

Section I

Introduction to the Study of Ethics

Chapter 1

Theory in Bioethics

“Little men,” he once said, “spend their days in pursuit of [wealth, fame and worldly possessions]. I know from experience that at the moment of their deaths they see their lives shattered before them like glass. I’ve seen them die. They fall away as if they have been pushed, and the expressions on their faces are those of the most unbelieving surprise. Not so, the man who knows the virtues and lives by them.”

—Mark Helprin, *Winter’s Tale*

Chapter Learning Objectives

At the conclusion of this chapter the reader will be able to:

1. Define the term *bioethics*
2. Compare and contrast private and public moral justification
3. Understand the necessity of critically examining one’s moral opinion as it relates to competing opinions
4. Distinguish between the critique of moral opinion developed by classical philosophy and the dismissal of opinion by modern philosophy
5. Understand the two contrary pressures brought to bear by Descartes on moral reasoning
6. Understand that science does not exist and occupy a place of importance in our lives independent of moral judgment about the good
7. Know the tenets of Aristotle’s philosophy and be able to apply those tenets to the study of bioethics
8. Know the tenets of Thomas Aquinas’s philosophy and be able to apply those tenets to the study of bioethics
9. Know the tenets of Immanuel Kant’s philosophy and be able to apply those tenets to the study of bioethics
10. Know the tenets of John Stuart Mill’s philosophy and be able to apply those tenets to the study of bioethics
11. Understand why it is important to consider various ethical theories in bioethics

If *bioethics* is the discipline devoted to the articulation of good decisions in the practice of health care, it seems to be an inherently practical discipline. In the context of caring for the sick, which calls for intelligent action with some urgency, nothing could be more

irrelevant and more disruptive than to become preoccupied with theoretical questions relating to our action. If we needed absolutely clear answers to questions such as “What is a human being?” or “What is disease?” before we could treat a sick person, we could be paralyzed by doubts. It makes little sense to insist that the sick person prove his or her humanity by a theoretically compelling argument before receiving the attention of health care professionals. And yet, despite this obvious priority of practical concerns to theoretical concerns, we find persistent interest in the theoretical foundations of bioethics. Controversy over the best resolution to practical difficulties—such as what to do about embryonic stem cell research or physician-assisted suicide—pushes people to look for secure and compelling rational arguments in support of the decisions or policies they endorse. Reasoned argument, as distinct from any other basis on which people might prefer or embrace a particular line of action, supports the moral integrity and legitimacy of action.

There is an ambiguity contained in the claim that the integrity of moral¹ choices depends on their rationality. The ambiguity may be recognized in the fact that bioethics literature abounds with arguments in favor of and against actions such as abortion and yet no person seeking an abortion or declining to seek one is required to give a compelling argument in support of that decision. Generally speaking, personal decisions in the arena of bioethics are decided on the basis of reasoned arguments, religious beliefs, personal preferences, or any other grounds that are persuasive to the people making the decision. No outside assessment of the merits of these decisions takes place as a matter of course. By contrast, when we try to determine what sorts of options public policy ought to permit individuals to elect in their own circumstances, people are most energetic in bringing forth rational argumentation to support what they understand to be good or right. And, more important, we see energetic criticism and attempted refutations of the positions and arguments advanced by others. Personal decisions in health care, like other moral choices, are generally regarded as private, and we make these choices while enjoying significant freedom from scrutiny and from any burden of justification. Decisions about issues such as embryonic stem cell research, by contrast, are decisions about the appropriate or morally good public policy, and for these decisions we require a different form of justification, one that is more thoroughly rational in its approach. This helps to explain why bioethics tends to become involved in, if not reduced to, debates about public policy.

