

1. Do humans have rights?

- What does it mean to say, “a person has rights”?
- Moral standing (241a)
 - “to be owed moral consideration”
 - Moral **object**: something to which moral consideration is owed
 - Moral **subject**: something that owes moral consideration to moral *objects*

2. Ethics: Belief And Action

- Judith Boss, *Analyzing Moral Issues*, Sixth Edition

3.

4. Animal Rights

- Are animals property? 613
- Is suffering wrong? Is it wrong to feel pain? To *cause* pain? see 621 (top)-2; 626a
 - 636, 637 (Singer)
 - Are we *morally* obligated to avoid causing other species suffering?

5. Cohen: Animals don't have “rights”

- 647a, 648a: The concept of “rights” is essentially human (example **647a**, bot)
- Rights derive from the ability to make morals (laws) for one's self **648b**
 - That individual humans lack some abilities is irrelevant
 - That animals may have similar or related abilities is irrelevant
- Animals' “inherent value”: 649
 - Sense 1: a being has moral dignity
 - Sense 2: a being (animal) is irreplaceable (Is it?)
 - Cohen: Regan “equivocates” these two meanings

6. Regan, “Moral Basis of Vegetarianism”

- 626b: Can animals reason? can they make free choices? how would we know?
- An animal's rights are based on the *human* ability to make moral decisions: 627a, bottom
 - Are conditional rights, rights?
 - Are rights based on the *perception* of rights?
- 628b: “Equal natural right to life”

7. Animal Liberation (2)

- Peter Singer
- Specieism 636a
- 636b: do animals have interests?
- 641b bottom

8. Relativism

- All beliefs (morality) are equally true (right)
- Every belief is relative to something else
 - It “depends upon” extraneous factors
 - Therefore, it is not possible to say that Y is “true” (or, “right”)

9. Types of relativism

- Beliefs versus actions
 - Cognitive relativism: beliefs, ideas
 - Ethical relativism: morality, action = “ethical subjectivism” (p. 5)
- Culture vs. individual
 - Cultural relativism: every culture has its own beliefs and practices
 - Individual relativism: each person decides what is “right” for himself

10. Questions about Relativism

- Can the statement: “All truth claims are relative” be true?
- Are the practices of all cultures equally “right”?
- Two problems
 - Problem of conflict
 - Problem of the reformer

11. Protagoras

- “Man is the measure of the things that are”
- Cognitive individual relativism
- “Perception is existence”
- Therefore it is impossible to know what a thing (experience) “really” is

12. Thrasymachus (1)

- “Justice is the interest of the stronger”
 - Evidence (p. 2, lines 1-8)?
 - P. 3 l. 6: “rulers unintentionally command things to be done which are to their own injury.”
- The “just is always a loser”
 - Hypocrisy of social claims to justice
- “Moral Realism”

13. “Might makes right”

- The “is-ought” problem
 - “is” = “facts”
 - “ought” = norms, values, what *ought* to be the case
- The “is-ought” **fallacy**
 - Fallacy: a logically flawed argument (not necessarily *wrong*)
 - The fallacy of claiming that because something *is* the case, it *ought* to be the case

14. Callicles

- The *weak* make the laws. (*Why?*)
 - According to Thrasymachus, the *strong* make the laws.
- Nature shows that the “superior” ought to rule over the “inferior” (*What’s the evidence?*)
- “Superior individual”

15. Egoism

- Psychological egoism: humans are selfish (“is”)
- Ethical egoism: humans ought to be selfish (“ought”)
- Gyges’ ring
 - Why are people good?
 - Do we always do what we perceive to be in our self-interest?

