

Contemporary Debates In Philosophy

Second Edition

Contemporary Debates in Applied Ethics

Edited by

*Andrew I. Cohen and
Christopher Heath Wellman*

WILEY Blackwell

Contemporary Debates in Applied Ethics

Contemporary Debates in Philosophy

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Introduction

Andrew I. Cohen and Christopher Heath Wellman

Contemporary Debates in Applied Ethics presents fourteen pairs of chapters by some of the leading theorists working in the field today. Philosophers, social theorists, and legal scholars take opposing sides on issues of enduring and special contemporary importance. This second edition includes several new topics (including drugs, humanitarian intervention, profiling, reparations, same-sex marriage, and torture), as well as an additional introductory chapter on ethical theory by Stephen Darwall. The authors draw on recent developments in moral and political theory, economics, science, and public policy. Their chapters are written in plain, jargon-free language so as to be accessible to introductory students, but they also feature cutting-edge, rigorous arguments that will demand the attention of scholars currently working on these important issues.

Issues of Life and Death

Patrick Lee and **Robert P. George** argue that abortion often wrongly kills a human being. A fetus, they claim in “The Wrong of Abortion,” is a morally significant and distinct entity who is internally programmed to become an independent and mature human being – unless stopped by some disease or act of violence. A fetus is the same *kind* of thing as you are, but only at an earlier developmental stage. The authors discuss how we are living bodily entities, and as such we come to be long before birth. We become morally significant at the moment of conception; at that point each of us becomes the sort of entity who has the potential to develop and exercise higher mental functions. We do not find such capacities among mere parts of human beings or among nonhuman animals. Human beings enjoy rights in virtue of being a certain *kind* of entity, but their moral status is not a function of the extent to which they exhibit certain qualities. Lee and George consider a “bodily rights argument,” which holds that women

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are not required to give the use of their bodies to gestating fetuses. But the authors reject this view, holding that nonconsensual relationships sometimes generate moral responsibilities. Except in cases where a mother's life is threatened, the sacrifice a mother must perform when carrying a fetus to term is far less serious than the harm involved in killing a fetus.

Margaret Olivia Little defends abortion as often morally permissible, but not because developing embryos are morally inert bundles of cells. In her chapter, "The Moral Permissibility of Abortion," Little discusses how morality – and the reasons it furnishes – should not be forced into metaphysical views that regard steady states as the only possible explanatory categories. Rather, a more nuanced metaphysics acknowledges scalar qualities and ongoing development as key to an adequate picture of the world. Little notes that arguments investing moral significance in fetal potential are often importantly misleading. We must acknowledge that any such potential is only meaningful (and crucially depends upon) some woman's choices. Little argues that fetuses are not morally inert; their developing status does confer a developing moral significance. Nevertheless, in her view, sometimes aborting a fetus is a permissible withdrawal of sustenance and support for a developing life that would not have existed but for a woman's active support in the first place. This is part of the reason why some abortions do not violate any rights. Little then proposes reframing the abortion discussion into one of the *ethics of gestation*. Gestating a child and becoming a mother are momentous projects with profound moral implications. Besides entailing considerable medical risks and physical burdens, these projects involve significant reformulations of one's practical identity. In order to protect the intimacy crucial to personal identity and meaningfulness, Little argues, gestation and motherhood are and must be an individual's significant moral prerogative. Acknowledging such a prerogative no more diminishes the value of motherhood and babies than acknowledging sexual prerogatives diminishes the value of marriage and family. Even with a moral prerogative to terminate a pregnancy, however, there may still be important moral reasons not to abort in certain circumstances. Little then considers issues regarding the ethics of *creation* and how they relate to an ethics of *gestation*.

