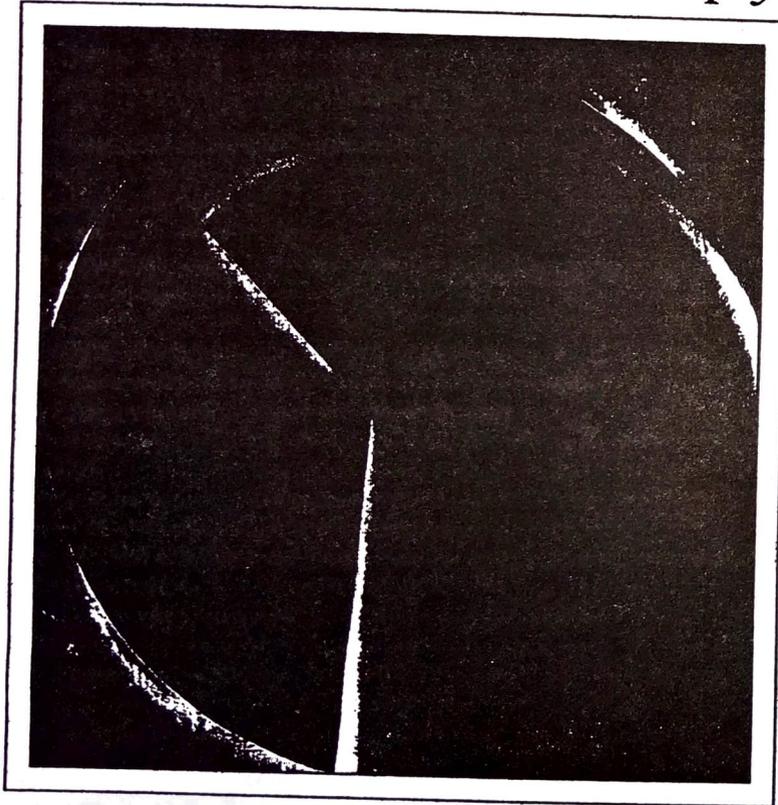


THE RIGHT THING TO DO

Basic Readings in Moral Philosophy



JAMES RACHELS

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1 *Morality and Moral Philosophy*

James Rachels

An ancient legend tells the story of Gyges, a poor shepherd who found a magic ring in a fissure opened by an earthquake. The ring would make its wearer invisible, so that he could go anywhere and do anything undetected. Gyges was an unscrupulous fellow, and he quickly realized that the ring could be put to good advantage. We are told that he used its power to gain entry to the royal palace, where he seduced the queen, murdered the king, and seized the throne. (It is not explained how invisibility helped him to seduce the queen—but let that pass.) In no time at all, he went from being a poor shepherd to being king of all the land.

This story is recounted in Book II of Plato's *Republic*. Like all of Plato's works, the *Republic* is written in the form of a dialogue between Socrates and his companions. Glaucon, who is having an argument with Socrates, uses the story of Gyges's magic ring to make a point.

Glaucon asks us to imagine two such rings, one given to a man of virtue and the other given to a rogue. How might we expect them to behave? The rogue, of course, will do anything necessary to increase his own wealth and power. Since the cloak of invisibility will protect him from discovery, he can do anything he pleases without fear of being caught. Therefore, he will recognize no moral constraints on his conduct, and there will be no end to the mischief he will do.

But how will the so-called virtuous man behave? Glaucon suggests that he will do no better than the rogue:

No one, it is commonly believed, would have such iron strength of mind as to stand fast in doing right or keep his hands off other men's goods, when he could go to the market-place and fearlessly help himself to anything he wanted, enter houses and sleep with any woman he chose, set prisoners free and kill men

at his pleasure, and in a word go about among men with the powers of a god. He would behave no better than the other; both would take the same course.

Moreover, Glaucon asks, why shouldn't he? Once he is freed from the fear of reprisal, why shouldn't a person simply do what he pleases, or what he thinks is best for himself? Why should he care at all about "morality"?

The *Republic*, written over 2300 years ago, was one of the first great works of moral philosophy in Western history. Since then, many philosophers have formulated theories to explain what morality is, why it is important, and why it has the peculiar hold on us that it does. One of the awkward problems encountered by students of moral philosophy is that there is no general agreement about which of these theories, if any, is correct. Philosophers continue to disagree, and each theory has its advocates as well as its detractors. In this book we focus on eight of the most important moral theories.

Cultural Relativism

Perhaps the oldest philosophical theory about morality is that right and wrong are relative to the customs of one's society. Herodotus, the first of the great Greek historians, lived in the fifth and fourth centuries B.C. His *History* is full of wonderful anecdotes that illustrate his belief that "right" and "wrong" are little more than names for social conventions. Of the Massagetae, for example, he writes:

The following are some of their customs—Each man has but one wife, yet all the wives are held in common. . . . Human life does not come to its natural close with these people; but when a man grows very old, all his kinsfolk collect together and offer him up in sacrifice; offering at the same time some cattle also. After the sacrifice they boil the flesh and feast on it; and those who thus end their days are reckoned the happiest. If a man dies of disease they do not eat him, but bury him in the ground, bewailing his ill-fortune that he did not come to be sacrificed. They sow no grain, but live on their herds, and on fish, of which there is great plenty in the Araxes. Milk is what they chiefly drink. The only god they worship is the sun, and to him they offer the horse in sacrifice; under the notion of giving the swiftest of the gods the swiftest of all mortal creatures.

Herodotus did not think the Massagetae were to be criticized for such practices. Their customs were neither better nor worse than those of other peoples: they were merely different. The Greeks, who considered themselves more "civilized," may have thought that their customs were superior, but, Herodotus says, that is only because everyone believes the customs of his own society to be the best. The "truth" depends on one's point of view—that is, on the society in which one happens to have been raised.

This basic idea has been repeated by many thinkers down through the centuries. Social scientists tell us that whenever we study cultures other than our own, we almost always find practices that seem "wrong" when judged by the standards of our society—but, they emphasize, our customs would seem equally "wrong" to people in those other cultures. Herodotus concluded that "custom is the king o'er all," and other observers have frequently agreed. The Theory of Cultural Relativism, therefore, asserts that:

Different cultures have different moral codes;

There is no objective standard that can be used to judge one societal code better than another;

The moral code of our own society has no special status; it is merely one among many;

There is no "universal truth" in ethics—that is, no moral truths hold for all peoples at all times; and, finally,

The moral code of a society determines what is right within that society—that is, if the moral code of a society says that a certain action is right, then that action is right, at least within that society.

Cultural Relativists tend to think that all this is obviously true, and that those who believe in "objective" right and wrong are merely naive. Critics, however, object to the theory on a number of grounds. First, it is exceedingly conservative in that the theory endorses whatever moral views happen to be current in a society. Consider our own society. Many people believe that our society's moral code is mistaken, at least on some points—for example, they may disagree with the dominant social view regarding capital punishment, or homosexuality, or the treatment of nonhuman animals. Must we conclude that these would-be reformers are wrong, merely

because they oppose the majority view? Why must the majority always be right?