16. Aristotle: introduction and summary

- You live well if you reach your goal
- The goal of (a good) life is happiness
- A person becomes happy by living virtuously
- You live in accordance with virtue by living in accordance with the mean
 - Between the extremes of...
 - Excess and deficiency

17. Aristotle: The good

- Every action aims at some good
- Teleological: *telos* (“end,” “goal”)
- What is the *telos* of human action?
- That for which all else is done
 - Some goods are means to an end (wealth)
 - Some ends are “desired...in themselves”
- The absolutely final end is “never...a means to something else”

18. Happiness is the goal

- Happiness is not a means to some other end
- Happiness is self-sufficient
 - “taken by itself, makes life desirable”
- Happiness must be attainable
- Happiness is “well-being”
- Eudaimonia

19. Function and Virtue

- Function of a human being
 - Nutrition and growth
 - Sensation
 - Reason: most truly human
- **Virtue** = excellence = Goodness
 - Activity of soul in accordance with reason
 - Living in such a way that one lives well

20. Moral Virtue

- Intellectual virtue is the excellence of reason “in the soul”
 - “mental states”: Can be taught
 - E.g., scientific knowledge, practical wisdom, art and skill (*techne*)
- Moral virtue cannot be taught
 - Gained through habit (i.e., practice)
 - Moral virtue is not dictated by nature, but one can *change* it by habit
 - “nature gives us the capacity”
- We become virtuous by doing virtuous acts

21. Being virtuous

- A result of moral choice
 - Must know what one is doing
 - Deliberately choose to do it, for its own sake
 - Do as an instance of a settled and moral state →
 - Character = overall tone of a person's life
 - "What most persons consider as virtue, after the age of 40 is simply a loss of energy."
- To be just, act as a just person would act

22. Virtue is found in "the mean"

- Everything is found in a greater or smaller amount
- "the mean between excess or deficiency"
- for humans, the mean is "relative" to each person
- Aristotle's definition of virtue (48a)
- "hitting the mark"
- Some actions do not admit of a mean

23. Pleasurable sex is moral sex

- "desire for contact with another person's body and for the pleasure it produces"
 - Is sex a means to some other end? (Goldman says "no")
- Are the norms of sexual activity *generic* (the same as other activities) or *specific* ("special") (280)?
- Is sexual *pleasure* the criterion of sexual *morality*
 - (See textbook, 345a, 346b)?
 - Is "is" = "ought"?
- What is "respect for persons" in sex (345a)?

24. Sexual intimacy: Budziszewski

- "ripping off the tape"
- Is the purpose of lungs to sniff glue? If no, does that make sniffing glue wrong?
- Sex is "designed" for procreation *and* union
 - A single integrated act
 - "purpose" gives us the "good" of the act
 - Pleasure accompanies sex, but is not its *purpose*
 - = Finnis: "sexual act of the reproductive kind"

25. Homosexuality: Ruse, pp. 347 ff.

- What does it mean to call homosexuality "unnatural" (352)?
- What's the "ugh" ("yuck") factor (353b)?
- Discuss last sentence (354) and discussion question 3.

26. Homosexuality: Finnis, "Law, Morality, 'Sexual Orientation'"

- Is "friends with benefits" a moral relationship? "booty call?" (8)
- In a same-sex act, is sexuality as a mere instrument to pleasure?
- If so, is this wrong?
- An act is marital if it both unites and has the possibility of being reproductive

27. Marriage: “Goodridge v. Department of Public Health”

- Should the government intrude into intimate relations (356a)?
- Is marriage as an institution necessarily male/female?
 - 357a
 - On the contrary, 359a, 361
- Is marriage a *right* (360)?

28. Thomas Aquinas: A Supernatural Teleological Ethics

- God is the goal of human action
 - Goal-oriented (like Aristotle)
 - Nature cannot provide its own goal
 - Supernatural completion of nature
- Eternal Law
- Natural Law

29. God is the goal of human action

- All humans have a goal
- God guides “all being” by his will
- we gain the goal of our being if we act under the authority of the divine ruling
- I.e., we become what we ought to become when we act in accordance with the divine will

30. “Goal”: Aquinas vs. Aristotle

- Both believe in *Teleology*
- Aristotle: immanent (within human action)
- Aquinas: transcendent (above human action)
 - Does one need a higher standard to know the good?
 - E.g., Abortion, Slavery

31. Eternal Law

- “The government of things in God...[which] is eternal”
 - Shapes & guides the way all beings act
- Humans are not only guided by this law, they also guide other things
 - Physical (“natural”) agents “automatically” pursue their end
 - Intellectual agents (= “rational creature”) know their end and pursue it as a good

32. Natural Law

- “The participation of the eternal law in the rational creature”...
- ...Which provides the “natural inclination to its proper...end”
- Law through which rational creatures recognize and follow their end
 - Not known through “instinct,” but through reason

33.

