

The Elements of Moral Philosophy

By James Rachels

Lecture notes by Dan Gaskill

5 Chapter 1: What is Morality?

Anencephalic infants: born without cerebrum and cerebellum -- portions of the brain necessary for higher brain functions and consciousness. Such infants usually die within a few days of being born.

I. The Case of Baby Theresa

10 The parents of “Baby Theresa”--an anencephalic infant-- requested that her organs be donated before her natural biological death (otherwise, the organs would not be usable). Florida law prohibits this, and so she died nine days later and her organs could not be used.

A. The “*Benefits*” Argument

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1. If we can benefit someone, without harming anyone else, we ought to do so.
 2. Transplanting the organs would benefit the other children without harming Baby Theresa.

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Therefore, we ought to transplant the organs.

Is this a good argument? First, notice that it is a valid argument -- If the premises are true, then the conclusion must also be true. In other words, the premises entail the conclusion. **In general, an argument is valid if and only if the premises entail the conclusion.**

25 Since the argument is valid, the truth of the premises would mean that the parents were right in their moral judgment. But are the premises actually true? If they are, then the argument is sound. **An argument is sound if and only if it is valid and the premises are all true.**

Here is an argument that purports to show the second premise to be false:

B. The “*Death is a Harm*” Argument

1. In all cases, causing the death of a person harms that person.
2. Transplanting the organs would cause the death of Baby Theresa.

5 *Therefore, transplanting the organs would harm Baby Theresa.*

This is also a valid argument. But its first premise is highly dubious. Arguably, in some cases death is not a harm. Rachels gives an argument to this effect (p. 5). We can regiment it as follows:

C. The “*No Harm Done*” Argument

- 10 1. To harm someone is to take away something that benefits them.
2. Being alive is a benefit only if it enables you to have thoughts, feelings, and other things of value.
3. Baby Theresa was incapable of having thoughts, feelings, and other things of value..
- 15 4. Therefore, Baby Theresa would not benefit from prolonged life.
 (from 2 and 3)

Therefore, ending her life would not harm her.

20 Is this argument sound? If it is, then the “*Death is a Harm*” Argument” is not sound.

 Some gave a very simple argument against taking Baby Theresa’s organs:

D. The “*It’s Wrong to Kill*” Argument

1. It is wrong to kill one person to save another.
- 25 2. Taking Theresa’s organs would be killing one person (Theresa) to save others.

Therefore, taking the organs would be wrong.

30 The argument is valid, but is it sound? Perhaps it is wrong to kill one person to save another in most cases, but it is arguable that the Baby Theresa case is an exception. The “*No Harm Done*” Argument gives us a reason to think so. Notice that the “*It’s “Wrong to Kill*” Argument does not offer any deeper principle in order to explain why it is wrong to kill one person to save another. Instead, it just “begs the question”, simply asserting that doing so would be wrong and giving no reason to convince us.

35 Some ethicists raised a different objection to transplanting Baby Theresa’s organs. They gave the following argument:

E. The “Don’t Use People” Argument

1. It is always wrong to use people as mere means to other people’s ends.
2. Baby Theresa is (was) a person.
- 5 3. Taking Theresa’s organs would be using her as a mere means to benefit the other children.

Therefore, it would be wrong to take Theresa’s organs.

Some examples of using a person as a “mere means” to further some person’s ends:

- Forcing someone to work against their will.
- Stealing a car for a joyride.
- Lying to someone in order to get help.

The “Don’t Use People” Argument, like the other arguments we have examined so far, is valid. But the “Benefits” Argument and The “Don’t Use People” Argument have conflicting conclusions. Since both arguments are valid, this means that at least one of the arguments must have at least one false premise. Which premise or premises do you think might be false?

“Using people” normally involves violating their autonomy--their ability to decide for themselves how to live their own lives, according to their own desires and values.

Since Baby Theresa isn’t autonomous -- she has no desires and values, let alone any ability to decide how to live -- it might seem that a prohibition on using people would not apply to her. But defenders of the “Don’t Use People” principle extend it to those who don’t have autonomy by asking

- (i) What would be in the person’s best interests?
- (ii) If the person could tell us what she wants, what would she say?

If a person is not autonomous, we treat her like someone who is autonomous and wants to pursue her interests. So, according to the “Don’t Use People” principle, it would be wrong to treat a non-autonomous person in a way that is against her interests in order to further the interests of others.

