An Introduction to Ethical Theory
By
Professor Joseph S. Spoerl
Saint Anselm College
Philosophy Department
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Preface

This *Introduction to Ethical Theory* is my own attempt to both explain and evaluate five of the most important ethical theories in the Western philosophical tradition: relativism, egoism, utilitarianism, Kantianism, and natural law. It necessarily reflects my own perspective, which favors the natural law approach. A different instructor would have written a very different introduction. You, the student, are under no obligation to share your professor's assessment of the theories discussed here. If this introduction helps you to understand the theories better and at least to begin formulating your own opinion of them, it will have done its job, even if you end up with an opinion different from your professor.

Every ethical theory is an attempt to identify the property that all right acts have in common, in virtue of which they are right, and ditto for wrong acts. Ethical theorists base their theories on two sorts of assumption. First, they begin with some aspect or aspects of human experience, assuming that their readers have had the same experience. Second, building on this experience, they presuppose or construct a certain theory of human nature. They then use logic and reason to build an ethical theory based on their experience and their account of human nature. (You can jump ahead and look at Chapter 6 for a very brief summary of each of the ethical theories, showing how each one presupposes an account of human experience and human nature.) In evaluating an ethical theory, you should therefore ask several questions: (1) Have I had the experience that the theorist is appealing to or assuming? Does the theory describe my experience accurately? (2) Does the philosopher's theory of human nature match my own experience and observations of human beings (including myself)? (3) Have I had other experiences that the theory ignores or contradicts? (4) Does the theorist build a logical theory, that is, one that is internally consistent? Finally, since you already know a lot about right and wrong acts, you should reflect on your own settled moral convictions and ask, (5) does this theory really explain why certain acts are right or wrong, permissible or impermissible? For instance, a theory that implies that it is wrong to donate blood or right to own slaves is surely a flawed theory. This incongruity with your firmest moral convictions should lead you to go back and find the deeper flaws in that theory: has it overlooked some vital aspect of human experience? Does it presuppose a false theory of human nature? Does it contain some internal contradiction? Does it contain a crucial inference that goes beyond the premises or evidence offered to support the inference? (Note: the page numbers mentioned in the text below all refer to the required course readings to which you have access on Sakai.)

Chapter 1: Ethical Relativism

Ethical (or moral) relativism is the theory that an act is right if approved within the speaker's culture and wrong if disapproved within that culture. Ethical relativism is distinct from, but often based on, ***descriptive relativism***, the theory that different cultures have different beliefs

about right and wrong. The anthropologist Ruth Benedict was both an ethical and a descriptive relativist.[1] After describing the widely varying customs of different cultures, Benedict concludes, "We recognize that morality differs in every society, and is a convenient term for socially approved habits." Benedict's argument for ethical relativism can be summarized as follows:

Premise 1:	Beliefs about morality differ from culture to culture.
Premise 2:	If beliefs about morality differ from culture to culture, then morality is merely socially approved habits.
Conclusion:	Morality is merely socially approved habits.

Benedict's ethical relativism implies that moral judgments from outside of a society can have no rational or ethical authority within it. Yet this position is open to serious objections. Ethical relativism overlooks the fact that people generally give reasons for their moral beliefs and practices and that these reasons can be subjected to rational scrutiny. Reasons or arguments can be rationally evaluated according to standards that are valid cross-culturally. Therefore, ethical relativism is false. The same point can be made by observing that premise 2 is false. The variation in moral beliefs across cultures does not imply that "morality" is merely a convenient term for socially approved habits. Morality could still refer to a body of universal, objective truths concerning how human beings should live, and the variation in moral beliefs may be due to imperfections in how well any given culture grasps those truths. If cultures have different beliefs about whether the earth is flat or spherical, for instance, we do not infer that "geography" is synonymous with socially approved beliefs concerning the earth. Rather, geography is a body of facts about the earth to which a given culture's beliefs may or may not correspond. Whether in morality or geography, when we are confronted with disagreements, we are not entirely without resources. We can collect evidence and weigh the strength or weakness of arguments for and against disputed propositions. Some beliefs can be shown to be more reasonable than others.

Loretta M. Kopelman advances a two-stage argument against ethical relativism along these lines, using the issue of **female genital mutilation** to illustrate her point.[2] First, she aims to discredit female genital mutilation by demonstrating that the reasons given in its defense are all irrational and false. Secondly, she infers from this successful critique that moral judgments from outside of a culture can have moral authority within the culture in question. In this way she proves the irrationality of ethical relativism, for if moral relativism were true, then moral judgments from outside of a culture could never have authority within that culture.

"Female genital mutilation" (or circumcision) is the cutting away of the clitoris and labia of a young girl, often accompanied by infibulation, or the partial sewing shut of the vulva, leaving only a small hole for the release of urine and menstrual blood. A large majority of the girls in Sudan, Ethiopia, Somalia, Egypt, and some other north African and south Arabian countries undergo one or both of these procedures, which have no health benefits and yet cause many health problems, including immediate problems like bleeding, shock, and infection and longer-term problems like destruction of the woman's ability to achieve orgasm, chronic urinary tract and pelvic infections, inability to pass urine, cysts and fistulas of the bowel or urinary tract, incontinence, prolonged and obstructed labor, and infertility.

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[1] See Ruth Benedict, "Anthropology and the Abnormal," *Journal of General Psychology* 10 (1934), 59-82.
[2] Loretta M. Kopelman, "Female Circumcision/Genital Mutilation and Ethical Relativism," *Second Opinion* 20/2 (1994), 55-71.

Apologists for this practice in the cultures where it prevails give five sorts of reasons for it: (1) it is required by Islam, (2) it preserves group identity, (3) it helps to maintain cleanliness and health, (4) it preserves virginity and family honor by keeping women chaste outside of marriage, and (5) it furthers marriage goals including greater sexual pleasure for men.

Kopelman offers rebuttals of each of these arguments. First, Islam does not require the practice, as it is not mentioned in the Koran or practiced in the most Islamic country, Saudi Arabia, and historians trace its roots to the pagan, pre-Islamic culture of ancient Egypt.[3] Secondly, even if it preserves group identity, it does so at such an absurdly high cost to its victims that surely any clear-thinking person would oppose it when informed of its consequences and replace it with other, more humane signs of group membership. Thirdly, it does not promote but obviously undermines female health and hygiene by impeding normal bodily functions. Fourthly, it does not guarantee chastity or family honor, for mutilated women can still have sex outside of marriage if they so choose. Finally, female genital mutilation does not promote marriage, for surely men would derive more pleasure from sex if their wives could enjoy it, too, and surely incontinence, chronic pelvic infections, injury or death in childbirth to mothers and babies, infertility, and all the other problems this practice causes serve to undermine the most central values of marriage.

The foregoing critique demonstrates not only the unsoundness of the arguments given for female genital mutilation, but also the irrationality of ethical relativism. If ethical relativism were true, then any action would be right in a culture if a majority approved of the action within that culture. If this were true, then the minority that dissented from the practice would automatically be wrong, even if its arguments were objectively stronger than the majority's. This is clearly absurd, so ethical relativism is equally absurd. Moral beliefs are often based on other, non-moral beliefs that can be proven false by appeal to undisputed scientific or medical evidence. Moral beliefs may also be rationally criticized for being inconsistent with other beliefs that members of the culture hold dear. Indeed, even in cultures that practice this repulsive custom, people routinely praise the values of marriage, family, childbirth, health, cleanliness, and happiness (indeed, *all* cultures praise these values). It is an easy matter to show that support for female genital mutilation is logically inconsistent with support for these other, more basic values. We may state Kopelman's argument more formally as follows:

1. If ethical relativism is true, then there is no rational basis for cross-cultural moral evaluations.
2. If female genital mutilation [FGM] is based on claims that can be proven false using medical or scientific evidence, or that are inconsistent with other moral values held by its proponents, then there is a rational basis for cross-cultural evaluation of FGM.
3. But FGM <u>is</u> based on claims that can be proven false using medical and scientific evidence, and these claims <u>are</u> inconsistent with other values held by its proponents.
4. So, there is a rational basis for cross-cultural evaluation of FGM. (from 2+3)
5. So, ethical relativism is not true. (from 1+4)

[3] Kopelman may be wrong about this. Apparently at least one major school of Sunni Islamic law, the Shafi school, mandates cutting out the women's clitoris. See Mark Durie, *The Third Choice: Islam, Dhimmitude, and Freedom* (Deror Books, 2010), pp. 63-64.

There are other problems with ethical relativism. It assumes that cultures are homogeneous and neatly separated by sharp boundaries from each other, when in fact they are diverse and complex and overlap and interpenetrate each other. It exaggerates the extent of moral disagreement, overlooking common values like the ones mentioned above, on which all cultures agree. It implies the abhorrent conclusion that we cannot make authoritative cross-cultural moral judgments about cultures that practice imperialism, slavery, genocide, torture, or other crimes against humanity, so long as these conform to the beliefs of the majority within the culture committing the atrocities.

Kopelman demonstrates both parts of her thesis with great success. She is most convincing when pointing out the self-refuting nature of one of the standard arguments for ethical relativism, namely, that those who wish to promote "tolerance" and oppose "imperialism" must also embrace relativism. The people who advance this particular argument fail to see that ethical relativism does not imply that imperialism is wrong or tolerance right but quite the contrary. Consider cultures that despise tolerance and embrace imperialism. The relativist has no grounds for an authoritative, rational, cross-culturally valid critique of intolerance and imperialism when confronted by such cultures. To argue for tolerance and against imperialism is to embark on a process of gathering evidence, reasoning according to standards of logic, and appealing to values that all people can appreciate. It is therefore to abandon relativism. Conversely, to embrace relativism is to abandon the very possibility of arguing rationally for or against any custom at all, however intolerant or imperialistic it may be. To be a principled opponent of intolerance and imperialism therefore logically requires that one be a principled opponent of ethical relativism as well.

Chapter 2: Egoism

Thomas Hobbes (1588-1679) is perhaps the most famous philosophical egoist. Hobbes espoused two types of egoism, ethical egoism and psychological egoism. **Psychological egoism** is the view that human beings always act only from a single motive, self-love. **Ethical egoism** is the moral theory that says we *ought* to act only from self-love.

We can find psychological egoism in Hobbes' statement that "of all voluntary acts, the object is to every man his own good" (*Leviathan*, p. 105). In other words, according to Hobbes, *the* goal or purpose of *every* voluntary action is the self-interest of the one performing the act (the agent).

We can detect ethical egoism in Hobbes' definition of a "**law of nature**:"

> "A law of nature…, is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or takes away the means of preserving the same; and to omit that by which he thinks it may be best preserved."
> (*Leviathan*, p. 91)[4]

For Hobbes, "laws of nature" are synonymous with "moral obligations." Therefore, for Hobbes, moral obligations are *by definition* or *essentially* general rules discovered by reason commanding us to advance our own self-interest (i.e. self-preservation) as rationally as possible. As Hobbes puts it elsewhere, "reason…dictates to every man his own good" (*Leviathan*, p. 101).

[4] All references are to Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge and New York: Cambridge University Press, 1991).

Hobbes also asserts that we all have a "**right of nature,"** which he defines as "the Liberty each man has, to use his own power…for the preservation of his own nature; that is to say, of his own life," and thus of doing anything he judged necessary to preserve his own life (*Leviathan*, p. 91). A "right" is the liberty to do or not do something, while a "law" is an obligation binding us to one course of action (*Leviathan,* p. 91).

According to Hobbes, then, all of our moral obligations can be stated as "laws of nature." The most basic obligation is to seek peace. All other obligations derive from this. Here is how Hobbes reasons:

1) Your most basic moral obligation is to advance your own individual welfare.
2) Your individual welfare requires that you avoid war and seek peace (= 1st law of nature), and if peace is unattainable, you may use "all the helps and advantages of war" (= right of nature).
3) The (other) laws of nature are the best means to avoid war and seek peace.
4) Therefore, your moral obligation is to follow the laws of nature.

In the *Leviathan,* Hobbes lists nineteen laws of nature, as follows:

1. Seek peace. (pp. 91-2)
2. Contract for peace. (p. 92): That is, make an agreement with your neighbors by which you agree to give up the freedom you have by the right of nature to do anything to preserve your life, on the condition that they do the same. You agree not to do to them what you do not want done to yourself: e.g. rob, murder, enslave, or defraud them, and they agree not to do these things to you.
3. Keep your promises. (p. 100)[5]
4. Show gratitude. (p. 105)
5. Be obliging. (p. 106)
6. Pardon the repentant.
7. Seek vengeance only for future good.
8. Never show contempt for others. (p. 107)
9. Don't be proud.
10. Don't be arrogant.
11. Be equitable (fair). (p. 108)

[12.-14. How to be equitable.]

