Disputed Moral Issues

FOURTH EDITION

A READER

MARK TIMMONS

OXFORD
UNIVERSITY PRESS

Quick Guide to Moral Theories

Central ideas from each of the seven types of moral theory surveyed in chapter 1 are included here.

A. CONSEQUENTIALISM

BASIC IDEA:

C Right action is to be understood entirely in terms of the overall intrinsic value of the consequences of the action compared to the overall intrinsic value of the consequences associated with alternative actions an agent might perform instead. An action is right if and only if (and because) its consequences would be at least as good as the consequences of any alternative action that the agent might perform instead.

TYPES OF CONSEQUENTIALIST THEORY:

Utilitarianism: A version of consequentialism that construes intrinsic value in terms of happiness or welfare.

U An action is right if and only if (and because) it would (if performed) likely produce at least as high a utility (net overall balance of welfare) as would any other alternative action one might perform instead.

Perfectionist consequentialism: a version that construes intrinsic value in terms of human perfections, the most general of which are knowledge and achievement.

PC An action is right if and only if (and because) it would (if performed) likely bring about a greater net balance of perfectionist goods than would any alternative action one might perform instead.

Rule consequentialism: a version that evaluates competing rules in terms of their acceptance value and then evaluates particular actions by reference to the acceptance value of associated rules.

RC An action is right if and only if (and because) it is permitted by a rule whose associated acceptance value is at least as high as the acceptance value of any other rule applying to the situation.

B. NATURAL LAW THEORY

BASIC PRINCIPLE:

NLT An action is right if and only if (and because) in performing the action one does not *directly* violate any of the basic values (human life, procreation, knowledge, and sociability).

DOCTRINE OF DOUBLE EFFECT

DDE An action that would bring about at least one evil effect and at least one good effect is morally permissible if (and only if) the following conditions are satisfied:

Intrinsic permissibility. The action in question, apart from its effects, is morally permissible;

Necessity: It is not possible to bring about the good effect except by performing an action that will bring about the evil effect in question;

Nonintentionality: The evil effect is not intended—it is neither one's end nor a chosen means for bringing about some intended end;

Proportionality: The evil that will be brought about by the action is not out of proportion to the good being aimed at.

A violation that satisfies all of the provisions of the DDE counts as an indirect violation and is thus not prohibited by NLT.

C. KANTIAN MORAL THEORY

Humanity formulation of Kant's fundamental principle, the categorical imperative:

H An action is right if and only if (and because) the action treats persons (including oneself) as ends in themselves and not merely as a means.

Universal Law formulation

UL An action is right if and only if one can both (a) consistently conceive of everyone adopting and acting on the general policy (that is, the maxim) of one's action, and also (b) consistently will that everyone act on that maxim.

D. RIGHTS-BASED MORAL THEORY

As the name suggests, a rights-based moral theory takes the notion of moral rights as basic and defines or characterizes the rightness or wrongness of actions in terms of moral rights.

R An action is right if and only if (and because) in performing it either (a) one does not violate the fundamental moral rights of others, or (b) in cases in which it is not possible to respect all such rights because they are in conflict, one's action is among the best ways to protect the most important rights in the case at hand.

Typical moral rights taken as fundamental include the Jeffersonian rights to life, various liberties, and the freedom to pursue one's own happiness.

E. VIRTUE ETHICS

A type of moral theory that takes considerations of virtue and vice to be the basis for defining or characterizing the rightness and wrongness of actions.

VE An action is right if and only if (and because) it is what a virtuous agent (acting in character) might choose to do in the circumstances under consideration.

Commonly recognized virtues include honesty, courage, justice, temperance, beneficence, humility, loyalty, and gratitude.

F. ETHICS OF PRIMA FACIE DUTY

This sort of moral theory features a plurality of principles of prima facie duty. To reach an all-things-considered moral verdict in cases in which two or more principles apply and favor conflicting actions, one must use moral judgment to figure out which duty is most stringent.

Ross's list of prima facie duties:

Justice:	prima facie, one ought to ensure that pleasure is distributed according to merit.
Beneficence:	prima facie, one ought to help those in need and, in general, increase the virtue, pleasure, and knowledge of others.
Self-improvement:	prima facie, one ought to improve oneself with respect to one's own virtue and knowledge.
Nonmaleficence:	prima facie, one ought to refrain from harming others.
Fidelity:	prima facie, one ought to keep one's promises.
Reparation:	prima facie, one ought to make amends to others for any past wrongs one has done them.
Gratitude:	prima facie, one ought to show gratitude toward one's benefactors.

Audi's proposed additions to Ross's list:

Veracity:	prima facie, one ought not to lie.
Enhancement and preservation of freedom:	prima facie, one ought to contribute to increasing or at least preserving the freedom of others with priority given to removing constraints over enhancing opportunities.
Respectfulness:	prima facie, one ought, in the manner of our relations with other people, treat others respectfully.

G. SOCIAL CONTRACT THEORY

BASIC IDEA:

SC An action is morally right if and only if (and because) it is permitted by a set of moral principles that hypothetical agents would agree to under conditions that are ideal for choosing moral principles (the precise characteristics of the hypothetical agents and ideal conditions to be spelled out.)

RAWLS'S TWO PRINCIPLES OF JUSTICE:

In the context of developing a theory of social justice governing social and political institutions, John Rawls proposed two basic principles of justice that he argued would be chosen by agents (under certain specified conditions) who are deciding on basic principles for mutual governance.

The principle of greatest equal liberty: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

The difference principle: Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached to positions and offices open to all.

Disputed Moral Issues

A Reader

Fourth Edition

Mark Timmons
University of Arizona

New York Oxford
OXFORD UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research,
scholarship, and education by publishing worldwide.

Oxford New York
Auckland Cape Town Dar es Salaam Hong Kong Karachi
Kuala Lumpur Madrid Melbourne Mexico City Nairobi
New Delhi Shanghai Taipei Toronto

With offices in
Argentina Austria Brazil Chile Czech Republic France Greece
Guatemala Hungary Italy Japan Poland Portugal Singapore
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Copyright © 2017, 2014, 2011, 2007 by Oxford University Press

For titles covered by Section 112 of the US Higher Education Opportunity Act, please visit www.oup.com/us/he for the latest information about pricing and alternate formats.