Ethical Subjectivism

Cultural Relativism denies that there is any such thing as objective moral truth, and so does Ethical Subjectivism, but in a different way. Ethical Subjectivism is the view that right and wrong are relative, not to the standards of culture, but to the attitudes of each individual person. Roughly put, the Subjectivists say that anyone who pronounces something to be right or wrong is only expressing a *personal* attitude, and nothing more.

Ethical Subjectivism begins with the observation that values are very different from facts. A factual statement (such as "Leonardo da Vinci was a homosexual") is a statement that is objectively true or false. Where facts are concerned, if people disagree, someone must be mistaken. Moral judgments, on the other hand (such as "Prejudice against homosexuals is wrong"), are neither true nor false. They are matters of opinion, not knowledge, about which people can disagree without anyone being "mistaken."

The outstanding philosophical defender of Ethical Subjectivism was the great Scottish thinker David Hume (1711–1776). For Hume, the crucial question about ethics was whether our moral judgments are based on reason or sentiment. Hume thought it was impossible to account for the nature of ethics as a matter of reason. Reason, he said, only informs us of the nature and consequences of our actions. For example, reason may tell you that if you give someone poison, he will die. After your reason has told you this, it is necessary for your sentiments to come into play—do you *want* the person to die, or not?—in order for you to decide what you are going to do. If you want the person to die, then you should give him the poison; if you do not want him to die, you should not poison him. All decisions about what to do are like this: they depend on one's passions, and not merely on one's reason. Hume concludes that "Reason is, and ought to be, the slave of the passions." But he did not simply assert this; he tried to prove it by advancing a number of arguments:

1. Hume's first argument concerned the motivational power of moral judgments. "Morals," he said, "move men to act. Reason alone is utterly impotent in this particular." Suppose you think that

you *ought* to perform a certain action. It follows that you will feel at least some impulse to do that action. (If someone claimed to believe that he should not drink, yet showed absolutely no hesitation when drink was offered, we would conclude that he does not *really* believe drinking is wrong.) However, our beliefs about what is the case, which are the products of our reason, do not have this motivational content. Thus our moral judgments cannot be the products of our reason.

On the other hand, our sentiments do prompt us to act. If we *want* to remain sober or to avoid injury to our livers, then we will be motivated not to drink. Thus it is our sentiments, not our reason, that must supply the impetus for moral behavior.

2. Suppose, Hume said, we examine a case of wicked behavior: willful murder, for example. We look at it very carefully, to discover all the facts. What do we see? We can see one man giving poison to another; we see the victim dying; and so on. But can we see the wickedness? No. "You can never find it," Hume says, "till you turn your reflexion into your own breast, and find a sentiment of disapprobation, which arises in you, toward this action." *That* is the origin of your judgment that the action is wicked.

3. Ethical judgments are concerned with what we ought to do. Reason informs us of what is the case. But there is a deep logical gap between *is* and *ought*: we can never validly deduce any conclusions about what ought to be done from premises that concern only what is the case. Therefore, ethics cannot be a deduction from reason alone. This is one of Hume's most famous doctrines: we cannot derive "ought" from "is."

These arguments, and others like them, have convinced many people that morality must be primarily a matter of how we feel about things, rather than a matter of how things are. Again, however, critics have objected on a number of grounds. For example, if Ethical Subjectivism is correct, it is difficult to understand how anyone could ever be *mistaken* in her moral views, so long as she is truly reporting how she feels. Are we all infallible? Moreover, if Ethical Subjectivism is correct, it is difficult to see how it is possible for people ever to disagree about right and wrong. If I say that something is right, I am only saying that I have certain feelings, and if you say it is wrong, you are only saying that you have different feelings. I agree that you have your feelings, and you should agree

that I have mine. What, then, do we disagree about? These are both longstanding arguments against Ethical Subjectivism.

Morality and Religion: The Divine Command Theory

In the minds of many people, religion and ethics are inseparable. Thus, when these people begin to think about the theoretical foundations of morality, they find it natural to turn to religion for an explanation.

All the great world religions contain ethical teachings. The religions most influential in our society, Judaism and Christianity, are no exception. In both the Jewish and Christian traditions, God is conceived of as a lawgiver who created us and the world we live in for a purpose. That purpose is not completely understood, but much has been revealed through the prophets, Holy Scripture, and the church. These sources teach that, to guide us in righteous living, God promulgated rules which we are to obey.

The most famous of the divinely given rules are the Ten Commandments, as recorded in Exodus:

- You shall have no other gods before me;
- You shall make no graven images to worship;
- You shall not take the name of God in vain;
- You shall keep the sabbath day holy;
- You shall honor your father and mother;
- You shall not kill;
- You shall not commit adultery;
- You shall not steal;
- You shall not bear false witness against your neighbor;
- You shall not covet your neighbor's house, wife, servants, or property.

The Ten Commandments, however, are only the tip of a very large iceberg. Over the centuries the rabbis developed a complex body of ethical doctrine that specified in great detail how the Jewish people were expected to live. Some of this law can be found in the Old Testament scriptures, especially in the first five books.

During the early days of Christianity, whether Christians should be required to adhere to the Jewish law was hotly debated. St. Paul, who was eager to see the new faith spread to the gentiles, argued that the teachings of Jesus were, in effect, a replacement for the old law. Jesus had said that the first rule of action was "do unto others as you would have them do unto you." This was an attractive precept, which could be acknowledged by everyone; it would not offend potential converts. Paul was opposed by other early Christians, who wanted to retain the traditional Jewish rules. Paul's point of view eventually won out, and so Christianity was able to emerge as something more than just another Jewish sect.

Christian theologians then went on to develop their own moral conceptions, which sometimes agreed with Jewish teachings and sometimes did not. But the Christians and Jews always had this in common: they believed that moral living meant living in accordance with God's plan. Morality and religion were inseparable. However, this vague statement does not tell us precisely *how* morality and religion are connected. Exactly what is the relation between them supposed to be?

The Divine Command Theory provides the most obvious way of connecting morality with religion. It is a theory about the nature of right and wrong which says that "morally right" means "commanded by God," whereas "morally wrong" means "forbidden by God." Therefore, according to this theory, a moral statement such as "adultery is morally wrong" should be understood to mean, simply, "God forbids adultery."

A great many theologians, however, have rejected the Divine Command Theory. The problem is that the theory has consequences that seem offensive to religious faith. For one thing, it seems to make God's commands arbitrary: if nothing was wrong with adultery prior to God's command, then he could have no reason to forbid it; and if something was wrong with it, then its wrongness is not dependent on God's command. Moreover, the theory makes it quite difficult to account for the goodness of God: if things are good only because God approves of them, does God's goodness consist in his approving of himself? Such considerations have led many theologians to look for an alternative way of understanding the relation between morality and religion.

Morality and Religion: The Theory of Natural Law

If the Divine Command Theory is untenable, it does not follow that there is no connection between morality and religion. After all, the Divine Command Theory is only one way of explaining what the connection is supposed to be. Perhaps there is another, better way of explaining the connection.