The discrepancy between these two kinds of moral justification, one private and one public, can be seen to be prepared and defended by, for example, Immanuel Kant. At the risk of oversimplifying a tremendously complex argument, we note that Kant distinguishes between what can be believed and what can be known. According to Kant, answers to ultimate questions in which human beings have an interest, such as the existence of God and the immortality of the human soul, can be believed, but not known. To prevent anyone’s dogmatic imposition of belief on one side or the other of these controversial matters, Kant urged the free public expression of all such beliefs, provided that they be

subject to reasoned criticism. Each person would be free to believe what he or she wishes for any reasons the individual finds subjectively satisfying, but no one would be permitted to impose any belief on others unless it could be shown to be objectively (i.e., rationally) justified. Our common life, then, would be ruled by reason and not by prejudice, dogmatism, or sectarian strife. Kant's approach, on the basis of an epistemological critique of our knowing powers, circumscribes or eliminates troublesome controversies by declaring them insoluble for human reason and, at the same time, preserves individual liberty to believe as one sees fit (provided one does not to claim to *know* the truth).²

Although few people study Kant's arguments in this area, the protection of individual freedoms or rights or autonomy against unjust abridgement by others or by government is deeply rooted in our political and legal structures, our moral education, and our social life. In fact, contemporary bioethical approaches tend to begin somewhere after the point Kant left off. That is, most bioethical literature takes for granted some version of the epistemological limits argued for by Kant and other modern philosophers.³ The two main elements of modernity—the new natural science as the standard for human knowing and the new moral and political structures of democratic liberalism—tend to be presupposed within the mainstream of bioethics. It is easy to see that this epistemological depreciation of certain kinds of human thought trades on the authority of modern science. For this reason, in order to understand the role of theory in bioethics, it is helpful to take a broad view, one that also considers premodern approaches to the relation between theory and moral practice. It is only from this perspective that one can discern the challenges to any adequate theory in bioethics. The aim of this introduction is not to repeat the sorts of conventional introductions that can be found in other anthologies. Here, the aim is to acquaint the reader with the substantive questions and difficulties that must be addressed if we are to think seriously about the role of ethical theory in guiding the use of scientific medicine.

The Place of Theory in Bioethical Reasoning

Moral Opinion and Moral Philosophy

None of us comes to the examination of moral theory innocently and, as it were, untouched by moral reasoning. This presents a great obstacle to initiating a systematic or scholarly investigation of ethics. Although moral questions might be explicitly raised for the first time in such an investigation, that investigation cannot be the first exposure to moral thinking and expressions of moral approval and disapproval. When we raise moral questions or begin to study bioethics and moral philosophy generally, we cannot do so except as people who have already been deeply affected by the complex tradition of moral discourse. We inhabit a world decisively shaped by the moral and political judgments of those who are around us and those who came before us. Although there are individuating aspects of each person's moral experience, which combine to render everyone's moral

formation somehow unique, there are also common features that we absorb by sharing a language, a political and legal system, and a more or less common way of life.

When we come to the discipline of bioethics, we have already been educated morally, to some extent, and have learned to use words like *rights* and *good* and *evil* and *autonomy* and *justice*. We already know or think we know the difference between a moral issue and non-moral issue, and we have declared and constituted ourselves morally by our actions. When we engage in moral discourse, we embrace, to varying degrees, moral distinctions that arise in and draw their sense from developed philosophical and theological traditions. This language is easier to use than it is to understand, and our habitual use of words such as *justice* or *rights*, without having to define what they mean, may hide the fact that we do not always know the full meaning, provenance, and adequacy of the moral opinions we use and endorse. The opinions we casually absorb without considered judgment also shape our actions and thus establish our moral character. In action and in speech, one person may appeal to rights and another to nature or natural law, but both may be only vaguely aware of what that language and associated distinctions were originally devised to express. Thus, ordinary moral discussions proceed by appeal to uncritically accepted distinctions and opinions we find ready-made for us in the discourse we learn from others.

In these circumstances, the study of moral philosophy serves first of all as a critical reflection on uncritically accepted moral discourse. This reflection helps to illuminate the content of our own moral thinking, speaking, and acting. It can lead us to clarify what we think and also to refine and improve our opinions. We might reconsider and eventually abandon as untrue or incoherent some moral opinion we have previously held and acted upon. This process is not simple and does not occur necessarily or automatically. In fact, most of us have a certain resistance to a searching examination of our own opinions. They are, after all, *our* opinions, and we do not merely hold them but also endorse them and have come to be attached to them. We live our lives by reference to these expressions of our grasp of the difference between good and bad, the important and the trivial, and praiseworthy and blameworthy action.