But, according to the “No Harm Done” Argument, Baby Theresa’s interests are not affected by the taking of her organs. And, since she has no preferences (nor could she have any) we get nowhere by asking what she would want if she could tell us. So the “Don’t Use People” principle does not seem to be relevant here.

Notice that The “It’s Wrong to Kill” Argument and The “Don’t Use People” Argument both depend on the assumption that Theresa is a person. If Theresa is not a person, then each argument has a false premise. At first, the assumption may seem obvious and innocuous. In fact, it is highly contentious. Consider the following argument:

F. The “Not a Person” Argument

1. All persons have minds (in other words, if something does not have a mind, then it is not a person).
2. All things with minds are capable of conscious mental activity (thoughts, feelings, etc.)
3. Baby Theresa is not capable of having conscious mental activity.
4. Therefore, Baby Theresa does not have a mind. (from 2 and 3)

Baby Theresa is not a person. (from 1 and 4)

- 10 If The “Not a Person” Argument is sound, then Baby Theresa is not a person. In that case, both The “It’s Wrong to Kill” Argument and The “Don’t Use People” Argument are unsound.

II. The Case of Jodie and Mary

- 15 **Background:** Jodie and Mary were conjoined twins sharing a single heart and a single pair of lung. Without intervention, both would die within six months. If separated, Jodie would live but Mary would die immediately. The parents refused permission to operate, believing that it would be wrong to hasten Mary’s death. Devout Catholics, they said that “nature should take its course” and “If it’s God’s will that both our children should not survive then so be it.”
- 20 After a court intervention, the operation was performed over the parents’ objection and as expected, Jodie lived and Mary died.

For the purposes of this discussion, we will assume that Jodie can go on to live a fairly normal life. This is not a case where Jodie’s death would not be a harm to her.

- 25 Also, we will be concerned with which course of action would be the right one, and not with who has the right to make the decision. Plausibly, the parents had that right and it was violated by the court. But we can still ask: What decision should the parents have made?

A. The “Save a Life” Argument-1

- 30 1. We have a choice between acting to save one infant or letting both die.
2. Acting to save one has the better outcome (one lives versus neither lives)

35 *Therefore, we ought to act to save the one infant.*

As always, we begin by asking whether the argument is valid. The argument, as stated, is not valid. This becomes obvious when we supplement the argument with an additional premise:

B. “*Save a Life*” Argument 2.0

- 5 1. We have a choice between acting to save one infant or letting both die.
2. Acting to save one has the better outcome (one lives versus neither lives)
- 10 3. We should always act to bring about the best outcome given our alternatives.

Therefore, we ought to act to save the one infant.

Premise 3 is the doctrine known as **consequentialism**, and is hotly debated among moral philosophers. The idea that we should always act so as to bring about the best outcome is very attractive, but many have found it to be very objectionable. We will discuss it in detail in the chapters on Utilitarianism.

C. “*Sanctity of Human Life*” Argument

1. It is always wrong to kill an innocent human being.
2. Mary is an innocent human being.

Therefore, it is wrong to kill Mary.

One reply to this argument was made by Justice Robert Walker, who denied that Mary would be killed by the operation. He claimed, “She would die, not because she was intentionally killed, but because her own body cannot sustain her life.”

This reply rests on there being a moral distinction between killing and letting die. The idea is that we are morally responsible for the consequences of our deliberate actions, but we are not morally responsible for the consequences of “letting nature take its course”.

Advocates of this distinction often claim that it is wrong to perform euthanasia on a terminally ill patient, whereas it is not wrong to let the patient die of the illness without taking measures to extend life. Opponents of the distinction have raised powerful objections. We will discuss this in some detail in the section on assisted suicide and euthanasia.

Let’s assume, for the sake of argument, that the killing/letting die distinction is morally relevant in some cases. Does it apply in this case? Here are two reasons to think that it doesn’t:

- 1) Mary’s death is the result of a deliberate action performed on her, not the result of inaction or “letting nature take its course”.

2) While it is true that, in the long run, Mary’s body would not be able to sustain her life, this is not the cause of death. The cause of death is that vital parts of her body have been removed (namely, her heart and lungs).

5 A better reply to the “*Sanctity of Life*” Argument is to challenge the first premise, claiming that the present case is an exception to it, because the “life” in question has no prospects.