The Theory of Natural Law offers another possibility. This theory was formulated by Saint Thomas Aquinas (1225–1274), who is commonly regarded as the greatest of all the Christian thinkers (after, perhaps, Saint Paul).

According to the Theory of Natural Law, God, who is perfectly rational, has created the world as a rational order and us, in his image, as rational agents. Just as nature operates in conformity with natural laws—"laws of nature"—so there are natural laws that govern how we should behave. These natural laws are laws of reason, which we are able to grasp because God has made us rational. But it is all people, not merely believers whom he has made rational—rationality is the essence of human nature; it is the "divine spark" in us.

Moral judgments, then, are "dictates of reason." The best thing to do, in any circumstance, is whatever course of conduct has the best reasons on its side. Thus the believer and the nonbeliever are in similar positions when it comes to making moral judgments. Both are endowed with powers of conscience and reason. For both, making a responsible moral judgment is a matter of listening to reason and being true to one's conscience. That is why moral precepts are binding on everyone, and not merely on believers. A person's reason, or conscience, is the "voice of God," whether the "hearer" realizes it or not.

But the emphasis on reason is only one aspect of the Theory of Natural Law; the theory also emphasizes the idea that some types of behavior are *natural*, whereas others are *unnatural*, and the theory's advocates condemn "unnatural" conduct. Homosexuality is an example of "unnatural" behavior.

As in so many matters, Western attitudes toward homosexuality have been shaped largely by Christianity; and within the Christian tradition, homosexuality has been condemned time and again. Saint Paul declared that "idolators, thieves, homosexuals, drunkards, and robbers" cannot inherit the Kingdom of God. Clearly, he

regarded homosexuals as "immoral men." Aquinas, following Paul's lead, cited "unisexual lust" as a "sin against nature."

The idea that homosexual acts are "against nature" is connected with the idea that sex has a natural purpose—namely, procreation. Sexual acts are the means by which women become pregnant. When sex is separated from this basic purpose, it becomes "unnatural." That is one reason the Catholic Church condemns the use of contraceptives: the use of birth control devices separates sex from its natural purpose of procreation. (Similarly, oral sex, whether practiced by heterosexuals or homosexuals, is "unnatural" because it is a form of sexual activity that cannot result in pregnancy.)

These principles have been reaffirmed by the Church on numerous occasions, most recently in the "Vatican Declaration on Some Questions of Sexual Ethics" in 1976. This document describes the Church's position on a variety of sexual matters, including homosexuality. The Declaration takes note of the fact that many people today regard the condemnation of homosexuality as an outdated prejudice. Psychologists no longer regard homosexuality as a "sickness," but instead recognize that for many people it is a permanent, unchosen condition, as "natural" for them as heterosexuality is for others. For such people, homosexuality is an unavoidable part of their lives. Moreover, being gay is not associated with any other "undesirable" characteristics: homosexuals are as decent and "normal" as heterosexuals in every respect save sexual preference. Thus many people, including many Christians, have concluded that the heterosexual majority should stop condemning gays. The Vatican Declaration notes:

Contrary to the perennial teaching of the Church and the moral sense of the Christian people, some individuals today have, on psychological grounds, begun to judge indulgently or even simply to excuse homosexual relations for certain people.

However, this modern trend of thought is quickly rejected. It is permissible for Christians to be charitable toward homosexuals, but it must not be forgotten that they are perverts in need of correction. The Vatican Declaration continues:

As far as pastoral care is concerned, such homosexuals are certainly to be treated with understanding and encouraged

to hope that they can some day overcome their difficulties and their inability to fit into society in a normal fashion. Prudence, too, must be exercised in judging their guilt. However, no pastoral approach may be taken which would consider these individuals morally justified on the grounds that such acts are in accordance with their nature. For, according to the objective moral order homosexual relations are acts deprived of the essential ordination they ought to have.

In Sacred Scripture such acts are condemned as serious deviations and are even considered to be the lamentable effect of rejecting God. This judgment on the part of the divinely inspired Scriptures does not justify us in saying that all who suffer from this anomaly are guilty of personal sin but it does show that homosexual acts are disordered by their very nature and can never be approved.

Critics have often argued that the two themes of Natural Law Theory are at odds with one another here: if we emphasize that moral judgments must be backed by good reasons, we reach the conclusion that there is nothing immoral about homosexual conduct, for there is no objectively good reason for condemning it. Homosexuals, say these critics, do no harm, either to themselves or to others—bigotry toward gays is simply that, bigotry. Moreover, critics argue that “unnaturalness” is an unreliable guide. It does not follow, from the fact that something is unnatural, that it is wrong: writing left-handed is, for many people, unnatural, yet there is nothing immoral about it. Other examples are easy to find.

Ethical Egoism

Ethical Egoism is very different from the theories we have mentioned so far. It is a secular theory, in that it appeals to no theological considerations, and yet it proposes an objective foundation for determining how one ought to behave. That foundation is self-interest. According to this theory, each person ought always to do whatever is in his or her own self-interest.

This theory is easily misunderstood, and so we should be careful to state clearly what it says and what it does not say. Ethical Egoism does not say that one should promote one's own interests *as well as* the interests of others. That would be an ordinary, unexceptional view. Ethical Egoism is the radical view that one's *only*

duty is to promote one's own interests. According to Ethical Egoism, there is only one ultimate principle of conduct, the principle of self-interest, and this principle sums up *all* of one's natural duties and obligations.

However, Ethical Egoism does not say that you should *avoid* actions that help others, either. It may very well be that, in many instances, your interests coincide with the interests of others, so that in helping yourself you will be aiding others willynilly. Or it may happen that aiding others is an effective *means* for creating some benefit for yourself. Ethical Egoism does not forbid such actions; in fact, it may demand them. The theory only insists that, in such cases, the benefit to others is not what makes the act right. What makes the act right is, rather, the fact that it is to one's own advantage.

Finally, in pursuing one's interests, Ethical Egoism does not imply that one ought always to do what one wants to do, or what gives one the most pleasure in the short run. People may want to do things that are not good for themselves, or that will eventually cause them more grief than pleasure—drink a lot, or smoke cigarettes, or take drugs, or waste their best years at the racetrack. Ethical Egoism would frown on all this, regardless of the momentary pleasure it affords. It says that a person ought to do what *really* is to his or her own best advantage, over the long run. It endorses selfishness, but it doesn't endorse foolishness.

What are the practical implications of this view? In many ways, Ethical Egoism agrees with our ordinary moral opinions. As we grow up, each of us learns a large number of rules of conduct: we learn that we should tell the truth; that we should keep our promises; that we should work hard and try to earn our own way; that we should not steal; that we should avoid harming one another; and so on. Such precepts form the core of our understanding of morality, and Ethical Egoism agrees with all this. The theory simply adds that *the reason why* we should behave in these ways is that it is in our own interests to do so. Generally speaking, we will prosper if we obey such rules, and we will not prosper if we habitually violate them.