34. The content of the natural law

- Fundamental “principle” of natural law is that there is a “good”
 - I.e., to act is to recognize that there are better and worse choices
- “Order of natural inclinations”
 - Preservation of being (all beings)
 - Procreation & nurture (animals)
 - Human good & truth

35. Can the natural law change?

- General principles are identical; application may change
- Circumstances or perversion
- We gain new understanding
- “laws” that were previously accepted are now recognized as wrong

36. Arguments Against Abortion: John T. Noonan, Jr. (98 ff.)

- Fetuses cannot be distinguished on the basis of:
 - dependence (Is a dependent being non-human?)
 - Experience & response (fetuses can respond to music)
 - sentiments
 - Sensation (“out of sight, out of mind”)
 - social visibility
- “A being with a human genetic code is man.” (102)
 - Is a fetus a “fellow man” in the statement “Do not injure your **fellow man** without reason.”

37. Against Abortion: Don Marquis

- Why do **you** think that killing another human being is wrong?
- “the loss” of the “value of my future” (110b, 111a, 111b).
- Does a fetus “count as” as “human being” in the previous sentence?

38. Judith Jarvis Thomson, “A Defense of Abortion”

- (88-9) The attached violinist
- (90) trapped inside a tiny house
- (94) “People seeds” and a sealed house
- 92: “right to life” ≠ “right to be given the use of [allowed continued use of] another person’s body”
- (96) When does a woman or pair of parents assume responsibility as parents?

39. Fetuses cannot be given equal rights (Warren)

- Does a fetus **have** rights, or do we **give** it rights (106a)?
 - Clarence Thomas: “The government cannot bestow dignity,” ..., “and it cannot take it away.”
- 107: Giving equal rights to fetuses will...
 - rule out 2nd trimester abortions
 - allow dehumanizing medical interventions
 - hold women accountable for miscarriages or abnormal infants
- If we give equal rights to fetuses, we deprive women of their rights (107b-108a)

40. Abortion and Fathers’ Rights

- Three Principles
 - “Women have the moral right to get abortions on demand...”
 - “Men and women have equal moral [and legal] rights and duties,...”
 - “Parents have a moral duty to provide support for their children....”
 - Are these consistent?
- “fathers are under an absolute moral obligation to provide for the welfare of their children”
 - Men do not have the right of refusal

41. The solution of the “right of refusal” is blocked by:

- “Fathers are under an absolute moral obligation to provide for the welfare of their children”
- “nobody is morally required to make...sacrifices...to keep another alive”

- Which of the four principles (previous slide) do you discard?
- If the father objects to supporting the child, and the mother wants to keep it, should the father be required to support it?

42. Kant, Overview

- Only a good will is good
- ...if it wills to do its duty
- ...if he acts for duty's sake
- ...to act so that our actions could be willed to be a universal law of nature
- ...that each human being is an end unto himself

43. The good will

- Only a good will is good
- “Talents” can be used in a bad way
- Moral qualities can have evil purposes
- Volition, not effect
 - Intentions or consequences?
 - A good will “shines”

44. ...guided by Adequate motives

- Inadequate motives
 - Inclination: want/desire
 - Prudence: “advantage”
- Will, not desire
 - For duty's sake
 - Duty= “deontological” ethics
 - The “sorrowful philanthropist”
 - But what **is** duty? →

45. “Duty is the necessity of acting from respect for the law”

- Maxim, i.e., “principle of volition”
 - Why are you doing it—motivation
 - Purposes or goals do not have “unconditional worth”
- It must *always* be your duty
- The *general* duty: “the conception of law in itself”
- The *universal* duty: Such as a free will would recognize
- Categorical Imperative

46. Two Classes

- (1) Must be conceivable without contradiction
 - E.g., (negative example): “never help others, but always be helped by them”
- (2) Must be able to will it--be an act of the will, not desire
- Must pass **both** tests

47. Four negative examples

- Self-contradictory
 - Suicide
 - Lying to gain some benefit
- Are not “will-able”
 - Living without being productive