15. Grant safe-conduct to all who mediate peace.
16. Accept arbitration to settle disputes. (p. 109)

[17.-19. How arbitration should proceed.]

Hobbes himself admits that this list is incomplete, for his concern here is with politics. Many other laws of nature concern personal ethics, but Hobbes is not discussing personal ethics in the *Leviathan*:

> "These are the laws of nature, dictating peace, for…the conservation of men in multitudes...there be other things tending to the destruction of particular men, [such] as

[5] See Appendix II, below, for further discussion of the third law of nature and Hobbes' efforts to defend it against the "fool's" attack.

drunkenness, and all other parts of intemperance; which may therefore also be reckoned amongst those things which the law of nature hath forbidden." (*Leviathan,* p. 109)

The laws of nature (moral laws) are eternal and immutable (unchanging), Hobbes asserts, "because injustice, ingratitude, arrogance, pride, iniquity, acception of persons, and the rest, can never be made lawful. For it can never be that war shall preserve life and peace destroy it" (*Leviathan,* p. 110). Moral philosophy is precisely the science of the laws of nature (*Leviathan,* p. 110). Finally, Hobbes notes, the laws of nature are *laws* strictly speaking because they are commanded by God, who by right has command over others (*Leviathan,* p. 111). So Hobbes would reject Ruth Benedict's relativism. He insists that moral laws are universal, eternal, and objective, and knowable by all rational beings. They do not vary from one society to the next.

Ethical egoism is a highly problematic account of moral obligation. It seems to miss the point of why many acts are right or wrong. Consider slavery. Is it wrong merely because it is against the self-interest of the slave-owner? Surely not. For one thing, it is not necessarily contrary to the self-interest of the slave-owner, especially if the owner is smart enough to treat the slaves well so that they don't cut his throat in the night. Surely slavery is still wrong even if it is in the interest of the owner. The wrongness of slavery has more to do with its effect on the *slaves'* welfare than with its effect on the slave-*owner's* welfare. Or consider blood-donation, a morally right act if ever there was one. Is it morally right merely because it advances the self-interest of the donor? Surely not. First of all, it does not seem to advance the self-interest of the donor much if at all (except that it may win the esteem of others who know you are doing it).[6] How can it be in my self-interest to have blood drained from my body, rendering me tired and woozy and taking an hour or two from my day? A free cookie or two (and a pat on the back from my friends) hardly makes up for the inconvenience! So, to sum up: Ethical egoism has two problems: It cannot account for the obvious wrongness of some actions (e.g. enslaving others) or the obvious rightness of other actions (e.g. blood donation).

Why, then, would anyone be an ethical egoist? The answer has to do with the connection between ethical and psychological egoism. A smart guy like Hobbes endorsed a dumb theory like ethical egoism because he was already committed to psychological egoism. Here is how psychological egoism leads to ethical egoism:

1) We cannot have a duty to do something unless it is possible for us to do it. ("You ought" implies "you can.")
2) It is impossible for us to act for anything other than our own self-interest. (=psychological egoism)
3) Therefore, we cannot have a duty to act for anything other than our own self-interest.
4) Therefore, ethical egoism is the only viable ethical theory.

We need therefore to ask, is psychological egoism true? Are there any good arguments for it?

Hobbes does not give an argument for psychological egoism, so we must imagine such arguments. The contemporary American philosopher James Rachels suggests (and criticizes) two arguments for psychological egoism. The first is that when people act, they are doing what they

[6] Actually, it turns out that there *are* some health benefits to donating blood on a regular basis! But let's just ignore this fact for purposes of illustration (and many or even most people who donate blood probably do not know this).

most want to do; hence, they are acting only from self-love (pp. 466-8). As Rachels points out, this is a bad argument. If what I most want to do right now is donate blood to help sick and injured strangers, then what I most want to do is *not* to act for my self-interest but for the interests of others. It is the *object* of a want that determines whether it is selfish or not. The mere fact that it is *my* want does not make its aim the furthering of *my* interests.

The second argument for psychological egoism that Rachels mentions is this: Since so-called unselfish actions always produce a sense of satisfaction in the agent, it follows that the aim of such acts is always only to produce this pleasant feeling (pp. 468-9). This, too, is a bad argument. If I take satisfaction in helping others, this shows that I care about something more than my own welfare. Why else would it be satisfying for me to reflect that my action has succeeded in helping another person? As Rachels points out, we do not first of all have a general desire for pleasant sensations, and *then* figure out how to create such sensations. Rather, we desire all sorts of things, because we judge them to be good in some way, and *because* we desire them and care about them, we then (generally) feel satisfaction when we manage to attain or realize them.

Rachels points out further that psychological egoism seems to rest on three false assumptions (pp. 470-1). The first is the confusion of selfishness with self-interest. The two are not the same. Even if all of our actions were self-interested (which they are not), it would not follow that they are all selfish. Brushing my teeth is in my self-interest, but it is not selfish. Even donating blood might be in my self-interest (to some degree) if it earns the esteem of others, but it is not selfish. The dictionary definition of selfish is, "concerned chiefly or only with oneself, without regard for the well-being of others; egotistic."[7] Clearly, a person can act for her own self-interest without acting selfishly in this sense.

The second false assumption is that every action is done either from self-interest or from other-regarding motives. But this is false: the smoker who knows he ought to quit is acting from neither motive.

The third false assumption is that a concern for one's own welfare is incompatible with a genuine concern for the welfare of anyone else: since we all care for our own welfare, the egoist concludes that we cannot care about anyone else for his or her sake. But this is false. We can care both about ourselves and others at the same time. I want to be healthy, for example, but I also want other people (especially my friends and family members) to be healthy. A person can pursue a career as a nurse or doctor because it is in his or her self-interest, yet also have a genuine concern for the health of others. A person can marry and have children because it is personally rewarding to do so, yet that same person can love his or her spouse and children for their own sakes and act unselfishly for their welfare at the same time. There is simply no incompatibility here.

We are therefore entitled to conclude that both ethical and psychological egoism are false theories.

Chapter 3: Utilitarianism

Part 1: Happiness

[7] *The American Heritage Dictionary of the English Language* (Boston: Houghton Mifflin, 1978).

"Utilitarianism" is the ethical theory that says (a) our most basic duty is to create as much happiness as possible, and (b) happiness consists entirely in pleasure and the absence of pain. The first part (a) is sometimes called **"consequentialism,"** because it stresses that moral rightness or wrongness depends on the consequences of actions, and the second part (b) is called **"hedonism,"** from the Greek word for pleasure, *hedone*. The most famous utilitarians were two British philosophers, Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873).

Bentham was famous for insisting that in the comparison of pleasures and pains, quantity alone mattered. He said, "Quantity of pleasure being equal, pushpin [a simple child's game at the time] is as good as poetry." Bentham thought the value of particular pleasures or pains could be measured or quantified in terms of seven aspects (the "**felicific calculus**"):[8]

1. **Intensity:** How intensely pleasurable or painful is it?
2. **Duration**: How long does it last?
3. **Certainty or uncertainty**: What are the odds that it will come about?
4. **Propinquity**: How far off in the future is it?
5. **Fecundity**: What are the odds that it will be followed by more sensations of the *same* kind?
6. **Purity**: What are the odds that it will be followed by sensations of the *opposite* sort?
7. **Extent**: How many people are affected by it?

Other things being equal,

1. We want pleasures to be more intense, pains to be less.
2. We want pleasures to last but pains to be brief.
3. We would like the probability of a pleasurable outcome to be high, of a painful outcome to be low.
4. We would rather not have to wait too long for pleasures, but pains we are happy to postpone.
5. We prefer pleasures that will produce more pleasures in the future (e.g. the pleasures of learning, friendship, exercise).
6. We know we should avoid pleasures that will produce future pains (e.g. excessive junk food, booze, drugs, promiscuity).
7. We have a high regard for pleasures that give pleasure to many (e.g. art, music, athletic achievement, invention, science), but a lesser regard for purely private pleasures (e.g. eating a Twinkie or snorting cocaine).

Bentham thinks that, if we stop and reflect, we will see that *everything* we do is already driven by these considerations, as are all of our moral evaluations of human actions. We disapprove of drug dealers and robbers because they pursue their own pleasure at the expense of others. We disapprove of alcoholics, smokers, and drug addicts because they pursue present pleasure at the expense of their future selves. We approve of hard-working, honest people because they pursue their own happiness in a way that also makes others happy. We approve of people who exercise and eat right because they pursue present pleasure in a way that will increase their future happiness. We approve of honesty, courtesy, generosity, fidelity, courage, diligence, fairness, and self-control because they cause more pleasure than pain for most people over the long run. We frown on

[8] See Jeremy Bentham, "Introduction to the Principles of Morals and Legislation (chapters I-V)," in Mary Warnock ed., *John Stuart Mill: Utilitarianism, On Liberty, Essay on Bentham together with selected writings of Jeremy Bentham and John Austin* (New York: Penguin Books, 1962), pp. 33-77.

arrogance, unfairness, dishonesty, anger, rudeness, and cruelty because most of the time they cause pain without achieving counterbalancing pleasures. We prefer peace to war because peace is more conducive to happiness than war.

Bentham's theory has a far greater initial plausibility than those of Ruth Benedict (relativism) or Thomas Hobbes (egoism). Utilitarianism allows us to give a straightforward reason for condemning female genital mutilation, for instance: this practice is immoral because it radically diminishes the future happiness of the girls who suffer it without any counterbalancing advantage to society. Relativism is therefore false. Utilitarianism also allows a clear account of actions that are right even if not in the agent's self-interest (e.g. blood-donation) or wrong even if in the agent's self-interest (e.g. slave-ownership). Blood-donation is right because it causes minor pain to the donor but prevents far greater pain to the recipients of the blood products (alleviation of illness and suffering and prevention of death for some). Slavery is wrong even if it is in the self-interest of the slave-owner because it radically reduces the long-term happiness of the slaves, while the slave-owner could still lead a happy (if less luxurious) life even without slaves.

Nonetheless, utilitarianism faces certain challenges. Consider Bentham's insistence that quantity alone matters in the evaluation of pains. Is human happiness really just a matter of amassing the largest quantity of pleasures of whatever kind? Suppose scientists could come up with a drug like cocaine that induced a state of euphoria without any adverse side-effects (like "soma" in Aldous Huxley's novel *Brave New World*). Imagine a life in which you were high on soma in every waking leisure hour. This would eliminate friendship, love, athletic activity, reading, learning, hobbies, etc. as sources of happiness, but one would still be enjoying the greatest possible quantity of pleasure. Or consider a pampered dog or cat whose every desire is satisfied. Such a pet enjoys a great quantity of pleasure, yet it cannot even begin to appreciate things that we human beings can: love, friendship, religious awe, curiosity about the universe, poetry, beauty, moral virtue, heroism, sainthood. On the other hand, even though (or maybe because) we can appreciate these things we also experience a good deal of discontent. Because we care about justice, we are pained by all the injustice in the world. Because we love people, we feel sorrow when they suffer or die. Because we need love to be happy, we suffer terribly when our friendships or marriages unravel. Because we can appreciate beauty, we are pained by ugliness. Because we feel curiosity, we are pained by our ignorance about the universe. Yet despite all the discontent we feel as human beings, we would never willingly trade places with a perfectly content, pampered cat or dog. This line of reasoning leads to the following critique of Bentham's theory of happiness:

1. If Bentham is right that pleasure and freedom from pain are the only goods and quantity of pleasure alone matters, then it would be rational for us (discontented humans) to trade places with contented animals.
2. But no rational person would want to trade places with a contented animal, thereby giving up all the higher values that human beings alone can appreciate and pursue.
3. So, Bentham cannot be right that pleasure and freedom from pain are the only goods and quantity alone matters in the evaluation of pleasures.