All human beings live by reference to an understood discrimination between what is good and what is bad, but one never finds complete agreement about these matters. The diversity of human judgment about good and bad is as ubiquitous and necessary as the fact of those judgments themselves. If we do not take for granted the impossibility of knowing the truth, it seems necessary to examine the truth of the competing opinions. This examination raises serious difficulties, but the price for avoiding it may prove to be very high. At the very least, it amounts to living thoughtlessly, at the mercy of whatever combination of opinions happens to have coincided in our moral formation. There is no characteristic pain or other signal that identifies our opinions as unexamined. It is quite possible to live as others live and never examine the opinions by which one lives. Plato's dialogues are perhaps the best illustration of the complexity and the questionableness embedded in moral opinions that are, on the surface, both clear and obvious. Plato's dia-

logues show both the ease with which people use moral terms they only half understand and the resistance such people exhibit to the process of clarifying and perhaps improving their opinions. There seems to be a persistent human tendency to avoid the effort needed to examine one's moral opinions, and yet Plato's dialogues imply that living such an unexamined life amounts to failing to live as a human being.

To have one's life affected by and informed by opinions whose truth or goodness one has not had a chance to examine is a characteristic difficulty encountered by all human beings. René Descartes expressed the admixture of unreason and error that inevitably afflicts us all unawares:

And hence I also thought that, because we have all been children before being men, and because it was necessary for us to be governed for a long time by our appetites and our preceptors, which were often contrary to one another, and neither of which perhaps counseled us always for the best, it is almost impossible for our judgments to be so pure and solid as they would have been if we had had the entire use of our reason from our birth and had always been conducted only by it.⁴

Descartes grasped the difficulty in which we all find ourselves, but he rejected the solution that had traditionally been thought to be necessary. The traditional solution is the Socratic solution, namely, the critical and thoroughgoing examination of the opinions we have inherited. Socratic philosophy, as presented in Plato's dialogues, takes prephilosophical opinion as its starting point and subjects it to rational scrutiny with the goal of replacing that opinion with knowledge. We all naturally begin with the practical concern to live our lives well, but we are surrounded by a multiplicity of opinions regarding how to live well. Classical moral philosophy, which here means ancient Greek moral philosophy, aims to provide a thoughtful consideration of and resolution of the question or problem of how one ought to live.

The alternative solution, defended by Descartes, has altered the situation such that today we do not face precisely the same contrast between ordinary moral opinion and moral philosophy that Socrates illuminated. Our encounter with these issues is profoundly reconfigured by the presence of modern natural science. The intellectual architects of modern science, people such as Descartes and Francis Bacon, intended to alter this relationship by introducing a new kind of science that would both be more certain and more useful than the science or philosophy that had preceded. In fact, when Descartes alluded to the power of inherited opinion in the passage quoted earlier, he did so in order to express dissatisfaction with this tradition precisely because it seems to culminate in nothing but uncertainty and endless disputes. Descartes hoped to replace the then-dominant scholastic and speculative philosophy with a practical one, which would know the forces and actions of material nature in order to render us "like masters and possessors of nature." Descartes specifically pointed to the fruits this would bear in our concern for the conservation of health, which he identified as the primary good and the foundation

of all other goods in this life. The clarity with which Descartes grasped these relationships and the power of the argument he proposed make it almost impossible to overstate the importance of his *Discourse on Method* for understanding the character of contemporary bioethics.

Modernity and Ethical Theory

The central element of Descartes' project, to reorient the relation between science and practical life, has been successfully accomplished for the most part, even if major elements of his philosophical and scientific thinking have been ignored or discarded. For this reason alone, Descartes' argument would command our attention. But we must also attend to the crucial fact that the argument Descartes advances in favor of his new scientific method and of his project as a whole is a rhetorical and popular argument directed not to philosophers and scholars, but to the public. Descartes envisions science that enjoys popular support because the goal (or a significant part of the goal) of that science is humanitarian, in the sense that it aims at the "relief and benefit of man's estate," to use Francis Bacon's phrase.⁵ Modern science is conceived by its founders and presented to the public as beneficial especially to the nonscientists, and this practical benefit is advanced to win credit for the modern scientific and philosophic project. This attitude toward science, which is very widely—albeit not universally—accepted, is accompanied by a confidence or a trust in science as the most secure kind of human knowing. This respect for science as the most authoritative form of human knowledge reshapes how we now face the philosophical investigation of the moral opinions we inherit.