On some other matters, however, Ethical Egoism may lead to conclusions that contradict our usual moral opinions. Therefore, the question of whether to adopt an egoistic approach to ethics is not merely a matter of theory. It makes a difference to one's conduct. Do we, for example, have a duty to contribute money for famine relief? If Ethical Egoism is correct, the answer is no—or at

least, not unless there is some advantage to be gained for us. For according to Ethical Egoism, the mere fact that we would be helping *others* is not a reason for doing anything at all. On the other hand, if we reject Egoism, we open ourselves to obligations that might be quite demanding. Do we, in fact, have an obligation to aid the starving?

Although we do not know exactly how many people die each year of malnutrition and related health problems, the number is very high, in the millions. The most common pattern among children in poor countries is death from dehydration caused by diarrhea brought on by malnutrition. In 1983, not a particularly bad year, James Grant, executive director of the United Nations Children's Fund (UNICEF), estimated that 15,000 children were dying in this way every day. That comes to 5,475,000 children annually. Even if Grant's estimate was high by a factor of three, it would still be a staggering number of deaths—and this estimate includes only one way of death, among only one class of victims.

People do, in fact, feel an obligation to respond, although not enough money is ever contributed to really solve the problem. But people feel this obligation only intermittently. Generally speaking, in a "crisis"—when many starving people are concentrated in one area, as in Ethiopia in 1984—the problem of starvation gets a lot of publicity and people in the affluent countries feel that they must do something. But when there is no "crisis," people tend to ignore the problem. The problem, however, is still there. It is just that starving people who are scattered are easier to ignore. A little thought-experiment might help to make the point. We noted that, according to the director of UNICEF, 5,475,000 children die from malnutrition-related problems annually. Only three cities in the United States have larger populations than that. Suppose all these children were dying in one huge city; it would be a front-page emergency. But in fact they are scattered, and so we don't seem to mind as much.

This, surely, is irrational—it makes no difference to the starving child whether it is surrounded by millions of other dying children, or only thousands. If we have an obligation in one case, surely we have the same obligation in the other case. But do we have an obligation to help *at all*? The Ethical Egoist says no, not unless something is in it for us; other philosophers think this is an immoral attitude and say that Ethical Egoism should be rejected.

Utilitarianism

Ethical Egoism might seem to be an unjustifiably narrow doctrine, because it says that each of us should be concerned only with our own welfare. Why should the moral circle be drawn so narrowly? Why shouldn't we be concerned with the welfare of *all* people? Such thoughts lead naturally to Utilitarianism, the view that we should seek to promote "the greatest happiness for the greatest number." The classical version of Utilitarianism, which was developed by such thinkers as Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873), is a combination of three distinct points.

First, actions are to be judged right or wrong solely by virtue of their consequences. Nothing else matters. Right actions are, simply, those that have the best consequences.

Second, in assessing consequences, the only thing that matters is the amount of happiness or unhappiness that is caused. Everything else is irrelevant. Thus right actions are those that produce the greatest balance of happiness over unhappiness.

Third, in calculating the happiness or unhappiness that will be caused, no one's happiness is to be counted as more important than anyone else's. Each person's welfare is equally important. This is what separates Utilitarianism from narrower doctrines such as Ethical Egoism. Thus right actions are those that produce the greatest possible balance of happiness over unhappiness, *with each person's happiness counted as equally important.*

Today, Utilitarianism strikes some people as the merest common sense. But when it was first championed in the nineteenth century it was a radical doctrine. Bentham's new conception of morality was remarkable as much for what it left out as for what it included. The typical citizen of the nineteenth century would have said that morality consists in following the will of God, or perhaps adhering to a set of inviolable rules. Bentham would have none of this. Morality, he urged, is nothing more than the attempt to bring about as much happiness as possible in this world. Bentham argued that if God is beneficent, as Christians say he is, then he would command us to follow the Principle of Utility, for the Principle of Utility is nothing other than the supreme principle of beneficence. And as for the traditional "moral rules," they are not "inviolable." On the contrary, they are valid only to the extent that they would lead us to do what utility requires. Utility alone is the ultimate

measure of right and wrong. It is the standard that determines which actions should be done, which laws should be enacted, and which rules should be accepted.

Utilitarianism is a radical view because it is a *revisionist* moral philosophy. Its aim is not simply to describe our moral views, but to change them. As our society has evolved over the centuries, it has incorporated into its moral code various elements of prejudice, superstition, and false religion. Therefore, although traditional morality contains some sensible components, it also contains much that could be improved. The improvements can be made, according to Bentham and Mill, by applying the Principle of Utility. Whatever parts of traditional morality are consistent with the principle should be retained; whatever is inconsistent with it should be discarded.

Let us consider three ways in which Utilitarianism might require changes in our moral outlook.

Euthanasia Consider, first, the moral rule against killing. Obviously, killing people is wrong—it is contrary to their most basic interests—and any adequate moral system must condemn murder. However, as Western culture has evolved, the rule against killing has been given a peculiar interpretation. It has been interpreted as an absolute prohibition that can be violated only in the special cases of self-defense, wartime killing, and capital punishment. Western moralists, from Saint Augustine to the present day, have summarized this interpretation by saying that *the intentional killing of the innocent is always wrong*.

This means, for one thing, that mercy killing is forbidden. Suppose someone is suffering from an agonizing terminal illness, and wishes to be given a lethal injection, to bring about a quick, painless death, rather than to die slowly in pain. Traditional Western morals would not permit this; the killing would be regarded as plain murder. The law in our society reflects this attitude. Although juries often choose to go easy on mercy killers, under our law such killing is technically murder in the first degree.

The prohibition of mercy killing (or “euthanasia,” as it is called) has also found its way into official statements of medical ethics, such as the 1973 policy statement of the American Medical Association (A.M.A.) on “The Physician and the Dying Patient.” That statement said, in its entirety:

The intentional termination of the life of one human being by another—mercy killing—is contrary to that for which the medical profession stands and is contrary to the policy of the American Medical Association.

The cessation of the employment of extraordinary means to prolong the life of the body when there is irrefutable evidence that biological death is imminent is the decision of the patient and/or his immediate family. The advice and judgment of the physician should be freely available to the patient and/or his immediate family.

Several moral judgments are expressed here. Mercy killing is clearly condemned; it is “contrary to that for which the medical profession stands.” But at the same time, allowing patients to die (by ceasing treatment) is condoned, at least in some circumstances. This is an important point. As medical technology has advanced, it has become possible to keep patients alive almost indefinitely, even when they have become little more than human vegetables. The A.M.A. statement acknowledges the pointlessness of this by saying that a physician may not kill patients but may nevertheless sometimes allow death by omitting treatment that would prolong life.

In 1982 the A.M.A. issued a more general set of guidelines with the title “Principles of Medical Ethics.” Unlike the 1973 statement, this one included comment on a variety of matters, and went into some detail in discussing them. Four paragraphs were devoted to the treatment of hopeless or terminal cases:

QUALITY OF LIFE. In the making of decisions for the treatment of seriously deformed newborns or persons who are severely deteriorated victims of injury, illness or advanced age, the primary consideration should be what is best for the individual patient and not the avoidance of a burden to the family or to society. Quality of life is a factor to be considered in determining what is best for the individual. Life should be cherished despite disabilities and handicaps, except when prolongation would be inhumane and unconscionable. Under these circumstances, withholding or removing life supporting means is ethical provided that the normal care given an individual who is ill is not discontinued.