This critique brings us to John Stuart Mill, a close friend and disciple of Bentham.[9] While heavily influenced by Bentham, Mill nonetheless basically agreed with this critique. Mill thought that Bentham was right to stress that the so-called higher pleasures – of love and friendship,

[9] References are to John Stuart Mill, *Utilitarianism*, George Sher ed. (Indianapolis: Hackett Publishing Co., 1979).

learning, moral virtue, culture, appreciating beauty and art, etc. – are *quantitatively* superior to the "pleasures of mere sensation" – eating, drinking, sex, drugs, etc. The higher pleasures last longer, are less likely to cause gout or obesity or venereal disease, make our minds more agile, enhance our long-term happiness, avoid problems with others, etc. But Mill though that Bentham did not go far enough here. Mill thought that, in addition to having these quantitative advantages, the higher pleasures are also *qualitatively* superior, that is, superior in their intrinsic nature to the "pleasures of mere sensation." Mill wrote, "It would be absurd that, while in estimating all other things quality is considered as well as quantity, the estimation of pleasure should be supposed to depend on quantity alone" (*Utilitarianism*, p. 8).

How can we know which pleasures are qualitatively superior? Mill proposes the following criterion: when comparing two pleasures, those who are equally acquainted with both are to be consulted. If they prefer one to the other even if there is no quantitative advantage to explain the preference, then we may infer that there is a qualitative difference in favor of the one they prefer. We don't consult color-blind people about subtle differences in coloration, nor would we ask someone with damaged taste buds if oranges are sweeter than lemons. Only people with the relevant kinds of experience can be considered authorities on such questions.

Mill's argument for the qualitative superiority of mental over bodily pleasures thus unfolds as follows:

1. If, of two pleasures, those who are acquainted with both prefer one to the other, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure, then the one they prefer is superior in quality. (p. 8)
2. Those who are equally acquainted with both mental and bodily pleasures do give a preference to the mental pleasures, even though knowing them to be attended with a greater amount of discontent, and would not resign them for any quantity of bodily pleasures. (p. 9)
3. Therefore, mental pleasures (the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments) are superior in quality to pleasures of mere sensation.

We might ask how Mill thinks he knows the truth of the second premise. Has he conducted an opinion poll? Clearly not. How then can he be so sure? Well, he offers the following points in support of the second premise:

> "…no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs." (p. 9)

In other words, Mill is inviting us all to reflect on our own experience. To the extent that you have any intelligence, or knowledge, or virtue, ask yourself: would you give these things up in exchange for a greater quantity of purely physical pleasure? Would you betray your country in exchange for unlimited access to prostitutes and cocaine in a foreign country? Would you betray your own parents to the secret police of a totalitarian country to save your own skin? Would you rape your own mother to save your life in a concentration camp? Would you forego an education so you could have more time for sex and drugs? Would you trade places with a contented cat, dog, or pig? Mill hopes your own reflection will confirm his judgment:

> "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides." (p. 10)

Mill poses an interesting question: *Why* are we unwilling to trade places with the fool, dunce, rascal, or pig? Assuming they are all perfectly content with their condition, why would we opt for a greater level of discontent to retain our intelligence, learning, or virtue? Mill asserts it is because of our sense of dignity as human beings (p. 9). This sense of our own dignity is an inseparable part of our own happiness, Mill says, (at least in those of us in whom it is strong), so much so that we can have no more than a momentary desire for anything that conflicts with it. "Happiness" and "content" are two different things, Mill asserts. To be happy is not necessarily to be content, and to be content is not necessarily to be happy. To be truly happy is to possess higher goods like knowledge, virtue, wisdom, integrity, etc., even if these very traits make us discontented with the injustice, venality, and cruelty in the world around us.

We have seen that Mill rejects one-half of Bentham's theory of happiness. That theory, recall, consisted of two propositions: (a) pleasure and freedom from pain are the only goods, and (b) quantity alone matters in the evaluation of pleasures. Mill rejects (b), but he explicitly agrees with (a). In *Utilitarianism*, he writes that "pleasure and freedom from pain are the only things desirable as ends" (p. 7). Yet it turns out that pleasures themselves must be evaluated not only by quantitative but also by qualitative criteria. The most important criterion of all turns out to be our sense of dignity as human beings: some pleasures are more consistent with human dignity than others. Has Mill managed to come up with a convincing account of human happiness?

There are reasons to doubt his account. Consider this line of reasoning.

1. If human dignity is the standard by which pleasures are to be evaluated, then human dignity has a higher value than pleasure itself.
2. If human dignity has a higher value than pleasure itself, then hedonism is false: pleasure is not the only or highest good.
3. Human dignity is the standard by which pleasures are to be evaluated.
4. So, hedonism is false: pleasure is not the only or highest good.

Human dignity appears to have a value that is independent of, because higher than, the value of pleasure and the absence of pain. Thus Mill appears to have contradicted himself. In trying to rescue Bentham's theory of happiness from one serious objection, he ended up falling into logical incoherence. He cannot assert *both* that hedonism is true *and* that human dignity is the standard by which pleasures are to be evaluated.[10]

Paradoxically, Mill, the champion of utilitarianism, has given us a good reason to reject the utilitarian conception of happiness as consisting entirely in "pleasure and freedom from pain." Happiness consists in values that are higher than pleasure itself (even if those very same values often give us pleasure). Humans are called, it seems, to a higher destiny than merely chasing pleasure and shunning pain. Sometimes our very dignity as rational beings obliges us to endure pain and forego pleasure in the service of higher goods like justice, honesty, decency, fidelity, love,

[10] For further discussion of Mill's attempt to elevate mental over bodily pleasures, see Appendix III, below.

integrity, or truth. Perhaps human happiness or fulfillment consists in goods like these, then, and not, after all, in mere pleasure and freedom from pain.

Part 2: Moral Rightness

So far we have focused mostly on the utilitarian conception of happiness as "pleasure and freedom from pain" (hedonism). The other part of utilitarianism is the contention that our most basic duty is to create as much happiness as possible: actions are right to the extent that they produce as much pleasure or reduce as much pain as possible, wrong insofar as they fail to do this. This is an instance of a more general position known as *consequentialism*: morally right acts are those with the best overall consequences.

Consequentialism, like hedonism, has a strong initial plausibility. What else could make actions morally right except how much good they produce, or how happy they make people? Yet the theory faces some challenges. One way of formulating these challenges is to ask ourselves how moral decision-making is supposed to proceed according to utilitarianism. Consequentialism, in its utilitarian version, may be expressed in terms of the principle of utility. This principle says that an action is morally obligatory if, and only if, it creates more net happiness (pleasure), or less net unhappiness (pain), for all those affected by it, than would any other alternative available to the agent.

However, the principle of utility can function in two very different ways in our moral reasoning. First of all, it can function as a direct guide to our every-day moral deliberation. This is the function that Jeremy Bentham seems to assign to it (see his "felicific calculus," pp. 64-7). The theory that the function of the principle of utility is to directly guide our everyday moral deliberation is called **act utilitarianism**. However, act utilitarianism has several serious flaws. Consider four of these:

1. *We do not have time to calculate all the pleasures and pains that are likely to be caused by all of the possible actions available to us in a given situation.* Consider even the simple choice of going out with your friends or staying in to study on a Thursday night. Actually, you face dozens of other options as well, and each alternative would affect many other people besides yourself. Applying Bentham's "felicific calculus" would take all night, or longer! (J.S. Mill alludes to this objection on p. 23.)

2. *Directly resorting to the principle of utility in our everyday moral deliberation would impose too many moral demands on us.* Even simple actions like buying your child a birthday cake become morally wrong under act utilitarianism. After all, what creates more pleasure or alleviates more pain, buying the cake, or sending the money instead to feed the starving?! Yet it seems absurd and unrealistic to require such an extreme level of self-sacrifice on a daily basis; most people are not this altruistic. (J.S. Mill alludes to this objection on p. 17.)

3. *Directly resorting to the principle of utility in our everyday moral deliberation would require us sometimes to act in ways that seem obviously immoral.* For instance, imagine your grandfather is about to change his will to leave all of his money to your drug-addict, sociopathic brother instead of you, who had been planning to give the money to UNICEF. Act utilitarianism tells you to murder him before he can change his will as the best way of maximizing pleasure and minimizing pain for all those affected by your act! Often, it would seem that the most efficient way

of maximizing happiness for the many involves sacrificing the few. Consider a real-life example: the nuclear bombing of Hiroshima and Nagasaki. President Truman calculated that fewer lives would be lost overall by these bombings than by the other alternatives for achieving victory over Japan, yet he broke a central rule of war, which is that one should never intentionally target non-combatants.

4. *Act utilitarianism mistakenly assumes that human beings are infinitely flexible.* To follow act utilitarianism, I would have to be able to "switch off" the habits and dispositions I have acquired over the years. Thus, I would have to switch off my love for my grandfather and my revulsion towards murdering him; similarly, I would have to switch off my love and affection for my daughter and not buy her a birthday cake. But these deeply ingrained habits and dispositions cannot be so easily overridden. Indeed, if they could be easily overridden, there would be something morally wrong with me: imagine being the kind of person who could suffocate his own grandfather or deny his own daughter a birthday present! Who would want such a person as a grandson or father?

These problems with act utilitarianism have led to the formulation of a second version of utilitarianism, called **rule utilitarianism**. According to rule utilitarianism, the function of the principle of utility is *not* to guide our everyday moral deliberation. Rather, it is (a) to help us separate sound from unsound everyday moral rules, and (b) to help us to decide how to act in extraordinary situations, e.g. when two everyday moral rules conflict. According to rule utilitarianism, an everyday moral rule is sound if and only if general compliance with it would create more net happiness than would general compliance with any other realistic alternative. Sound everyday rules tend to arise spontaneously in any healthy society, e.g. "tell the truth," "respect other people's property," "keep your promises," "do not resort to violence to settle disputes," "use force only in self-defense, and even then, use no more force than necessary," "be courteous," "help the needy when you can do so at no unreasonable cost to yourself," "love and nurture your children," "love and respect your parents," "obey the law," "do not be wasteful," “obey and revere your ethics professor,” etc. J. S. Mill seems to embrace rule utilitarianism on pp. 23-5. Rule utilitarianism attempts to avoid the four problems noted above as follows:

1. *Following everyday moral rules is not unreasonably time-consuming or complicated.* For instance, it requires no special forethought or calculation to refrain from stealing, lying, and murdering, or to be courteous and friendly. (See Mill, pp. 23-5)

2. *Everyday moral rules do not impose unreasonable moral demands on us.* To be effective, everyday moral rules cannot demand that we all act like Mother Teresa all of the time. Realistic moral rules must recognize the limits to human altruism. Thus, most of us would agree that parents are not obligated to forego birthday cakes for their children in order to help strangers in Bangladesh! In general, most people would be comfortable with a rule that says we ought to help strangers, but only when we can do so at no unreasonable cost to ourselves.

3. *Everyday moral rules (if sound) do not require us to act in obviously immoral ways.* Thus, most of us subscribe to the rule that says it is wrong to resort to violence, except when doing so is absolutely necessary to defend ourselves against an unjust attack. This rule prohibits killing my grandfather before he can change his will.

4. *Rule utilitarianism recognizes the limits to human flexibility*. The rule utilitarian focuses on trying to get human beings to act in ways that are *generally* most conducive to human happiness.

Humans are creatures of habit, and sound moral formation means (in part) acquiring the right habits, so that we easily and spontaneously tell the truth, keep our promises, refrain from violence, etc. Once these habits are in place, they cannot just be switched off, like a light. Our everyday moral rules must be formulated with this in mind.

However, rule utilitarianism turns out to have its own problems. Note that Mill (p. 25) says that everyday moral rules have their exceptions: for instance, sometimes we have to tell a lie (if telling the truth would do great harm), or break the law (if our government is tyrannical and should be overthrown). There will always be some extraordinary circumstances in which we should suspend our everyday moral rules and resort directly to the principle of utility. But it is not easy to know when we are in a situation that requires the suspension of our everyday moral rules: e.g. if my grandfather is about to change his will, am I facing an extraordinary situation or not? Don't I have to decide this question before knowing how to proceed? Critics of rule utilitarianism have therefore argued that it ultimately collapses back into act utilitarianism, and is crippled by all the problems that made act utilitarianism an unacceptable moral theory. What do *you* think? Can rule utilitarianism be successfully defended against this charge? The most serious problem is perhaps the third: By focusing on overall happiness, utilitarianism (even rule utilitarianism) often seems to oblige us to violate the rights of the few to maximize happiness for the many.

There are further difficulties for both act and rule utilitarianism. The very notion of "maximizing happiness" or creating as much happiness as possible is deeply ambiguous. It can mean two very different things, implying very different judgments about moral obligation.