In "A Defense of Voluntary Active Euthanasia and Assisted Suicide," **Michael Tooley** writes that euthanasia refers to "any action where a person is intentionally killed or allowed to die because it is believed that the individual would be better off dead than alive – or else, as when one is in an irreversible coma, at least no worse off." Tooley surveys several key distinctions relevant to discussions of euthanasia and proceeds to defend as morally permissible voluntary active euthanasia. Under certain circumstances, a person may be justified in committing suicide. In such cases, others would be justified in assisting that person to commit suicide. Where assisted suicide would be permissible, Tooley argues, so too would voluntary active euthanasia. Tooley considers various possible objections and finds that appeals to God or religious authority are unhelpful, and if suicide is in one's interests and violates no one's rights, then assisting someone in taking her life is morally permissible. Voluntary active euthanasia should also be legally permitted; slippery slope arguments against legalization often rest on poorly drawn distinctions and clash with empirical evidence. Allowing such euthanasia would also provide more skilled aid and comfort for those with the greatest need for it.

In "A Case against Euthanasia," **Daniel Callahan** notes that euthanasia does not fit into traditional categories for the justified taking of a life. Suicide is doubtless an

option for many who suffer, but few make the choice. Callahan suggests that this is commendable; pain is a necessary part of human life, and “human life is better, even nobler, when we human beings put up with the pain and travail that come our way.” He rejects the idea that principles of freedom and self-determination justify protecting a choice to end one’s life or seek assistance in doing so. Callahan objects to physician-assisted suicide; by enlisting a doctor’s aid, euthanasia is not merely a private act. It becomes a social act by enlarging the field of permissible killings. This would have dangerous consequences: it would violate a long established norm that those with the power to save lives should not have the power to end them. Callahan also questions defenses of euthanasia that attempt to collapse the distinction between active and passive euthanasia. Removing legal obstacles to euthanasia, Callahan further argues, would “teach the wrong kind of lesson” by changing the role of physician and generating vast enforcement problems. More sharply, legalizing euthanasia would entrench as public policy the idiosyncratic preferences of a small minority who mistakenly believe human dignity is incompatible with suffering.

In his “Empty Cages,” **Tom Regan** argues against research on animals – whether for education, medical studies, or product testing. Many uses of animals, he notes, are unnecessary or otherwise gratuitous. Even in cases where the use of animals *seems* crucial, Regan argues that a key moral principle – moral rights – typically blocks us from using animals for our benefit. He then presents a series of arguments to show that animals possess moral rights. He discusses and rejects views that morally privilege human beings over other animals. Logical consistency demands that nonhuman animals enjoy certain fundamental rights in just the way that human beings do. **R.G. Frey**, on the other hand, believes using animals for some research purposes is permissible. In “Animals and Their Medical Use,” he stakes out a position between an animal rights view that would forbid any experimentation on animals and an “anything goes” view that permits all but gratuitously cruel uses of animals. Against the former, Frey argues that regarding animals as bearers of rights protects them from experimental use with claims so strong that it would no longer be possible to state a defense of animal research. Their rights would cut off from the start any appeal to prospective human benefit – no matter how large the benefit. Against the “anything goes” position, Frey argues that we go to great lengths to justify inflicting suffering on animals, precisely because we rightly think that they count morally. But, not all living creatures have the same moral value. *If* experiments on living creatures are crucial for advancing human welfare, then we should “use the life of lower quality in preference to the life of higher quality.” Just as there can be better or worse lives among creatures of one species, so too we can say that the life of a typical adult human is more valuable than that of an animal because a human being has more capacities for self-development, and so can have a richer life. Frey focuses particularly on how human *agency* adds moral value to a life. He then develops two accounts of moral community and applies his model to determining how and to what extent animals are morally considerable.