Published by Oxford University Press
198 Madison Avenue, New York, NY 10016
http://www.oup.com

Oxford is a registered trademark of Oxford University Press

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
electronic, mechanical, photocopying, recording, or otherwise,
without the prior permission of Oxford University Press.

Library of Congress Cataloging-in-Publication Data
Names: Timmons, Mark, 1951- editor.
Title: Disputed moral issues : a reader / [edited by] Mark Timmons,
University of Arizona.
Description: Fourth Edition. | New York : Oxford University Press USA, 2016.
Identifiers: LCCN 2016038175| ISBN 9780190490027 (student edition) | ISBN
9780190490034 (instructor edition) | ISBN 9780190650308 (loose leaf)
Subjects: LCSH: Ethics–Textbooks. | Ethical problems–Textbooks.
Classification: LCC BJ1012 .D57 2016 | DDC 170–dc23 LC record available at https://lccn.loc.gov/2016038175

Printing number: 9 8 7 6 5 4 3 2 1 0

Printed by LSC Communications, United States of America

Contents

Quick Guide to Moral Theories inside front cover
Preface xi
User's Guide xv

1 A Moral Theory Primer 1

1. What Is a Moral Theory? 2
2. Seven Essential Moral Theories 6
    A. Consequentialism 6
    B. Natural Law Theory 11
    C. Kantian Moral Theory 15
    D. Rights-Based Moral Theory 20
    E. Virtue Ethics 25
    F. Ethics of Prima Facie Duty 26
    G. Social Contract Theory 29
3. Coping with Many Moral Theories 31

2 Moral Theory Selections 38

J. S. Mill / *Utilitarianism* 38
St. Thomas Aquinas / *Treatise on Law* 44
Immanuel Kant / *The Moral Law* 48
John Locke / *Natural Rights* 55
Aristotle / *Virtue and Character* 59
W. D. Ross / *What Makes Right Actions Right?* 67
John Rawls / *A Theory of Justice* 71

Additional Resources 82

3 Sexual Morality 84

Sacred Congregation for the Doctrine of Faith, approved by Pope Paul VI / *Vatican Declaration on Some Questions of Sexual Ethics* 88

John Corvino / *What's Wrong with Homosexuality?* 94

Thomas A. Mappes / *A Liberal View of Sexual Morality and the Concept of Using Another Person* 103

Raja Halwani / *Virtue Ethics and Adultery* 113

Additional Resources 120

4 Pornography, Hate Speech, and Censorship 121

The Attorney General's Commission on Pornography / *Pornography and Harm* 130

Nadine Strossen / *Why Censoring Pornography Would Not Reduce Discrimination or Violence against Women* 136

Susan Dwyer /*Enter Here—At Your Own Risk: The Moral Dangers of Cyberporn* 146

John Arthur / *Sticks and Stones* 157

Andrew Altman / *Speech Codes and Expressive Harm* 165

Additional Resources 174

5 Drugs and Addiction 176

David Boaz / *Drug-Free America or Free America?* 182

Peter de Marneffe / *Decriminalize, Don't Legalize* 188

Robert E. Goodin / *Permissible Paternalism: Saving Smokers from Themselves* 198

Daniel Shapiro / *Addiction and Drug Policy* 204

Additional Resources 210

6 Sexism, Racism, and Reparation 212

Ann E. Cudd and Leslie E. Jones / *Sexism* 217

J. L. A. Garcia / *The Heart of Racism* 227

Tommie Shelby / *Is Racism in the "Heart"?* 240

Louis J. Pojman / *Why Affirmative Action Is Immoral* 248

Thomas E. Hill Jr. / *The Message of Affirmative Action* 257

Additional Resources 266

7 The Ethics of Immigration 268

Stephen Macedo / *The Moral Dilemma of U.S. Immigration Policy: Open Borders versus Social Justice* 273

Joseph H. Carens / *Migration and Morality: A Liberal Egalitarian Perspective* 285

Christopher Heath Wellman / *Immigration and Freedom of Association* 299

Sarah Fine / *Freedom of Association Is Not the Answer* 318

Additional Resources 328

8 Euthanasia and Physician-Assisted Suicide 330

James Rachels / *Active and Passive Euthanasia* 336

Philippa Foot / *Killing and Letting Die* 340

Daniel Callahan / *A Case against Euthanasia* 346

Michael B. Gill / *A Moral Defense of Oregon's Physician-Assisted Suicide Law* 355

David Velleman/ *Against the Right to Die* 369

Additional Resources 376

9 The Ethical Treatment of Animals 377

Peter Singer / *All Animals Are Equal* 380

Carl Cohen / *Do Animals Have Rights?* 389

Peter Carruthers / *Against the Moral Standing of Animals* 397

Alastair Norcross / *Puppies, Pigs, and People: Eating Meat and Marginal Cases* 407

Additional Resources 418

10 Abortion 420

Mary Anne Warren / *On the Moral and Legal Status of Abortion* 428
Judith Jarvis Thomson / *A Defense of Abortion* 435
Patrick Lee and Robert P. George / *The Wrong of Abortion* 444
Rosalind Hursthouse / *Virtue Theory and Abortion* 455
Don Marquis / *Why Abortion Is Immoral* 465
L. W. Sumner / *A Moderate View* 470

Additional Resources 476

11 Cloning and Genetic Enhancement 478

Leon R. Kass / *Preventing Brave New World* 485
Gregory E. Pence / *Will Cloning Harm People?* 493
Michael J. Sandel / *The Case against Perfection* 502
Frances M. Kamm / *Is There a Problem with Enhancement?* 510
Peter Singer / *Parental Choice and Human Improvement* 522

Additional Resources 529

12 The Death Penalty 532

Stephen Nathanson / *An Eye for an Eye?* 538
Ernest van den Haag / *A Defense of the Death Penalty* 544
Jeffrey H. Reiman / *Civilization, Safety, and Deterrence* 549
James S. Liebman, Jeffrey Fagan, Valerie West, and Jonathan Lloyd / *Capital Attrition: Error Rates in Capital Cases, 1973–1995* 552