It is worth considering the structure of Descartes' argument in its broad outlines. As already noted, he expressed dissatisfaction with the traditional education he had received because it was both uncertain and not useful for life. Descartes proposed to educate himself by beginning with a resolute demand for certain knowledge on the strength of a rigorous method. The method involved the doubt of any opinion, however probable, unless it could be proved to be certainly true in accord with his method. He planned to begin from absolutely certain metaphysical foundations and then to proceed to physics and the other sciences. The key point for our present purposes is the significance of the rejection of all doubtful opinions as uncertain. Descartes did not, in Socratic fashion, accept probable opinions for examination; instead, he cast them aside as if they were false, lest they corrupt his judgment by bringing him to admit as true anything that was less than completely certain. Descartes illustrates how the demand for absolute certainty in all our judgments makes it impossible to attend to the pressing business of life. His solution was to construct a merely provisional moral code consisting of a few practical rules to govern his action while he sought rigorous certainty in his thoughts. He embraced these maxims as useful, but uncertain, that is, as quite possibly untrue and quite certainly not known to be true, but eminently beneficial nonetheless. He presented the moral code as *provisional*, implying that his philosophical pursuit of the truth would lead him to examine

the truth of these moral maxims in due order and ultimately to establish moral philosophy on the same indubitably certain theoretical foundations as the rest of his science.⁶ In the *Discourse* itself, as Descartes outlines the content and structure of his physics, he points out that on the basis of the laws he has discerned in nature he has discovered truths more useful and more important than all he had learned previously. The clear implication is that his physics is even more useful and more important than his provisional morality.

It goes without saying that Descartes' physics proved to be flawed and that the metaphysical theses he advanced have not been universally accepted, but the structural relationship he articulated between natural science, practical benefit, and moral reasoning has largely carried the day.⁷ In fact, soon after Descartes, John Locke argued that metaphysical knowledge of the sort Descartes declared to be foundational was impossible.⁸ Immanuel Kant would declare that our ultimate metaphysical ignorance was no impediment to our universal and necessary knowledge of natural science. Kant helped to formulate the distinction between matters about which we may have belief from matters about which we may have knowledge.⁹ Simplifying matters considerably, we may describe the present configuration of these structural relations as follows. Science, and what can claim the name of science, enjoys the mantle of objectivity and universality, whereas moral beliefs, by contrast, represent personal values or private commitments. Science can claim to be the knowable truth, recognized by all, whereas moral beliefs remain uncertain, controversial, and without authority to command deference. It is of the utmost importance to emphasize that we are speaking here of the popular estimation of science and are ignoring the numerous, substantial controversies within science about its meaning, its realism, its limits, and so on. Science occupies what may be described as a fixed point of reference around which competing moral beliefs must orient themselves. Argumentation within the realm of bioethics is more or less required to take whatever scientific medicine establishes as the objective truth, unbiased by moral bias or prejudice. This is essentially the relation established on the strength of Descartes' argument for certainty in the sciences.

Descartes also established a second relation between the knowledge of nature and practical utility. In place of merely speculative knowledge, he argued that the knowledge of truths that proved useful offered the greatest benefit to mankind. Descartes appealed to and strengthened the belief that knowledge should be useful as he argued that the path to genuine utility in action lay in the certainty or security of one's foundations. This relation obtains today in our distinction between theoretical and applied sciences, wherein we expect that true theory provides the foundation for effective practice. In Cartesian fashion, just about every academic discipline seeks secure foundations in order to free itself from uncertain presuppositions and pave the way toward fruitful results. Descartes' argument in the *Discourse on Method* has created the landscape within which our contemporary discussions of bioethics take place.