III. The Case of Tracy Latimer

10 Tracy was a twelve-year-old victim of cerebral palsy, killed by her father as an act of mercy (he used exhaust fumes) in order to end her great and irreversible suffering. Without recounting the extremely unpleasant details of her condition (as described in EMP), we will note that she had no prospects for a decent life, and that in fact she could look forward only to more pain and suffering. It is also important that she was (as relayed by Rachels) “functioning at the mental level of
15 a three-month-old baby”, because it means that she was not autonomous and could not make decisions for herself.

In cases like this (great and irreversible suffering, no autonomy), is “mercy killing” wrong?

20 Many handicapped people, hearing about the killing, regarded it as an act of discrimination against a handicapped person:

A. The Discrimination Argument

1. It is wrong to discriminate against the handicapped.
2. Tracy’s father killed Tracy because of her handicap.
3. Therefore, the killing was an act of discrimination against the
25 handicapped.

Therefore, the killing was wrong.

To discriminate between two things with an action is to treat those two things differently based on some perceived difference between the things in question.
30 Discrimination, in this general sense, is usually not wrong, and in fact is necessary for survival. I discriminate when I decide to eat the food on my plate instead of my fork. What is the difference, then, between discrimination in the general sense and wrongful discrimination against a group?

35 Roughly speaking, wrongful discrimination against a group consists in treating some people differently than others, when there are no relevant differences between them that would justify it. It is generally recognized that differences in skin color, gender and religious background do not justify discrimination. But this is an oversimplification. There are obvious cases where some differences in treatment are warranted: for example, if a woman needs to change her clothes

and she is with a group of men, then it is arguable that they should treat her differently than they would treat a man (i.e. they should give her more privacy). But putting this complication aside, it is clear that a handicap --in and of itself-- would not justify killing someone. If someone killed a blind man simply because he was blind, it would be a severe case of unjustified discrimination, not a mercy killing. But was Tracy's killing a case of unjustified discrimination?

It is important to remember that Tracy's father did not kill her simply because she had cerebral palsy. If her condition had not been as severe, or if there had been some way of eliminating her pain and suffering, then he would not have killed her despite her having cerebral palsy. He killed her because her immense pain and suffering could not be alleviated in any other way. This is the reason for his act of "discrimination." Plausibly, whether someone faces incurable pain and suffering is a relevant feature that justifies treating them differently. As Mr. Latimer put it, "People are saying this is a handicap issue, but they're wrong. This is a torture issue. It was about the mutilation and torture for Tracy."

B. The Slippery Slope Argument

1. If we allow that the killing of Tracy was morally justified, then we will be more inclined to look favorably on other so-called "mercy killings".

2. Our definition of "mercy killing" is then likely to expand, perhaps to include the elderly, the infirm, and others who are deemed to be "useless" members of society.

3. Thus, by approving of Tracy's killing, we make ourselves more likely to approve of other, wrongful killings.

Therefore, we ought not to approve of Tracy's killing.

What do you think of this argument? Is it valid, sound? What are some objections to the argument?

IV. Rachels' two basic claims about the nature of morality

1. Moral Reasoning:

"Morality is, first and foremost, a matter of consulting reason. The morally right thing to do, in any circumstance, is whatever there are the best reasons for doing."

Questions:

Rachels assumes that there are things called reasons. But what is a reason? Is it something that exists independently of us that we can discover? Are there moral reasons as distinguished from other sorts of reasons? The arguments we have considered purport to give reasons for doing one thing rather than another. How are we to decide which reasons are best, or which arguments actually give us reasons? Rachels assumes that we have some ability to do this, and that it is not simply a matter of consulting our “feelings”. What is it that we are doing, then? These are difficult methodological questions, and it’s easy to see why Rachels doesn’t try to address them.

2. *Impartiality:*

“Each individual’s interests are equally important; from within the moral point of view, there are no privileged persons. Therefore, each of us must acknowledge that other people’s welfare is just as important as our own.”

Questions:

What exactly is “the moral point of view”? If I put the interests of my family above those of complete strangers, am I failing to see things from the moral point of view? Rachels’ impartiality claim is controversial: it is not obvious that it is true, nor is it clear how it is to be interpreted.

3. *Rachels puts these two tenets together to form a sketch of what he calls “a conscientious moral agent”:*

“The conscientious moral agent is someone who is concerned impartially with the interests of everyone affected by what he or she does; who carefully sifts facts and examines their implications; who accepts principles of conduct only after scrutinizing them to make sure they are sound; who is willing to “listen to reason” even when it means that earlier convictions may have to be revised; and who, finally, is willing to act on the results of this deliberation.” (p. 15)

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