Additional Resources 560

13 War, Terrorism, and Torture 561

David Rodin / *The Problem with Prevention* 570
Walter Sinnott-Armstrong / *Preventive War—What Is It Good For?* 582
Michael Walzer / *Terrorism: A Critique of Excuses* 595

Andrew Valls / *Can Terrorism Be Justified?* 603
Alan M. Dershowitz / *Should the Ticking Bomb Terrorist Be Tortured?* 614
Marcia Baron / *The Ticking Bomb Hypothetical* 625

Additional Resources 636

14 World Hunger and Poverty 639

Garrett Hardin / *Lifeboat Ethics* 642
Peter Singer / *The Life You Can Save* 648
John Arthur / *World Hunger and Moral Obligation* 662
Amartya Sen / *Property and Hunger* 671
Onora O'Neill / *A Kantian Approach to World Hunger* 677

Additional Resources 683

15 The Environment, Consumption, and Climate Change 684

William F. Baxter / *People or Penguins: The Case for Optimal Pollution* 692
Aldo Leopold / *The Land Ethic* 697
Thomas E. Hill Jr. / *Ideals of Human Excellence and Preserving the Natural Environment* 702
Stephen M. Gardiner / *A Perfect Moral Storm: Climate Change, Intergenerational Ethics, and the Problem of Moral Corruption* 709
Walter Sinnott-Armstrong / *It's Not* My *Fault: Global Warming and Individual Moral Obligations* 717
Bjørn Lomborg / *Let's Keep Our Cool about Global Warming* 732

Additional Resources 738

Glossary 740

Preface

The guiding aim of this anthology is to connect various disputed moral issues with moral theory in order to help students better understand the nature of these disputes. The issues featured in this book include questions about the morality of various forms of sexual behavior; pornography, hate speech, and censorship; drugs and addiction; sexism, racism, and reparations; immigration; euthanasia and physician-assisted suicide; the ethical treatment of animals; abortion; cloning and genetic enhancement; the death penalty; war, terrorism, and torture; world hunger and poverty; and ethical questions that relate to consumption, climate change, and the environment in general.

The connection between moral disputes over such issues and moral theory is that opposing moral viewpoints on some topics are very often grounded in one or another moral theory. Thus, to understand an author's arguments for her or his favored position, one must be able to recognize the author's deepest moral assumptions, which are reflected in the moral theory from which the author proceeds in reasoning about particular moral issues.

In editing this anthology, I have attempted to help readers connect moral issues with theory in the following ways:

- *A moral theory primer.* One way to connect issues and theory is to have students read compact summaries of the various moral theories—summaries that convey just enough detail about a moral theory to aid understanding without overwhelming the reader. This is what I have tried to do in the first chapter, "A Moral Theory Primer," in which I first explain what a moral theory is all about—its main concepts and guiding aims—and then proceed to present seven types of moral theory that are essential for understanding moral disputes over the sorts of issues featured in this book. In the brief introduction and "User's Guide" immediately following this preface, I explain how one might integrate the moral theory primer into a moral problems course.
- *Chapter introductions.* In addition to the primer, I have also written introductions to each chapter that go over certain conceptual, historical, and theoretical issues that students must have in beginning their study of moral issues. These introductions include remarks about how the moral theories presented in the primer relate to the arguments of the authors whose writings are featured in the chapter.
- *Selection summaries.* Again, in order to aid one's understanding of the articles, each selection is preceded by a short summary of the article. Immediately after the summary I have, where relevant, included a cue to readers that indicates the relevant part of the moral theory primer that will aid in understanding the article in question.

- *Reading and discussion questions*. Following each selection, I have included a set of reading and discussion questions. The reading questions are meant to prompt students' understanding of each selection's content, whereas the discussion questions are meant to help stimulate critical thought about the issues and arguments in the selections.
- *Quick guide to moral theories.* I have also included a "Quick Guide to Moral Theories," which lists the various principles featured in each of the seven theories featured in the primer. This is for readers who need a brief reminder of the key elements of one or more of the featured moral theories.

In addition, this anthology includes the following features that many will find useful:

- *Glossary.* For ease of reference, I have included a glossary of important terms that are defined in the moral theory primer and in the chapter introductions. Each term in the glossary appears in boldface type when it is first introduced in the text. The glossary entry for each term specifies the chapter and section in which the term is first introduced.
- *Additional resources.* Finally, at the end of each chapter, I have included a short list of resources, broken down into Web resources, authored books and articles, and edited collections. These resources are recommended to those who wish to explore a topic in more detail.

As mentioned earlier, the following "User's Guide" makes a few suggestions about integrating the study of moral theory and moral issues.

New to the Fourth Edition

Here is a summary of the changes I've made in this edition:

- In the chapter featuring classic selections on moral theory, I have replaced the selection from Bentham with one from J. S. Mill's *Utilitarianism*.
- In the chapter on sexual morality, I have replaced "Why Shouldn't Tommy and Jim Have Sex" by John Corvino with an excerpt from his recent 2013 book, *What's Wrong with Homosexuality?* The third edition of this book included two articles debating gay marriage. On the advice of some users, and the fact that many students report to me that for them gay marriage is no longer an issue, I have dropped the two articles in question and have not replaced them.
- I have added two new selections to the chapter on pornography, hate speech, and censorship. Susan Dwyer in "Enter Here—At Your Own Risk: The Moral Dangers of Cyberporn" tackles the question of internet pornography from the perspective of virtue ethics. Andrew Altman defends the justification of hate speech codes in his "Speech Codes and Expressive Harm."
- The chapter on sexism, racism, and reparation now includes "Sexism" by Ann E. Cudd and Leslie E. Jones.
- For the chapter on euthanasia and physician-assisted suicide, I have added David Velleman's "Against the Right to Die," which presents a unique perspective on the dangers of a legal right to die.
- I have made a few changes in the chapter on the ethical treatment of animals. I have replaced three of the articles from the third edition, adding Peter Singer's classic, "All

Animals Are Equal," Peter Carruthers's "Against the Moral Standing of Animals," in which he addresses the issue from a contractualist perspective, and finally, Alastair Norcross's spirited critique of the practice of meat-eating in his "Puppies, Pigs, and People: Eating Meat and Marginal Cases."