First, it could mean increasing the ***total amount*** **of happiness (or *aggregate* happiness).** To illustrate this concept, assume that we can assign a number to a person's level of happiness, on a scale of 1 to 10 (10 being the most happy), and corresponding negative numbers for levels of unhappiness (-10 being the most unhappy). ***Total happiness*** would be the sum of each person's level of happiness: say, 500 if a population of 100 people are each at level 5 of happiness. You could increase total happiness by simply increasing the population: add 100 babies who grow up to be happy at level 5, and total happiness doubles, but no one person is any happier and average happiness remains the same.

Notice a problem here. If we keep increasing the population and assume real-world problems of scarcity of resources, the ***average*** **level of happiness** could start to decline even as *total* happiness increases. A population of a million people living at happiness level 1 means far higher *total* happiness (compared to 100 people at level 5 happiness) even if the average person is now much worse off than he or she was at happiness level 5. Paradoxically, if our moral duty is to increase total happiness, then our lives ought to be devoted largely to having and raising babies, even if it means that we ourselves become less happy in the process than we otherwise would be and average happiness steadily declines. You could produce more total happiness by having 15 babies than by having two, even if the average happiness of each of each family member was lower as a result of your heroic procreation!

Second, producing the most happiness could mean increasing ***average*** **or mean happiness**. Assuming a population of 100 with each person at level 5 happiness, I could increase average happiness by doing things that would make some or all of those 100 people better off without increasing the overall population, thus lifting average happiness above 5. Realistically, however, it is highly unlikely that everyone would be at the same level. Some people have a greater capacity for

happiness than others: for instance, mentally healthy people tend to be much happier than people suffering from mental illnesses like depression or schizophrenia, and people with healthy lifestyles tend to be happier than criminals, alcoholics, or drug addicts. Some people are not happy at all, but would register on the negative side of our hypothetical "happiness scale." Increasing average happiness might mean reducing unhappiness for some of these unfortunate folks.

But there are problems lurking here. We could increase average happiness in our population by simply killing the individuals who are dragging down the average happiness level. Severe mental illness can be chronic and not easily treated, after all, and drug addicts and alcoholics with high rates of relapse might have little chance of recovery. Some conditions, like sociopathy or anti-social personality disorder, may not be treatable at all.[11] Moreover, dealing with the more troubled, and troublesome, members of society can drain scarce resources away from the people who have a higher capacity for happiness and might make them less happy (e.g. by subjecting them to higher crime rates and taxes).[12] On the other hand, a policy of killing unhappy people might cause consternation and raise overall levels of insecurity in society, and this would count against adopting such a policy. It is, however, arguable that safeguards could be enacted, say, panels of experts to diagnose mental illness and assess chances of recovery. In general, it is not that hard to identify the most wretched and troublesome members of society. So this becomes a technical problem, and it is an open question how best to increase average happiness in society: maybe killing the most wretched among us will prove the best way of elevating average happiness in society. It is impossible to reconcile this approach to ethical reasoning with any concept of equal human rights or universal human dignity or all human beings as created in the image and likeness of God.

Here is a question for you to ponder: Can the utilitarian theory be defended against this critique by focusing on **average happiness** in the sense of **median** rather than **mean** happiness? The median of a group is the individual at the mid-point in that group, when all of its members are ranked according to whatever criterion is at stake. Consider income as an illustration. Imagine a society consisting of only 11 families. If we rank the 11 families by income, family #6 will be at the median income level for the group. If family #1 moves from an income of $100,000 to an income of $1,000,000, mean income goes up, but median income stays the same. But if the median income goes up, then the large mass of people "in the middle" will be much better off. So, maybe the thing to focus on is policies or rules that make the great mass in the middle happier, rather than thinking in terms of either total or mean happiness. Of course, there still might be a problem here: euthanizing criminals, drug addicts, or the mentally ill may still raise median happiness if it relieves the middle-class of burdens like crime or taxes.

Both of the main components of utilitarianism – hedonism and consequentialism – thus face some serious challenges.

Chapter 4: Kantian Ethics

Many serious thinkers remain convinced of the truth of utilitarianism. Nonetheless, it is not convincing to everyone. One of its main shortcomings is the way in which it requires the moral

[11] See Martha Stout, *The Sociopath Next Door* (New York: Broadway Books, 2005).
[12] Consider the case of Murray Barr, a homeless alcoholic in Reno, Nevada whose care cost taxpayers one million dollars over the last ten years of his life. See Malcom Gladwell, "Million-Dollar Murray," *The New Yorker*, February 13, 2006, p. 96, http://gladwell.com/million-dollar-murray/

agent to aim at maximizing the happiness of all, possibly at the expense of the happiness of some. Would it be permissible to bomb innocent civilians to achieve a desirable political aim (e.g. victory in an otherwise just war)? Would it be permissible to "harvest" organs from handicapped or homeless people in order to save the lives of thousands of more productive citizens? Would it be permissible to genetically engineer human beings so as to make them into willing and happy slaves to the rest of us? Each of these acts might indeed be the way to maximize happiness for society overall, but in the process we would be treating some people as mere objects, as if they were tools or raw material and not fellow rational creatures. Utilitarianism does not require us to respect people as individuals, but rather to look at the happiness of all. This is a problem with consequentialism generally.

A second problem with utilitarianism is hedonism, the belief that pleasure alone is good in itself (desirable for its own sake). Mill correctly saw the flaw in Bentham's purely quantitative approach: surely pleasure is good only insofar as it does not require the sacrifice of higher values like moral integrity or human dignity. But if these values are *higher* than pleasure, then pleasure cannot be the only or the highest value. We need an account of value that avoids both the poverty of Bentham's theory and the incoherence of Mill's.

This leads us to the ethics of the great German philosopher, Immanuel Kant (1724-1804). Kant rejects both hedonism and consequentialism, the two components of the utilitarian theory. He rejects the hedonistic claim that pleasure or happiness is the only thing good in itself (or "good without qualification," as he puts it). Rather, Kant asserts that **the only thing good without qualification is a *good will*** (p. 25). By a "**good will**" Kant means a will that wants moral goodness for its own sake, not for some ulterior purpose. The thought of a morally corrupt person who enjoys pleasure and prosperity – imagine Adolf Hitler winning World War II and living to a ripe old age – is positively disturbing to us, for such a person is not worthy of happiness. This shows that even happiness or pleasure is not good without qualification. What matters most in life is not happiness, but moral goodness. We should all aim, not to be happy, but to be worthy of happiness by being morally good.

Indeed, nature (or God) would not have endowed us with reason if our highest purpose in life is merely to be happy (pp. 26-7). Reason is unsuited for this aim and, indeed, is more likely to make us unhappy, since rational beings have more hard-to-satisfy desires than sub-rational beings: we want love, friendship, beauty, knowledge, justice, etc. This is why the fool might be happy while Socrates remains frustrated. If happiness were our end in life, God would have endowed us with instincts rather than reason to direct us to this end. However, without reason and self-awareness we could never appreciate or pursue moral goodness. This, then, is the true end for which we were created: to become morally good people.

To have a good will we must be aware of our true motives. Am I giving correct change to a customer only because it is good for business that I have a *reputation* for honesty, or because I really want to *be* honest? Do I help the needy merely out of vanity or self-interest or pleasure, or because it is the right thing to do? Do I pursue my own welfare or happiness merely because I am already inclined to do so, or because my basic needs must be met for me to be fit for all my other moral duties in life? Kant distinguishes broadly between acting from inclination and acting from duty. To have a good will, I must act from duty, not inclination. It is not enough to do the right thing (to act *as* duty requires); rather, to have a good will, I must act *because* duty requires me so to act. I must not only do the right thing, but I must do it also for the right reason. I must do the right thing

because it is right, *not* because it will keep me out of jail, win praise, earn rewards, give me pleasure, get others to do me favors, etc. **To have a good will is to act from a sense of duty, not inclination, and only actions done from a sense of duty have any moral worth** (pp. 27-9).

So sharply did Kant contrast inclination and duty as motives for action that he thought that "an action done from duty must wholly exclude the influence of inclination" (p. 29-30). Duty as a motive is clearest when it conflicts with inclination. When I know I ought to do something that I really don't want to do, but I do it anyway, then I know that I am acting from duty. In Kant's words, **"Duty is the necessity of acting from respect for the moral law"** (p. 29). By "necessity" here Kant means moral (not physical, logical, or legal) necessity, the feeling of being constrained or limited or bound by the moral law. The pain you feel when doing the right thing when you really don't want to is what Kant means by the *necessity* of acting from respect for the moral law.

What does it mean to act from "respect for the moral law," apart from every feeling or inclination? It is very different from acting out of desire for natural goods that we experience as pleasing (food, sex, water, shelter from the cold, etc.). Kant thought only the form or general character of law could so motivate a person with a good will: to act from respect for the moral law is to act only so that I can also will that my maxim should be a universal law. By "maxim" here Kant means the intention or proposal that best describes my action. Thus, if I make a dishonest promise to get money from a friend (saying "I will pay you by Monday," knowing this to be untrue), my maxim is "to extricate myself from a difficulty by a false promise." Can I will this maxim to be a universal law? Can I will that everyone act on it and be known to act on it? No, I cannot, for then such promises would be futile: no one would believe me and I would fail to get the money. To act from respect for the moral law is to act as you would have others act, to refuse to make an exception for yourself, to treat others as you would wish to be treated.

The supreme principle of morality, then, is this: **Act only on maxims that you can will to be universal laws.** Kant refers to this as **"the categorical imperative" (in its first formulation)** (p. 33). By "categorical" he means that it is not conditional or hypothetical: there is no "if" in it. In contrast, a "hypothetical" or conditional imperative begins with an "if"-clause, e.g. "If you want to stay out of jail, then don't rob any banks." This hypothetical command only applies to me if I want to stay out of jail. Moral imperatives are categorical precisely because they do not appeal to our inclinations. You may recall that for Thomas Hobbes, moral laws (the laws of nature) are all conditional or hypothetical in nature: "If you want to survive and live comfortably, then seek peace; if you want peace, then enter a social contract, keep your promises, etc." Hobbes bases morality on our inclination to preserve our lives. Kant, in contrast, does not base morality on any sort of inclination at all. The moral law commands categorically or absolutely, not conditionally or hypothetically.

Kant gives four illustrations of the categorical imperative (pp. 33-4): (1) the duty not to commit suicide, (2) the duty not to make a dishonest promise, (3) the duty to cultivate one's own talents, and (4) the duty to help the needy. The first two are examples of perfect (or strict, inflexible) duties; the last two are examples of imperfect (lax, meritorious) duties. **Perfect or strict duties** are duties that one has no choice in fulfilling: one must not murder, rob, lie, or commit suicide, period. **Imperfect or laxer duties** allow us some leeway and choice: I have a duty to cultivate my talents and to help the needy, for example, but I can choose how and when to do this. When it comes to violations of perfect or strict duties, Kant asserts, we cannot even conceive of their maxims as universal laws (and hence we cannot will them to be such --- it is logically impossible, as in the case

of the lying promise) (p. 34). However, with regard to violations of imperfect duties, we can *conceive* them to be universal laws, but we cannot *will* them to be such, since our will would contradict itself (because, for instance, I would want to be helped if I were starving) (p. 34).

Somewhat confusingly, Kant does not stop at his first formulation of the categorical imperative but gives several. We will look only at the first two. (The first one, again, is this: act only on maxims that you can will to be universal laws.) **The second formulation of the categorical imperative is this: Always treat humanity, whether in your own person or that of another, as an end and never merely as a means** (p. 35). That is, always treat humanity – the human nature embodied in human beings – as something that is intrinsically valuable, good in itself, to be treasured and nurtured for its own sake. Human nature is special because human beings are rational animals. Human nature contains rationality in its essence. And, Kant writes, "rational nature exists as an end in itself" (p. 35). Kant reasons as follows: Man necessarily conceives of his own existence as intrinsically valuable. I value being the rational creature I am: every time I perform a free, rational, self-determining action – every time I pause, deliberate, decide, and then act – I necessarily value the capacity by which I do so. I would object strongly to any effort by others to kidnap or enslave me, for instance. But if I stop and think about it, I see that other rational beings must value their own freedom and rationality as I value mine. If I am to treat other human beings as I judge they ought to treat me – if I am to act only on maxims that I can will to be universal laws – then I must also treat others as ends in themselves and never as mere means to my ends.