Issues in Justice

In “A Defense of Affirmative Action,” **Albert Mosley** defends policies that take race into account as a means of increasing the ability of minorities to take advantage of

employment, educational, and investment opportunities. Mosley considers and rejects in turn several arguments by critics of affirmative action policies: racial minorities are owed nothing by the innocent beneficiaries of racial injustices, aptitude and IQ tests prove that racial minorities are less competent on average, race is a bogus concept, and race-conscious policies are a form of reverse discrimination prohibited by the constitution. He argues that measures to increase racial diversity are morally justified as steps to undo entrenched unjust norms and to promote a better justified distribution of goods and services to underserved communities. **Celia Wolf-Devine**'s main disagreement with Mosley concerns the merits of *preferential* affirmative action policies. Such policies privilege some applicants simply in virtue of their being members of certain historically under-represented groups. In "Preferential Policies Have Become Toxic," Wolf-Devine considers some key contemporary arguments for such policies and finds them all inadequate. Preferential affirmative action policies might be cast as *compensation* for past injustices, but, she argues, such policies are often misguided and poorly targeted. She also cautions against devising policies to bring about proportionate representation of all groups in all professions, since, as she points out, there might be important cultural differences (independently of the effects of past oppression) that explain why particular racial and ethnic groups gravitate toward certain careers. *Corrective* defenses of preferential affirmative action hope to fix current bias, but, Wolf-Devine claims, we should be wary of generalizing findings of bias from one situation to others. Wolf-Devine then considers various *forward-looking* defenses of preferential affirmative action, but she worries about their unintended consequences, such as: fostering perverse pressures toward group conformity on some beneficiaries of the policies, further confusing race and class in remedial social policies, increasing the drop-out rate for black college students, and perpetuating negative racial stereotypes. Wolf-Devine ultimately argues that preferential policies are "divisive because they are zero-sum." She applauds recent evidence of the withering of racial categories, and defends social policies that target poverty instead of race.

In "A Defense of the Death Penalty," **Louis Pojman** employs both *forward-looking* and *backward-looking* arguments. Forward-looking arguments maintain that capital punishment deters commission of murder and so helps ensure the best consequences overall in the long run. Pojman also discusses how several forms of evidence support the deterrent effects of the death penalty. Backward-looking arguments see punishment as a form of proportionate retribution. Such arguments do not appeal to the consequences in any straightforward sense but hold that murderers violate the dignity of their victims and so *deserve* to die. When responding to several objections to capital punishment, Pojman distinguishes retribution from vengeance and explains how the state has authority to inflict the death penalty. Pojman also responds to worries about mistaken death sentences and over-representation of certain groups among those sentenced to die.

By arguing that the "factual and moral beliefs on which death penalty support depends are mistaken," **Stephen Nathanson** maintains that neither deterrence nor retribution justify capital punishment. Deterrence alone is an inadequate justification, Nathanson writes in "Why We Should Put the Death Penalty to Rest," because it can license barbarically draconian punishments and the use of force on innocent persons. Standard "eye for an eye" arguments also fail because they are committed to reciprocating barbarity with barbarity. Such arguments, Nathanson worries, are also

inconsistent with many of our considered moral judgments, and they give little guidance in determining appropriate punishments. We also find substantial evidence that capital punishment is unfairly applied in practice. Whether one receives the punishment is often a function of morally irrelevant factors such as one's race, class, and the quality of one's legal counsel. Maintaining the death penalty, Nathanson then argues, fosters a lack of concern about the loss of human life.

Much human history is marked by depredations, oppression, and often, wholesale slaughter. As people reckon with the past, some writers defend attempting to undo historic injustice. The remedy is no small task. As time goes on, identifying the perpetrators and victims, and identifying how much is owed, are often extremely difficult if not impossible. In "Compensation and Past Injustice," **Bernard Boxill** argues that justice sometimes requires that victims must be compensated for their losses. This often involves making the world into what it would have been had the wrong not occurred. Such corrective justice, however, must be constrained by the rights of all affected parties. With close attention to several examples, Boxill considers whether, how, and why justice might require some form of compensation for past losses. He defends compensation both for past injustice and for misfortune. Since both disrupt our life plans, and since justice aims to protect our interests in having, revising, and pursuing a conception of the good, justice demands compensation for our losses provided doing so does not itself entail an injustice. This qualification means that sometimes justice will forbid doing what is required to compensate victims of injustice.