- On the good advice of one of the reviewers for this edition of the book, I have added a selection by Stephen M. Gardiner, "A Perfect Moral Storm: Climate Change, Intergenerational Ethics, and the Problem of Moral Corruption," to the chapter on the environment, consumption, and climate change.

Finally, this third edition features an updated Instructor's Manual and Testbank on CD and a companion website for both students and instructors that I describe in more detail in the "User's Guide" following this preface.

Acknowledgments

Thanks to Robert Miller, my editor at Oxford University Press, for encouraging me to do a new edition of this anthology, and to the folks at OUP involved in the production of this volume. I am especially grateful to the following philosophers for their extremely helpful advice for this edition: Jacob Affolter (Arizona State University), Adam Cureton (University of Tennessee, Knoxville), Bob Fischer (Texas State University), Matthew Fitzsimmons (University of North Alabama), Frank Schalow (University of New Orleans), Barbara Tucker (Trident Technical College), and four anonymous reviewers for Oxford University Press.

Dedication

Finally, I wish to dedicate this fourth edition of *Disputed Moral Issues* to Betsy Timmons for her generous research assistance in helping to update many of the chapter introductions and for her cheerful encouragement during my work on this edition.

Mark Timmons
Tucson, AZ

User's Guide

In what follows, I suggest how instructors might approach teaching a course that is primarily focused on particular moral disputes but also integrates moral theory into the teaching of those disputes. Following this discussion is a description of the various resources for both students and instructors that come with this book.

As mentioned in the preface, a central aim of this anthology is to connect a range of contemporary disputed moral issues to moral theory. Much of the philosophical literature on the morality of abortion, homosexuality, pornography, cloning, and the death penalty approaches these and other issues from the perspective of some *moral theory.* As I will explain more fully in the next chapter, a moral theory purports to answer general moral questions about the nature of the right and the good. So one way in which philosophers tackle disputed moral issues is by appealing to a moral theory—appealing, that is, to a general conception of the right and the good in examining some particular moral issue.

But this presents a challenge for students who are trying to understand and think about the moral controversies featured in this book and presents an associated challenge for instructors. Because of the important role that moral theory plays in the writings of both professional philosophers and nonphilosophers who write about contemporary moral issues, a full understanding of most of the readings in this book requires that one have a basic grasp of the various moral theories to which authors appeal in their writings. Some authors take the time to briefly explain whatever moral theory they are using in approaching some moral issue, but many do not—they assume a basic acquaintance with moral theory. And this means that a student not previously acquainted with moral theory is often at a disadvantage in trying to understand the position and arguments of an author. The associated challenge for an instructor is to teach just enough moral theory to aid students' understanding in a course devoted primarily to disputed moral issues.

In this anthology, I try to address this challenge in a number of related ways. First, I have written an introductory overview of moral theory, "A Moral Theory Primer," in which I first explain what a moral theory is all about and then present the basic elements of seven types of moral theory that are featured throughout the readings in this book. These theories include the following:

- *Consequentialism* (including utilitarianism)
- *Natural law theory* (including the doctrine of double effect)
- *Kantian moral theory* (including Kant's Humanity and Universal Law formulations of the categorical imperative—Kant's fundamental moral principle)

- *Rights-based theory* (including an explanation of "rights-focused" approaches to moral problems that are very common but importantly distinct from a genuinely rights-*based* theory)
- *Virtue ethics* (including an explanation of the concepts of virtue and vice)
- *Ethics of prima facie duty* (including W. D. Ross's classic version and the more recent version defended by Robert Audi)
- *Social contract theory* (featuring John Rawls's influential contract theory of justice)

The moral theory primer, then, is meant to get readers up to basic speed on seven essential moral theories, with an eye on their application to disputed moral issues.

The moral theory primer can be read straight through. But let me make a suggestion about how it might be used in a course devoted mainly to contemporary moral problems—a suggestion that incorporates additional ways in which I have tried to address the previously mentioned challenge. (What I am about to say reflects my own approach to teaching a contemporary moral problems course.)

The basic idea is to incorporate select readings from the moral theory primer as one proceeds to work through the readings in the chapters that follow. The motto here is: *Teach moral theory as needed* in working through the readings. I have written the primer so that the segments on each of the seven types of moral theory are largely self-standing; they can be consulted as needed in learning about and teaching moral issues. I find that teaching moral theory as needed helps students to better digest and understand the somewhat abstract nature of a moral theory by immediately relating it to some concrete moral issue. And, of course, their coming to understand moral theory helps them more fully understand the readings.

Let me further suggest a way of implementing the teaching of theory on an as-needed approach.

- *Getting started.* Read the introduction and section 1 of the moral theory primer in which I provide a brief overview of what a moral theory is all about. That will be enough to get readers started.
- *Moving ahead to the moral issues.* Then I recommend proceeding to one of the chapters on a disputed moral issue—they can be taught in any order.[1]
- *Chapter introductions.* Read the chapter introduction on the selected topic; it will explain basic concepts relevant to the chapter topic. Each of these chapters ends with a subsection entitled "Theory Meets Practice," in which I briefly relate the moral theories that are used in that chapter's readings to the topic of the chapter.
- *Cues for the integrated use of the moral theory primer.* Then proceed to work through the readings in the selected chapter. Each reading begins with a brief summary of the article and, in those cases in which an author is appealing to, or relying on, some moral theory, the summaries are followed by a recommended reading, *which cues readers to go back (if needed) to the relevant sections of the moral theory primer where the theory in question is presented.* This is how I incorporate the teaching of various moral theories into the course as needed.