Kant draws a very sharp contrast between **persons** and **things**. **A person is an individual with a rational nature. A thing is any being that lacks a rational nature (including subrational animals).** Things have only a relative value as means, that is, as objects of others' appetites or desires. The very nature of persons, in contrast, points them out as ends in themselves. Persons have absolute, not relative, worth. The value of a person is not a function of being convenient to, useful for, or wanted by others.

We can see some striking contrasts between Kantian and utilitarian ethics. First of all, Kant believes that some actions are always wrong, for example suicide or deliberate lying. The maxims of such actions cannot be universalized, and they always treat persons as mere means, so they are always wrong. Utilitarians and consequentialists generally would disagree and say that, in extreme circumstances, every rule can be broken if the consequences of following it would be bad enough for all those affected (not just the agent!). A second point of contrast is that Kant ranks pleasure and happiness fairly low on the scale of values. The value of persons as rational beings, and of moral goodness (a good will), are the values that Kant elevates above all others. Every human being has an intrinsic worth and dignity that the rest of us are obliged to respect. Our duty then is to respect individual human beings, not to maximize the happiness of some aggregate of human beings.

Chapter 5: Natural Law Ethics

Part 1: Problems with Kant; Historical Roots of Natural Law

Kant's ethics has much to recommend itself. It focuses on the respect owed to individual people, not just the happiness of aggregates. It does not force us to think of ourselves or others as mere means for maximizing the happiness of all. And yet, it has some problems. To begin with, Kant drives a very deep wedge between duty and inclination, as when he says, "An action done from duty must wholly exclude the influence of inclination" (pp. 29-30). This is a very strong

statement. Surely it cannot be right. Human beings have natural inclinations towards the goods that fulfill human nature, one of which is moral virtue or goodness. It follows that we have a natural inclination towards virtue or what Kant calls "a good will." Acting on natural inclinations for natural goods cannot be bad or morally suspect.

A related problem with Kant's ethical theory is that he completely divorces morality from happiness. For Kant, moral goodness is no part of happiness, and to seek virtue as a part of our happiness would be to taint our motives. The problem here is that Kant also says that "rational nature exists as an end in itself," that is, rational nature is something of worth or value that we are bound to respect, cultivate, and nurture. Thus, we have an "imperfect duty" to cultivate our talents and rational capacities, to promote our own fulfillment or flourishing as persons. But cultivating moral virtue falls into this category: moral virtue is part of our fulfillment as rational beings. Moral goodness is not only good; it is good *for* us, i.e. a part of our happiness or flourishing as human beings. We need an account of moral virtue that incorporates it into a broader account of human happiness or fulfillment. It is self-contradictory for Kant to say (a) we should not aim at our own happiness, and (b) we should aim at our own fulfillment and flourishing as persons. After all, "human fulfillment," "human flourishing," and "happiness" are three words for the same thing! Whatever we seek in our actions we seek as good and as good for us, i.e. as fulfilling us and making us flourish.

Another problem with Kant's ethical theory has to do with his first formulation of the categorical imperative, his claim that we discover our moral obligations by trying (in a kind of thought-experiment) to make a particular form of conduct into a universal law for humankind. Kant is right that this thought-experiment is useful. In asking, "Would I consent to everyone acting this way, even towards me?", I am reflecting in a way that will check the selfish tendency I have to make exceptions to moral rules for myself. As a contemporary philosopher, Robert Sokolowski, observes: "*The* self-deception in moral experience is the thought that we have loosened ourselves from the human condition, that what holds for others does not hold for us."[13] So far, so good. However, Kant goes too far when he suggests that we determine moral obligation by turning *primarily* to abstract reasoning, by focusing on the mere logical consistency of our "maxims for action." Kant confuses a test for morality with the ultimate ground of morality. In fact, we learn about morality in the thick of life, by seeing up close how mature, virtuous, and truly fulfilled human beings live. We become morally good people first of all by *seeing* moral goodness in all its rich detail – in a good parent, grandparent, aunt, uncle, neighbor, teacher, friend, or mentor – not by developing our abstract reasoning skills and learning how to detect and avoid logical contradictions.

This leads us to the school of moral thought known as natural law ethics. Natural law ethics has its roots in ancient Greek and Roman as well as medieval Christian philosophy. The term "natural" in "natural law" refers to our human nature. A background assumption here is that every living thing has a certain kind of nature and is directed by that nature to its own fulfillment and flourishing. An oak tree has an inner nature that moves it to grow branches and leaves and produce acorns. The newly germinated acorn is striving to achieve the end of being a mature, healthy, flourishing oak tree. The same is true of human beings: we naturally grow and develop to achieve a state of human flourishing which we call "happiness." The difference, of course, is that we have powers of reasoning and free choice which an oak tree does not have. But like the oak tree, we have a specific nature, and that nature means that certain things are good for us and others are bad for us.

[13] Robert Sokolowski, "Knowing Natural Law," *Tijdschrift voor philosophie* 43 (1981), p. 633.

In fact, you cannot know a thing's nature unless you know the flourishing that is proper to it. If all you ever saw were stunted and diseased oak trees, you would not really know what an oak tree is. You only really know an oak tree's nature when you see a mature, full-grown, healthy oak tree. The same is true of human nature: you know what human nature is when you see mature, healthy, virtuous, well-developed, flourishing human beings.[14]

The most famous natural law thinker was Saint Thomas Aquinas (1225-1274), a medieval Italian Dominican priest and one of the greatest Christian thinkers of all time. Aquinas reasons as follows. It is self-evident that "good is to be done and pursued and evil is to be avoided." So, whatever human reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided. Inclination and reason work hand-in-hand in directing us towards human goods:

> Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Therefore according to the order of the natural inclinations is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature he has in common with all substances, inasmuch as every substance seeks the preservation of its own being, according to its nature, by reason of this inclination, whatever is a means of preserving human life, and warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals, and in virtue of this inclination, those things are said to belong to the natural law which nature has taught to all animals, such as sexual intercourse, education of offspring, and so forth. Thirdly, there is in man an inclination to good, according to the nature of his reason, which is proper to human nature, so man has a natural inclination to know the truth about God and to live in society; and in this respect, whatever pertains to this inclination belongs to the natural law, for instance to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding this inclination.[15]

Thus, we have natural desires for the goods that fulfill us, and because we are rational beings, our reason also apprehends these things as good: life, health, sexual intercourse, procreation, marriage, family life, social life, friendship, harmony with others, virtue, knowledge, the truth about God, and so forth. These are the things that fulfill us as rational and social animals. We are guided to them both affectively, by inclination, and cognitively, by reason.

Why is it that *human* goods count so centrally in our moral thinking? The reason is that human beings are ***persons,*** that is, individuals with a rational nature.[16] As persons, human beings

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[14] "…it is not the case that human nature is first cognitively recognized and then made to be a basis for practical guidance. Rather, the essence of the human being is displayed as we experience human nature functioning well, that is, when we see how it can be good. The good and the natural are disclosed together…. The essence involves the excellent." Robert Sokolowski, "Knowing Natural Law," *Tijdschrift voor philosophie* 43 (1981), p. 631. See also Appendix I, "Abortion and Personhood," below.

[15] Saint Thomas Aquinas, *Summa Theologiae*, I-II, Q. 94, A. 2, Resp

[16] Saint Thomas Aquinas, *Summa Theologiae*, I, Q. 29, A. 1: "a person is an individual substance of a rational nature" (St. Thomas takes the definition from Boethius, an earlier Christian philosopher and theologian who lived from 475-525). See Appendix I, below, "Abortion and Personhood."

have dominion over their own actions: they are not only made to act, but can act of themselves, by their own free choices. St. Thomas writes that "*person* signifies what is most perfect in all nature – that is, a subsistent individual of a rational nature."[17] This is why it is appropriate to call God a person and why "man is said to be made to God's image, in so far as the image implies *an intelligent being endowed with free-will and self-movement*."[18]

As a Christian, St. Thomas Aquinas saw a close affinity and complementarity between natural law as known by natural human reason and the ethical teachings revealed to us in the Bible. The Gospel of Saint Matthew teaches us that the two greatest commandments are, "You shall love the Lord your God with all your heart, with all your soul, and with all your mind," and "You shall love your neighbor as yourself." Saint Matthew tells us that "the whole law and the prophets depend on these two commandments" (Mt 22:34-40). Likewise, in his Letter to the Romans, Saint Paul tells us that love is the essence and fulfillment of the divine law:

> Owe nothing to anyone, except to love one another; for the one who loves another has fulfilled the law. The commandments, 'You shall not commit adultery; you shall not kill; you shall not steal; you shall not covet,' and whatever other commandment there may be, are summed up in this saying, 'You shall love your neighbor as yourself.' Love does no evil to the neighbor; hence, love is the fulfillment of the law. (Romans 13:8-10)

Thomas Aquinas writes that these two commands – to love God and our neighbor – "are the first general principles of the natural law and are self-evident to human reason, either through nature or through faith."[19] Both Revelation – the Bible – and our natural human reason are from God, and so their ethical teachings confirm each other.

Note an important point about the command, "Love your neighbor as yourself." It presupposes the moral duty and legitimacy of self-love: in fact, it takes love of self as the model for love of others. Thomas Aquinas gives an interesting interpretation of this commandment.[20] First he makes it clear that "neighbor" refers to all human beings, who are close to us and thus neighbors in the sense of all being made in the image and likeness of God and capable of eternal glory. The duty to love your neighbor "as yourself," however, does not mean to love your neighbor *as much as* you love yourself; in fact, this is neither possible nor obligatory.[21] Rather, it means that you should love your neighbor *in the same manner* as you love yourself. In what manner do we love ourselves? True self-love has three characteristics. First, it means loving ourselves for God's sake, remembering that we are God's creation, made in His image as persons, and thus good and worthy of love. Second, it means loving ourselves not by satisfying morally bad desires but only by satisfying righteous and good desires. Thirdly, we love ourselves by attaching intrinsic value to our own happiness: we value it for its own sake, not as a mere means to some other end. Aquinas further argues that there is a proper set of priorities in our duty to love.[22] We ought to love God more than ourselves; ourselves

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[17] Saint Thomas Aquinas, *Summa Theologiae*, I, Q. 29, A. 3, resp.
[18] Saint Thomas Aquinas, *Summa Theologiae*, I-II, Prologue.
[19] Saint Thomas Aquinas, *Summa Theologiae*, I-II, Q. 100, A. 3, Reply Obj. 1.
[20] Saint Thomas Aquinas, *Summa Theologiae*, II-II, Q. 44, A. 7.
[21] Saint Thomas Aquinas, *Summa Theologiae*, II-II, Q. 26, A.4. See Joseph S. Spoerl, "Impartiality and the Great Commandment: A Reply to John Cottingham (and Others)," *American Catholic Philosophical Quarterly* Volume 68, No. 2 (Spring 1994), pp. 203-210.
[22] Saint Thomas Aquinas, *Summa Theologiae*, II-II, Q. 26, articles 1-13.

more than our neighbor; and those to whom we have special connections (parents, spouse, children) more than perfect strangers, etc.

Part 2: A Contemporary Version of Natural Law Theory

Germain Grisez and Joseph Boyle are two contemporary American philosophers who have developed their own version of natural law ethics (influenced by their interpretation of Thomas Aquinas). Like Aquinas, they believe that moral reasoning begins by identifying self-evident goods that we value for their own sakes as aspects of our own human fulfillment. These **"basic human goods"** are (p. 359-60[23]):

1. Play and recreation;
2. Knowledge;
3. Appreciation of beauty;
4. Life, health, vitality;
5. Virtue (integrating one's desires, choices, and actions with one's perception of what is good and right);
6. Friendship, harmony with others, marriage and family life;
7. Harmony with God.

Grisez and Boyle believe that the basic human goods have several key characteristics. They are:

A. Intrinsically good (good for their own sakes);
B. Objectively good (not relative to us as individuals or cultures);
C. Universally good (good for people of all cultures);
D. Incommensurable (not measurable by a common standard);
E. Not hierarchical (each is equally basic);
F. Not good due to pleasure;
G. Self-evidently good.

On point F., Boyle and Grisez explicitly argue that pleasure is not a basic human good. They argue as follows (p. 361):

1. Pleasure is a mere experience.
2. Mere experiences are not actions.
3. Human flourishing is constituted of acts.
4. So, pleasure is not (directly) a part of human flourishing.