Today, if we try to examine, in quasi-Socratic fashion, the moral opinions with which we have been raised, our efforts are complicated by the authority of science precisely because it presents itself as objectively independent of the vagaries and uncertainties of

human opinion. In its apparent cognitive superiority to ordinary moral opinion, science becomes the most significant feature of our moral education. The fact of modern science, its omnipresence especially but not exclusively in the form of the technology that permeates our lives, provides a common point of reference for people whose ethnic, cultural, political, and religious ways of life are otherwise tremendously diverse. The structure established or inspired by Descartes manifests itself in the tendency for all bioethical discussions to begin with a review of the scientific facts, which are presupposed to be the common point of reference whose truth is more securely grasped than is the truth of any moral thesis.

Consequences for Bioethics

The consequences of the influence of Descartes on bioethics are not hard to discern. There are two contrary pressures brought on moral reasoning. The first pressure stems from the distinction between science and what science establishes on the one hand against moral beliefs on the other. Moral beliefs or maxims were relegated to the realm of uncertain opinion by Descartes. He embraced a code of morality as useful, although uncertain—that is, not known or not knowable. This attitude survives in our present-day reinterpretation of moral beliefs as commitments or values that derive their authority from having been accepted or endorsed by us. We no longer expect there to be a knowable moral truth. We expect rather to negotiate moral compromise within a pluralistic set of diverse moral views. We do not expect the good to be knowable in the way that scientifically accessible facts are knowable. The second pressure tends in the opposite direction and inclines us to refashion ethics in imitation of modern science. Thus, there has been tremendous interest in securing the foundations of bioethics as a way of overcoming the endless controversy and disagreement that characterizes morality. On this view, bioethics, like business ethics or legal ethics, is a form of applied ethics, which is conceived as dependent upon a more fundamental and universal theoretical ethics.

At this point it may be helpful to note how these two pressures are reflected in two senses of the word *theory* in contemporary usage. In each case, *theory* takes its meaning by being contrasted with something else. In the first use, theory is equivalent to what is uncertain or what is supposed to be true, although the actual state of affairs may well be different. We say that a given act leads to such and such a result “in theory.” The contrasting phrase is “in reality” or “in practice.” In physics, subatomic particles are regarded as “theoretical entities” until they are proven to be real. Theories are proposed or constructed as possibly true descriptions, though they may ultimately prove to be misconceived or untrue. Theory, in this meaning, is an idealized account that may or may not accurately reflect what actually obtains. In a second contrast, we distinguish the theoretical sciences from the applied sciences. In this use, theory enjoys greater epistemological stability and provides the foundation for reliable practice. In this view, ethical theory tends to be conceived as having no direct or inherent link to particular practical determinations or judg-

ments.¹⁰ This approach conceives ethical theory as prior to and the ultimate source of legitimacy for particular ethical judgments. This yields a superficial similarity to the classical approach to moral philosophy insofar as ordinary moral judgments are understood to be in need of a more rigorous rational support. The difference is that the contemporary approach reproduces Descartes' doubt of ordinary opinion. Ordinary moral judgments are treated as uncertain to the extent they lack theoretical, rational foundations. Whatever cannot be so established is regarded as *unknowable*, although, as Kant argued, people are free to *believe* what they wish about such matters. The classical approach takes ordinary moral opinion as primary and seeks to improve, refine, or correct it, but not to replace it with a perfectly rational, foundational theory.

The critical attitude toward ordinary moral opinion pervades contemporary bioethics because of the centrality of science to modern medicine. To quote a recent textbook on bioethics: "The extent to which contemporary medicine has become effective in the treatment of disease and illness is due almost entirely to the fact that it has become scientific medicine."¹¹ Scientific knowledge about chemical and biological operations provides the foundation for effective medical practice. Insofar as medicine is scientific, it tends to carry with it the suspicion or doubt of all opinions that are not scientifically known.¹² A sign of this appears clearly in the standards of experimental design in clinical trials to protect against bias and to prove conclusively the superior effectiveness of one treatment modality over another. Unsystematic clinical experience is not insignificant, but the randomized controlled clinical trial remains, as it is often called, the gold standard. In this context, it is reasonable to expect that the cognitive status of moral opinions, which are not even open to scientific proof, would be depreciated still more.