  Let me add that not every reading appeals to one or another moral theory. Some articles are mainly concerned with conveying an understanding of some disputed concept like "sexism" or "racism." One of the articles in the chapter on the death penalty is concerned entirely with statistical evidence about error rates in capital cases, an issue that, of course,

bears importantly on the morality of the death penalty. And in a few other cases, the readings do not clearly proceed from some moral theory. So, not every article summary includes a recommendation to consult the moral theory primer. But most of the reading selections do connect directly with one or more of the moral theories explained in the primer.

- *Quick reference guide to moral theories.* In order to make it easy to review the fundamental principles of each of the theories, I have placed a "Quick Guide to Moral Theories" at the front of the book. Once one has read the relevant sections of the moral theory primer, this guide may be consulted to refresh one's memory of the basics.

Again, the preceding steps reflect how I like to proceed. Users are invited to find ways that best fit their own style of teaching.

Resources for Students and Instructors

This fourth edition includes an "Instructor's Manual" and "Computerized Testbank" on CD and a Companion Website (www.oup.com/us/timmons) that offers resources for both students and instructors.

Instructor Resources both in the Instructor's Manual and in the Companion Website include the following:

- Sample syllabi
- Lecture notes in PowerPoint format
- Chapter goals and summaries
- A Testbank that includes essay, multiple-choice, true/false, and fill-in-the-blank questions

Student Resources on the Companion Website include the following:

- Self-quizzes, which include multiple-choice, true/false, and fill-in-the-blank questions
- Helpful Web links
- Suggested readings and media (articles, films, etc.)

Learning Management System (LMS) cartridges are available in formats compatible with any LMS in use at your college or university and include the Instructor's Manual and Computerized Testbank and student resources from the companion website.

NOTE

1. Of course, some topics naturally go well together because the moral issues they raise are deeply connected. For instance, chapter 4 on pornography, hate speech, and censorship raises issues about the morality of government interference in the lives of its citizens. The same sort of issue comes up in chapter 5 on drugs and addiction. Chapters 9 and 10 on animals and abortion, respectively, go together because they raise important questions about the scope of moral standing, that is, about the boundaries of what should count in our moral deliberations.

1 A Moral Theory Primer

In 1998, Dr. Jack Kevorkian helped Thomas Youk end his life by giving him a lethal injection of drugs—an incident that was videotaped and later broadcast on CBS's *60 Minutes.*[1] Youk had been suffering from amyotrophic lateral sclerosis (often called Lou Gehrig's disease), a progressive neurodegenerative disease that attacks nerve cells in the brain and spinal cord, eventually leading to death. In the later stages of the disease, its victims are completely paralyzed, as was Youk at the time of his death.

Kevorkian's killing Youk was a case of euthanasia, which is defined as the act of killing (or allowing to die) on grounds of mercy for the victim. In this case, because Youk consented to his own death and because Kevorkian brought about Youk's death by an act of lethal injection, Kevorkian's action was an instance of voluntary active euthanasia. Kevorkian was eventually tried and convicted of second degree murder for his active role in bringing about Youk's death. But even if Kevorkian did violate the law, was his action morally wrong? Youk's immediate family and many others saw nothing morally wrong with Youk's decision or with Kevorkian's act. They argued, for example, that proper respect for an individual's freedom of choice means that people in Youk's situation have a moral right to choose to die and that, therefore, Kevorkian was not acting immorally in helping Youk end his life. Of course, many others disagreed, arguing, for example, that euthanasia is morally wrong because of its possible bad effects over time on society, including the possibility that the practice of euthanasia could be abused, and vulnerable persons might be put to death without their consent. Which side of this moral dispute is correct? Is euthanasia at least sometimes morally right, or is this practice morally wrong?

Disputes over moral issues are a fact of our social lives. Most people, through television, the Internet, magazines, and conversing with others, are familiar with some of the general contours of such disputes—disputes, for example, over the death penalty, the ethical treatment of animals, human cloning, abortion. The same sort of moral question raised about the actions of Kevorkian can be raised about these and other moral issues. Thinking critically about such moral issues is where philosophy becomes especially important.

A *philosophical* approach to moral issues has as its guiding aim arriving at correct or justified answers to questions about the morality of the death penalty, the ethical treatment of animals, human cloning, abortion, and other issues of moral concern. Given the contested nature of such practices as cloning and abortion, one needs to be able to defend one's position with *reasons.* Just as those who dispute questions about, say, science or history are expected to give reasons for the scientific and historical beliefs they hold, those who seriously dispute moral questions are expected to give reasons for whatever moral position they take on

a certain issue. If we examine how philosophers go about providing reasons for the moral positions they take on certain issues, we find that very often they appeal to a **moral theory.** That is, in arguing for a particular position on the topic of, say, euthanasia, philosophers often make their case by applying a moral theory to the practice of euthanasia. Applying moral theory to issues of practical concern—practical issues—is one dominant way in which reasoning in ethics proceeds. This way of tackling moral issues by applying theory to cases is featured in this book of readings.

But what is a moral theory? What are its guiding aims? What moral theories are there? How is a moral theory used in reasoning about disputed moral issues? These are the main questions of concern in this moral theory primer.

1. WHAT IS A MORAL THEORY?

According to philosopher John Rawls, "The two main concepts of ethics are those of the right and the good. . . . The structure of an ethical theory is, then, largely determined by how it defines and connects these two basic notions."[2]

In explaining what a moral theory is, then, the place to begin is by clarifying the two main concepts featured in such a theory.

The Main Concepts: The Right and the Good

In ethics, the terms "right" and "wrong" are used primarily to evaluate the morality of actions, and in this chapter we are mainly concerned with moral theories that address the nature of right and wrong action (or right action, for short). Here, talk of right action in contrast to wrong action involves using the term "right" broadly to refer to actions that aren't wrong. Used in this broad sense, to say of an action that it is right is to say that it is "all right" (not wrong) to perform, and we leave open the question of whether the act, in addition to being all right, is an action that we morally ought to perform—an obligation or duty. But we sometimes find "right" being used narrowly to refer to actions that are "the" morally right action for one to perform, and when so used, it refers to actions that are morally required or obligatory (one's obligation or duty). Actions that are all right to perform (right in the sense of merely being not wrong) and that are also not one's moral obligation to perform—actions that are all right to perform and all right not to perform—are morally optional. So, we have three basic categories of moral evaluation into which an action may fall: an action may be morally obligatory (something one morally ought to do, is morally required to do, is one's duty), or morally optional, or morally wrong. To help keep this terminology straight, I have summarized what I have been saying in Figure 1.1.