In "Must We Provide Material Redress for Past Wrongs?," **Nahshon Perez** argues that there are often daunting obstacles to justifying any compensation for past wrongs. Among them is the "non-identity problem," which undermines the compensation claims of persons born subsequent to a wrong when that wrong was a condition of their existence. Perez considers two likely replies to this challenge. One appeals to trans-generational cultural identity. The other appeals to the existence of persons who are supposedly victimized by a past wrong but whose existence does not depend on that wrong. Both approaches, Perez argues, raise far more serious problems than they might solve. Many claims to redress for historic wrongs also seem to fade over time. Ultimately, Perez suggests, it is often best not to dwell in the past.

Critics of recent responses to the threat of terrorism have worried that security and policy forces unfairly target persons because they fit a certain profile. In "Bayesian Inference and Contractualist Justification on Interstate 95," **Arthur Applbaum** explores whether race-based generalizations are unjust. Some such generalizations, Applbaum argues, are instrumentally rational if they promote a specific goal. To show some such profiling may be morally acceptable, he draws on contractualist moral theory to ask what burdens are reasonable to impose. Inconveniencing someone to promote public safety might be a small inconvenience that any reasonable person would accept. Applbaum discusses how such profiling might work given a background of historical racism. Some statistical generalizations, he argues, do not give reasons for action. Some race-based profiles, then, need not entail disrespectful behaviors or attitudes. Since social meanings evolve, uses of race need not repeat the mistakes of the past.

Deborah Hellman acknowledges that some uses of profiling are innocuous, but claims that others are morally problematic. In her chapter, "Racial Profiling and the Meaning of Racial Categories," Hellman argues that many generalizations are

worrisome not because of generalization itself but because of what it expresses. The category “black” is fraught with history and meaning. Racial generalizations then threaten to reinforce racist views and may convey a demeaning message to persons in the group. She identifies how profiling by government officials is often even more problematic than that by private actors.

Recent disclosures show western governments have used “harsh interrogation” tactics on some prisoners. In some cases, prisoners were “rendered” to countries with fewer restrictions on the treatment of inmates. These developments have revived debates about the merits of torture. Discussions of torture often revolve around what are sometimes called “ticking-time bomb” cases. In “Ticking Time-bombs and Torture,” **Fritz Allhoff** closely examines such cases and the questions they raise about the justifiability of torture. He first traces the history of the debate and then examines the utilitarian account of torture. He argues that utilitarianism offers a straightforward justification for torture in ticking-time bomb cases. He then critiques deontological views on torture. Next, Allhoff distinguishes between claims that torture is morally impermissible in principle from claims that it is impermissible in practice. He believes that the former sorts of claims are extremely difficult to justify. He concludes by making some remarks about problems facing claims that torture is always impermissible in practice. Allhoff notes that arguments against torture ever being acceptable in practice rely on several important and controversial empirical assumptions.

In “Torture and its Apologists,” **Bob Brecher** rejects the possibility of justifying torture. Though not a proponent of consequentialist moral theorizing, Brecher argues that such reasoning will not support torture. He discusses how appeals to ticking-time bomb cases typically make many unwarranted assumptions about suspects, the reliability of what we believe about suspects, and the effectiveness of torture. Interrogators cannot know in advance that torture is necessary. Furthermore, permitting interrogational torture generates insurmountable moral and institutional problems. Brecher warns that by endorsing interrogational torture, philosophers, lawyers and other academics open the door for public officials to implement the practice – and not merely in a few exceptional cases. Against ticking-time bomb scenarios, Brecher notes that sometimes we are simply “too late” to avoid catastrophe morally. Because of what torture does to us as *persons*, Brecher argues, it is the worst thing human beings can do to one another, and so it is morally impermissible.