The difficulty created by this situation is the familiar problem of the modern world, which became undeniably clear in the twentieth century. The problem is the existence of a very powerful science of nature, including a very powerful medical science, in the absence of a correspondingly powerful knowledge of how to use that power well. Our science that enables us to manipulate nature seems to be available only at the price of our remaining ignorant, or at least uncertain, of what the right or good use of that power happens to be. The contemporary schools of ethical thought have never enjoyed the same success in overcoming controversy and disagreement that the sciences have. Whether this failure of these ethical schools is due to their having arisen hand in hand with modern science is impossible to examine in the present circumstances. We note that the power of modern science in general and scientific medicine in particular urges us to look for knowable ethical standards.

One of the sources we ought to consider is classical moral philosophy. Classical philosophy is often thought to have been refuted by modern philosophy, but when we consider how Descartes and others successfully introduced and promoted what has come to be modern science, a more complicated picture emerges. The argument in favor of modern science is not a scientific argument, but what can best be characterized as a moral argument. Descartes' moral argument promoted a new kind of science that would be more

certain and more useful than its classical predecessor. Therefore we have to distinguish (1) the “prescientific” moral argument by which Descartes introduced and popularized the new science from (2) the merely useful, provisional morality that follows from the standards of the new science.¹³ Once we make this distinction, two important things become clear.

First, when Descartes advances his argument for the goodness of the new conception of science, he is essentially engaged in a moral argument with classical philosophy about the proper goals of human knowledge. The full title of Descartes’ work is *Discourse on the Method for Rightly Conducting One’s Reason and for Seeking Truth in the Sciences*. This moral conflict with classical philosophy precedes the introduction of the new science. The fact that Descartes’ argument was successful means that the pursuit of science today depends on a prior acceptance of the argument (or its conclusion) that the new science is good. Thus, science does not exist and occupy a place of importance in our lives independent of a moral judgment about the good. It is a sort of illusion to suppose that science stands independent of particular moral judgments about what is good and what is bad. Science is not morally neutral and above the fray of competing moral judgments. Our grasp of the moral significance of the science that shapes our medicine, then, requires that we face this argument.

Second, whereas Descartes’ argument for the goodness of science is mostly overlooked and taken for granted, the subordinate status of moral belief (in his provisional moral maxims) has been taken to mean that all moral beliefs are comparatively uncertain. Because this structural relationship has been widely accepted as true, the fact that the natural science of classical philosophy has been shown to be untrue has been taken to mean that classical moral philosophy has also been undermined. However much it may be true that Descartes intended to establish moral science on the foundations of his physics and metaphysics, it is not true that all of classical moral philosophy depends directly on foundations established in physics and metaphysics.¹⁴ It would be more accurate to say that, in the classical approach, knowledge of what we are is worked out together with knowledge of the good that perfects us. We come to know what it is to be human as we come to know what it is to live well. The rejection of ancient physics, in whole or in part, on the strength of modern science does not directly entail the failure of ancient moral thought. The argument between Descartes and the tradition about the proper character and goal of science takes place and must be addressed on the prescientific plane.

The best approach to understanding the role of moral theory in bioethics must consider the contrast between classical and modern conceptions of moral reasoning. The first part of this chapter has attempted to sketch the relation between “theory” and moral reasoning and scientific medicine. The second part of this chapter considers four approaches to ethical theory: two classical and two modern. Each of the theories is examined primarily by reference to a principal work of a single author. This necessarily involves some simplification of issues that are both complicated and controversial. It is not possible to give a comprehensive account of each author or school. The goal is to introduce these schools

in order to clarify the depth of the difficulties that confront us as we try to reason intelligently about bioethics today.

Four Theories

Aristotle: *Nicomachean Ethics*

It is unusual to consider Aristotelian moral philosophy in the context of bioethics. At most, adherents of virtue ethics invoke the name and doctrine of Aristotle when they try to address bioethical questions by reference to virtues that medical practitioners especially ought to embody.¹⁵ There is more to be drawn from Aristotle's account if we approach his thought from the perspective of a person who is trying to make decisions about the place of health in relation to happiness and well-being in life as a whole. For the purposes of this chapter, we will consider Aristotle's *Nicomachean Ethics*,¹⁶ which is a philosophical articulation of the structure and character of human happiness, understood as the best way of life.