Again, in ethics, the terms "good" and "bad" are used primarily in assessing the value of persons (their character) as well as experiences, things, and states of affairs. Philosophers distinguish between something's having **intrinsic value** (that is, being intrinsically good or bad) and something's having **extrinsic value** (that is, being extrinsically good or bad). Something has intrinsic value when its value depends on features that are *inherent* to it,

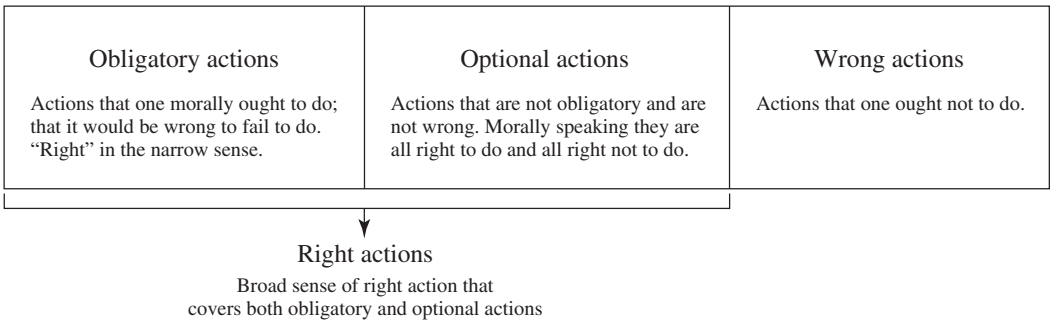

FIGURE 1.1 Basic Categories of Right Conduct

whereas something is extrinsically good when its goodness is a matter of how it is related to something else that is intrinsically good. For instance, some philosophers maintain that happiness is intrinsically good—its goodness depends on the inherent nature of happiness—and that things like money and power, while not intrinsically good, are nevertheless extrinsically good because they can be used to bring about or contribute to happiness. Thus, the notion of intrinsic value is the more basic of the two notions, and so philosophical accounts of value are concerned with the nature of intrinsic value. And here we can recognize three basic value categories: the *intrinsically good,* the *intrinsically bad* (also referred to as the intrinsically *evil*), and what we may call the *intrinsically value-neutral*—that is, the category of all those things that are neither intrinsically good nor bad (though they may have extrinsic value).[3]

A moral theory, then, is a theory about the nature of the right and the good and about the proper method for making correct or justified moral decisions. Accordingly, here are some of the main questions that a moral theory attempts to answer:

1. What *makes* an action right or wrong—what *best explains why* right acts are right and wrong acts are wrong?
2. What *makes* something good or bad—what *best explains why* intrinsically good things are intrinsically good (and similarly for things that are intrinsically bad or evil)?
3. What is the *proper method* for reasoning our way to correct or justified moral conclusions about the rightness and wrongness of actions and the goodness and badness of persons, and other items of moral evaluation?

In order to understand more fully what a moral theory is and how it attempts to answer these questions, let us relate what has just been said to the two guiding aims of moral theory.

Two Main Aims of a Moral Theory

Corresponding to the first two questions about the nature of the right and the good is what we may call the theoretical aim of a moral theory:

> The **theoretical aim** of a moral theory is to discover those underlying features of actions, persons, and other items of moral evaluation that *make* them right or wrong,

good or bad and thus *explain why* such items have the moral properties they have. Features of this sort serve as *moral criteria* of the right and the good.

Our third main question about proper methodology in ethics is the basis for the practical aim of a moral theory:

The **practical aim** of a moral theory is to offer *practical guidance* for how we might arrive at correct or justified moral verdicts about matters of moral concern—verdicts which we can then use to help guide choice.

Given these aims, we can evaluate a moral theory by seeing how well it satisfies them. We will return to the issue of evaluating moral theories in section 3. For the time being, we can gain a clearer understanding of these aims by considering the role that principles typically play in moral theories.

The Role of Moral Principles

In attempting to satisfy these two aims, philosophers typically propose **moral principles**—very general moral statements that specify conditions under which an action is right (or wrong) and something is intrinsically good (or bad). Principles that state conditions for an action's being right (or wrong) are **principles of right conduct,** and those that specify conditions under which something has intrinsic value are **principles of value.** Here is an example of a principle of right conduct (where "right" is being used in its broad sense to mean "not wrong"):

P An action is right if and only if (and because) it would, if performed, likely bring about at least as much overall happiness as would any available alternative action.[4]

This principle, understood as a moral criterion of right action, purports to reveal the underlying nature of right action—what *makes* a right action right. According to P, facts about how much overall happiness an action would bring about were it to be performed are what determine whether it is morally right. Although P addresses the rightness of actions, it has implications for wrongness as well. From P, together with the definitional claim that if an action is not morally right (in the broad sense of the term) then it is morally wrong, we may infer the following:

P* An action is wrong if and only if (and because) it would, if performed, likely not bring about at least as much overall happiness as would some available alternative action.

Since, as we have just seen, principles about moral wrongness can be derived from principles of rightness, I shall, in explaining a moral theory's account of right and wrong, simply formulate a theory's principles (there may be more than one) for right action.

In addition to serving as moral criteria, principles like P are typically intended to provide some practical guidance for coming to correct or justified moral verdicts about particular issues, thus addressing the practical aim of moral theory. The idea is that if P is a correct moral principle, then we should be able to use it to guide our moral deliberations in coming to correct conclusions about the rightness of actions, thus serving as a basis for moral decision

making. In reasoning our way to moral conclusions about what to do, P has us focus on the consequences of actions and instructs us to consider in particular how much overall happiness actions would likely bring about.

To sum up, a moral theory can be understood as setting forth moral principles of right conduct and value that are supposed to explain what makes an action or other object of evaluation right or wrong, good or bad (thus satisfying the theoretical aim), as well as principles that can be used to guide moral thought in arriving at correct or justified decisions about what to do (thus satisfying the practical aim).