Issues of Privacy and the Good

Many writers object to same-sex marriage on grounds that altering the institution would undermine an important social institution and jeopardize the well-being of children. In “Same-Sex Marriage and the Definitional Objection,” **John Corvino** does not specifically respond to such worries (though he does in other published work); instead, he explores a conceptual objection. On this objection, same-sex marriage does not count as marriage, given what it means for something to be a marriage. On Corvino’s view, this “definitional objection” is unsuccessful. Corvino argues that it is not part of the definition of marriage, for instance, that successful reproduction is possible to the partners. After setting out likely responses from natural law theorists, Corvino argues that marriage is a social institution embracing various sorts of practices; coitus

is not a necessary condition of all of them. He defends an “inclusivist” view of marriage, where some same-sex relationships can count as marriages. He concludes that the debate about same-sex marriage is not about the meaning of marriage so much as about substantive questions regarding what gay and lesbian persons deserve as members of our society.

In “Making Sense of Marriage,” **Sherif Girgis** objects to views such as Corvino’s, which are examples of what he calls the “revisionist view” of marriage. Girgis’s alternative is a “conjugal view” in which marriage is a comprehensive union that must include the possibility of coitus. The revisionists are unable to explain why marriage must involve sex, why it must be restricted to pairs of persons, and why marriages must involve commitments to exclusivity. Instead, on Girgis’s conjugal view, marriage involves a bodily union of a man and a woman in a deep and exclusive commitment to achieve certain shared ends that encompass both partners. Marriage, in particular, is ordered toward the rearing of children. But this does not preclude the possibility that infertile couples cannot marry.

In “The Right to Get Turned On: Pornography, Autonomy, Equality,” **Andrew Altman** defends rights to produce, sell, and view pornography – including pornography depicting sexual violence. He hinges these rights not on free speech considerations but more on what he calls *sexual autonomy*. A suitably constrained right to such autonomy confers neither a right to coerce anyone into sexual acts nor a right to entice minors into sexual encounters. But this right does protect people who choose to produce pornography or consume the final product. They have this right even if (as might often be true) they are deficient in some human virtues. Altman argues that violent pornography *might* be a candidate for prohibition *if* there were conclusive evidence connecting it to violent imitative acts. But the evidence is far too weak to exclude violent pornography from the protection of a right to sexual autonomy. In the meantime, Altman calls for improved education regarding sexual violence as well as more vigorous prosecution and serious punishment for criminals guilty of such crimes. Some critics may still worry that pornography nevertheless fosters attitudes contributing to the degradation and subordination of women. Altman questions the connection there, noting that the liberal democracies that protect a freedom to produce and consume pornography tend to be societies with the best opportunities for the social and economic advancement of women.

Susan J. Brison rejects the notion of a right to produce and consume degrading or violent pornography. In her chapter, “‘The Price We Pay’?: Pornography and Harm,” Brison offers detailed accounts of the exploitation and suffering of women involved in the pornography industry. She argues that many participants in pornography cannot be understood to have offered genuine consent. But even if they have given free consent, their participation in the industry has morally significant effects on social norms regarding sex roles. The industry harms nonparticipants, both male and female, by teaching and perpetuating discriminatory attitudes and by further injuring those previously victimized by sexual violence. Indeed, pornography’s connection to subordination and degradation is not incidental; as Brison notes, pornography arouses precisely because of images of subordination. Brison then considers whether there can be a moral right to pornography – especially if, as Altman concedes, exercising such a right may be a sign of some moral vice. Brison argues, against Altman, that the harms pornography causes are sufficient to deny a right to produce and consume it.