- Not helping those in need

48. The Kingdom of Ends

- Human beings have unconditional worth
 - Versus “Objects of inclination”
 - Other human beings have a worth that is not based on the worth they have for me
- Every rational being is an end in himself
 - “The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.” --Samuel Adams

49. Euthanasia: Introduction

- 173: Active vs. Passive (also 182); Voluntary vs. Involuntary
- Principle of mercy (181): is “do no harm” = “remove suffering”?
- Double Effect (175, 182)
 - If a good *intended* effect also has a *bad* (evil, wrong) *unintended* effect, the unintended effect is permissible if it is the only way to bring about the intended effect
- Problem of Slippery slope (184)
 - $X \rightarrow Y$
 - Y “is bad” (wrong, undesirable)
 - So don’t “start with” X

50. James Rachels, “Active and Passive Euthanasia”

- Which is “worse”: passive or active euthanasia?
- (186b-187a) example of Down’s syndrome with intestinal obstruction
- (187b) The cousin of Smith and Jones
 - Smith “actively” kills
 - Jones “allows to die”
 - Are they morally different?
- 188b bottom

51. Battin, “The Case for Euthanasia” (1)

- Principle of Mercy (191)
 - Are we obligated to be merciful?
 - Is there a moral duty to end pain?
- Principle of Autonomy (193)
 - Do we ever have the right to ignore a person’s desire to die?
 - Does everyone have the right to do whatever they want to themselves?

52. Battin, “The Case for Euthanasia” (2)

- Principle of Justice (195)
 - Does “justice” require that we kill permanently comatose patients?
 - Can you put a price on life?
- Problem of Slippery Slope
 - Are people in “intolerable suffering” “morally entitled” to euthanasia?
 - Prohibiting euthanasia would keep people who want and “deserve” to be euthanized, from being able to be euthanized.

53. Problem of Slippery Slope, cont.

- In world A, *no-one* can be euthanized.
 - Some people who want to be & “should be” euthanized, cannot be.
- In world B, *every-one* can be euthanized.

- Some people who do not want to be euthanized, will be.
- Which is more important:
 - to permit euthanasia for people who want/need it?
 - To avoid euthanizing people against their intention?

54. Gay-Williams: "The Wrongfulness of Euthanasia" (199)

- Defining Euthanasia
 - Intentionally
 - taking the life of
 - a person whose "recovery cannot reasonably be expected" (= "hopeless person")
- "passive euthanasia" is *not* euthanasia
 - person not *killed* (disease/condition kills)
 - death not *intended*
 - "failure to implement...treatments" is *not* euthanasia

55.3 Arguments against euthanasia

- Argument from Nature: goal of survival
 - defeats purpose of life, and therefore is against human dignity
- Argument from Self-interest
 - medical error
 - possibility new procedures
 - opportunity to end life weakens the will
- Argument from Practical effects
 - corrupts medical staff
 - Slippery Slope: voluntary euthanasia → directed euthanasia → involuntary euthanasia as "social policy"

56. Jeremy Bentham

- "Hedonism" (*hedone*)
- Pleasure and pain is the basis of right and wrong
- Pleasure shows that an act is good
- Pain shows that an act is bad
- Consequentialism: results

57. Basic definitions

- "Utility": productive of "benefit, advantage, pleasure, good, happiness"
- Principle of Utility: An act is approved (or disapproved) according to the tendency to augment (or, diminish) happiness for any particular party
 - A community is a fictitious body of individuals
 - "sum of the interests" of individuals
- Utilitarianism: "A good action will bring about the greatest amount of happiness for the greatest number"

58. The Hedonic Calculus: p. 24

- All pleasures are equal: measure "**hedons**"
- Between two actions, the act that produces the most "hedons" is correct action
- Motives don't matter
 - Effects, not motives
 - Get people to do good by appealing to self-interest: "egoistic hook"

60. John Stuart Mill

- Refined Utilitarianism
- Bentham's "simple" utilitarianism
 - All units were equal in quality
 - Only differed based on quantity of pleasure
- Mill distinguished quality: we can tell some pleasures are better than others

61. "the Empirical Criterion"

- A significant majority of...
- Those who have experienced both
- And have a decided preference
- Without any moral obligation to prefer it
- May include "discontent" or discomfort

62. "lesser" pleasures?