The Structure of a Moral Theory

Finally, what Rawls calls the "structure" of a moral theory is a matter of how a theory connects the right and the good. As we shall see, some theories take the concept of the good to be more basic than the concept of the right and thus define or characterize the rightness of actions in terms of considerations of intrinsic goodness. Call such theories value-based moral theories. **Value-based moral theories** include versions of consequentialism, natural law theory, and virtue ethics. However, some moral theories do not define rightness in terms of goodness. Some theories are **duty-based moral theories**—theories that take the concept of duty to be basic and so define or characterize the rightness of actions independently of considerations of goodness. These theories are often called "deontological" moral theories (from *deon,* the Greek term for duty). The moral theory of Immanuel Kant (see later in this chapter) and theories inspired by Kant (Kantian moral theories) are arguably deontological.[5] And what is called the ethics of prima facie duty, if not a pure deontological theory, contains deontological elements, as we shall see when we discuss this theory later in section 2.

Brief Summary

Now that we have reviewed a few basic elements of moral theory, let us briefly sum up.

- *Main concepts of moral theory.* The two main concepts featured in moral theory are the concepts of the right (and wrong) and the good (and bad).
- *Two aims of moral theory.* A moral theory can be understood as having two central aims. The theoretical aim is to explain the underlying nature of the right and the good—specifying those features of actions or other items of evaluation that *make* an action or whatever right or wrong, good or bad. We call such features "**moral criteria**." The practical aim is to offer practical guidance for how we might arrive at correct or justified moral verdicts about matters of moral concern.
- *The role of moral principles.* A moral theory is typically composed of moral principles (sometimes a single, fundamental principle) that are intended to serve as criteria of the right and the good (thus satisfying the theoretical aim) and are also intended to be useful in guiding moral thinking toward correct, or at least justified conclusions about some moral issue.
- *The structure of a moral theory.* Considerations of structure concern how a moral theory connects the concepts of the right and the good. Value-based theories make the good (intrinsic value) more basic than the right and define or characterize the right in terms of the good. Duty-based theories characterize the right independently of considerations of value.

In the next section, we briefly examine seven moral theories that play a large role in philosophical discussions of disputed moral issues. After presenting these theories, I devote the remaining section and an appendix to questions that are likely to occur to readers. First, there is the question of why studying moral theories is helpful in thinking about disputed moral issues when there is no *one* moral theory that is accepted by all those who study moral theory. Rather, we find a variety of apparently competing moral theories that sometimes yield conflicting moral verdicts about the same issue. So, how can appealing to moral theory really help in trying to think productively about moral issues? This is a fair question that I address in section 3. However, before going on, let me say something about how one might use this chapter in studying the moral issues featured in this book.

User's Guide Interlude

In the "User's Guide," I suggested that although this chapter can be read straight through, readers may want to stop here and go on to one of the following chapters and begin their study of disputed moral issues. In the chapter introductions and the brief article summaries that precede each reading selection, I prompt readers to read (or reread) my presentations of one or more of the moral theories described in the next section. For those who wish to consult primary sources corresponding to the moral theories in question, there are the selections in the next chapter.

As I explained in the user's guide, I like to teach moral theory along with the readings. Seeing how a moral theory applies to a particular moral issue is helpful for understanding an author's position on the issue, which in turn helps readers gain a deeper understanding of and appreciation for moral theory. As for integrating section 3, I recommend consulting this part of the chapter when the questions it addresses are prompted by one's thinking about and discussing the book's readings.

2. SEVEN ESSENTIAL MORAL THEORIES

Seven types of moral theory are prominently represented in our readings: consequentialism, natural law theory, Kantian moral theory, rights-based moral theory, virtue ethics, the ethics of prima facie duty, and social contract theory. Here, then, is an overview of these various theories that will provide useful background for understanding our readings.

A. Consequentialism

In thinking about moral issues, one obvious thing to do is to consider the consequences or effects of various actions—the consequences or effects on matters that are of concern to us. **Consequentialism** is a type of moral theory according to which consequences of actions are all that matter in determining the rightness and wrongness of actions. Its guiding idea is this:

C Right action is to be understood entirely in terms of the overall intrinsic value of the consequences of the action compared to the overall intrinsic value of the

> consequences associated with alternative actions an agent might perform instead. An action is right if and only if (and because) its consequences would be at least as good as the consequences of any alternative action that the agent might instead perform.

A number of important ideas are packed into C that we need to unpack—ideas that are present in the varieties of consequentialist moral theory presented next. Let us sort them out.

- First, consequentialist moral theory is a *value-based moral theory*: it characterizes or defines right action in terms of intrinsic value.
- Second, this sort of theory involves the fairly intuitive idea of *alternative actions* open to an agent: in circumstances calling for a moral choice, an agent is confronted by a range of alternative actions, any one of which she might choose to perform.
- Third (and relatedly), consequentialism is a *comparative* theory of right action: the rightness (or wrongness) of an action depends on how much intrinsic value it would likely produce (if performed) compared to how much intrinsic value alternative actions would likely produce (if performed).
- Fourth, the consequentialist account of right action is a *maximizing* conception: we are to perform that action, from among the alternatives, whose consequences will have *at least as much* overall value as any other.
- Fifth, and finally, consequentialism is a strongly *impartialist* moral theory in the sense that the rightness or wrongness of an action is made to depend on the values of the consequences for *everyone* who is affected by the action, where everyone affected counts *equally.* (This fifth point will become clearer when we consider particular versions of consequentialism.)

Consequentialism, we have noted, is a *general type* of moral theory that has a variety of species. For instance, consequentialists may differ over the issue of what has intrinsic value. Those versions that take happiness or welfare alone to have intrinsic value are versions of utilitarianism, whereas those that take human perfection to have intrinsic value are versions of perfectionism. Again, consequentialists may differ over the primary focus of consequentialist evaluation. Some versions focus on individual actions, other versions focus on rules. So, we can distinguish four main species of consequentialism. Let us explore further.