To lead a fulfilled, flourishing, human life is to be active, not merely to be absorbing passive sensations of pleasure. The point is to be *doing* things: playing sports, reading books, learning, pursuing hobbies, working, gardening, raising a family, creating beauty, cultivating friendship, praying, worshipping God, loving your spouse, voting, becoming virtuous. Pleasure will generally be a byproduct of leading a good life. After all, it would be odd if the goods that naturally fulfill us were not also pleasant. Health is pleasant, sickness is painful; companionship is pleasant, loneliness

[23] Page numbers refer to Germain Grisez and Joseph M. Boyle, Jr., *Life and Death with Liberty and Justice: A Contribution to the Euthanasia Debate* (Notre Dame and London: University of Notre Dame Press, 1979).

is painful; etc. However, the pleasure flows from the goodness, not the goodness from the pleasure. So Boyle and Grisez reject hedonism.

The **most basic requirement of morality** is that we must respect and promote the basic human goods that constitute human flourishing (pp. 364, 368). Grisez and Boyle make it clear that this is not a consequentialist principle, for it is not telling us to produce the greatest quantity of goodness or happiness. In fact, they believe that consequentialism is false and, indeed, incoherent. They believe that the basic human goods are **incommensurable,** that is, not measurable by a common standard. To understand this point, think of different sorts of quantity or size: weight, length, and volume. These, too, are incommensurable with each other: inches can measure length but not weight; cubic inches can measure volume but not length; etc. Thus, it makes no sense to ask, "Which is largest: ten linear feet, ten cubic feet, or ten pounds?" Now, apply this to the basic human goods. Just as weight, length and volume are all types of quantity, so too life, marriage, knowledge, and beauty are all types of good. Yet each is good in its own way, and in a way that the others are not (just as volume is a type of quantity in a way that weight is not). They are therefore incommensurable.

Consider an example. Suppose you win a million dollars in the lottery and you decide to give it away to charity. You could give it to (a) Amnesty International, which stands up for political prisoners of repressive regimes (justice); (b) the Boys' Club, which provides athletic programs for inner city youth (play and recreation); (c) the local art museum, which preserves great works of art (beauty); or (d) UNICEF, which provides basic nutrition and health care to the world's poorest children (life and health). Which action would produce the greatest quantity or amount of goodness? Boyle and Grisez assert that this question is as senseless as asking whether ten pounds is greater than ten feet. Justice, recreation, beauty, and life are all good, but each is good in a unique way. They are thus incommensurable. Bentham thought they could all be measured in terms of pleasure, but he was wrong: pleasures themselves vary according to the good that produces the pleasure. Goodness is not a single homogeneous thing that can be measured by a single standard.

Boyle and Grisez therefore argue against consequentialism as follows:

1. Consequentialism tells us to produce as much happiness as possible.
2. But if the components of happiness are incommensurable, then this makes no sense.
3. The basic human goods, i.e. the components of happiness, are incommensurable.
4. So, consequentialism makes no sense.

Part 3: How Human Goods Give Rise to Obligations

So what does it mean to "respect and promote" the basic human goods? Boyle and Grisez specify this basic duty in terms of a set of further duties, which they call **"forms of responsibility."** The **first** of these is that one must never act directly against any of the basic human goods (p. 368-9). That is, it must never be one's intention to harm an instance of a basic human good. This norm implies that there are certain types of action that are always wrong, no matter what the consequences, including any intentional killing of human beings. The **second** "form of responsibility" is that we should be ready to cooperate with others in the realization of human goods (pp. 369-70). Such cooperation serves any number of goods, but it always also helps to realize the good of community or harmony with others. The **third** "form of responsibility" is that we must treat others as we wish to be treated (p. 370). We must apply to ourselves the same standards that

we apply to others. To do otherwise is to act as if we are somehow superior to others, which would violate the value of community or harmony with others. The **fourth** and last "form of responsibility" is that we must conscientiously fulfill the duties of our social roles and vocations in life (pp. 370-1). Each one of us is born into a certain family and lives in a certain community. To be a son, daughter, brother, sister, neighbor, citizen, etc., is to have certain duties to others, duties that are essential to the flourishing of our families and communities. Moreover, as we mature, we choose to enter a certain occupation or profession, to marry and start families, etc. To be a parent or spouse, to be a doctor, lawyer, nurse, accountant, carpenter or mechanic, etc., is to have certain moral responsibilities. Indeed, these vocations are defined by the duties that constitute them. We must view our roles and vocations, not merely as a way of enriching our own lives, but also as a way of serving others and realizing goods larger than ourselves.

At this point Boyle and Grisez digress a bit by returning to the basic good of human life (pp. 372-80). Given how central this good is to ethics (think of abortion, suicide, euthanasia, capital punishment, warfare), Boyle and Grisez want to dispel any illusions that it is not an *intrinsic* good of human persons, that is, valuable for its own sake. Some people (mistakenly) regard human life as only instrumentally good, that is, good only as a means to other ends like play, friendship, knowledge, etc. Some people think that, if severely handicapped or ill, their lives would lose all value, since they would not be able to pursue other worthwhile activities. Grisez and Boyle think this attitude rests on a false conception of human nature. They argue as follows:

1. If bodily life is only an instrumental good, then the human person uses the body as a means.
2. If the human person uses the body as a means, then the human person and the body are two distinct entities.
3. If the human person and the body are two distinct entities, then we would experience our bodies as being separate from ourselves.
4. But we do not experience our bodies as being separate from ourselves.
5. So, bodily life is not only an instrumental good, but an intrinsic good.

The good of human life is in fact inseparable from our identity as human persons. We are not lodged in our bodies like pilots in a ship. Rather, we *are* our bodies. To be a living human person is thus to have an intrinsic value that everyone is bound morally to respect. (Note that this view is consistent with belief in the immortality of the soul. Boyle and Grisez, following St. Thomas Aquinas, say that we do have immortal souls, but that we are not our souls. When I die, I will leave behind bodily remains – a corpse – and spiritual remains – an immaterial soul. But I will cease to exist. Only the miraculous resurrection of the body, affirmed in the Apostles' and Nicene Creeds, will cause *me* to exist again.)

Part 4: Human Action and the "Principle of Double Effect"

Let us return for a moment to the first "form of responsibility," which says, "never act directly against a basic human good." (Saint Thomas Aquinas asserts something similar when he writes that it is a self-evident first principle of the natural law that "one should do evil to no man."[24]) This means "never intentionally harm a basic human good." Boyle and Grisez develop a detailed account of human action to help them pick out the types of action that violate this principle (p. 382).On their account, an **action** is the execution of a choice. A **choice** is the adoption of a

[24] Saint Thomas Aquinas, *Summa Theologiae*, I-II, q. 100, a. 3, resp.

proposal for action. Choices occur after **deliberation**, a process of weighing and comparing alternative proposals for action, each of which is attractive in its own unique way. (Notice that not all human behavior is action in this strict sense: involuntary reflexes like sneezes, or behavior driven by intense feelings like fear or panic, or merely habitual activity not preceded by deliberation, etc. does not rise to the level of "action" as defined here. This is why Boyle and Grisez distinguish between "actions" and "performances," pp. 390-2.) **Motives** are the goods embodied in proposals for action that make them seem interesting; when a proposal for action is adopted or chosen, the good embodied in it is called the **intention** of the agent.

The intention is the most appropriate answer to the question, "What are you doing?" When Boyle and Grisez say that we must never act directly against a basic human good, they mean that harm to a basic human good must not be a part of any proposal for action that we adopt by choice and (equivalently) that such harm must not be a part of any intention on which we act. Thus, it is always wrong to commit suicide, for suicide is precisely the intentional destruction of one's own life. The suicide (assuming his action is voluntarily chosen after deliberation and not compulsive, as it could be in cases of e.g. clinical depression or other mental illness) considers the destruction of his own life as something he could do, usually as a means of escaping some sort of pain, and adopts this proposal by choice. In contrast, the soldier who falls on a grenade to shield his buddies from the blast does not adopt the proposal to end his own life. His chooses to shield his buddies, foreseeing and accepting his own probable death as a result. The intention of an action is the point of the act, the good (either instrumental or intrinsic) that one aims to achieve. The suicide aims to end his life to escape suffering. The soldier aims to protect his buddies with his own body to minimize casualties from the blast. This shows something very important: the effects of an action always include much more than the intended outcome. There are always unintended side-effects, some foreseeable, some not. When I drive my car to the grocery store, my intention is to go grocery shopping, not to burn gasoline, wear down my tires, enrich corporations, or expose myself to other people's germs, even if all of these things are predictable results of going to the grocery store.

Boyle and Grisez believe that the distinction between intended and unintended outcomes is morally significant. The proposal that I choose is something to which I commit myself. The suicide commits himself to the destruction of a human life. The soldier falling on the grenade does not. As they write, "choices are pivotal in the formation of character" (p. 383); "choices form one's character" (p. 382). "A Socrates or a Thomas More knows that when he chooses, he holds his soul, his very self, in his own hands, and that if he does not choose rightly, his soul will be lost…" (pp. 383-4).

Human life is a basic human good, so, for Boyle and Grisez, we must never intentionally harm a human life. This implies that intentional killing of human beings is always wrong. (See the discussion of **"killing in the strict sense,"** p. 393). Are Boyle and Grisez therefore pacifists? No, they are not. They believe that we may use force, even lethal force, to defend ourselves against unjust attacks (pp. 393-4, p. 396). But in using such force, we may not intend to cause death, only to repel the attack. To handle cases like this, we may use the "**principle of double effect**" (alluded to but not stated on p. 396). This principle may be formulated as follows:

- An otherwise good act, with likely bad effects, is morally permissible if and only if:
- 1. The agent intends only the good effect(s) (thus, the bad effect(s) must not be a *means* to the good effect or an *end* of the action); and

- 2. There is a proportionately grave reason for allowing the bad effect to occur (e.g. there is no less damaging way to achieve the good effects).[25]

This principle has many applications in medical and military ethics. (a) A surgeon removes a cancerous uterus from a pregnant woman. The intention is only to remove the cancerous uterus, not to kill the child, and there is a proportionately grave reason for allowing the death of the child, since the mother's life is in jeopardy. (b) An embryo might get stuck in a woman's Fallopian tube, endangering her life (called an "ectopic pregnancy"). The surgeon removes the damaged Fallopian tube with the embryo in it, knowing the embryo will die, yet her intention need not be to kill the embryo, but only to get it out of the mother's body. (c) Doctors might administer morphine to a patient in the last stages of a terminal illness, intending to alleviate pain, but the morphine may have the unintended effect of hastening the patient's demise. (d) Bombing an enemy nation's military facilities may lead to unintended deaths of non-combatants, but there may be a sufficiently grave reason that justifies that side-effect. Grisez and Boyle would go so far as to say that (e) a police officer or soldier could aim a gun directly at an armed criminal or enemy soldier and shoot, intending only to stop the man and not to kill him. There would be a proportionately grave reason for doing this if the criminal or enemy aggressor is guilty of grave injustice and there is no non-lethal means of stopping his attack.

Chapter 6: A Summary of the Major Ethical Theories

As noted in the "Preface," every ethical theory is an attempt to identify the property that all right acts have in common, in virtue of which they are right, and the same for wrong acts. Ethical theorists base their theories on two sorts of assumption. First, they begin with some aspect or aspects of human experience, assuming that their readers have had the same experience. Second, building on this experience, they presuppose or construct a certain theory of human nature.

1. MORAL RELATIVISM (Ruth Benedict, 1887-1948):

Appeal to experience: I know that I am shaped by the society in which I grow up; my moral beliefs largely conform to the beliefs of family, friends, and neighbors; as I learn about other cultures, I become aware of moral differences.

Theory of human nature: Human beings are entirely plastic, that is, there are no limits to the shape that the surrounding culture can impose on them. We are all products of nurture, not nature, and we have no natural, inborn conscience.

What makes right acts right and wrong acts wrong? Acts are right insofar as they conform to the prevailing customs of my society, wrong when they clash with those customs.

2. ETHICAL EGOISM / SOCIAL CONTRACT ETHICS (Thomas Hobbes, 1588-1679):

[25] For an introduction to this principle, see Joseph T. Mangan, S. J., "A Historical Analysis of the Principle of Double Effect," *Theological Studies* 10 (1949), pp. 41-61. For one of the earliest statements of double effect, or its precursor, see St. Thomas Aquinas, *Summa Theologiae*, II-II, Q. 64, a. 7.