Aristotle understands happiness as the proper fulfillment of human beings. All human beings agree on the name *happiness* as what they seek finally in all their activities, but they disagree on the content of that happiness. Some identify it with being honored, some with pleasure, and so on. The disagreement necessitates an inquiry into what genuinely completes human life, for it is obvious that we might anticipate finding happiness in some activity or some possession, only to be disappointed. The difference between what people desire and what actually fulfills them opens up the space for investigating of what happiness consists. For Aristotle, happiness is the specifically human completion. He conceives of happiness as the excellent or virtuous performance of properly human activities. This means that happiness does not consist in mere bodily health or in the enjoyment of sensual pleasures, which are operations we share with plants and animals. The properly human virtues involve the excellent operation of reason. Rationality and speech are proper to human beings, and human happiness cannot exist apart from the virtuous cultivation of our rationality.

There are two classes of virtues, the moral virtues and the intellectual virtues. The *moral virtues* consist in habitual dispositions to feel and act rightly with respect to characteristically human concerns. Thus, courage is the virtue needed to act well in the presence of feelings of fear and confidence. Temperance or moderation is the virtue that enables people to act well under the influence of bodily pleasures and pains. The several virtues involve a specific harmony between the irrational, appetitive part of the soul, which is the seat of the emotions, and the rational, thinking part of the soul. The virtue or perfection of the rational part of the soul related to the moral virtues is called *prudence* or *practical wisdom* (*phronesis* in Greek). This partly intellectual, partly moral virtue discriminates the appropriate action in particular circumstances, which comes to light as a relative mean between extremes. The proper action is a relative mean because it is not uniformly the

same for all persons, but is flexible, in the way that the amount of food and exercise right for each person varies considerably; however, it is always a mean between too much and too little. The moral virtues include an irrational component, or, perhaps more clearly, they are constituted in part by having one's desires and feelings shaped such that, for example, the temperate person desires to act in the way that his or her practical wisdom also directs. Thus, a morally virtuous person is characterized by habitually correct desire, which means that reason and desire both incline the person together to the same virtuous deed.

The *intellectual virtues* perfect human beings insofar as they know and understand (VI, esp. 3–7). Theoretical wisdom, the peak of the intellectual virtues in Aristotle's account, involves contemplation of necessary and universal truths. Aristotle presents this as the highest human activity and the activity that most fully completes human beings as human beings. This chapter is not the place to go into a detailed explication of Aristotle's argument in this area. It is, nevertheless, appropriate to point out that Aristotle envisions the primary form of human happiness as somehow exceeding the happiness that is available through the active life of moral virtue. His *Nicomachean Ethics* culminates in a twofold doctrine of human happiness, which consists either in morally virtuous activity or in intellectually virtuous activity. Aristotle does not fully articulate the relation between these two forms of happiness, but he does give primacy to the intellectual form as higher and more self-sufficient than the moral form (X.7 and X.8).

After this broad and sweeping summary, it is helpful to add a few points that are especially relevant to contemporary bioethics. First, when Aristotle identifies happiness as the “end” of human life, this must be carefully distinguished from things with which it might be confused. The term *end*, which translates the Greek word *telos*, primarily means the fulfillment or completion of a thing and not merely the outcome or termination or result of some activity. The end is the perfection of something and not merely what happens to it last. So, when we say in English that some person or project “met with a bad end,” we do not mean by *end* what Aristotle means by *telos*. More important, *end* should not be confused with *purpose*, which is a misinterpretation as detrimental to understanding Aristotle as it is common.¹⁷ Briefly, the end of a thing is the proper fulfillment of that thing according to its nature. The fulfillment of the dog is not the fulfillment of the horse. A purpose is anything that can be the target of human choosing. We might use a dog or a horse for various purposes (and even for the same purpose), and these purposes may or may not be congruent with the end of each animal. An end is independent of our willing, whereas purposes are constituted by our willing. So, for example, the end of a deer is vital activity as a deer, roaming through forests and generating offspring. It is not the fulfillment of the deer when a human being makes it his purpose to turn the deer into venison. The end of a shoe is attained when it is worn by someone who is walking or running, but the shoe might also serve a multitude of purposes, such as propping open a door or killing a spider. Again, the art of medicine has as its end health, but it may also be used for the purpose of earning money or fame. In the most important case, Aristotle claims that the

human being has an end that is independent of the various purposes one might pursue in life. This enables him to distinguish between what someone does with his or her life and what would genuinely fulfill that person as a human being. One could make bodily pleasure one's life purpose, but it would not, according to Aristotle's argument, change the fact that one's end is something different. The successful attainment of many great and diverse bodily pleasures would not render one happy, because one would still have failed to achieve one's end as human.