In his chapter, **Douglas Husak** argues “In Favor of Drug Decriminalization.” He specifically supports ending state punishments for persons who use drugs. He offers utilitarian and rights-based arguments for decriminalization, but then shifts the burden back to proponents of criminalization. He further disputes many common arguments in favor of punishing drug users, especially regarding many ill-effects of use. States must take great care when administering punishment since it is among the harshest things states may do to us. The consumption of known drugs, Husak argues, does not seem to warrant any state punishment. In “Against the Legalization of Drugs,” **Peter de Marneffe**, however, opposes drug legalization in the sense of removing all criminal penalties on drug manufacture, sale, and use. He considers several leading objections to criminalizing drugs. He replies to concerns about effectiveness, paternalism, the social/economic costs of the drug war, the racial dimension of drug laws, the impact on violence in society, the potentially corrupting impact on foreign states, and other objections about altering the norms and institutions regarding drugs. In each case, de Marneffe argues that the criticisms misfire. Legalizing drugs, he argues, may have deeply worrisome consequences. Pointing to problems with current institutions does not show that drugs should be legalized; it may instead suggest that we should reform our institutions and laws.

Issues of Cosmopolitanism and Community

Freedom of movement is clearly a basic human right, **David Miller** admits in his chapter, “Immigration: The Case for Limits,” but whether that translates into a right to move to any physical space of one’s choosing is another matter. There are often important reasons for restricting a freedom of movement, and many times such restrictions do not impede any *right* to move freely. So long as individuals have access to an *adequate* range of choices for satisfying significant interests, their interest in migrating elsewhere is not protected by right. A “right of exit” may give political societies reasons not to abuse members, but given the diversity of contemporary political societies, such a right does not translate into an unlimited right to go to *any* state. Much then hinges on what Miller calls the *scope* of distributive justice. Do principles of distributive justice apply *within* or *across* societies? If global justice furnishes any moral reasons, these reasons likely fall short of requiring equal distribution of any particular good. We should note that immigration also invariably changes the public culture of a political community, but native people have legitimate interests in controlling such a culture. Immigration also raises significant issues in population growth, and given economic and ecological considerations, nations have good reason to restrict the influx of immigrants. Miller defends refugees’ rights to move elsewhere for greater security, but he also argues for states’ autonomy in deciding how to handle asylum requests. He upholds the prerogative of political communities to admit a non-refugee on the basis of the prospective benefit for granting entry as well as the migrant’s interest in moving.

Chandran Kukathas defends free immigration and open borders in “The Case for Open Immigration.” He discusses why states of various sorts may have interests in limiting immigration. While some authoritarian states wish to curtail the dissent that may challenge government authority, even liberal democratic states may have complex economic and political reasons to restrict the influx of immigrants. Though he admits

that an open borders policy is unlikely without reconsidering the notion of the modern state, Kukathas defends the policy by appealing to principles of freedom and humanity. Immigration is often a crucial avenue for fulfilling moral duties, pursuing economic opportunities, fleeing injustice, or striving for the improvement of oneself or one's family. Kukathas discusses possible consequences to open borders and argues that, in the end, there is no compelling *economic* argument for restricting immigration. An appeal to *nationality* may suggest arguments against open borders, either because immigration will undermine a society's distinct cultural character, undermine natives' abilities to prosper through a distinct way of life, or jeopardize a political community's ability to implement shared principles of social justice. But Kukathas argues against all such considerations. Cultural transformations are often entirely beneficial, and, he argues, it is unclear that the nation state should be the locus for social justice or that implementing principles of social justice should take precedence over humanitarian concerns for helping the poor and the oppressed. While security concerns may give us pause, immigration restrictions are often poorly targeted and represent significant threats to personal liberty.

We live in a world of nation states. Each state claims sovereignty over a territory, including a right to govern its own internal affairs. Many writers, though, think sovereignty rights do not protect states that violate the rights of their residents. In "The Moral Structure of Humanitarian Intervention," **Fernando Tesón** argues that military intervention for humanitarian aims may be justified as a defensive use of force on behalf of innocent victims. Such force must not impose costs that are disproportionate to the moral significance of the rights violations it hopes to remedy. Sovereignty, Tesón argues, does not protect oppressive regimes from intervention. He further considers when and whether liberal states are permitted to use their own forces to rescue victims of injustices abroad. Tesón denies that authorization by current international institutions is necessary for morally permissible humanitarian intervention. As long as the principle of proportionality is respected, it is sometimes permissible to save people from oppression.