Appeal to experience: I desire my own survival and comfort; I dread death and dismemberment.

Theory of human nature: Human beings are essentially self-interested, incapable by nature of caring for others for their own sakes. Self-love lies behind our passions of greed, anxiety for our safety, and the desire to be esteemed by others; reason is the only way we can curb our passions with a view to ensuring our long-term survival and prosperity.

What makes right acts right and wrong acts wrong? Acts are right insofar as they promote the long-term interest of the agent, which is to survive and live comfortably, wrong when they undermine the long-term interest of the agent.

3. UTILITARIANISM (Jeremy Bentham, 1748-1832, and John Stuart Mill, 1806-1873):

Appeal to experience: I desire happiness; I experience good things as pleasant and bad things as painful. I also experience the happiness of others as pleasant and their misery as painful, so I have more than merely egoistic impulses.

Theory of human nature: Human beings are essentially pleasure-seeking and pain-avoiding animals. The difference between us and sub-rational animals is one of degree, not kind.

What makes right acts right and wrong acts wrong? Acts are right insofar as they promote happiness (pleasure) or reduce unhappiness (pain), wrong insofar as they fail to do this.

4. KANTIANISM (Immanuel Kant, 1724-1804):

Appeal to experience: I recognize the voice of conscience as overriding mere inclinations; as a rational being, I can see the world from the perspective of other human beings; I regard my own life as an end in itself and I understand that others regard their lives in the same way.

Theory of human nature: Human beings are persons, that is, rational animals, and our rationality gives us a dignity that sub-rational things lack. Our dignity as rational beings requires that we should follow the moral law, not devote our lives merely to seeking pleasure and avoiding pain.

What makes right acts right and wrong acts wrong? Acts are right insofar as they are motivated by respect for the moral law, embody maxims that can be universalized, and treat persons not as mere means but also as ends in themselves. Acts are wrong when they fail to do any one of these things.

5. NATURAL LAW (Germain Grisez and Joseph Boyle, contemporary):

Appeal to experience: I desire certain things for their own sakes, e.g. play, recreation, life, health, knowledge, beauty, friendship, harmony with people and with God, inner integrity. These things make me better off, i.e. are fulfilling or enriching for me as a human person, while their absence stunts and impoverishes my life.

Theory of human nature: Human beings are persons, that is, rational animals, and our rationality gives us a dignity that sub-rational things lack. Because of our rational nature, our flourishing

matters, and that flourishing includes activities that develop our rational capacities for friendship, aesthetic appreciation, knowledge, moral virtue, religious faith, etc.

What makes right acts right and wrong acts wrong: Acts are right insofar as they respect and promote the goods that fulfill human persons, wrong insofar as they violate those goods or squander opportunities to promote them.

Appendix I: Abortion and Personhood

In her famous (or infamous) article, "On the Moral and Legal Status of Abortion," the American philosopher Mary Anne Warren maintains that a human embryo or fetus is not a person.[26] This is because to be a person, she thinks, one must possess at least some of the following, understood as immediately exercisable capacities: (a) consciousness, (b) reasoning, (c) self-motivated activity, (d) capacity to communicate an indefinite variety of messages, or (e) self-awareness. Since no human fetus or embryo has any of these capacities, it follows that no fetus or embryo is a person. (Warren admits that a normal human fetus has the *potential* for these things, but she says one must *actually* be able to engage in these activities to be a person; a fetus, she says, is at most a *potential* person.) It also follows, Warren concedes, that new-born human babies and severely brain-damaged human beings are also nonpersons. Since only persons have moral rights, it follows further on her view that embryos, fetuses, newborns, and the severely brain-damaged have no moral rights. In fact, so little value does the life of an unborn human being have on her view that she suggests that getting an abortion is a morally neutral act like getting a haircut.

Warren never considers the possibility that her definition of personhood might be flawed, or that the Western philosophical tradition contains alternative conceptions of personhood. She asserts that anyone who dared to maintain that an entity possessing none of (a) thru (e) is a person "would thereby demonstrate that he had no notion at all of what a person is…"

In fact, however, Western philosophers and theologians have reflected on the nature of personhood for centuries. The early Christian philosopher and theologian Boethius (c. 480-525) formulated what became the standard Western definition of "person," namely, "an individual substance of a rational nature."[27] We find Saint Thomas Aquinas, the greatest thinker of the Christian Middle Ages, adopting this definition. Saint Thomas writes that "*person* signifies what is most perfect in all nature – that is, a subsistent individual of a rational nature."[28] This is why it is appropriate to call God a person and why "man is said to be made to God's image, in so far as the image implies *an intelligent being endowed with free-will and self-movement*."[29]

How do we know that human beings are individual substances of a rational nature? Well, to start with, it is obvious that any human being is a substance, for a substance is something that exists in itself, unlike accidents (color, weight, shape, etc.), which exist in something else (i.e., in a substance). How do we know that human beings have a rational nature? We know the nature of any living thing by observing the powers possessed by any mature, healthy, normal thing of that kind.

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[26] Mary Anne Warren, "On the Moral and Legal Status of Abortion," *The Monist*, Vol. 57, No. 1 (1973), pp. 43-61
[27] Boethius, "A Treatise against Eutyches and Nestorius," *The Theological Tractates*, H.F. Stewart trans. (London: Heinemann, 1918), p. 85.
[28] Saint Thomas Aquinas, *Summa Theologiae*, I, Q. 29, A. 3, resp.
[29] Saint Thomas Aquinas, *Summa Theologiae*, I-II, Prologue.

For example, we know the nature of a horse by seeing what a full-grown, mature, healthy horse can do. If all we ever saw were stunted, diseased, or new-born horses, we would not understand the true nature of a horse. Or again, if all we ever saw were newly germinated acorns, we would not understand the nature of an oak tree. The nature of the oak tree is there in the newly germinated seedling; it is just not yet fully developed. Also, it is essential above all to observe the *activity* of the full-grown, normal horse or oak tree to understand its nature. If we only observed horses when they are sleeping, or if we only saw oak trees in January when they are leafless and dormant, we would not understand their natures. We understand the oak tree more fully when we see it leafing out in the spring and producing acorns in the summer and fall. We understand the horse more fully when we see it grazing, galloping, and interacting with other horses. It is also important to be aware of what an organism is *not* capable of doing. Since even the most perfect horse or oak tree has never been observed studying philosophy or arguing about the nature of justice or writing poetry or asking if there is life after death, we can conclude that the horse and the oak tree have natures that are not the same as our human nature.

We know that human beings have a rational nature because we observe that mature, normal, healthy human beings do things like understand concepts, reason from premises to conclusions, wonder if there is life after death, debate the existence of God, judge that we should not do to others what we do not want them to do to us, write poetry and theology and philosophy, and argue about the nature of justice. Of course, we cannot do these things when we are sleeping, but we still have the same nature when asleep as when awake. We cannot do these things when we are very young, but that is because it takes time for our human potential to be actualized. We cannot do these things when we are temporarily unconscious or heavily sedated or anesthetized, but we are still human beings even in these states. Sleeping and new-born and unconscious human beings are surely still human beings and they surely possess human nature. One does not acquire a new nature just by waking up or growing up or emerging from a coma. You are a human being, and you possess human nature, for as long as you are a living human being, that is, from the beginning of your life to its end. In contrast, a human sperm or egg cell does not have a rational nature or human nature, since even under ideal conditions it will never be able to engage in rational or distinctively human activities. Human nature is the nature of every living human being, and human nature is always and everywhere a rational nature.

There is another important point to make about human personhood. An individual substance of a rational nature need not be a physical being. God is a person, as both Boethius and Thomas Aquinas note, but God is not a physical being. Angels are individual beings of a rational nature, and hence persons, but they are not physical beings (at least not according to Thomas Aquinas, called "the angelic doctor" in tribute to his theology of the angels!). In contrast to God and angels, human beings are *embodied* rational beings. Physicality is built into human nature, for human beings are rational *animals*. Human experience bears this out: I experience my body as an integral part of myself, not as an external receptacle or container for my soul or mind. I have a soul or mind, to be sure, and there are spiritual, non-physical aspects of the human person that transcend the operation of physical organs[30] (understanding, self-awareness, thought, and free will), but the spiritual side of my nature is bound so tightly to my body as to make up one substance with it. As Thomas Aquinas writes, you are not just your soul; rather, you are one single substance composed of soul and body (form and matter).[31]

[30] Saint Thomas Aquinas, *Summa Theologiae*, I, Q. 75, AA. 2 &. 5.
[31] Saint Thomas Aquinas, *Summa Theologiae*, I, Q. 75, A. 4.

If every human person is essentially a rational animal, then the beginning and end of any human person will coincide with the physical generation and corruption (or death) of the human being. When are human beings generated? When does a human being begin to exist? A human being begins to exist when one can first identify a distinct organism with distinctively human capacities. Such an organism certainly does not exist before conception (or, more precisely, syngamy[32]). But after conception or syngamy, a new organism does exist that (unlike either the sperm cell or egg cell by itself, but like the newborn) will develop into a normal, mature, human being, given the right conditions for its growth and development. If the newborn baby is a human being, then it would be arbitrary to deny that the zygote is a human being. Both the zygote and the newborn have a nature that, when fully developed, will manifest itself in typically human activities. The zygote, embryo, fetus, newborn, toddler, child, and adolescent are all points on a continuum. There was no point in your life when you were a sperm cell or egg cell, but there was a moment in your life when you were a child, a toddler, a newborn --- and there was a time when you were a fetus, an embryo, and even a newly-conceived zygote. There thus appear to be very strong reasons for saying that human beings begin to exist – are generated – at conception.

Mary Anne Warren uses the concept of personhood to argue for the permissibility of abortion and even infanticide, but now we have developed an alternative definition of "person" which we can use to formulate an argument against abortion. The argument goes like this:

1. All human beings (from conception to death) are members of a species whose normal, mature, healthy members are capable of rational activities.
2. All members of a species whose normal, mature, healthy members are capable of rational activities are beings with a rational nature.
3. All beings with a rational nature are persons.
4. All persons are beings that it is morally wrong to treat as mere means.
5. All beings that it is morally wrong to treat as mere means are beings that it is morally wrong to abort.
6. Therefore, all human beings (from conception to death) are beings that it is morally wrong to abort.

There are many advantages to adopting the definition of personhood that we find in the writings of Boethius and Saint Thomas Aquinas. On this view, there is a straightforward reason why a newborn baby is a person, for example. It also allows us to argue that brain-damaged human beings are still persons deserving of love and respect. A brain injury or disease might block my capacity to engage in the full range of rational activities, but I am still a human being with human nature even so. I still possess a rational nature even when the capacities that are built into that nature are blocked by a physical disorder like Alzheimer's disease. Nor, on this account, do I cease to be a person when I become temporarily unconscious due to sleep, sedation, anesthesia, or brain trauma.

[32] "Syngamy" is the process by which a sperm cell penetrates an egg cell and the pronucleus of the sperm cell, with its 23 chromosomes, finds and merges with the pronucleus of the egg cell, with its 23 chromosomes, to form a new one-celled organism with a cell nucleus containing 46 chromosomes, the full genetic blueprint for a new human being, genetically distinct from each of its parents. This one-celled organism is called the zygote, and it almost immediately begins to grow by cell division. Syngamy can take up to 24 hours; arguably, a new human being does not exist before the completion of syngamy.

In contrast, Mary Anne Warren's definition of personhood creates huge moral and conceptual problems. She links personhood not to the kind of being one is – the kind of nature one has -- but to the kinds of activities one can perform at the moment. Yet the ability to engage in these activities admits of infinitely many degrees: reasoning and communication skills, for example, emerge gradually and take years to develop. At what precise point does the newborn stop being a nonperson and become a person? Warren has no clear answer to this question. Human beings can also gradually lose cognitive and communicative skills, for example, due to Alzheimer's disease or senile dementia. At what point does one cease to be a person on Warren's view? Moreover, one can lose one's capacity to immediately perform the activities that Warren links to personhood when one faints, falls asleep, slips into a temporary coma, or is sedated or anesthetized. Warren has no non-arbitrary reason to attribute personhood to human beings in these states while denying it to fetuses or newborns. In fact, on Warren's view, the same human being can repeatedly possess and lose and then regain personhood in the course of his or her lifetime. This is the inevitable implication of a conception of personhood that defines it in terms of variable attributes of human beings rather than their essential nature.