- Better pleasures are "better"
- Why do some prefer "lesser"?
 - Lack of "dignity"
 - Lack of education
- "Contentment"
 - Easily satisfied
 - immediate

63. Are those who prefer "lesser" pleasures less ethical?

- "the jobs have been gone now for 25 years. . . . And it's not surprising then they get bitter, they cling to guns or religion or antipathy toward people who aren't like them or anti-immigrant sentiment or anti-trade sentiment as a way to explain their frustrations."— Barack Obama, April, 2008.
- We have two "worlds"
 - Pro-gun, pro-religion, anti-immigrant, trade tariffs
 - Anti-gun, secular, pro-immigrant, free trade
-

64. True Happiness

- Happiness
- Use "higher faculties"
- "Feeling and conscience"
- Laws, education, and public opinion
 - "indissoluble association" with "the good of the whole"
- Altruism: Acting for benefit of others

65. Death Penalty: why does the State Punish?

66. Death Penalty: 3 Theories of Punishment

- Why do we punish?
- Deterrence: deter others from committing similar crime
- Punishment = Retributive Justice: give criminal what he deserves ("just deserts")
 - But what *is* one's just deserts?
- Rehabilitation: "help someone return to normal life," i.e., proper functioning in society

67. Deterrence

- Should we execute one person to *influence* another person's action?
- Is deterrence the *reason* for death penalty, or the side effect?
- **248**; Contrast 236a bottom

68. Moral standing (241a)

- Moral **standing**: “to be owed moral consideration”
- Moral **object**: something to which moral consideration is owed
- Moral **subject**: something that owes moral consideration to moral *objects*
- What does society *owe* the criminal?
- Does the murderer *forfeit* rights (242a; 243a)?

69.

70. Kant's analysis of what we owe a murderer

- “Principle of equality” (248b, also 257a)
 - substitute like for like
 - Examples of theft and murder
- “Respect due rational beings” 258a
 - How do we give a murderer his dignity (see 248b bottom)?

71. Equality to what?

- To what aspects of the crime does the penalty have to be equal (253a)?
 - Is doing to the criminal what he has done the same as causing the same suffering?
- Do we have a **duty** to punish, or (merely) a **right** (258a middle)?
- **260**: Does non-capital punishment “systematically punis[h]” them in a “suitably grave way”?

72. War: Introduction

- Innate? Inevitable?
- Origins of War
 - Conflict over resources (somatic; reproductive) results in a win-lose world
 - Most ancient peoples had some form of organized violence (90-95% of known societies engage in war)
- Rational choice: “cost-benefit analysis”
 - Is the **gain** from war worth the **risk**?
 - Are the potential harms of *not* going to war greater than the harms of *going* to war?

73. The Just War Tradition

- 551
- Jus ad bellum: Justice *in going to* war
 - “conditions [that] should be met before going to war”
- Jus in bello: Justice *in* war
 - Conditions “for a war to be conducted justly”

74. Thomas Aquinas' conditions for Jus ad bellum (549)

- Sovereign command
- Just cause “avenges wrongs” . . .
 - “punish” nation or state that . . .
 - “refuses to make amends for the wrongs inflicted by its subjects”
 - “restore what has been seized unjustly”
- “rightful intention”

75. War in modern states

- all states make rational decisions about how to gain goals
- when states *agree* on relative strength: peace
- when states *disagree* on relative strength: war
- less war because of greater affluence
 - we have more to gain from trade and technology than going to war
 - the world economy is no longer win-lose

76.

77. Jus ad bellum (pp. 569 ff.)

- Legitimate authority
- Just Cause
 - Do we have to wait for an attack? (See 562a bottom & 571a middle)
 - Genuinely imminent
 - “humanitarian war”
- Last resort
 - Reasonable prospect of success: Is annihilation preferable to slavery?
- Proportionality: “is the resort to war...a proportional response to some injury”?