TERMINAL ILLNESS. The social commitment of the physician is to prolong life and relieve suffering. Where the observ-

ance of one conflicts with the other, the physician, patient, and/or family of the patient have discretion to resolve the conflict.

For humane reasons, with informed consent a physician may do what is medically indicated to alleviate severe pain, or cease or omit treatment to let a terminally ill patient die, but he should not intentionally cause death. In determining whether the administration of potentially life-prolonging medical treatment is in the best interest of the patient, the physician should consider what the possibility is for extending life under humane and comfortable conditions and what are the wishes and attitudes of the family or those who have responsibility for the custody of the patient.

Where a terminally ill patient's coma is beyond doubt irreversible, and there are adequate safeguards to confirm the accuracy of the diagnosis, all means of life support may be discontinued. If death does not occur when life support systems are discontinued, the comfort and dignity of the patient should be maintained.

We can see, in these paragraphs, a kind of struggle between conflicting ethical ideas. On the one hand, the quality of a person's life is explicitly made relevant to the decision of whether the life should be prolonged, and it is implied that the relief of suffering is as important as the prolongation of life. Moreover, the pointlessness of life-support systems for people in irreversible comas is explicitly acknowledged. At the same time, the sterner ideas of the 1973 statement are unchanged: it is still forbidden to cause death intentionally, and it is still forbidden to omit ordinary means of treatment. (The terminology "extraordinary means" has been eliminated, but the distinction between ordinary and extraordinary means is still being assumed—it is now said to be the difference between "life supporting means" and "the normal care given an individual who is ill.")

Utilitarians would applaud certain parts of the 1982 A.M.A. statement. In particular, they would agree that "quality of life is a factor to be considered in determining what is best for the individual," and that the prolongation of life can sometimes be "inhumane and unconscionable." But they would then argue that, for this very reason, mercy killing is not *always* wrong. In the tragic circumstances in which prolonging of life has become "inhumane and unconscionable," euthanasia, rather than being morally unaccept-

able, might actually be morally required, as the best available means of minimizing suffering.

Nonhuman Animals By the time Mill published his book *Utilitarianism* in 1861, the ethical ideas of Bentham and his followers were widely known and had attracted much critical comment. One of the most popular complaints was that Utilitarianism made no distinction between man and the lower animals. According to Utilitarianism, the crucial fact about human beings is that they are capable of enjoying pleasure and suffering pain, and our duty toward them is simply to increase their enjoyment and decrease their suffering. But, the objection went, other animals are also capable of experiencing pleasure and pain—and so it seems that, according to Utilitarianism, man has no special status. But man is exalted above the other animals, intellectually and spiritually. Mustn't our moral theory take some account of this? Some wags summarized this complaint by remarking that "Utilitarianism is a philosophy fit for pigs, not men."

Mill's reply was that mankind's greater intellectual and spiritual gifts are relevant to ethics, but only because they make it possible for people to enjoy special kinds of pleasures, and suffer special kinds of pains, that other animals are not able to suffer or enjoy. Human beings are able to appreciate music; therefore they can take pleasure in a Mozart sonata. They have emotional lives rich enough to include friendships; therefore they can suffer the special pains of betrayal. Other animals, who lack human capacities, may not be capable of experiencing these pleasures and pains. Therefore, we have duties to people—the duty to teach our children about music, or the duty not to betray friendship, for example—that we could not have to some other animals. (We could have no duty to teach music to a rabbit, or to be loyal to a shrimp.) This Mill considered to be a complete and sufficient answer to the critics' objection.

Nevertheless, the critics were on to something. Utilitarianism's view of our moral relation with nonhuman animals is very much at odds with traditional Western ethics. The dominant view of our tradition is that humans and nonhumans are in separate moral categories. Human life is precious and must be protected at all cost. The other animals, however, were placed on earth for the benefit of the humans, who may use them in any way they please. And of course we do use the other animals in a great variety of ways. We eat them;

we use them as experimental subjects in our laboratories; we use their skins for clothing and their heads as wall ornaments; we make them the objects of our amusement in zoos, circuses, and rodeos; and, indeed, one popular sport consists in tracking them down and killing them just for the fun of it. According to traditional ethics, there is nothing wrong with any of this.

The utilitarians, however, found a lot wrong with it. Bentham emphasized that humans are not the only animals who suffer: non-human animals suffer also. Therefore, he argued, it is inconsistent to object to causing pain to a human, and yet to raise no objection when the same pain is inflicted on a nonhuman. Because both can suffer, we have the *same* reason for not mistreating both. If a human is tormented, why is it wrong? Because he or she suffers. Similarly, if a nonhuman is tormented, he also suffers, and so it is equally wrong for the same reason. To Bentham and Mill, this line of reasoning was conclusive. Humans and nonhumans are in exactly the same moral category. Insofar as the welfare of other animals is affected by our conduct, we have a strict moral duty to take that into account, and their suffering counts equally with any similar suffering experienced by a human.

If this reasoning were taken seriously, it would lead to a radical restructuring of our relations with the nonhuman world. For one thing, it would require us to become vegetarians. The production of meat for our tables involves great suffering for the animals; therefore, Utilitarianism would insist that we ask what justification there is for it. What answer can we give? Since we can nourish ourselves very well without eating meat, the only reason for preferring to eat the animals is apparently our enjoyment of the way they taste—and that seems too feeble a reason to justify causing so much pain. From a philosophical point of view, it is fascinating that such a simple and conservative moral principle—"It is wrong to cause pain, unless there is a good reason to justify it"—can lead to such an apparently radical conclusion.

Punishment Bentham said that "All punishment is mischief: all punishment in itself is evil." By this he meant that punishment always involves treating someone badly, whether by taking away their freedom (imprisonment), their property (fines), or even their life (capital punishment). Since these things are all evils, they require justification. *Why* is it right to treat people like this?

One traditional answer is that punishment is justified as a way of "paying back" the offender for an evil deed. Those who have committed crimes, such as theft or assault, deserve to be treated badly in return. It is essentially a matter of justice: justice requires that someone who harms other people be harmed also. As the ancient saying has it, "An eye for an eye, a tooth for a tooth."

This view is known as *Retributivism*. Retributivism is, according to Utilitarianism, a wholly unsatisfactory idea, because it advocates the infliction of suffering without any compensating gain in happiness. Retributivism would have us increase, not decrease, the amount of suffering in the world.

Utilitarianism takes a very different approach. According to Utilitarianism, our duty is to do whatever will increase the amount of happiness in the world. Punishment is, on its face, an "evil" because it makes someone—the person who is punished—*unhappy*. Thus Bentham says, "If it ought at all to be admitted, it ought to be admitted in as far as it promises to exclude some greater evil." In other words, it can be justified only if it will have good results that, on balance, outweigh the evil done.

So, for the utilitarian, the question is: does punishment have such good results? Is there a *good purpose* served by punishing criminals, other than simply making them suffer? Utilitarians have traditionally answered in the affirmative. The practice of punishing lawbreakers benefits society in two ways.