We may conclude that neither Warren's conception of personhood nor her position on abortion is as obvious as she thinks.

Appendix II: Hobbes' Defense of the Third Law of Nature, or Hobbes versus "the Foole"

At the heart of Thomas Hobbes' moral and political philosophy is the concept of a "law of nature." A law of nature, Hobbes writes, is a precept or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or to omit that by which he thinks it may best be preserved (p. 79). A law is a binding obligation, unlike a right, which is merely a liberty to do or to forbear (p. 79), so the law of nature is identical for Hobbes to moral obligation. Because he defines a law of nature – i.e. a moral obligation – as a rule commanding the promotion of self-interest, Hobbes is a quintessential egoist, egoism being the ethical theory that sees the advancement of self-interest as everyone's most basic moral duty.

Because we are more likely to survive in a state of peace than a state of war, the first law of nature is to seek peace (p. 80). Peace in turn requires a reciprocal pact with one's neighbors, by which each promises to refrain from those acts which he does not want his neighbors to do to him – murder, robbery, enslavement, etc. (p. 80). This pact itself requires a coercive power set over all the parties to it with force sufficient to compel performance (p. 84-5). The second law of nature thus commands us to establish such a pact with our neighbors. The third law of nature requires that men perform their covenants; for otherwise, "covenants are vain, and but empty words, and the right of all men to all things remaining, we are still in the condition of war" (p. 89). This third law of nature is the origin of justice: justice is the keeping of our contracts or covenants, giving others their due, and injustice is none other than the breaking of covenant (p. 89). Hobbes stresses that covenants are invalid when there is a fear of non-performance on either side; therefore, "before the names of just and unjust can have place, there must be some coercive power to compel men equally to the performance of their covenants' (p. 89).

Having presented this account of justice, Hobbes proceeds to raise an objection to it, which he places in the mouth of a fool: "the fool hath said in his heart, 'there is no such thing as justice'" (p. 90). Since the advancement of self-interest is one's most basic duty, breaking one's covenants must be a duty when it is more conducive to self-interest than keeping them. Injustice thus

sometimes stands with that reason which dictates to every man his own good, and justice is thus not a law of nature. The fool proceeds to give an example. Suppose the heir apparent to a throne should murder the king, his own father, thus making himself the rightful ruler: "you may call it injustice…, yet it can never be against reason, seeing all the voluntary actions of men tend to the benefit of themselves, and those actions are most reasonable that conduce most to their ends" (p. 91).

Hobbes rebuts the fool: "this specious reasoning is nonetheless false" (p. 91). It is not against reason to honor one's covenants when one is assured the other party will keep his end of the bargain. Certain kinds of action tend to one's own destruction, and are thus unreasonable to do, even if one contingently happens to get away with such an action on a given occasion. Moreover, in a state of war, the individual has little chance of survival without the aid of confederates, and a man who declares that he thinks it reasonable to act treacherously will have no confederates and will be on his own. A person with both the disposition and reputation of justice and honesty is more likely to survive even in a state of nature or war than a treacherous person; even if the treacherous person keeps silent about his true beliefs, he can only enjoy the friendship of allies if those allies remain mistaken about his true character, and he cannot count on his allies persisting in this erroneous belief (p. 92). One's true character tends to come out in the end. Finally, Hobbes observes that attaining sovereignty by rebellion is against reason because the rebel thereby teaches others to attain sovereignty by the same method.

Both Hobbes and the fool agree that "reason dictates to every man his own good." Both are egoists. The difference between Hobbes and the fool lies elsewhere, namely, in the question of how best to advance one's own interest. The fool would have us look at each possible action singly: what are the likely consequences on this single occasion of breaking this promise? Hobbes, in contrast, would have us focus on the general and probable consequences of *kinds* of action: what consequences flow from the act of promise breaking in general, not just on this occasion? The debate between Hobbes and the fool is somewhat analogous to the debate between rule and act utilitarians. We might call Hobbes a rule egoist and the fool an act egoist.

Has Hobbes given a convincing reply to the fool's objection? Hobbes' reply clearly has some truth to it. Treacherous behavior is not generally the best way to win friends and influence people. The problem is that Hobbes makes some very sweeping generalizations about the likely consequences of promise-breaking or injustice, and surely it is possible to imagine exceptions to the rule that unjust acts are contrary to the self-interest of the agent. Andrew Carnegie routinely entered and then broke price-fixing agreements with his fellow steel-makers, for instance, because it was in his self-interest to do so. The discussions leading up to the agreements gave him valuable intelligence as to his competitors' production costs; having confirmed that he had lower production costs than they, he knew that he could undersell them with impunity and still make a profit. He got away with it.

Another problem with Hobbes' argument is his assumption that all human beings desire physical survival and comfort over all else. Hobbes writes, "all men agree on this, that peace is good, and therefore also the way or means of peace" (p. 100). Surely this bourgeois fixation on security and comfort is not universal. Achilles chose a short glorious life over a long boring one, as did Alexander the Great, in conscious emulation of Achilles. Many people seem to prefer the risk and adventure of a military career or of extreme sports such as rock-climbing without ropes, even at the cost of a much higher risk of an early death. For some, the spice of risk – even the risk that comes from immoral or illegal activities – seems necessary to make the dish of life palatable. Now

Hobbes himself writes that "good and evil are names that signify our appetites and aversions, which in different tempers, customs, and doctrines of men are different" (p. 100; cf. pp. 28-9). The one good that all men desire, Hobbes asserts, is peace; and the universality of this desire is what allows Hobbes to define moral philosophy as the science of good and evil, or what comes to the same thing, the science of the laws of nature, which are the universal and necessary means to peace. "The laws of nature are immutable and eternal; for injustice, ingratitude, arrogance, pride, iniquity, acception of persons, and the rest, can never be made lawful. For it can never be that war shall preserve life, and peace destroy it" (pp. 99-100).

Since the good is whatever a person desires, and since human beings do not appear universally to desire peace and security above all else, it seems to follow that reason cannot discover any single set of rules directing all human beings toward their true self-interest. If so, then there are no laws of nature as defined by Hobbes. It would seem that the fool was too modest in aiming his criticism at just one of those laws of nature.

Appendix III: John Stuart Mill on Higher and Lower Pleasures

In his version of the ethical theory known as utilitarianism, Jeremy Bentham famously asserts, "Quantity of pleasure being equal, pushpin is as good as poetry" (quoted in Mill, 123).[33] In other words, one has no reason for preferring the intellectual and aesthetic appreciation of the greatest poetry to the enjoyment of a simple child's game, if one derives the same quantity of pleasure from the child's game as from the poetry. By the quantity of a pleasure Bentham has in mind such properties as its intensity and duration, as well as its chances of producing future pleasures or pains (its fecundity and purity) (Mill, 64-7). So if the pleasure I derive from playing hopscotch or tiddlywinks is as intense and long-lasting as the pleasure I get from reading the sonnets of Shakespeare, then I have no reason for preferring the latter to the former.

Bentham's student and disciple, John Stuart Mill, was as committed to the utilitarian ethical theory as his teacher. However, on the question of what makes one pleasure better or worse than another, Mill disagrees with Bentham. Mill grants that quantitative differences among pleasures are relevant to their comparative assessment: other things being equal, pleasures are to be preferred to the extent that they are more intense or longer-lasting. But to quantity Mill adds quality as a relevant feature of pleasures: some pleasures can be qualitatively as well as quantitatively superior to others. Mill writes, "It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone" (Mill, 258-9). Mill distinguishes between mental and bodily pleasures, asserting that "the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments" are superior in quality to "those of mere sensation" (Mill, 258-9). Mill's argument for this claim is an appeal to competent authority, namely, the authority of those "who are equally acquainted with, and equally capable of appreciating and enjoying, both" mental and bodily pleasures. Such people, Mill believes, do have a strong preference for "the manner of existence which employs their higher faculties." Mill writes:

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[33] References to Mill are to John Stuart Mill, *Utilitarianism, On Liberty, Essay On Bentham, together with selected writings of Jeremy Bentham and John Austin*, edited with an introduction by Mary Warnock (New York: Meridian, 1962).

> "Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would be consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs…. It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides." (Mill, 259-260)

Mill's distinction between quality and quantity in the evaluation of pleasures has come in for lots of criticism by subsequent generations of philosophers. (These criticisms are helpfully listed and assessed by Wendy Donner in *The Liberal Self: John Stuart Mill's Moral and Political Philosophy* [Ithaca and London: Cornell University Press, 1991].) As Donner notes, "Reactions to Mill's inclusion of quality have not been sympathetic on the whole" (Donner, 41). One common objection is that Mill contradicts himself by introducing quality, inasmuch as he asserts, as any utilitarian must, that "the utilitarian standard is … the greatest *amount* of happiness altogether" (Mill, 262; emphasis added). F. H. Bradley asserts, "If you are to prefer a higher pleasure to a lower without reference to quantity – then there is an end altogether of the principle which puts the measure in the surplus of pleasure to the whole sentient creation" (quoted in Donner, 42). The objection may be laid out more rigorously as follows: Hedonism holds that pleasure is the only good. If pleasure is the only good, then "good" must mean "pleasurable," and "better" must mean "more pleasurable." Mill commits himself to hedonism by asserting that "pleasure and freedom from pain are the only things desirable as ends" (Mill, 257). Yet by saying that some pleasures are better than others without being more intense or longer-lasting, Mill seems to abandon the principle that "better" means "more pleasurable." Mill's insistence on the importance of quality thus implies an abandonment of the hedonism that he explicitly affirms and makes his theory logically incoherent.

Wendy Donner defends Mill against this criticism as follows. The criticism, she argues,

> …simply misinterprets the claims of hedonism. All hedonism holds is that pleasure is good and is the only thing that is good, but hedonists differ over the question of which dimensions or properties of pleasure should be used to measure its overall value. Bradley's criticism defines hedonism very narrowly as maintaining that only quantity of pleasure can be counted in the measurement of value, but this definition straightforwardly begs the question. (Donner, 42)

Donner seems to get this right: the objection presupposes the very point at issue, namely that purely quantitative features of pleasure like intensity and duration are the only things that matter, yet this is precisely what Mill is disputing. So the objection does appear to beg the question.

I would like to suggest, however, that there is another objection to Mill's introduction of quality that Donner does not discuss and that does seem to call the coherence of Mill's whole theory into question. The problem arises when Mill attempts to explain why people who are acquainted with both higher and lower pleasures prefer the higher to the lower. Mill observes, "A being of higher faculties requires more to make him happy, [and] is capable probably of more acute suffering…than one of an inferior type…". But, Mill continues, in spite of this, "he can never really

wish to sink into what he feels to be a lower grade of existence" (Mill, 259-60). How can we explain this unwillingness? Mill considers several possibilities: pride; a love of liberty and independence; the love of power or excitement. Mill rejects these explanations, however, and offers another, namely, "a sense of dignity, which all human beings possess in one form or another, and in some…proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them" (p.260). It is their sense of dignity that leads intelligent, educated, and morally good people to reject trading places with fools, dunces or rascals, however content the latter might be with their lot. It is this sense of dignity that leads virtuous people to reject adultery, promiscuity, and drugs, not merely fear of the painful effects of such acts (venereal disease, financial loss, jail time, etc.). Virtuous people who refused to collaborate with the Nazis were better off – happier – than sociopathic Quislings who collaborated without remorse, Mill would say, because they were true to the sense of dignity that is proper to rational beings.

Mill is in effect saying that our sense of dignity functions as a criterion or screening device to distinguish between pleasures that are consistent with true human happiness and pleasures that are not. Pleasures that flow from vice, ignorance, or stupidity fail this test, while pleasures associated with virtue, knowledge and intelligence pass it. To know merely that a given experience or action would be pleasurable is not to know that it would be truly fulfilling, truly conducive to my happiness. Pleasure qua pleasure is not necessarily fulfilling for us as human beings; rather, it is pleasure qua consistent with human dignity that fulfills us. Human dignity thus stands above pleasures as a standard of value distinct from, and superior to, pleasure itself.

By introducing quality, and by explaining as he does why qualitative differences among pleasures matter to us, Mill has indeed abandoned hedonism without realizing it. Pleasure and freedom from pain are not the only things desirable as ends after all, for human dignity has a value all its own that obliges us to prefer some pleasures over others, even at the cost of pain to ourselves.