In "The Morality of Humanitarian Intervention," **Bas van der Vossen** explores whether states have rights against intrusion by outside forces. Many writers argue that just as individuals are permitted to undo injustices inflicted on residents in foreign lands (provided doing so does not harm innocent others), then so, too, may nations rescue unjustly harmed residents of foreign lands through humanitarian intervention. Van der Vossen rejects this inference. His main concern is that states are imprecise (and often bloody) agents of change abroad. He argues that moral rules both guide and constrain conduct, so allowing for a right of humanitarian intervention may invite grievous harms and escalations of violence. Indeed, such a right threatens even the justified actions of legitimate states. Judgments of legitimacy, van der Vossen adds, are less prone to dispute than are judgments of justice. Sometimes legitimate states have rights against intervention even when they are guilty of some important wrongs against their residents. Van der Vossen closes by considering what sorts of conditions license humanitarian interventions in illegitimate states.

In his chapter, "Famine Relief: The Duties We Have to Others," **Christopher Heath Wellman** argues that one has a moral duty to rescue persons in dire need when one can do so without incurring unreasonable costs. Wellman is careful to note that one's duties of rescue need not take precedence over responsibilities to those near and dear.

Still, when a person must choose between devoting resources to frivolous pursuits and providing easy rescue, she has a duty to lend a hand. The *proximity* of emergency is morally irrelevant if one can provide easy rescue or solicit others to do the same. Just as we often have a duty to save babies drowning within our *sight*, so too we often have a duty to direct modest amounts of our resources toward famine relief. Indeed, needy people sometimes have “samaritan rights” of rescue against persons who can provide assistance without unreasonable sacrifice. Modern communications have so expanded our knowledge of distant conditions that persons unwilling to donate a modest amount toward famine relief are often morally no different than persons who refuse easy rescue of infants drowning at their feet. Beyond our responsibilities to offer modest aid, we should also take steps to disassociate ourselves from unjust institutions – especially those that benefit us. Part of the reason we have our wealth, Wellman argues, is that we profit from an economic system that uses natural resources bought from oppressive governments abroad – and those governments “create the political conditions that play a causal role in the world’s worst famines.”

Appeals to babies drowning at our feet, **Andrew I. Cohen** argues in “Famine Relief and Human Virtue,” tell us little about our responsibilities to alleviate world hunger. Hunger is a chronic problem calling for reflection on causes and alternative solutions. Such reflection is usually inappropriate for dire emergencies immediately in front of us. Cohen then explores the place for charity in a good life. He writes that persons need a protected opportunity *not* to be charitable in order for them to have the best chance properly to develop and cultivate the virtue of charity. Charity cannot be coerced. Cohen defends a limited “right to do wrong” with respect to withholding resources that good persons would otherwise have provided in similar circumstances. Such a right is important for giving persons the space to become virtuous, and it is crucial for maximizing the chance that there will be fewer needy people in the long term. He discusses several problems with enforcing positive duties to give to the needy. Such enforcement clashes with other moral values, jeopardizes satisfying other relevant moral demands, hinders personal virtue, and it is often dangerously ineffective at alleviating hunger. Cohen notes that reasonable persons disagree not only about how best to satisfy need but about what the good life is and how one ought best to strive for it. The liberty to live our own lives should take precedence over the aims of busybodies and autocrats who believe they know better how we should allocate our precious resources. Cohen further argues that a good human life is marked by moral demands from many sources, and distant human need is but one possible claim on one’s resources and time. We in the West best help needy persons by curtailing misguided relief policies, eradicating government price supports that unfairly privilege the wealthy, and trading with people overseas.