First, punishing criminals helps to prevent crime, or at least to reduce the level of criminal activity in a society. People who are tempted to misbehave can be deterred from doing so if they know they will be punished. Of course, the threat of punishment will not always be efficacious. Sometimes people will break the law anyway. But they will misbehave less if punishments are threatened.

Second, a well-designed system of punishment might have the effect of rehabilitating wrongdoers. Without trying to excuse them, it must be admitted that criminals are often people with emotional problems, who find it difficult to function well in society. They are often ill educated and lack marketable skills. Considering this, why should we not respond to crime by attacking the problems that give rise to it? A person who is breaking society's rules is a danger to society and may first be imprisoned to remove the danger. But while he is there, his problems should be addressed with psychological therapy, educational opportunities, or job training, as appropriate.

If this person can eventually be returned to society as a productive citizen, rather than as a criminal, both the individual and society will benefit.

These utilitarian ideas have dominated Anglo-American law for the past century; today the utilitarian theory of punishment is the reigning orthodoxy. Prisons, once mere places of confinement, have been redesigned (in theory, at least) as centers for rehabilitation, complete with psychologists, libraries, educational programs, and vocational training. The shift in thinking has been so great that the term "prison" is no longer in favor; in many places the preferred nomenclature is "correctional facility." Notice the implications of the new term—inmates are there not to be "punished" but to be "corrected." Of course, in many instances the programs of rehabilitation have been dismally unsuccessful. Nevertheless, the programs are *designed* as rehabilitation. The victory of the utilitarian ideology has been virtually complete.

Kant's Theory

The major alternative to Utilitarianism, in the view of many commentators, is the system of ethical ideas devised by the great German philosopher Immanuel Kant (1724–1804). Like the Ethical Egoists and the Utilitarians, Kant believed that morality can be summed up in one ultimate principle, from which all our duties and obligations are derived. But his version of the "ultimate moral principle" was very different from those others, because Kant did not emphasize the *outcomes* of actions. What was important for him was doing one's duty, and he held that a person's duty is not determined by calculating consequences.

Kant called the ultimate moral principle the *Categorical Imperative*. But he gave this principle two very different formulations. The first version of the categorical imperative, as expressed in his *Fundamental Principles of the Metaphysics of Morals* (1785), goes like this:

Act only on that maxim whereby thou canst at the same time will that it should become a universal law.

Stated in this way, Kant's principle summarizes a procedure for deciding whether an act is morally permissible. When you are contemplating doing a particular action, you are to ask what rule you would be following if you were to do that action. (This will be the

"maxim" of the act.) Then you are to ask whether you would be willing for that rule to be followed by everyone all the time. (That would make it a "universal law" in the relevant sense.) If so, the rule may be followed, and the act is permissible. However, if you would *not* be willing for everyone to follow the rule, then you may not follow it, and the act is morally impermissible.

An example might help make this clearer. Suppose you have a neighbor who works at the same place as you. One day your neighbor's car breaks down and he asks you for a ride to work. Should you give him the ride? Applying the Categorical Imperative, you might reason as follows:

- (1) If you refused, you would be following the rule: Don't give rides to people whose cars have broken down. (That would be "the maxim of your act.")
- (2) Would you want everyone to act on that rule, all the time? Suppose, for example, that your car broke down one morning, and you desperately needed a ride to work. Would you want your neighbor to adopt the policy of not giving rides? No, you wouldn't.
- (3) Therefore, if you refused your neighbor's request, you could not will that the maxim of your act be made into a universal law.
- (4) Therefore, you should not refuse your neighbor's request.

This example makes it clear that Kant's Categorical Imperative is closely related to the ancient principle of the Golden Rule—the Categorical Imperative would permit us to treat others only in ways that we would be willing to be treated ourselves.

However, Kant also gave another formulation of the Categorical Imperative. Later in the same book, he said that the ultimate moral principle may be understood as saying:

So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only.

What does it mean to say that persons are to be treated as "ends" and never as "means"? Kant gives the following example. Suppose you need money, and so you want a "loan," but you know you could not repay it. In desperation, you consider making a false

promise (to repay) in order to trick a friend into giving you the money. May you do this? Perhaps you need the money for a good purpose—so good, in fact, that you might convince yourself the lie would be justified. Nevertheless, if you lied to your friend, you would merely be manipulating him, and using him “as a means.”

On the other hand, what would it be like to treat your friend “as an end”? Suppose you told the truth, that you need the money for a certain purpose, but could not repay it. Then your friend could make up his own mind about whether to let you have it. He could exercise his own powers of reason, consulting his own values and wishes, and make a free, autonomous choice. If he did decide to give the money for this purpose, he would be choosing to make that purpose his own. Thus you would not merely be using him as a means to achieving your goal. This is what Kant meant when he said, “Rational beings . . . ought always be esteemed also as ends, that is, as beings who must be capable of containing in themselves the end of the very same action.”

Kant believed that his theory had very different practical implications from Utilitarianism. To illustrate this, let us return to the examples we considered earlier.

Euthanasia In Kant’s view, human beings have “an intrinsic worth, i.e., *dignity*,” which makes their lives valuable “above all price.” This thought led him, in his general theory of ethics, to hold that human persons are “ends in themselves,” never to be used as mere “means.” It also led him to draw traditional, conservative conclusions about the termination of life. Kant did not discuss euthanasia directly, but he did discuss the related issue of suicide at some length.

Murder is forbidden, obviously, because it is the destruction of a human life, which is “valuable above all price.” But what of suicide? One might think that, since the suicide takes only his *own* life, the prohibition upon it would not be so strict as the prohibition upon killing others. Prior to the coming of Christianity, the philosophers of Greece and Rome took this attitude. Although they condemned cowardly suicides, they thought suicide could be permissible in special circumstances. The Christians took a sterner view. Saint Augustine, whose thought shaped much of our tradition, argued, “Christians have no authority for committing suicide in any

circumstances whatever.” His argument was based mainly on an appeal to authority. The sixth commandment says “Thou shalt not kill.” Augustine pointed out that the commandment does not say “Thou shalt not kill *thy neighbor*”; it says “Thou shalt not *kill*,” period. Thus, he argued, the rule applies with equal force to killing oneself.

Like Aristotle, Augustine held that man’s reason is “the essence of his soul,” and in this he laid the foundation for later thought on the subject. A rational being, later thinkers would insist, can never justify doing away with himself, for he must realize his own value is too great to be destroyed. Thus Saint Thomas Aquinas, who made man’s rationality central to his nature, argued that suicide is absolutely opposed to that nature. Suicide, he said, is “contrary to that charity whereby every man should love himself.”

If human life has such extraordinary worth, then it is only to be expected that one can never justify killing oneself. Kant draws this conclusion. Like Augustine and Aquinas, he believed that suicide is never morally permissible. His argument relies heavily on comparisons of human life with animal life. People may offer various reasons to justify self-murder, he says, but these attempted justifications overlook the crucial point that “humanity is worthy of esteem.” To kill oneself, in his view, is to regard one’s life as something of so little value that it can be obliterated simply to escape troubles. In the case of mere animals, this might be true. We kill animals to put them out of misery, and that is all right, because animals are not worth much to begin with. However, we should not think that the same may be done for a man, because the value of a man’s life is so much greater: “If [a man] disposes over himself,” Kant says, “he treats his value as that of a beast.” Again, “The rule of morality does not admit of [suicide] under any condition because it degrades human nature below the level of animal nature and so destroys it.”

All this follows, Kant thought, from taking seriously the idea of man as a rational being (and therefore as an exalted being). Thus far he invokes no religious notions. One might think, then, that the secular version of man’s specialness is supposed to do the job alone, unaided by religious conceptions. However, Kant saw the secular argument and the religious story as working hand in hand. To secure his conclusion, he added:

But as soon as we examine suicide from the standpoint of religion we immediately see it in its true light. We have been placed in this world under certain conditions and for specific purposes. But a suicide opposes the purpose of his Creator; he arrives in the other world as one who has deserted his post; he must be looked upon as a rebel against God.

Nonhuman Animals On this subject, too, Kant's view follows traditional thought and avoids the revisionist extremes of Utilitarianism. From ancient times, humans have considered themselves to be essentially different from all other creatures—and not just different, but *better*. In fact, humans have traditionally thought themselves to be quite fabulous. According to the ancient myth, man was made in the image of God, "just a little lower than the angels," and the earth was made by God to provide a home for him. The other animals, by contrast, were made for man's use.

The doctrine of man's exalted status has been elaborated, in one way or another, by virtually every important thinker in the Western tradition. Aristotle's defense of human superiority was cast in nontheological terms: he argued that man is the *rational* animal, and is superior to all other animals for that reason. This idea has dominated Western thought. For centuries it has been used to explain why human life is morally precious, while the lives of other creatures are unimportant. Saint Thomas Aquinas, for example, argued that mere animals have no moral importance because "other creatures are for the sake of the intellectual creatures." Therefore, he said, "It is no wrong for man to make use of them, either by killing or any any other way whatever."

In this way of looking at things, animals have no moral standing whatever. Should we even be kind to them out of simple charity? No, Aquinas says, and once again the reason is that they are not rational:

The love of charity extends to none but God and our neighbour. But the word neighbour cannot be extended to irrational creatures, since they have no fellowship with man in the rational life. Therefore charity does not extend to irrational creatures.

Kant, who defends traditional morality at almost every point, says much the same thing. Lacking the all-important quality of ratio-

nality, nonhuman animals are entirely excluded from the sphere of moral concern. It is man who is an "end in himself." Other entities have value only as means, to serve that end. Thus for Kant animals have the status of mere things, and we have no duties to them whatsoever: "But so far as animals are concerned," he says, "we have no direct duties. Animals . . . are there merely as means to an end. That end is man."

By a "direct duty" Kant meant a duty based on a concern for the animal's own welfare. We may indeed have duties that *involve* animals, but the reason behind these duties will always refer to a human interest, rather than to the animal's own interests. Kant admits that we should not torture animals pointlessly, but the reason, he insists, is only that "he who is cruel to animals becomes hard also in his dealings with men." Thus, while the Utilitarians viewed the welfare of animals as something that is morally important for its own sake, Kant saw it as having no intrinsic importance at all.

Punishment Like all orthodoxies, the utilitarian theory of punishment has generated opposition. Much of the opposition is practical in nature; programs of rehabilitation, despite all the efforts that have been put into them, have not worked very well. In California, for example, more has been done to "rehabilitate" criminals than anywhere else; yet the rate of recidivism is higher there than in most other states. But some of the opposition is also based on purely theoretical considerations that go back at least to Kant.

Kant abjured "the serpent-windings of Utilitarianism" because, he said, the theory is incompatible with human dignity. In the first place, it has us calculating how to use people as means to an end, and this (he says) is morally impermissible. If we imprison the criminal in order to secure the well-being of society, we are merely *using* him for the benefit of others. This violates the fundamental rule that "one man ought never to be dealt with merely as a means subservient to the purpose of another."

Moreover, the aim of "rehabilitation," although it sounds noble enough, is actually no more than the attempt to mold people into what *we* think they should be. As such, it is a violation of their rights as autonomous beings who are entitled to decide for themselves what sort of people they will be. We do have the right to

respond to their wickedness by "paying them back" for it, but we do *not* have the right to violate their integrity by trying to manipulate their personalities.

Thus Kant would have no part of utilitarian justifications of punishment. What, then, is the justification of inflicting such harms on people? Here, as before, Kant defends traditional ideas: he was a retributivist. Punishment, he argued, is justified simply as a way of paying back wrongdoers for their wicked deeds. It doesn't matter if no utilitarian purpose is served; such punishment is good in itself. In Part I of *The Metaphysics of Morals* (1797) he wrote:

When someone who delights in annoying and vexing peace-loving folk receives at last a right good beating, it is certainly an ill, but everyone approves of it and considers it as good in itself *even if nothing further results from it*.

Thus punishing people may increase the amount of misery in the world, but according to Kant that is all right, for the extra suffering is borne by the criminal, who, after all, deserves it.

Retributivist punishment, Kant argued, should be governed by two principles. First, people should be punished simply because they have committed crimes, and for no other reason. And second, it is important to punish the criminal proportionately to the seriousness of the crime. Small punishments may suffice for small crimes, but big punishments are necessary in response to big crimes. This second principle leads Kant inevitably to endorse capital punishment, for in response to murder, only death is a sufficiently stern penalty.

It is worth noting that Utilitarianism has been faulted for violating both of Kant's principles. Nothing in the basic idea of Utilitarianism, say the critics, limits punishment to the guilty or limits the amount of punishment to the amount deserved. If the purpose of punishment is to secure the general welfare, as Utilitarianism says, it could sometimes happen that the general welfare will be served by "punishing" someone who has *not* committed a crime—an innocent person. Similarly, it might happen that the general welfare is promoted by punishing people excessively—a greater punishment might have a greater deterrent effect. But both of these are, on their face, violations of justice, which Kantian Retributivism would never allow.

The Social Contract Theory

The Social Contract Theory is a secular theory that offers an approach to understanding morality strikingly different from the other theories discussed in this book. It is appealing because it is based on some straightforward reasoning about human nature and the conditions under which human society is possible. The basic idea is that moral rules are rules that human beings must accept if they are to live together in societies. The essentials of the theory can be stated quite simply:

1. Human beings are not naturally hermits. We live together in social groups, wanting and needing one another's company.
2. Moreover, we are much better off in social groups than we would be if each of us tried to make it "on his own." Social living makes possible incalculable benefits; isolated living would be miserable. (The benefits of living in organized societies include the existence of science and technology, agriculture, medicine, education, and the arts, plus personal goods such as friendship, and much more.)
3. But social living would not be possible unless we all agreed to follow certain rules. We must keep our agreements with one another, act honestly, avoid harming one another, and so on. If we did not keep our agreements with one another, all cooperative endeavors such as large-scale agriculture and the building trades would collapse, and all the advantages gained by division of labor would be lost. If we did not agree to refrain from harming one another, we would all have to guard our backs constantly. Countless other examples of the same kind could be given.
4. Therefore, in order to secure the advantages of social living, it is reasonable for each of us to agree to abide by such rules, on the condition that others will obey them as well. This agreement, in which every citizen participates, is called the *social contract*. The social contract makes society possible.

Therefore, we can summarize the social contract conception of morality like this: morality consists in the set of rules, governing how people are to treat one another, that rational people will agree to accept for their mutual benefit, on the condition that others follow those rules as well. The most important advocates of the Social Contract Theory were Thomas Hobbes (1588–1679), John Locke (1632–1704), and Jean Jacques Rousseau (1712–1778). In our own time John Rawls, a professor of philosophy at Harvard, has formulated an important contemporary version of the theory.

The Social Contract Theory offers an objective, secular foundation for morality that seems to answer the old questions about the “subjectivity” of morals very satisfactorily. It can account for such duties as promise-keeping and respecting the rights of others in a plausible way. And, because it is based on an important insight about the nature of society and its institutions, it is especially well suited to helping us deal with issues involving those institutions. Take, for example, the question of civil disobedience. As a result of the social contract, we have an obligation to obey the law. But are we ever justified in defying the law? And if so, when?

The classic modern examples of civil disobedience are, of course, the actions taken in connection with the Indian independence movement led by Mohandas K. Gandhi and the American civil rights movement led by Martin Luther King, Jr. Both movements were characterized by public, conscientious, nonviolent refusal to comply with the law. But the goals of the movements were importantly different. Gandhi and his followers did not recognize the right of the British to govern India; they wanted to replace British rule with an entirely different system. So they were only defying a “law” that they did not recognize as legitimate in the first place. King and his followers, on the other hand, did not question the legitimacy of the basic institutions of American government. They objected only to particular laws and social policies that they regarded as unjust.

The problem was that racial segregation, with all its attendant evils, was enforced not merely by social custom, but by law as well, a law that black citizens were denied a voice in formulating. When urged to rely on ordinary democratic processes to redress his grievances, King first pointed out that there had been many attempts at negotiation, but these efforts had met little success. And as for

“democracy,” the word had little meaning to southern blacks, who, by and large, were not permitted to register to vote.

Thus a question was raised: are people justified in refusing to obey the law when they consider it to be blatantly unjust? The Social Contract Theory provides a particularly interesting answer. But first we have to ask another question: why do we have an obligation to obey the law in the first place? According to the Social Contract Theory, it is because each of us participates in a complicated arrangement whereby we gain certain benefits in return for accepting certain burdens. The benefits are the benefits of social living: we escape the “state of nature” and live in a society in which we are secure and enjoy basic rights under the law. To gain these benefits, we agree that we will do our part to uphold the institutions that make them possible. This means that we must obey the law, pay our taxes, and so forth—these are “burdens” we accept in return.

But what if things are arranged so that one group of people within the society is not accorded the rights enjoyed by others? What if, instead of protecting them, the police become the agents of a repressive system? What if people are denied rights to equal housing, employment, and education? If the denial of these rights is sufficiently widespread and sufficiently systematic, we are forced to conclude that the terms of the social contract are not being honored. Thus, if we continue to demand that the disadvantaged group obey the law and otherwise respect society’s institutions, we are demanding that they accept the burdens imposed by the social arrangement, even though they are denied its benefits.

This line of reasoning suggests that, rather than civil disobedience being an undesirable “last resort” for socially disenfranchised groups, it is in fact the most natural and reasonable means of expressing protest. For when they are denied a fair share of the benefits of social living, the disenfranchised are in effect released from the contract that otherwise would require them to support the arrangements that make those benefits possible. This is the deepest reason that justifies civil disobedience, and it is to the credit of the Social Contract Theory that it exposes this point so clearly.

When confronted with certain other moral issues, however, the Social Contract Theory has greater difficulty. In particular, the theory has trouble accounting for our duties to creatures who lack

the capacity to participate in the agreements of mutual benefit on which the whole setup depends—namely, nonhuman animals and mentally retarded humans. Animals are not participants in the social contract, and so we can have no moral duties to them. This outcome will not bother people who agree with the traditional view that mere animals don't matter anyway. But the status of mentally defective humans is bound to be troublesome. Mentally retarded people might also lack the capacity for reciprocal concern which the contract requires; and so it is hard to see why, according to this theory, they would not have the same status as animals. Few people would be willing to accept this result, and so the Social Contract Theory seems to be missing something important.

Conclusion

Philosophical ideas are often very abstract, and it is difficult to see what sort of evidence counts for or against them. It is easy enough to appreciate, intuitively, the ideas behind each of these theories, but how do we determine whether they are *correct*? It is a daunting question. Faced with this problem, people are tempted to accept or reject philosophical ideas on the basis of their intuitive appeal: if an idea sounds good, one may embrace it; or if it rubs one the wrong way, one may discard it. But this is hardly a satisfactory way to proceed if we want to discover the truth. How an idea strikes us is not a reliable guide, for our "intuitions" may be mistaken.

Happily, we have an alternative. An idea is no better than the arguments that support it. So to evaluate a philosophical idea, we may examine the reasoning behind it. The great philosophers knew this very well: they did not simply announce their philosophical opinions; instead, they presented arguments in support of their views. The leading idea, from the time of Socrates to the present, has been that truth is discovered by considering the reasons for and against the various alternatives—the "correct" theory is, simply, the one that has the best arguments on its side.

Thus philosophical thinking consists, to a large extent, in formulating and assessing arguments. This is not the whole of philosophy, but it is a big part of it. It is what makes philosophy a rational enterprise, rather than an empty exercise in theory-mongering. Therefore, the second introductory essay in this book is a brief introduction to the evaluation of arguments.

2 Some Basic Points about Arguments

James Rachels

Philosophy without argument would be a lifeless exercise. What good would it be to produce a theory without reasons for thinking it correct? And of what interest is the rejection of a theory without good reasons for thinking it incorrect? A philosophical theory is exactly as good as the arguments that support it.

Therefore, if we want to think clearly about philosophical matters, we have to learn something about the evaluation of arguments. We have to learn to distinguish the sound ones from the unsound ones. This can be a tedious business, but it is indispensable if we want to come within shouting distance of the truth.

In ordinary English the word *argument* often means a quarrel, and the word has a hint of acrimony. That is not the way the word is used here. In the logician's sense, an argument is a chain of reasoning designed to prove something. It consists of one or more *premises*, and a *conclusion*, together with the claim that the conclusion *follows from* the premises. Here is a simple argument. This example is not particularly interesting in itself, but it is short and clear, and it will help us grasp the main points we need to understand about the nature of arguments.

- (1) All men are mortal.
Socrates is a man.
Therefore, Socrates is mortal.

The first two statements are the premises; the third statement is the conclusion; and it is claimed that the conclusion follows from the premises.

What does it mean to say that the conclusion "follows from" the premises? It means that a certain logical relation exists between the premises and the conclusion: *if* the premises are true, then the conclusion must be true also. (Another way to put the same point