Utilitarianism has been perhaps the most prominent form of consequentialism, so let us begin with it.

Utilitarianism

Utilitarianism was originally developed and defended by Jeremy Bentham (1748–1832) and later refined by John Stuart Mill (1806–1873).[6] Their basic idea is that it is *human welfare* or *happiness* that alone is intrinsically valuable and that the rightness or wrongness of actions depends entirely on how they affect human welfare or happiness. As a consequentialist theory, utilitarianism requires that one *maximize* welfare where the welfare of *all* individuals who will be affected by some action counts. We can sharpen our characterization of this theory by introducing the technical term "utility," which refers to the *net value* of the consequences of actions. The net value of an act's consequences refers to how much overall welfare or happiness would likely result from an action, taking into account both

the short-term and long-term effects of the action on the welfare of all who will be affected. The basic idea is that an action's rightness or wrongness depends both on how much happiness (if any) it would likely produce for each individual affected were it to be performed, as well as how much unhappiness (if any) it would likely produce for each affected person were it to be performed. For each alternative action, then, we can consider the *net balance* of overall happiness versus unhappiness associated with that action. Call this overall net value the **utility** of an action. We can now formulate a generic statement of the basic utilitarian principle—the **principle of utility:**

U An action is right if and only if (and because) it would (if performed) likely produce at least as high a utility (net overall balance of happiness versus unhappiness) as would any other alternative action one might perform instead.[7]

Notice that the utility of an action might be negative. That is, all things considered, an action may produce a net balance of unhappiness over happiness were it to be performed. Moreover, since U (like all versions of C) is comparative, it may turn out that the right action in some unfortunate circumstance is the one that would likely bring about the least amount of overall negative utility. This would be where *all* of one's options have a negative utility.

As formulated, U leaves open questions about the nature of happiness and unhappiness about which there are different philosophical theories.[8] Bentham and (apparently) Mill held that happiness is entirely constituted by experiences of pleasure and unhappiness by experiences of displeasure or pain. And so their theory of intrinsic value is called **value hedonism:** *only* states of pleasure have positive intrinsic value and *only* states of pain have intrinsic negative value; anything else of value is of mere extrinsic value. So, for instance, for the value hedonist, any positive value that knowledge may have is extrinsic: it is only of positive value when it contributes to bringing about what has intrinsic value, namely pleasure (or the alleviation of pain). It should be noted that a value hedonist need not (and should not) take an excessively narrow view of pleasure and pain; the hedonist can follow Bentham and Mill in holding that in addition to such bodily pleasures of the sort one gets from eating delicious food or having a massage, there are aesthetic and intellectual pleasures such as appreciating a beautifully written poem. Moreover, the value hedonist will recognize not only passive pleasures of the sort just mentioned, but also active pleasures as when one plays a game or is involved in some creative activity. So value hedonism can recognize a broad range of pleasurable experiences that have positive intrinsic value and a broad range of painful experiences that have negative intrinsic value.

If we now combine the principle of utility (U) with value hedonism, we obtain **hedonistic utilitarianism:**

HU An action is right if and only if (and because) it would likely produce (if performed) at least as high a net balance of pleasure (or less pain) as would any other alternative action one might do instead.

But as I hope my presentation has made clear, one need not accept hedonism as a theory of value in order to be a utilitarian. In fact, many contemporary utilitarians reject value hedonism and accept some other conception of happiness or welfare. But, again, what makes a theory a version of utilitarianism is that the theory accepts the basic consequentialist claim, C, together with the idea that it is human happiness or human well-being that has intrinsic value and is to be promoted in what we do.

Perfectionist Consequentialism

But a consequentialist need not be a utilitarian. She might hold that there are items having intrinsic value other than happiness that are important in determining the rightness or wrongness of action. To illustrate, I have chosen what is called **perfectionist consequentialism**—a species of the generic view that accepts a perfectionist theory of value.[9] According to a **value perfectionist,** it is states of human perfection, including knowledge and achievement that have intrinsic value.[10] One might come to have a great deal of knowledge and achievement in one's life, yet not be happy. So a perfectionist theory of the good is not the same as a happiness theory of the good. We might formulate the basic principle of perfectionist consequentialism as follows:

PC An action is right if and only if (and because) it would (if performed) likely bring about a greater net balance of perfectionist goods than would any alternative action one might perform instead.

The distinction between utilitarianism and perfectionist consequentialism has to do with differences over what has intrinsic value for purposes of morally evaluating actions. And notice that the consequentialist principles presented thus far refer to particular concrete actions and their consequences, so the views (expressed in principles U, HU, and PC) are versions of **act consequentialism.** However, as mentioned at the outset, another important division within the ranks of consequentialists is between act and rule versions of the view. So let us turn from act versions to rule versions.

Rule Consequentialism

Moral rules—rules, for example, against lying, theft, and killing—are generally thought to be significant in thinking about particular moral issues. The importance of moral rules is emphasized by rule consequentialists. Act consequentialism is the view that the rightness of a particular, concrete action—an actual or possible doing by a person at a time—depends on the value of its consequences. **Rule consequentialism** is the view that the rightness or wrongness of an action depends on whether it is required, permitted, or prohibited by a rule whose consequences are best.[11] So rule consequentialism involves two levels of evaluation: first, rules that require, permit, or prohibit various courses of action are evaluated by reference to the values of their consequences, and second, a particular action is evaluated by determining whether it is required, permitted, or prohibited by a rule whose consequences are best. Let us explore this view a bit further.

The sense in which a rule can have consequences has to do with the fact that were people to accept the rule in question, this would influence what they do. So, we can evaluate a rule by asking what consequences would likely be brought about were it to be generally accepted in society. Call the value associated with rules their **acceptance value.** This idea is familiar. Think of debates in the sporting world about changing the rules of some sport. The focus in such debates is on the likely effects the proposed rule change would have on the game, were it to be accepted.

According to rule consequentialism, then, the morality of a particular action in some situation depends upon the acceptance values of various competing rules that are relevant to the situation in question. We can thus formulate this theory with the following principle of right conduct: