issues apply only to our private lives while we are behind closed doors. For example, is masturbation morally wrong? Or, is homosexual sex morally wrong? One way such questions are viewed is that, in a sense, they are not simple private questions, but inherently social. For example with homosexual sex, since sex is also a public phenomenon in some way, and sense the expression of sexual orientation is certainly public, there is definitely a way of understanding even this issue as public and therefore social. Perhaps the main point that needs to be emphasized is that when I say social I mean those issues that need to be understood obviously in a public, social way, and which cannot be easily subsumed under one of the other sub-disciplines discussed above.

Another reason this section is an oddity is that the topic of distributive justice is often thought of as one properly falling within the discipline of political philosophy, and not applied ethics. One of various reasons for including a section on it is that often distributive justice is talked about directly and indirectly in business ethics courses, as well as in courses discussing the allocation of health care resources (which may be included in a bioethics course). Another reason for inclusion is that famine relief is an applied ethical topic, and distributive justice, in a global context, obviously relates to famine relief. Finally, this section is an oddity

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because here environmental ethics only gets a subsection of this encyclopedia article and not an entire section, like equally important fields like bioethics or business ethics. The justification, though, for this is (i) space limitations and (ii) that various important moral considerations involving the environment are discussed within the context of bioethics, business ethics, and moral standing.

a. Social Ethics

To start with, perhaps some not-as-controversial (compared to earlier times) topics that fall within social ethics are affirmative action and smoking bans. The discussions involved with these topics are rich in discussion of such moral notions as fairness, benefits, appropriation of scarce resources, liberty, property rights, paternalism, and consent.

Other issues have to do with appropriating the still very real gender differences in wealth, responsibilities, social roles, and employment opportunities. How are these differences to be understood? Obviously not because such differences are deserved. Given this, such differences need to either be morally justified (doubtful) or morally rectified, and so, if they can't be justified, then such differences should be morally eliminated/rectified. Very good work can be done on understanding how to do this in a way that does not create further moral problems. Additionally, work on the visibility of transgendered persons is important, and how transgendered persons can be incorporated into the modern life of working in corporations, government, education, or industry, living in predominantly non-transgendered communities and networks of families with more typical gender narratives, and doing this all in a way that respects the personhood of transgendered persons.

b. Distributive Justice, and Famine Relief

The term distributive justice is misleading in so far as justice is usually thought in terms of punitive justice. Punitive justice deals with determining the guilt or innocence of actions on the part of defendants, as well as just punishments of those found guilty of crimes. Distributive justice on the other hand deals with something related but yet much different. Take a society, or group of societies, and consider a limited

number of resources, goods, and services. The question arises about how those resources, goods, and services should be distributed across individuals of such societies. Furthermore, there is the question about what kind of organization, or centralizing power, should be set up to deal with distribution of such goods (short for goods, resources, and services); let's call such organizations which centralize power governments.

In this subsection, we will examine some very simplified characterizations to the question of distribution of goods, and subsequent questions of government. We will first cover a rather generic list of positions on distributive justice and government, and then proceed to a discussion of distributive justice and famine relief. Finally, we will discuss a number of more contemporary approaches to distributive justice, leaving it open to how each of these approaches would handle the issue of famine relief.

Anarchism is a position in which no such government is justified. As such, there is no centralizing power that distributes goods. Libertarianism is the position that says that government is justified in so far as it is a centralizing power used to enforce taxation for the purpose of enforcing person's property rights. This kind of theory of distributive justice emphasizes a minimal form of government for the purpose of protecting and enforcing the rights of individuals to their property. Any kind of theory that advocates any further kind of government for purposes other than enforcement of property rights might be called socialist, but to be more informative, it will help to distinguish between at least three theories of distributive justice that might be called socialist. First, we might have those who care about equality. Egalitarian theories will emphasize that government exists to enforce taxation to redistribute wealth to make things as equal as possible between people in terms of their well-being. Bare-minimum theories will instead specify some bare minimum needed for any citizen/individual to minimally do well (perhaps have a life worth living). Government is then to specify policies, usually through taxation, in order to make sure that the bare minimum is met for all. Finally, we have meritocracy theories, and in theory, these may not count as socialist. The reason for this is that we could imagine a society in which there are people that do not merit the

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help which would be given to them through redistributive taxation. In another sense, however, it is socialist in that we can easily imagine societies where there are people who merit a certain amount of goods, and yet do not have them, and such people, according to the theory of merit, would be entitled to goods through taxation on others.

The debate concerning theories of distributive justice is easily in the 10's of thousands of pages. Instead of going into the debates, we should, for the purpose of applied ethics, go on to how distributive justice applies to famine relief, easily something within applied ethics. Peter Singer takes a position on famine relief in which it is morally required of those in developed nations to assist those experiencing famine (usually in underdeveloped nations) (Singer, 1999). If we take such theories of distributive justice as applying across borders, then it is rather apparent that Singer rejects the libertarian paradigm, whereby taxation is not justified for anything other than protection of property rights. Singer instead is a utilitarian, where his justification has to do with producing overall goodness. Libertarians on the other hand will allow for the justice of actions and policies which do not produce the most overall goodness. It is not quite clear what socialist position Singer takes, but no matter.. It is obvious that he argues from a perspective that is not libertarian. In fact, he uses an example from Peter Unger to make his point, which is obviously not libertarian. The example (modified): Imagine someone who has invested some of her wealth in some object (a car, for example) that is then the only thing that can prevent some innocent person from dying; the object will be destroyed in saving their life. Suppose that the person decides not to allow her object from being destroyed, thereby allowing the other (innocent) person to die. Has the object (car) owner done something wrong? Intuitively, yes. Well, as Singer points out, so has anyone in the developed world, with enough money, in not giving to those experiencing famine relief; they have let those suffering people die. One such response is libertarian, Jan Narveson being an exemplar here (Narveson, 1993). Here, we have to make a difference between charity and justice. According to Narveson, it would be charitable (and a morally good thing) for one to give up some of one's wealth or the saving object, but doing so is not required by justice. Libertarians in general have even

more sophisticated responses to Singer, but that will not concern us here, as it can be seen how there is a disagreement on something important like famine relief, based on differences in political principles, or theories of distributive justice.

As discussed earlier in this subsection, libertarian theories were contrasted with socialist positions, where socialist is not to be confused with how it is used in the rhetoric of most media. The earliest of the influential socialist theories is proposed by John Rawls (Rawls, 1971). Rawls is more properly an egalitarian theorist, who does allow for inequalities just so far as they improve the least-advantaged in the best possible way, and in a way that does not compromise basic civil liberties. There have been reactions to his views, though. For example, his Harvard colleague, Robert Nozick, takes a libertarian perspective, where he argues that the kinds of distributive policies endorsed by Rawls infringe on basic rights (and entitlements) of persons – basically, equality, as Rawls' vision, encroaches on liberty (Nozick, 1974). On the other end of the spectrum, there are those like Kai Nielson who argue that Rawls does not go far enough. Basically, the equality Rawls argues for, according to Nielson, will still allow for too much inequality, where many perhaps will be left without the basic things needed to be treated equally and to have basic equal opportunities. For other post-Rawlsian critiques and general theories, consult the works of Michael Sandel, Martha Nussbaum (a student of Rawls), Thomas Pogge (a student of Rawls), and Michael Boylan.

c. Environmental Ethics

This subsection will be very brief, as some of the issues have already been discussed. Some things, however, should be said about how environmental ethics can be understood in a way that is foundational, independent of business ethics, bioethics, and engineering ethics.

First of all, there is the question of what status the environment has independent of human beings. Does the environment have value if human beings do not exist, and would never exist? There are actually some who give the answer yes, and not just because there would be other sentient beings. Suppose, then, that we have an environment with no

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sentient beings, and which will never progress into having sentient beings. Does such an environment still matter? Yes, according to some. But even if an environment matters in the context of either actual or potential sentient beings, there are those who defend such an idea, but do so without thinking that primarily what matters is sentient beings.

Another way to categorize positions concerning the status of the environment is by differentiating those who advocate anthropocentrism from those who advocate a non-anthropocentric position. This debate is not merely semantic, nor is it merely academic, nor is it something trivial. It's a question of value, and the role of human beings in helping or destroying things of (perhaps) value, independent of the status of human beings having value. To be more concrete, suppose that the environment of the Earth had intrinsic value, and value independently of human beings. Suppose then that human beings, as a collective, destroyed not only themselves but the Earth. Then, by almost definition, they have destroyed something of intrinsic value. Those who care about things with value, especially intrinsic value, should be rather concerned about this possibility (Here, consult: Keller, 2010; Elliot, 1996; Rolston, 2012; Callicot, 1994).

Many moral issues concerning the environment, though, can be seriously considered going with the two above options – that is, whether or not the environment (under which humans exist) matter if human beings do not exist. Even if one does not consider one of the two above options, it is hard to deny that the environment morally matters in a serious way. Perhaps such ways to consider the importance is through the study of how business and engineering affects the environment.

13.4 THEORY AND APPLICATION

One might still worry about the status of applied ethics for the reason that it is not quite clear what the methodology/formula is for determining the permissibility of any given action/practice. Such a worry is justified, indeed. The reason for the justification of skepticism here is that there are multiple approaches to determining the permissibility of actions/practices.

One such approach is very much top-down. The approach starts with a normative theory, where actions are determined by a single principle dictating the permissibility/impermissibility (rightness/wrongness) of actions/practices. The idea is that you start with something like utilitarianism (permissible just in case it maximizes overall goodness), Kantianism (permissible just in case it does not violate imperatives of rationality or respecting persons), or virtue theory (permissible just in case it abides with what the ideally virtuous person would do). From there, you get results of permissibility or impermissibility (rightness/wrongness).

Although each of these theories have important things to say about applied ethical issues, one might complain about them due to various reasons. Take utilitarianism, for example. It, as a theory, implies certain things morally required that many take to be wrong, or not required (for example, lynching an innocent person to please a mob, or spending ten years after medical school in a 3rd world country). There are also problems for the other two main kinds of theories, as well, such that one might be skeptical about a top-down approach that uses such theories to apply to applied ethical cases.

Another approach is to use a pluralist kind of ethical theory. Such a pluralist theory is comprised of various moral principles. Each of the principles might be justified by utilitarian, Kantian, or virtue theories. Or they may not. The idea here is that there are multiple principles to draw from to determine to the rightness/wrongness of any given action/practice within the applied ethical world. Such an approach sounds more than reasonable until another approach is considered, which will be discussed below.

What if, though, it was the case that some moral feature, of a purported moral principle, worked in such a way that it counted for the permissibility of an action in one case, case1, but counted against the permissibility of the same action in another case, case 2? What should we say here? An example would be helpful. Suppose that Jon has to hit Candy to get candy. Suppose that this counts as a morally good thing. Then the very same Jon hitting of Candy to get candy in a different contest could be a morally bad thing. This example is supposed to

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highlight the third theoretical possibility of moral particularism (Dancy, 1993).

To sum things up for applied ethics, it very much matters what theoretical approach one takes. Does one take the top-down approach of going with a normative/ethical theory to apply to specific actions/practices? Or does one go with a pluralist approach? Or does one go with a particularistic approach that requires, essentially, examining things case by case?

Finally, some things concerning moral psychology should be discussed. Moral psychology deals with understanding how we should appropriate actual moral judgments, of actual moral agents, in light of the very real contexts under which are made. Additionally, moral psychology tries to understand the limits of actions of human beings in relation to their environment, the context under which they act and live. (Notice that according to this definition, multicultural relativity of practices and actions has to be accounted for, as the differences in actions/practices might be due to differences in environments.) Experiments from social psychology confirm the idea that how people behave is determined by their environment; for example, we have the Milgrim Experiment and the Stanford Prison Experiment. We might not expect people to act in such gruesome ways, but according to such experiments, if you place them in certain conditions, this will provoke ugly responses. Two reasons that these findings are important for applied ethics is: (i) if you place persons in these conditions, you get non-ideal moral results, and (ii) our judgments about what to morally avoid/prevent are misguided because we don't keep in mind the findings of such experiments. If we kept in mind the fragility of human behavior relative to conditions/environment, we might try get closer to eradicating such conditions/environments, and subsequent bad results.

13.5 ISSUES OF ETHICAL PRACTICE

Let us consider the following examples

1. A teacher, having asked to see a parent over a problem of behaviour, found the child showing signs of distress and fight, promising with tears

not to do it again, while the mother, marching the child off by the ear, said grimly 'We'll make sure of that.' Such cases are not uncommon. What is the teacher to do?

2. In a forestry town, feelings are running high over the State Government's plans to create a number of new national parks. There is a normal expectation in education about how controversial issues should be handled. This expectation arises from the conclusion of the debates of the 60's and 70's, that neutrality is educationally undesirable, but that objectivity is desirable. But this case is not just controversial it is about displacement as well.

3. How can the significance of religious festivals be discussed in a multicultural classroom?

4. A parent complains about another teacher, saying that neither that teacher nor the principal will act on hisher complaints, and seeks help in going further. There are no fixed answers to many of these problems or issues. Further, changing circumstances make for new decisions. Changes occur in the mix of a multicultural society, in technology, in politics and in society's expectations. New forms of disadvantage pose new choices. Thus, actions are to be taken in pursuit of complex goods in situations whose features cannot be predicted posing a further challenge to the school leader and the teachers.

Professionals and ethnical practice It is difficult, if not impossible, to come up with more than very general principles for virtuous actions, first because the range and complexity and continually changing nature of the sorts of situations where we may have to act morally mean we will never be able to come up with comprehensive action guiding principles, and secondly because these rules will have to be applied to very different people. What is to be done in such a situation? Sometimes, it is true, efforts should be made to provide exception free rules. The law and the Department lay down very explicit instructions on what teachers are to do in the case of child abuse. What they, in effect tell teachers is that the professional judgments in such cases should be made by professionals

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with proper training-by social workers, not by teachers. Even here, though, it is not hard to imagine I exceptions. In general, though, the effort to avoid exceptions pushes in one of three directions very broad generalizations, which need to be interpreted for each application appeal to a single moral theory dards are not sufficient for ethical decision-making, and sometimes make it less likely. It is not enough to teach rules. It is necessary that professionals are sensitive to the reasons for them, and thus lo what are really exceptions. Professional Values and Ethics It is the role of the professional, then, to make the complex ethical judgments that are required, as part of their everyday work. When you hire a professional, you hire their morality.

13.6 EDUCATION AS AN ETHICAL PRACTICE

It is generally taken to follow from the above disc4ssion that a profession should set its own moral standards. This will include devising codes oi ethics, and also determining when breaches of the code imply that a professional is unfit to practice self-regulation in many professions has been a means of setting standards of excellence. But professionals will surrender their autonomy if they are indifferent to ethical concerns, for public reaction to moral fault is typically to call for greater regulation. It is also taken to follow that a profession should see to it that its members are educated in ethics and in theu social responsibilities, In addition to the identification of existing ethical obligations, an aim of professional ethical education is to encourage professional to scan their professional environments for emerging issues, not only to avoid a defensive posture, but also to exercise I public leadership.

13.6.1 Teaching - Special Features

Moral development and education of the students LIn addition to the ordinary ethical demands on professionals, teaching has special features. The first is that part of the purpose of schools is the moral development and moral education of the students. Secondary teadhers sometimds resist this idea, asserting that moral development should be carried out in the home. But the debates on neutrality taught us two things: that schools

cannot be neutral on moral issues, and that they ought not to try to be. The function of the school as an institution in society commits it to some values-truth, honesty and respect for persons for example. Other values it serves whether or not teachers wish it to, such as credentialism, competition and a utilitarian approach to learning. The situation of the teacher in classroom and playground requires attitudes to authority, property, consideration of other persons, and consideration of how most fairly to spend scarce resources, especially teachers' time. The demands of assessment require teachers to be conspicuously just and fair. Teachers thus make judgments, which are displayed to students, and will often have to be justified to students. And there lies the distinctiveness of the teacher's moral position. Not only do they have to make moral decisions, like any professional; they have also to be able to justify them more than competently. Teachers must be leaders in argument. To teach students to argue well, teachers must demonstrate excellent argument. To refuse to do so is to teach what is false-that there are no good reasons for moral views, that any old view will do, or that the teacher's demands are founded on sand, which the tides of critical scrutiny might wash away. Precisely because their role is to teach students to be better at moral choices, they must be good at it themselves.

Respecting students autonomy and rationality The teacher's moral position is different from that of other professionals. Since a teacher is essentially a person who takes responsibility for the learning of others, two moral dilemmas are set up. The first relates to respect for a student's autonomy, and the second, to respect for hisher rationality. Now these matters are of fundamental importance. There is a long tradition of argument that the development of rationality and autonomy are the ultimate aims of education-and that they are the only aims that could make a compulsory education justifiable. But there are also arguments that rationality and autonomy lie at the foundation of morality itself. We ask, with Plato and Kant, what it is about humans that makes it wrong to kill us, and not wrong to kill an animal or a bacterium. The answers that come back are that we are rational, that we choose on the basis of reasons, that we determine our own values and live by them, that we are properly judged by those choices and how we live up to them. It is not

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just a factual claim that is being made-that we happen to be like this. It is that these are the things that make us count. We matter each of LA matters-not because we are unique, but because we are rational agents, choosers of our own lives.

Autonomy Take autonomy first. Every student is entitled to his or her own judgment, his or her own values and beliefs, and to have those respected by the teacher. But the teacher has an obligation to change what students think, to move them to a more adequate understanding and a more enlightened practice. How can teachers respect the learner as a person, yet try to change her/him? This is the most basic ethical dilemma of teaching.

Rationality Second, take rationality. Teachers have an obligation to respect the reasoning of students, and to teach reasoning. They ought therefore to submit their arguments to their students' judgment. We try to impart, not just conclusions, but the methods of arriving at them; not just skills, but ways of developing and judging skills; not just attitudes, but critical, thoughtful ways for students to select their own attitudes. There are thus ethical dilemmas at the heart of teaching; and teachers should be made to feel them, and helped to wrestle with them. There will be significant implications for teaching methods with the central importance of concern for rationality and autonomy of students. This concern provides the foundation for teachers' morality.

Teachers deal with children The third respect in which teachers differ from most other professionals arises because most of the clients are children. This provides complications, sometimes expressed in the question 'Who is the teacher's client?', but better dealt with by asking what the entitlements of children, their parents and guardians, the school, the community and the state are to participate in which decisions about their future. All professions, it is true, have to deal with conflicts between the interests of stakeholders. In education, the conflicts are not only between competing interests, but also between different rights to determine what is in the interests of children.

13.7 WHAT MORAL DILEMMAS CONCERN TEACHERS?

In this section we will list some generalisations about the range and complexity of moral issues in teachers' work. Teachers rarely raise questions of what to teach their students about morality, though they will, if prompted, take into account the effects of their actions on their students' future attitudes. Knowledge of such issues is essential for the headteacher to help the teachers in the school.

1. Wrong actions by superiors By far the most common concern has been what to do about wrong actions by their superiors. The issues range from choice of textbooks and casual teachers through censorship of library books, varieties of cheating such as misuse of school funds and equipment to some quite serious cases of inappropriate punishment and the risk of physical harm to students. They are also troubled by unethical-generally unfair-directives and procedures. Their problems are not usually in determining whether their superiors' actions are wrong, but in deciding what they should do about the situation.
2. Problems raised by the curriculum Second in frequency are problems raised by the curriculum. Matters range from items they don't think are their business to teach, to concerns about standards and the quantity of material to be covered, and views of its incompetence. They generally feel powerless to act-which affects morale, and therefore ethical alertness. Under the same heading may be mentioned issues raised by teaching methods. Drama classes may invade student's privacy, science classes bring about clashes with parents, AIDS education may be controversial, vocational subjects indoctrinate a work ethic, I history lessons raise current political issues. Only mathematics seems safe-and that illusion is shattered the more it is taught as an applied discipline).
3. Incompetence of fellow teachers Incompetence, bad teaching and wrong actions by their fellow teachers concern '- them. Their fellows are occasionally seen as lazy, failing to bring themselves up to date or to improve their lessons. Sometimes teaching methods are seen as poor, or even as psychologically harmful. Such matters raise conflicts of loyalties-the schoolyard prohibition on informing retains its force or is developed into a belief in an obligation of loyalty. Frustration at

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inaction by their superiors, at having to repeatedly step in and settle another teacher's class down, or having to re-teach earlier grade material leads them to seek avenues for action-often unsuccessfully. Outside the classroom, wrongs cover a wide range, as with their superiors-petty theft, use of equipment and telephones, drinking with under-age students, and public denigration of the school or its staff. These matters get more difficult when there is a conflict of loyalties, for example when the staff member at fault is also a friend. (There are similar conflicts when a student at fault is the child of a friend, or of a teacher who is a friend.)

4. Problems of the multicultural classroom Professional Values and Ethics Problems of the multicultural classroom are high on the list of problems raised by the teachers. Answers for many of these have been found (e.g. what to do about students who reject the authority of women teachers, how to teach Islamic girls to interact in a co-ed class, given the cultural barriers of mixing with boys.) Conflicts with parents and their differing expectations still figure here, and the variations in the esteem with which they are held. And then there is what to do about the Christmas play, the Easter parade, Diwali, Id, Ramzan, Janmashtami, and so on.
5. Unsatisfactory responses to problems raised by other departments A teacher follows the Law and Departmental instructions about physical abuse or suspected sexual abuse, and officials appear to do nothing. The child may have been afraid to tell the teacher, and only done so after much hesitation. Under present circumstances, the teacher can hardly assure him/her that the perpetrators will not find out or deduce who has informed on them, or that the abuse will be stopped.
6. Students wrongdoing outside the school This is a hardy perennial. When should the police be told? The parents? What should the principal do? To leave matters with any of these is to take moral responsibility for what it is known that they will do. Issues of trust and confidentiality arise, and of revenge by other wrongdoers on the whistleblower (conscience keeper/ referee). These have to be set

against notions of civic duty, and the future consequences of unstoppable wrongdoing.

7. Treating confidential issues A child reveals what is of high educational significance, such as trouble in the home. If the teacher reveals it to other teachers, whose classroom responses to the child might be usefully modified by their knowledge, the child is likely to find out that they know, and develop a dim view of authority and the desirability of seeking help from them. The principle of keeping confidences also creates problems when a school student, in trouble, refuses to go to those who could help.
8. Relations with students Problems may seem to be raised by anything from leadership of youth groups and friendship with students' parents, playing on the same rugby team, making personal friends of students (with worries by other teachers and students about favouritism and anti-favouritism) to foolish behaviour such as partying and drinking at the pub with students; and at the extreme, dating and possible sexual relations. On the other side of these questions are worries about how teachers are to protect themselves against the risk of harassment claims and worse, without seeming cold, unfriendly and uncaring to their students.
9. Issues of staff and student privacy Inquiries by principals into the religious beliefs and marital status of staff; into their acceptance of the school's philosophy and ethos; into their behaviour outside the school or in their own houses are well publicized problems, particularly in private schools. Revelations might be made of the above matters, or of pregnancies, applications for position or promotion and other personal matters without leave being sought from the staff member concerned. Student privacy is breached whenever doings in class are reported to other teachers. A student, like anyone else, has a right to know what their audience is when they speak.
10. The ethical problems of the staff room There are matters of office ethics-the ethical problems of the staff room. What should a teacher do about snide remarks, jealous comments, constant disparagement of the principal or other staff, prejudice, bias and gossip? Does a

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teacher have a different responsibility if he or she is a member of the group being attacked?

11. The ethics of innovation Teachers are properly concerned about a casual approach to innovation, of just trying something out to see how it works. Problems encountered are a failure to discuss innovations beforehand in order to forestall difficulties, to investigate others' experience, to assess the innovation properly, and to have remedial arrangements in Professional Values place in case the innovation does not work.
12. Dilemmas of priorities Issues here concern fairness and scarce resources. There are well known, major issues concerning social justice in education. The large issues are often reflected in small cases, where teachers struggle to find solutions.
13. The ethics of obedience, submission and compromise Can it ever be right to do what is wrong? There can be no moral obligation to obey an unethical order. However, matters are not that easy in fact the issues are complex and difficult. For what kinds of disagreement are teachers justified in disobeying C instructions? Compromises, too, involve people accepting that they will do less than they think that they ought to. Decisions of the staff may be taken against the teacher's attempts to argue for alternatives. Refusal to accept them threatens the ' decision-making process. Similarly, the ethics of committees and meetings creates issues about tactics. When one's opponents are abusing procedures, working on people's weaknesses and generally playing dirty, what is a justified response? Does the decent person have to lose? There are also procedures that are rarely, but sometimes, legitimate, such as going above people's heads, or leaking reasons to the press.
14. Disagreement with employer's ideologies It is of particular concern to teachers in private schools who do not share the religious convictions of the school's management. How, for instance, does a liberal Christian with a belief in student autonomy react in a fundamentalist "Christian" school? By subverting the school policy? By leaving? In government schools, disagreement is most commonly dealt with by the union. But again, teachers are forced to

decide whether to stay and subvert, to stay and obey (or partially obey) 7 or to get out. Issues about democracy are relevant here, of course.

Check Your Progress 1

Note: a) Use the space provided for your answer

b) Check your answer with those provided at the end of the unit:

1. List out four areas where teachers in your school often face moral dilemmas.

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Other issues from the literature on professions[ethics I In addition to these matters often raised spontaneously by teachers, there are a number of standard issues discussed in the literature on professional ethics or in that on education, to which attention needs to be drawn. Matters of honesty and candour Honesty in the use of time, telephones, stationery and equipment is fairly easy. Candour over a students chances, or a teacher's lack of competence to teach what is demanded of them is harder to display. Matters of competence and diligence Two problems which are common are instructions fo teachers to teach material i they know little about, and the allocation of enough time to keeping up to date.

Cheap explanations come into play here-for example 'They tried all these things in Organisation western countries and they failed'. Obligations to the profession, for its competence, its advancement and development, for its ethical standards, for its self-control. Social responsibilities, including political action for education, education of the community, dealing with prejudice, and the range of issues that have been dealt with in philosophy of education literature. Extra-curricular obligations to students, and the limits of those responsibilities. Relations, with parents4ealing with complaints, working with parents to free students from their parents' ideologies, issues of control. The ethics of philanthropy. Students are standardly encouraged to raise money for charitable causes. But that kind of activity is at present politically contentious. Conflicts of interest,

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including tutoring their own students, students at the school, and others. Unions and strikes. If professionals are distinguished by their commitment to the interests of the client above their own, how are strikes to be evaluated. There are also a good number of issues that deal with controversial issues, matters of discipline, welfare and punishment, civics education and democracy in school processes (and the mockery of that the handling of student councils can display), accountability, multiculturalism and the curriculum, indigenous rights, efficiency, incorporating difference and censorship.

13.8 HELPING TEACHERS WITH THEIR ETHICAL DECISIONS - THE ROLE OF THE HEAD TEACHER

Teachers need to be able to respond sensitively and thoughtfully to the issues they confront, then after they have consulted colleagues and others, to be able to take a stand.

Helping teachers recall their strengths We need to remember the strengths that they have. They bring to the task the ordinary capacity to make moral judgments on everyday, not too complex matters. They generally have a strong concern for their students-a concern that we should be careful to foster, and not to frustrate. They have the ability to engage in and to understand moral argument. They have some years of experience in resolving moral dilemmas. They generally have a strong commitment to doing what is right, if necessary in the face of opposition, and a belief in their own integrity. But it is also 'common for them to have certain weaknesses. Teachers who have these weaknesses are not fit to teach students morality, nor to teach them how to handle moral dilemmas

Correcting faulty beliefs about morality Teachers are commonly found to have the following assumptions about morality.

1. They commonly believe that morality is relative to a culture. Their arguments are not always consistent with this view-indeed, it is impossible to always be consistent with it.

2. Others believe in individual relativism-that moral belief is just a matter of opinion.

3. They often believe that relativism implies moral skepticism-that moral argument is pointless; that it is impossible to resolve differences of opinion.

4. These days, with the popularity of post-modernism in some University disciplines, there is a view that all argument is essentially an element in a power struggle.

5. The belief that moral principles have no exceptions. There are indeed some principles which have no exceptions, such as that we ought not to torture a child purely for our delight in watching suffering. Further, if there are any true fundamental principles, then they (or it) will have no exceptions. But every other principle has exceptions, when it conflicts with a more fundamental one. Teachers are inclined to think that an exception to a principle proves that it is mistaken.

6. A superficial analysis of moral situations, arising! from a lack of sensitivity to the moral features of the situations they have to deal with.

7. A related tendency to crude utilitarianism-arguing in terms of a limited number of short-term consequences, especially consequences for the teachers themselves, or for their school. For example, 'If we investigate this complaint, the school's reputation will suffer', or 'If we allow this change, we will be swamped by demands from students for other ones'.

8. Primitive moral theories. A moral theory is a view about how we should decide what we ought to do, or about what is good to do. A well-known example is classical utilitarianism, the view that we should always act so as to produce the greatest happiness of the greatest number. This is put forward as a fundamental principle, not dependent on any other, and so without exception, to be applied to all situations. A second theory is the deontological theory of Kant, that we should act from a

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principle of duty, to treat all persons as ends in themselves, and so not to act in a way that any rational person could not accept. Another is the ethics of care, that we should avoid moral argument and above all avoid fundamental principles, and simply act out of our naturally occurring care for those with whom we have to do. There is nothing primitive about these theories. They are tested and refined in the light of their ability to resolve dilemmas in intuitively acceptable ways, and they are used to resolve dilemmas where we have no intuitions. Professional Values and Ethics The primitive theories have not undergone such refining, but are adopted relatively casually, often as a result of a teacher's own experiences at home or at school. They often come to the fore when teachers are attempting to justify their decisions to their students. Examples are the assertion that the end never justifies the means (note that for utilitarians outcomes are the only things that can justify a means), or the rejection of students' complaints that a decision is unfair with the assertion that the world is not a fair place, or the view that the answer to every moral dilemma is contained in the scriptures, or in Departmental policy.

9. Prejudices: racial, religious, cultural, gender, and sexual orientation prejudices are all alive and well in practising teachers. So are anti-intellectualism and cynicism of the motives of authority figures.

10. Reliance on roles to delimit responsibilities. Comments such as 'I'm a teacher, not a social worker', and 'that's the parents', or 'that's the Government's job' may reflect a legitimate concern that teachers are neither trained, nor do they have the time, to do everything that ought to be done (by somebody) for their students. The use of roles to determine priorities, however, is a denial of responsibility for the impact of one's actions on others and on society.

11. Reliance on rules, wherever they are from, the tendency to give minimal compliance or literal compliance to regulations, and to see that as determining the limits of moral responsibility.

12. Lack of knowledge of well-discussed issues. The weaknesses of our pre-service teaching (generally because of lack of time) leaves teachers ignorant of standard material about loyalty, whistle-blowing, honesty and candour, obligations to stakeholders, conflicts of interest, responsibility for the profession, social justice and equality, controversial issues, education and competition, authority, compulsion and educational aims.

13.8.1 What is To Be Done about the Weaknesses?

Focusing on the aims of education Firstly, urging teachers to keep in mind the aims of education, and encouraging them to make themselves more competent and to be more diligent in pursuing them, is not very helpful. A set of aims may inspire, but it is clear that while professional ethics does not cover the whole of morality, it is wider than the pursuit of individual professional goods.

Developing a code of ethics and conducting ethics audit In relation to activities that may be undertaken in schools, the ethics audit and the development of codes of ethics are extremely favourable in adhering to ethical values. These activities are best undertaken by small groups. Since the codes produced are to help teachers determine their own behaviour, it is important that they are committed to the aspirations they embody. In small groups, teachers have genuine input into the final product, and so have ownership of it. Even more importantly, their own ideas are part of the discussion; they are subject to sympathetic elaboration and development, or challenge. So in a secondary school, faculties might meet separately; in a primary school, they might divide into groups by the grades they teach.

Exit audit, and ethics consultant Three other ideas are the exit audit, the ethics consultant and the whistle-blower's ear. The exit audit is a questionnaire to be filled out when staff retire or move on. to other schools or Directorates. It is usually presented as a useful management tool for the evaluation of procedures and the discovery of problems. Questions concerning ethics might be included, and related to specific problems, but should also include a general question about ethical problems the teacher may have encountered. Ethics consultants would be knowledgeable persons outside the school. All teachers would be

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informed that these people were available to give advice on a confidential basis. The whistle-blower's ear is a senior member of the school who can receive anonymous or confidential information about ethical problems that have emerged in school. All three ideas together may help to maintain a culture of concern about ethics and a means of ensuring that the problems are dealt with before they get out of hand.

Check Your Progress 2

Note: a) Use the space provided for your answer

b) Check your answer with those provided at the end of the unit:

1. List out the measures undertaken in your school to develop professionalism among your teachers.

.....
.....
.....

2. What are the important characteristics of a code of ethics for teachers, in your opinion?

.....
.....
.....

A sample code of conduct for all employees I. Have complete faith in the democratic form of Government and governance as laid down by the Constitution of the country 2. Adhere to own religion and demonstrates secular beliefs 3. Have conviction to teach pupils to perform their duties effectively and attentively. Demonstrates such behaviour personally 4. Maintains one's honour and upholds the prestige of the teaching profession. 5. Teaches without bias or concealment. Use academic work of self and others with dignity, due acknowledgement and for the purpose of betterment of humanity. 6. Be fair; courteous, follow the traditions and regulations of the school, and maintain unity among colleagues.

13.8.2 Code of Conduct for the Head-Teacher

A sample code of conduct for the educational administrator's equally significant if not more than the others. A sample is as follows: 1. Make the well-being of students the fundamental value of all decision-making and actions. 2. Fulfill professional responsibilities with honesty and integrity. 3. Support the principle of due process and protect the civil and human rights of all individuals. 4. Obey local, state, and national laws and do not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government. 5. Implement the governing board of education's policies and administrative rules and regulations. 6. thus appropriate measures to correct those laws, policies and regulations that are not consistent with sound educational goals. 7. Avoid using positions for personal gain through political, social, religious, economic or other influences. 8. Accept academic degrees or professional certification only from duly accredited Organisation institutions. 9. Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development. 10. Honour all contracts until fulfillment, release or dissolution mutually agreed upon by all parties to contract.

Check Your Progress 3

Note: a) Use the space provided for your answer

b) Check your answer with those provided at the end of the unit:

1. Discuss the significance of a code of ethics for the head teacher.

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13.9 LET US SUM UP

This unit discusses a range of issues concerning professionalism and ethics in school teachers. The following is a summary: All professionals are faced with complex ethical choices but teachers have a special role, in that they have to teach morality but in practice, they are presented with a wide variety of complex moral problems which are not easy to handle. Though teachers have certain strengths, they are often not well equipped

to handle the issues, or to teach their students. In this, the head teacher has a special responsibility to undertake measures in this direction. Some measures to help teachers adhere to a code of conduct is to facilitate groups of teachers to develop their own code of conduct, have an ethics committee, an ethics audit, and an organizational Whistleblower. The unit also outlines a sample code of ethics for employees and administrators in the teaching profession.

13.10 KEY WORDS

Professional Ethics: Professional ethics encompass the personal and corporate standards of behavior expected by professionals. The word professionalism originally applied to vows of a religious order.

13.11 QUESTIONS FOR REVIEW

1. Discuss the Professional Ethics.
2. Write about the Social Ethics, Distributive Justice, and Environmental Ethics.
3. Discuss the Theory and Application.
4. What are the Issues of Ethical Practice?
5. Discuss the Education as an Ethical Practice.

13.12 SUGGESTED READINGS AND REFERENCES

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- Cohen, Carl. “The Case for the Use of Animals in Biomedical Research.” (1986), New England Journal of Medicine.

13.13 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 13.7

Check Your Progress 2

1. See Section 13.8
2. See Section 13.8

Check Your Progress 3

1. See Sub Section 13.8.2

UNIT 14: PETER SINGER AND HIS CRITICS

STRUCTURE

- 14.0 Objectives
- 14.1 Introduction
- 14.2 Early life, education and career
- 14.3 Applied ethics
- 14.4 Other views
- 14.5 Criticism
- 14.6 Let us sum up
- 14.7 Key Words
- 14.8 Questions for Review
- 14.9 Suggested readings and references
- 14.10 Answers to Check Your Progress

14.0 OBJECTIVES

After this unit, we can able to know:

- To know about the Early life, education and career of Peter Singer.
- Applied ethics of Peter Singer
- Other views on Peter Singer.
- Criticism of Peter Singer.

14.1 INTRODUCTION

Peter Albert David Singer AC (born 6 July 1946) is an Australian moral philosopher. He is the Ira W. DeCamp Professor of Bioethics at Princeton University, and a Laureate Professor at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne. He specialises in applied ethics and approaches ethical issues from a secular, utilitarian perspective. He is known in particular for his book *Animal Liberation* (1975), in which he argues in favour of veganism, and his essay "Famine, Affluence, and Morality", in which he argues in favour of donating to help the global poor. For most of his career, he was a preference utilitarian, but he stated in *The Point of View of the Universe*

(2014), coauthored with Katarzyna de Lazari-Radek, that he had become a hedonistic utilitarian.

On two occasions, Singer served as chair of the philosophy department at Monash University, where he founded its Centre for Human Bioethics. In 1996 he stood unsuccessfully as a Greens candidate for the Australian Senate. In 2004 Singer was recognised as the Australian Humanist of the Year by the Council of Australian Humanist Societies. In 2005, the Sydney Morning Herald placed him among Australia's ten most influential public intellectuals. Singer is a cofounder of Animals Australia and the founder of The Life You Can Save.

Peter Singer is the Ira W. DeCamp Professor of Bioethics at Princeton University, and a Laureate Professor at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne. In this interview, we talk about his parents escaping Nazi occupation, being picked on in Melbourne, collecting stamps, coins, and rocks, reading History of Western Philosophy, considering going into the family business, realizing he likes history and philosophy more than law, trying to figure out the origins of fascism, drinking and arguing, his initial reaction to the Sheriff counterexample to utilitarianism, Vietnam, conscription, abortion, meeting his wife, how raising children affected his philosophical outlook and vice versa, differences between grad school and being a grad student, taking classes with Parfit, Glover, and Griffin, how a conversation after a philosophy class led to him becoming vegetarian, working with Hare, the rise of Radical Philosophy, the popularity of "Famine, Affluence and Morality," working at NYU, moving to Melbourne and starting the first center for Bioethics in Australia, the difference between a protest and being silenced, wild animals and human extinction, anonymous journals, running for office, moving to Princeton, working with a Buddhist monk, reason and the possibility of agreement, Anscombe, moral tribes, Mozi, and the ethical views of ET.

For three decades, Peter Singer's views on such issues as animal rights, abortion, euthanasia, infanticide and how to tackle world poverty, have led him to be lauded and condemned to an extent that sets him apart from

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most academic thinkers. Today, the somewhat other-worldly philosopher is returning to the fray.

Newspapers last week pounced on a BBC television documentary which they said suggested that Singer, seen by many as the intellectual father figure of the animal rights movement since the publication of his 1975 book, *Animal Liberation*, had softened his opposition to vivisection.

Last Friday, however, from his desk at Princeton University, Professor Singer denied the charge. In the film *Monkeys, Rats and Me: Animal Testing*, Singer is seen in discussion with the Oxford academic Professor Tipu Aziz, who has been conducting experiments on macaque monkeys as part of his work to find a treatment for Parkinson's disease and other illnesses. Told by Aziz that tests on some 100 monkeys has led to positive treatment for 40,000 patients, Singer responds that he "would certainly not say that no animal research could be justified".

The Daily Mail described Singer's words as an apparent U-turn, reporting that pro-vivisection campaigners greeted them as an "intellectual hammer-blow to Britain's animal liberation movement".

Singer denies any change in his position. "Since I judge actions by their consequences, I have never said that no experiment on an animal can ever be justified," Singer said. "I do insist, however, that the interests of animals count among those consequences, and that we cannot justify giving less weight to the interests of non-human animals than we give to the similar interests of human beings.

"If an experiment on a small number of animals can cure disease that affects tens of thousands, it could be justifiable. Whether this is really the case in Professor Aziz's experiments, about which I was asked in the BBC documentary, is a question I have not studied sufficiently to offer an opinion about. Certainly it has been disputed. In *Animal Liberation* I propose asking experimenters who use animals if they would be prepared to carry out their experiments on human beings at a similar mental level - say, those born with irreversible brain damage. A prejudice against taking the interests of beings seriously, merely because they are not members of our species, is no more defensible than similar prejudices based on race or sex."

As the breadth of Singer's analogies implies, this is no quarrel confined to the quadrangles, though it is engaging British academics in a debate that is generating more than usual emotion.

Oxford University is building a new laboratory to house animal experiments amid strident protests by anti-vivisectionists. The issue has seen protest and counter-protest, and is the latest manifestation of the arguments over animal rights in recent years, arguments that have moved well beyond the academic.

Singer has repeatedly stressed his opposition to acts of extreme violence by some militant groups. The passions aroused by those issues on which he has written do, however, illustrate that questions of ethics and philosophy can reverberate well beyond the lecture hall or learned journal. It has been a recurrent motif in an eventful career.

Peter Albert David Singer was born in Melbourne on 6 July 1946, a birth date he shares with President Bush, whose pronouncements Singer has excoriated in his 2004 book *The President of Good and Evil*, which sets out to examine the ethical standards and consistency of the man in the White House.

The book marked a further stage in Singer's career. By examining Bush's policies and statements through the eye of an ethical philosopher, Singer's political profile was heightened still further. "Peter Singer may be the most controversial philosopher alive; he is certainly the most influential," the *New Yorker* opined.

Singer's personal biography reflects a similar turbulence. His mother and father were Jews who fled Nazi-occupied Austria before the Second World War. Some of his other relatives perished in the Holocaust.

He began his academic career in Melbourne before winning a scholarship to Oxford in the early 1970s, where he wrote a thesis on civil disobedience. At an Oxford college meal, a vegetarian fellow diner declined meat sauce with the spaghetti. The incident set Singer to think about the moral implications of meat-eating and, beyond it, the wider questions about relations between humans and other creatures. He subsequently became a vegan.

Animal Liberation established Singer as a thinker capable of drawing on the spirit of his time while discussing ideas that would reverberate over

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the coming decade. The title caught the revolutionary flavour of the period, and undoubtedly inspired many who read the book, as well as many more who probably didn't.

Singer, whose philosophy owes much to the utilitarian school, argued against what he saw as the "speciesism" - a term coined by a colleague - that holds animals as of lesser worth than humans. He argued that since Darwin, it was impossible to see humans other than as animals themselves. His assaults on the use of animals for food, the practices of factory farming and on vivisection chimed with other environmental issues beginning to be discussed at the time.

When critics later sought to link Singer with the actions of violent environmental or animal rights groups, he moved to refute them, invoking the spirit of non-violent protest associated with Gandhi and Martin Luther King. While he applauded laboratory raiders who exposed cruel conditions, he condemned the use of violence or the threat of it. "The strength of the case for animal liberation is its ethical commitment," he wrote. "We occupy the high moral ground and to abandon it is to play into the hands of those who oppose us."

Singer's career continued to embrace the controversial. *Practical Ethics*, published in 1979, is now a standard text. But his views on abortion and euthanasia have prompted picketing outside his lectures by pro-life and disability rights groups alike.

An Australian organisation voted him the humanist of the year, but when he left Melbourne for the US in 1999, a fellow academic wrote a newspaper article headlined "Good riddance to the warped philosopher", a Princeton donor threatened to withhold his cash, and Singer was warned of death threats.

Singer's work continues to provoke and engage. His efforts to establish a UN declaration recognising the proximity of the great apes to humans has provoked discussion in several parliaments. His calls for greater economic equality between nations - he donates a fifth of his salary to charities - divided economists.

Politically inclined to the left on most issues, he can still agree with George Bush on the importance of morality while sharply parting

company with him over its interpretations. He is proof that philosophical debate is more, much more, than simply academic.

14.2 EARLY LIFE, EDUCATION AND CAREER

Singer's parents were Austrian Jews who immigrated to Australia from Vienna in 1939, after Austria's annexation by Nazi Germany. They settled in Melbourne, where Singer was born. Singer's father imported tea and coffee, while his mother practiced medicine. He has an older sister, Joan (now Joan Dwyer). His grandparents were less fortunate: his paternal grandparents were taken by the Nazis to Łódź, and never heard from again; his maternal grandfather David Ernst Oppenheim (1881–1943), a teacher, died in the Theresienstadt concentration camp. Oppenheim was a member of the Vienna Psychoanalytic Society and wrote a joint article with Sigmund Freud, before joining the Adlerian sect. Singer later wrote a biography of Oppenheim.

Singer is an atheist, and was raised in a prosperous, happy, non-religious family. His family rarely observed Jewish holidays, and Singer declined to have a Bar Mitzvah. Singer attended Preshil and later Scotch College. After leaving school, Singer studied law, history, and philosophy at the University of Melbourne, earning a bachelor's degree in 1967. He has explained that he elected to major in philosophy after his interest was piqued by discussions with his sister's then-boyfriend. He earned a master's degree for a thesis entitled "Why should I be moral?" at the same university in 1969. He was awarded a scholarship to study at the University of Oxford, and obtained from there a BPhil degree in 1971, with a thesis on civil disobedience supervised by R. M. Hare and published as a book in 1973. Singer names Hare and Australian philosopher H. J. McCloskey as his two most important mentors. One day at Balliol College in Oxford, he had what he refers to as "probably the decisive formative experience of my life". He was having a discussion after class with fellow graduate student Richard Keshen, a Canadian (who would later become a professor at Cape Breton University), over lunch. Keshen opted to have a salad after being told that the spaghetti sauce contained meat. Singer had the spaghetti. Singer

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eventually questioned Keshen about his reason for avoiding meat. Keshen explained his ethical objections. Singer would later state, "I'd never met a vegetarian who gave such a straightforward answer that I could understand and relate to." Keshen later introduced Singer to his vegetarian friends. Singer was able to find one book in which he could read up on the issue (*Animal Machines* by Ruth Harrison) and "within a week or two" he approached his wife saying that he thought they needed to make a change to their diet, and that he did not think they could justify eating meat.

After spending three years as a Radcliffe lecturer at University College, Oxford, he was a visiting professor at New York University for 16 months. He returned to Melbourne in 1977, where he spent most of his career, aside from appointments as visiting faculty abroad, until his move to Princeton in 1999. In June 2011, it was announced he would join the professoriate of New College of the Humanities, a private college in London, in addition to his work at Princeton.[He also has been a regular contributor to Project Syndicate since 2001.

According to philosopher Helga Kuhse, Singer is "almost certainly the best-known and most widely read of all contemporary philosophers". Michael Specter wrote that Singer is among the most influential of contemporary philosophers.

Since 1968 he has been married to Renata Singer; they have three children: Ruth, Marion, and Esther. Renata Singer is a novelist and author and has collaborated on publications with her husband

14.3 APPLIED ETHICS

Singer's *Practical Ethics* (1979) analyzes why and how living beings' interests should be weighed. His principle of equal consideration of interests does not dictate equal treatment of all those with interests, since different interests warrant different treatment. All have an interest in avoiding pain, for instance, but relatively few have an interest in cultivating their abilities. Not only does his principle justify different treatment for different interests, but it allows different treatment for the same interest when diminishing marginal utility is a factor. For example,

this approach would privilege a starving person's interest in food over the same interest of someone who is only slightly hungry.

Among the more important human interests are those in avoiding pain, in developing one's abilities, in satisfying basic needs for food and shelter, in enjoying warm personal relationships, in being free to pursue one's projects without interference, "and many others". The fundamental interest that entitles a being to equal consideration is the capacity for "suffering and/or enjoyment or happiness". Singer holds that a being's interests should always be weighed according to that being's concrete properties. The journey model is tolerant of some frustrated desire and explains why persons who have embarked on their journeys are not replaceable. Only a personal interest in continuing to live brings the journey model into play. This model also explains the priority that Singer attaches to interests over trivial desires and pleasures.

Ethical conduct is justified by reasons that go beyond prudence to "something bigger than the individual", addressing a larger audience. Singer thinks this going-beyond identifies moral reasons as "somehow universal", specifically in the injunction to 'love thy neighbour as thyself', interpreted by him as demanding that one give the same weight to the interests of others as one gives to one's own interests. This universalising step, which Singer traces from Kant to Hare, is crucial and sets him apart from those moral theorists, from Hobbes to David Gauthier, who tie morality to prudence. Universalisation leads directly to utilitarianism, Singer argues, on the strength of the thought that one's own interests cannot count for more than the interests of others. Taking these into account, one must weigh them up and adopt the course of action that is most likely to maximise the interests of those affected; utilitarianism has been arrived at. Singer's universalising step applies to interests without reference to who has them, whereas a Kantian's applies to the judgments of rational agents (in Kant's kingdom of ends, or Rawls's Original Position, etc.). Singer regards Kantian universalisation as unjust to animals. As for the Hobbesians, Singer attempts a response in the final chapter of *Practical Ethics*, arguing that self-interested reasons support adoption of the moral point of view, such as 'the paradox of hedonism', which counsels that happiness is best found by not looking

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for it, and the need most people feel to relate to something larger than their own concerns.

Effective altruism and world poverty



Singer at an effective altruism conference in Melbourne in 2015.

Singer's ideas have contributed to the rise of effective altruism. He argues that people should not only try to reduce suffering, but reduce it in the most effective manner possible. While Singer has previously written at length about the moral imperative to reduce poverty and eliminate the suffering of nonhuman animals, particularly in the meat industry, he writes about how the effective altruism movement is doing these things more effectively in his 2015 book, *The Most Good You Can Do*. He is a board member of Animal Charity Evaluators, a charity evaluator used by many members of the effective altruism community which recommends the most cost-effective animal advocacy charities and interventions.

His own organisation, *The Life You Can Save*, also recommends a selection of charities deemed by charity evaluators such as GiveWell to be the most effective when it comes to helping those in extreme poverty. TLYCS was founded after Singer released his 2009 eponymous book, in which he argues more generally in favour of giving to charities that help to end global poverty. In particular, he expands upon some of the arguments made in his 1972 essay "Famine, Affluence, and Morality", in which he posits that citizens of rich nations are morally obligated to give at least some of their disposable income to charities that help the global poor. He supports this using the drowning child analogy, which states that most people would rescue a drowning child from a pond, even if it

meant that their expensive clothes were ruined, so we clearly value a human life more than the value of our material possessions. As a result, we should take a significant portion of the money that we spend on our possessions and instead donate it to charity.

Animal liberation and veganism



Singer in São Paulo in 2013.

Published in 1975, *Animal Liberation* has been cited as a formative influence on leaders of the modern animal liberation movement. The central argument of the book is an expansion of the utilitarian concept that "the greatest good of the greatest number" is the only measure of good or ethical behaviour, and Singer believes that there is no reason not to apply this principle to other animals, arguing that the boundary between human and "animal" is completely arbitrary. There are far more differences between a great ape and an oyster, for example, than between a human and a great ape, and yet the former two are lumped together as "animals", whereas we are considered "human" in a way that supposedly differentiates us from all other "animals."

He popularised the term "speciesism", which had been coined by English writer Richard D. Ryder to describe the practice of privileging humans over other animals, and therefore argues in favour of the equal consideration of interests of all sentient beings. In *Animal Liberation*, Singer argues in favour of veganism and against animal experimentation. Singer describes himself as a flexible vegan. He writes, "That is, I'm

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vegan when it's not too difficult to be vegan, but I'm not rigid about this, if I'm traveling for example."

In an article for the online publication Chinadialogue, Singer called Western-style meat production cruel, unhealthy, and damaging to the ecosystem.^[34] He rejected the idea that the method was necessary to meet the population's increasing demand, explaining that animals in factory farms have to eat food grown explicitly for them, and they burn up most of the food's energy just to breathe and keep their bodies warm. In a 2010 Guardian article he titled, "Fish: the forgotten victims on our plate," Singer drew attention to the welfare of fish. He quoted (author) Alison Mood's startling statistics from a report she wrote, which was released on fishcount.org.uk just a month before the Guardian article. Singer states that she "has put together what may well be the first-ever systematic estimate of the size of the annual global capture of wild fish. It is, she calculates, in the order of one trillion, although it could be as high as 2.7tn."

Some chapters of *Animal Liberation* are dedicated to criticising testing on animals but, unlike groups such as PETA, Singer is willing to accept such testing when there is a clear benefit for medicine. In November 2006, Singer appeared on the BBC programme *Monkeys, Rats and Me: Animal Testing* and said that he felt that Tipu Aziz's experiments on monkeys for research into treating Parkinson's disease could be justified. Whereas Singer has continued since the publication of *Animal Liberation* to promote vegetarianism and veganism, he has been much less vocal in recent years on the subject of animal experimentation.

Singer has defended some of the actions of the Animal Liberation Front, such as the stealing of footage from Dr. Thomas Gennarelli's laboratory in May 1984 (as shown in the documentary *Unnecessary Fuss*), but he has condemned other actions such as the use of explosives by some animal-rights activists and sees the freeing of captive animals as largely futile when they are easily replaced.

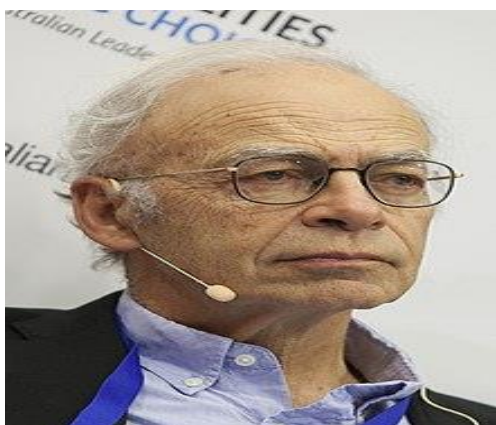
14.4 OTHER VIEWS

Meta-ethical views

In the past, Singer has not held that objective moral values exist, on the basis that reason could favour both egoism and equal consideration of interests. Singer himself adopted utilitarianism on the basis that people's preferences can be universalised, leading to a situation where one takes the "point of view of the universe" and "an impartial standpoint". But in the Second Edition of *Practical Ethics*, he concedes that the question of why we should act morally "cannot be given an answer that will provide everyone with overwhelming reasons for acting morally".

However, when co-authoring *The Point of View of the Universe* (2014), Singer shifted to the position that objective moral values do exist, and defends the 19th century utilitarian philosopher Henry Sidgwick's view that objective morality can be derived from fundamental moral axioms that are knowable by reason. Additionally, he endorses Derek Parfit's view that there are object-given reasons for action.^{[40]:126} Furthermore, Singer and Katarzyna de Lazari-Radek (the co-author of the book) argue that evolutionary debunking arguments can be used to demonstrate that it is more rational to take the impartial standpoint of "the point of view of the universe", as opposed to egoism—pursuing one's own self-interest—because the existence of egoism is more likely to be the product of evolution by natural selection, rather than because it is correct, whereas taking an impartial standpoint and equally considering the interests of all sentient beings is in conflict with what we would expect from natural selection, meaning that it is more likely that impartiality in ethics is the correct stance to pursue.

Political views



Singer in 2017

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Whilst a student in Melbourne, Singer campaigned against the Vietnam War as president of the Melbourne University Campaign Against Conscription. He also spoke publicly for the legalisation of abortion in Australia. Singer joined the Australian Labor Party in 1974, but resigned after disillusionment with the centrist leadership of Bob Hawke. In 1992, he became a founding member of the Victorian Greens. He has run for political office twice for the Greens: in 1994 he received 28% of the vote in the Kooyong by-election, and in 1996 he received 3% of the vote when running for the Senate (elected by proportional representation). Before the 1996 election, he co-authored a book *The Greens with Bob Brown*.

In *A Darwinian Left*, Singer outlines a plan for the political left to adapt to the lessons of evolutionary biology. He says that evolutionary psychology suggests that humans naturally tend to be self-interested. He further argues that the evidence that selfish tendencies are natural must not be taken as evidence that selfishness is "right." He concludes that game theory (the mathematical study of strategy) and experiments in psychology offer hope that self-interested people will make short-term sacrifices for the good of others, if society provides the right conditions. Essentially, Singer claims that although humans possess selfish, competitive tendencies naturally, they have a substantial capacity for cooperation that also has been selected for during human evolution. Singer's writing in *Greater Good* magazine, published by the Greater Good Science Center of the University of California, Berkeley, includes the interpretation of scientific research into the roots of compassion, altruism, and peaceful human relationships.

Singer has criticized the United States for receiving "oil from countries run by dictators who pocket most of the" financial gains, thus "keeping the people in poverty." Singer believes that the wealth of these countries "should belong to the people" within them rather than their "de facto government. In paying dictators for their oil, we are in effect buying stolen goods, and helping to keep people in poverty." Singer holds that America "should be doing more to assist people in extreme poverty". He is disappointed in U.S. foreign aid policy, deeming it "a very small proportion of our GDP, less than a quarter of some other

affluent nations." Singer maintains that little "private philanthropy from the U.S." is "directed to helping people in extreme poverty, although there are some exceptions, most notably, of course, the Gates Foundation."

Singer describes himself as not anti-capitalist, stating in a 2010 interview with the New Left Project:

Capitalism is very far from a perfect system, but so far we have yet to find anything that clearly does a better job of meeting human needs than a regulated capitalist economy coupled with a welfare and health care system that meets the basic needs of those who do not thrive in the capitalist economy.

He added that "[i]f we ever do find a better system, I'll be happy to call myself an anti-capitalist".

Similarly, in his book *Marx*, Singer is sympathetic to Marx's criticism of capitalism, but is skeptical about whether a better system is likely to be created, writing: "Marx saw that capitalism is a wasteful, irrational system, a system which controls us when we should be controlling it. That insight is still valid; but we can now see that the construction of a free and equal society is a more difficult task than Marx realised."

Singer is opposed to the death penalty, claiming that it does not effectively deter the crimes for which it is the punitive measure, and that he cannot see any other justification for it.

In 2010, Singer signed a petition renouncing his right of return to Israel, because it is "a form of racist privilege that abets the colonial oppression of the Palestinians."

Views on the Trump administration

In 2016, Singer called on Jill Stein to withdraw from the US presidential election in states that were close between Hillary Clinton and Donald Trump, on the grounds that "The stakes are too high". He argued against the view that there was no significant difference between Clinton and Trump, whilst also saying that he would not advocate such a tactic in Australia's electoral system, which allows for ranking of preferences.

When writing in 2017 on Trump's denial of climate change and plans to withdraw from the Paris accords, Singer advocated a boycott of all

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consumer goods from the United States to pressure the Trump administration to change its environmental policies.

Abortion, euthanasia, and infanticide



Singer lecturing at Oxford University

Singer holds that the right to life is essentially tied to a being's capacity to hold preferences, which in turn is essentially tied to a being's capacity to feel pain and pleasure.

In *Practical Ethics*, Singer argues in favour of abortion rights on the grounds that fetuses are neither rational nor self-aware, and can therefore hold no preferences. As a result, he argues that the preference of a mother to have an abortion automatically takes precedence. In sum, Singer argues that a fetus lacks personhood.

Similar to his argument for abortion rights, Singer argues that newborns lack the essential characteristics of personhood—"rationality, autonomy, and self-consciousness"—and therefore "killing a newborn baby is never equivalent to killing a person, that is, a being who wants to go on living". Singer has clarified that his "view of when life begins isn't very different from that of opponents of abortion." He deems it not "unreasonable to hold that an individual human life begins at conception. If it doesn't, then it begins about 14 days later, when it is no longer possible for the embryo to divide into twins or other multiples." Singer disagrees with abortion rights opponents in that he does not "think that the fact that an embryo is a living human being is sufficient to show that

it is wrong to kill it." Singer wishes "to see American jurisprudence, and the national abortion debate, take up the question of which capacities a human being needs to have in order for it to be wrong to kill it" as well as "when, in the development of the early human being, these capacities are present."

Singer classifies euthanasia as voluntary, involuntary, or non-voluntary. Voluntary euthanasia is that to which the subject consents. He argues in favour of voluntary euthanasia and some forms of non-voluntary euthanasia, including infanticide in certain instances, but opposes involuntary euthanasia.

Religious critics have argued that Singer's ethic ignores and undermines the traditional notion of the sanctity of life. Singer agrees and believes the notion of the sanctity of life ought to be discarded as outdated, unscientific, and irrelevant to understanding problems in contemporary bioethics. Bioethicists associated with the disability rights and disability studies communities have argued that his epistemology is based on ableist conceptions of disability. Singer's positions have also been criticised by some advocates for disability rights and right-to-life supporters, concerned with what they see as his attacks upon human dignity. Singer has replied that many people judge him based on secondhand summaries and short quotations taken out of context, not his books or articles and, that his aim is to elevate the status of animals, not to lower that of humans. American publisher Steve Forbes ceased his donations to Princeton University in 1999 because of Singer's appointment to a prestigious professorship. Nazi-hunter Simon Wiesenthal wrote to organisers of a Swedish book fair to which Singer was invited that "A professor of morals ... who justifies the right to kill handicapped newborns ... is in my opinion unacceptable for representation at your level." Marc Maurer, President of the National Federation of the Blind, criticised Singer's appointment to the Princeton faculty in a banquet speech at the organisation's national convention in July 2001, claiming that Singer's support for euthanising disabled babies could lead to disabled older children and adults being valued less as well. Conservative psychiatrist Theodore Dalrymple wrote in 2010 that

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Singerian moral universalism is "preposterous—psychologically, theoretically, and practically".

In 2002, disability rights activist Harriet McBryde Johnson debated Singer, challenging his belief that it is morally permissible to euthanise new-born children with severe disabilities. "Unspeakable Conversations", Johnson's account of her encounters with Singer and the pro-euthanasia movement, was published in the New York Times Magazine in 2003.

Singer has experienced the complexities of some of these questions in his own life. His mother had Alzheimer's disease. He said, "I think this has made me see how the issues of someone with these kinds of problems are really very difficult". In an interview with Ronald Bailey, published in December 2000, he explained that his sister shares the responsibility of making decisions about his mother. He did say that, if he were solely responsible, his mother might not continue to live.

Surrogacy

In 1985, Singer wrote a book with the physician Deanne Wells arguing that surrogate motherhood should be allowed and regulated by the state by establishing nonprofit 'State Surrogacy Boards', which would ensure fairness between surrogate mothers and surrogacy-seeking parents. Singer and Wells endorsed both the payment of medical expenses endured by surrogate mothers and an extra "fair fee" to compensate the surrogate mother.

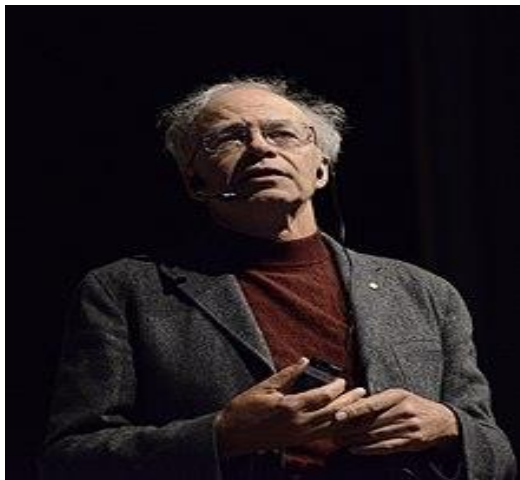
Religion



Singer at a Veritas Forum event at MIT in 2009.

Singer was a speaker at the 2012 Global Atheist Convention. He has debated with Christians such as John Lennox and Dinesh D'Souza. Singer has pointed to the problem of evil as an objection against the Christian conception of God. He stated: "The evidence of our own eyes makes it more plausible to believe that the world was not created by any god at all. If, however, we insist on believing in divine creation, we are forced to admit that the god who made the world cannot be all-powerful and all good. He must be either evil or a bungler."^[71] In keeping with his considerations of non-human animals, Singer also takes issue with the original sin reply to the problem of evil, saying that, "animals also suffer from floods, fires, and droughts, and, since they are not descended from Adam and Eve, they cannot have inherited original sin."

Protests



Singer lecturing in Porto Alegre, Brazil, in 2012.

In 1989 and 1990, Singer's work was the subject of a number of protests in Germany. A course in ethics led by Dr. Hartmut Kliemt at the University of Duisburg where the main text used was Singer's *Practical Ethics* was, according to Singer, "subjected to organised and repeated disruption by protesters objecting to the use of the book on the grounds that in one of its ten chapters it advocates active euthanasia for severely disabled newborn infants". The protests led to the course being shut down.

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When Singer tried to speak during a lecture at Saarbrücken, he was interrupted by a group of protesters including advocates for disability rights. One of the protesters expressed that entering serious discussions would be a tactical error.

The same year, Singer was invited to speak in Marburg at a European symposium on "Bioengineering, Ethics and Mental Disability". The invitation was fiercely attacked by leading intellectuals and organisations in the German media, with an article in *Der Spiegel* comparing Singer's positions to Nazism. Eventually, the symposium was cancelled and Singer's invitation withdrawn.

A lecture at the Zoological Institute of the University of Zurich was interrupted by two groups of protesters. The first group was a group of disabled people who staged a brief protest at the beginning of the lecture. They objected to inviting an advocate of euthanasia to speak. At the end of this protest, when Singer tried to address their concerns, a second group of protesters rose and began chanting "Singer raus! Singer raus!" ("Singer out!") When Singer attempted to respond, a protester jumped on stage and grabbed his glasses, and the host ended the lecture. Singer explains "my views are not threatening to anyone, even minimally" and says that some groups play on the anxieties of those who hear only keywords that are understandably worrying (given the constant fears of ever repeating the Holocaust) if taken with any less than the full context of his belief system.

In 1991, Singer was due to speak along with R. M. Hare and Georg Meggle at the 15th International Wittgenstein Symposium in Kirchberg am Wechsel, Austria. Singer has stated that threats were made to Adolf Hübner, then the president of the Austrian Ludwig Wittgenstein Society, that the conference would be disrupted if Singer and Meggle were given a platform. Hübner proposed to the board of the society that Singer's invitation (as well as the invitations of a number of other speakers) be withdrawn. The Society decided to cancel the symposium.

In an article originally published in *The New York Review of Books*, Singer argued that the protests dramatically increased the amount of coverage he received: "instead of a few hundred people hearing views at lectures in Marburg and Dortmund, several millions read about them or

listened to them on television". Despite this, Singer argues that it has led to a difficult intellectual climate, with professors in Germany unable to teach courses on applied ethics and campaigns demanding the resignation of professors who invited Singer to speak

14.5 CRITICISM

Singer was criticized by Nathan J. Robinson, founder of Current Affairs, for comments in an op-ed defending Anna Stubblefield, a carer and professor who was convicted of aggravated sexual assault against a man with severe physical and intellectual disabilities. The op-ed questioned whether the victim was capable of giving or withholding consent, and stated that "It seems reasonable to assume that the experience was pleasurable to him; for even if he is cognitively impaired, he was capable of struggling to resist." Robinson called the statements "outrageous" and "morally repulsive", and said that they implied that it might be okay to rape or sexually assault disabled people.

Roger Scruton was critical of the consequentialist, utilitarian approach of Peter Singer. Scruton wrote that Singer's works, including *Animal Liberation* (1975), "contain little or no philosophical argument. They derive their radical moral conclusions from a vacuous utilitarianism that counts the pain and pleasure of all living things as equally significant and that ignores just about everything that has been said in our philosophical tradition about the real distinction between persons and animals."

Check Your Progress 1

Note: Use the space provided for your answer

1. What do you know about the Early life, education and career of Peter Singer?

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2. Discuss about the Applied ethics of Peter Singer.

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3. Discuss Other views on Peter Singer.

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4. Discuss Criticism of Peter Singer.

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14.6 LET US SUM UP

The philosopher Peter Singer, who regularly tops lists of the most influential people worldwide, is known for his controversial, yet highly convincing, utilitarian outlook. Utilitarian ethicists believe that the consequences of an action determine whether or not it’s moral. Grounded in this discipline, Singer has argued, among other things, that:

Failing to donate excess wealth to those in need is morally equivalent to walking past a fallen child in a pond and allowing them to drown.

It’s acceptable to kill newborn babies with severe disabilities.

Bestiality that involves cruelty to animals is immoral, but perfectly ok where it involves “mutually satisfying activities.”

Refusing to treat animal rights as morally significant to human rights is “speciesism.”

Singer has been hugely influential in shaping the effective altruism movement, which advocates donating 10% of your salary to specific charities that have significant practical impact. He’s also had major influence in debates around factory farming, veganism, and climate change. He’s recently published a book, *Ethics in the Real World*, which consists of 82 brief essays written for a non-academic audience. The essays cover, among other topics, whether people who weigh more should pay more on planes, whether adult incest should be illegal, and why donating to batkid was a poor use of money.

Singer is a realist who grapples with some of the most challenging questions facing humanity. He's also very much an optimist. Though he says political discourse in the US has reached "a new low," Brexit was a disappointing win for xenophobia, and far-right governments have growing influence, Singer simply doesn't believe that we're in a worse situation today than 10, 20, or 40 years ago.

"I've always had a reasonably optimistic view of where we're going, and I've tended to look at the positive, in terms of progress that we're making," he says. "Globally, the world's in a much better situation than it's been in past periods, despite the headlines on the war in Syria and other places where bad things are happening. There have been fewer people killed in wars, or genocides, or other forms of violence in the last decade or two than there have been in any other decade. We ought to take consolation in that."

Though it's understandable to be concerned about terrorism, Singer points out that it's not much of a practical threat—after all, the number of people killed by terrorists is "small compared to the numbers of people killed in car accidents."

And while the current refugee crisis is the worst since the Second World War, Singer points out that the tens of millions of people currently displaced worldwide are outweighed by the hundreds of millions who have been lifted out of extreme poverty over the past 50 years. On balance, he says, the world is getting better.

That's not to say he's unconcerned about the current refugee crisis. But Singer suggests that there may now be more refugees in part because it's become easier to flee disaster and, in previous decades "those who were not displaced were suffering more by staying put." Though the civil war in Syria is an undeniably terrible humanitarian crisis, Singer says it should not obscure the fact that the world is slowly improving overall.

This doesn't absolve us of our moral responsibility, of course. Singer believes we have as much of a duty to those overseas as we do to those within our own country. But he recognizes that xenophobia is prevalent, including on the left (he's disappointed, he adds, that Bernie Sanders "appealed in a somewhat similar way to Trump" to concerns that American jobs are going overseas). And so, given that accepting large

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numbers of refugees tends to result in surges in harmful far-right sentiment, Singer believes that the most practical solution is to fund the largest refugee camps in less-affluent nations closest to the conflict.

The humanitarian crises worldwide are not only a concern for governments. Singer calls on individuals to gradually increase the amount they give to charity every year (he donated 40% of his salary last year). Similarly, he believes everyone has a moral responsibility to avoid eating meat products or, at the very least, factory-farmed animals.

On the animal rights cause, too, Singer sees reasons for optimism. “Over the last 15 years or so, there’s been legislation that’s really changed the way animals can legally be kept in factory farms in Europe,” he says. “When I started out thinking about animals in the early 1970s, people laughed and said you’ll never change that, you’re trying to fight a huge industry. But actually the animal movement has changed it.”

And, as a leading figure in the animal rights movement, Singer has been a major force behind that change. Given the positive effects Singer’s achieved throughout his own life, it’s not hard to understand his optimistic insistence that we’ll continue to grow and improve in the future. True, there are many tragic events unfolding today, but from a global historical perspective, says Singer, “we can easily get things out of proportion.”

14.7 KEY WORDS

Applied ethics: Applied ethics refers to the practical application of moral considerations. It is ethics with respect to real-world actions and their moral considerations in the areas of private and public life, the professions, health, technology, law, and leadership

14.8 QUESTIONS FOR REVIEW

1. Discuss the contribution of the Applied ethics of Peter Singer.
2. Criticize the idea of Peter Singer.

14.9 SUGGESTED READINGS AND REFERENCES

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14.10 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 14.2
2. See Section 14.3
3. See Section 14.4