78. Straits of Tiran

79. Chronology leading up to Arab-Israeli War of 1967

- After 1957: Israel had withdrawn from Sinai Peninsula with UN promise that the Straits would not be closed.
- May 1967: Soviets told Egypt that Israel was massing armies
- Israel repeated position that closure of the Straits was a *casus belli*
- May 23: Nasser (president of Egypt) closed Straits
- May 30: Egypt and Jordan signed defense pact
- June 5: Israeli air force attacked Egyptian air force

80. Jus in bello (572)

- **Discrimination:** Only those participating in war can be attacked
 - Innocents cannot be killed
 - Principle of Double effect (565 ff.)
- **Proportionality (572a):** is a tactic proportionate to the effect?
 - “collateral damage”: is putting innocents at risk (“side-effect”) justified by the necessity of a particular military action (“tactic”)
 - “rules of engagement”: how much does an armed person restrict activities to protect the innocent?

81. Natural Rights

- The Declaration of Independence

82.

- When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that

among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

83. John Locke and natural rights

- Men naturally free
 - Reason is the law of nature
 - all are equal
- Yet need society
 - requires consent to create
 - we need make use of the earth
 - every man's work is his own
 - =private property

84. John Locke and natural rights (2)

- Communities (a "commonwealth") are created by common consent
 - = "social contract"
 - a person may choose to belong, or not
 - majority rule
- this is what creates a lawful government
 - Does the environment have rights? Are "welfare rights" **rights?** (pp. 34-35)

85. Ayn Rand's basic ideas

http://www.aynrand.org/site/PageServer?pagename=objectivism_essentials

- Reality is external; facts are real (= "objectivism")
 - Reality is known by reason (49)
 - rejects supernaturalism, relativism, and skepticism
 - choose to use reason (will to be rational)
- The standard of ethics is man's survival as a rational being
 - rational self-interest, not for others or for society
 - "mutual consent to mutual benefit" (rejection of coercion)

86. Ayn Rand

- Society works best when everyone is self-interested
 - live as traders: "giving value for value"
- Morality is "objective"
 - rationally known
 - when a man acts believing that he is a final end in himself
 - his own happiness is the final criterion of any act
 - a man has a "right" to his creations

87. Ayn Rand: discussion

- Is it possible to be free of other people's approval?
- Egotism vs. Altruism
 - Sacrifice of others to self=domination
 - Sacrifice of self to others=self-sacrifice
- What is the solution to the delimita?
 - **Independence** (not dependence)
 - ? **Co-dependence**--reciprocity

88. John Rawls: justice

- a good society is one that is just
- the rights of the individual are inviolable
- Establish rules of society that all abide by
 - identity of interests: do all humans want the same things?
 - conflicts of interests
- “principles...define...appropriate distribution of the benefits and burdens of social cooperation”

89. John Rawls: “the original position”

- hypothetical (62a)
- Veil of ignorance: no one knows his own position
 - rational, free, and equal
 - mutual disinterest
- All want to further their own interests, but since no one knows his own position, he wants to be fair (62a-b)

90. Thinking about equality

- “So far is from being true that men are naturally equal, that no two people can be half an hour together but one shall acquire an evident superiority over the other. [Johnson (1709-1784)]”
- “it is untrue that equality is a law of nature. Nature has no equality. Its sovereign law is subordination and dependence. [Vauvenargues, (1715-1747)]”
 - (quoted in Anthony Falikowski, *Moral Philosophy for Modern Life*, pp. 128, 130)

91. Principles of the original position

- “equality in assignment of basic rights and duties”
- “inequalities...are just only if they result in compensating benefits for everyone,...
- ...and in particular for the least advantaged members of society.”
 - rejection of utilitarianism
 - cannot justify hardships by appealing to the “greater good in the aggregate”

92. First principle: equality

- secure equal liberties of citizenship
- rightness trumps goodness
 - “A just social system defines the scope within which individuals must develop their aims [=goals]”
quoted in Falikowski, *Moral Philosophy for Modern Life*, p. 134
 - remember: you are in a state of ignorance about what ends you desire, or what would be to your own advantage

93. Second principle: “difference” (see 62b)

- inequalities justified by “compensating benefits”
- esp. for “least advantaged”
- inequality works for “the advantage of every person”
- “Maximin” solution:
- Action A is preferable to action B, if and only if the worst that can happen under action A is better than the worst that can happen under action B.