ETHICAL THEORY

CHAPTER ONE

Theories of Ethics

Stephen L. Darwall

Ethics is customarily divided into two parts: meta-ethics and normative ethics, with the latter being divided further into normative theory and “applied ethics,” the area with which we are concerned in this volume. This last term may not be especially apt, however, since it suggests a relation to normative theory like that applied to pure mathematics, where theories are derived independently and, only then, applied to cases. When it comes to normative ethics, theories are often formulated and evaluated by reflecting on the ethically relevant features of cases. Thus some philosophers maintain that we can appreciate the general moral relevance of a distinction between killing and letting die (or, more generally yet, between causing evils and letting them happen) by reflecting on a specific case like Judith Thomson’s famous “trolley problem,” in which a driver can choose between letting his runaway train kill a certain number of people and diverting it on to a track where it would kill a smaller number (Thomson, 1976). In thinking about this case, it seems to be relevant that by diverting the train the driver would be killing people or causing their deaths himself, whereas, if he let the train continue undiverted, he would only be allowing deaths to occur. By seeing this in a specific case, it is argued, we can appreciate a distinction of general theoretical relevance.

Another term for our area, “practical ethics,” avoids these associations but is misleading in a different way, since it suggests that the only cases of interest concern practical questions of what to do. Frequently, what we want to know is not what someone should do (or should have done), but what to think or feel about someone’s character or about his having done something out of certain motives. And there are many other ethical questions that are not primarily practical either, even if they have practical implications: do all living species have intrinsic worth? Is aesthetic appreciation a more valuable form of human experience than the relief of a scratched itch? And so on.

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Case Ethics

A better term for our area might be “case ethics.” Just as there is “case law,” the findings of judges about the issues brought before them, including, crucially, the reasoning or *ratio* that led to their conclusions, so also is there case ethics: our considered judgments about specific ethical issues or cases along with the reasons or principled reflections that underlie our judgments. When it comes to the law, of course, only properly vested judges can render authoritative judgments. With moral and ethical discussion and debate, however, we all have standing to take part, and no individual has the authority to make final judgments, although we may freely accord a kind of authority to those we think especially thoughtful and judicious.

When judges render legal judgments, it is not enough for them simply to find for one side or the other. They must also support their judgments with applicable law and legal principles, aiming to show how anyone reflecting on these laws and principles might reasonably have come to the same conclusion. This rarely involves anything like a deductive proof. As Aristotle remarked, we cannot sensibly demand more logical rigor than “the subject-matter admits of” (Aristotle, 1998). It is enough if judges point to laws, principles, and ideals under which the case might reasonably be subsumed and which, when applied, might be seen to support their finding in the case.

No doubt it is a mistake to view all of ethics on the model of law, as a number of philosophers have noted (Anscombe, 1958; McDowell, 1979; Dancy, 1993). Some ethical questions require a sensitivity and insight that seems more akin to aesthetic appreciation than to anything that can be supported by theoretical principles. None the less, even art critics feel bound to give reasons for their judgments, citing considerations that can help others enter into their reflections and see the work as they see it. Moreover, many of the cases of applied or case ethics with which we are most often occupied are questions of public *morality*, where we implicitly understand our discussions and inquiries to take place in a democratic society in which everyone has standing to participate. Moreover, when these issues concern moral *obligations* – the area where, as John Stuart Mill pointed out, we hold one another accountable through formal and informal sanctions – the same considerations that lead us to demand a publicly formulated justification for legal judgments would seem to apply to moral judgments also, if not, perhaps, quite so urgently (Mill, 1957). A restriction of liberty of some kind will seem to be involved, calling for a principled justification that could be seen to be acceptable to our fellow citizens who would, in our view, be bound by them.

Normative Ethical Theory

Philosophers use the term “normative ethical theory” to refer broadly to principles, concepts, and ideals that can be cited in support of ethical judgments about cases. In this broad sense, we commit ourselves implicitly to some theory (or range of theories) whenever we give reasons to support our judgments. Furthermore, there is a sense in which we commit ourselves to the existence of some justifying background theory