This distinction between end and purpose is especially helpful in bioethics because it provides a principle in light of which we can discriminate appropriate limits to the use of medical expertise. Medical knowledge is open to multiple uses; it can be turned to the purposes of the healer, the torturer, the interrogator, the executioner, and many others. If it is true that medicine and the physician have as their natural end the production, preservation, and restoration of health, it becomes possible to reject certain purposes as incompatible with the nature of medicine. Thus, whatever one thinks of the morality of suicide or assisted suicide, the distinction between ends and purposes makes it possible to mount an argument that the physician's involvement is incompatible with the nature of the medical profession. This sort of argument helps to preserve medicine from becoming a mere instrument at the service of any and all purposes for which its expertise might be useful. Some purposes can be pursued congruently with the ends of things, or at least without destroying them, but others are in conflict with those ends, and the pursuit of such purposes corrupts the thing in question. It is especially important for bioethicists and for medical practitioners to consider these relationships today as the horizons open up for expanding medical knowledge in the direction of various "enhancements" that aim to make people not merely healthy, but "better than well."¹⁸

A second point to emphasize is how this understanding of human happiness illuminates our thinking about human health. Aristotle identifies health as the perfection or virtue appropriate to the nutritive part of the soul, the part operative in nutrition, metabolism, and reproduction. He then promptly excludes this part of the soul and health from any constitutive role in his account of properly human excellence or happiness.¹⁹ This exclusion often sounds strange to contemporary ears, for we seem to think that health has greater moral significance. Even if we agree with Aristotle that a human being does not deserve moral praise on account of having good digestion, it is fairly common to attach *some* moral significance to taking care of one's health, which proves to be something Aristotle too eventually acknowledges.²⁰ Aristotle explicitly de-emphasizes the significance of bodily well-being in his account of human happiness as human excellence in the highest sense. For him, although life itself (and thus also health) is recognized as good (IX.9), the goodness of life and health are not fully understandable in isolation from the goods for which they are occasionally sacrificed. In this respect, Aristotle's moral thought is a helpful counterbalance to contemporary bioethics, which often tries to resolve bioethical questions by reference to the goodness of health and in abstraction from any specific appraisal of what health is good for. It is reasonable to expect bioethics to be distorted if

it tries to proceed solely on the basis of the near-universal agreement that health is good while ignoring the great differences in the goods that are higher than health.

Third, Aristotle presents his moral philosophy as practical rather than theoretical. This means we undertake moral philosophy not simply in order to know, but in order to become good (see I.3 and II.2). Moral philosophy is pursued in order to improve our lives, not in order to contemplate truths about human nature. There is a theoretical consideration of the human soul (by which Aristotle means the animating principle of the human body), but it belongs to the biological part of the science of nature (physics). Ethics also considers the human soul, but only insofar as it is appropriate for a practical inquiry into human action (see I.13). The important point for our purposes is that Aristotle's distinction between theoretical and practical sciences is not identical with the contemporary distinction between theoretical and applied sciences. For Aristotle, the practical sciences do not depend on the theoretical sciences. The starting point for his ethics is being raised in good habits, which conveys the essential awareness of morally decent action (see I.3 and I.4). One does not begin with an abstract grasp of the good and deduce moral precepts or action guides from that first principle. One begins, rather, with what is first for us, which is the moral distinction between good and bad as it is grasped in ordinary opinion. This grasp is not perfect, but it is the starting point for the philosophical reflection on the adequacy of ordinary moral opinion. Obviously, this means that Aristotelian moral philosophy does not rest on the secure foundations that were so emphasized by Descartes. Aristotle seems to think that these starting points, imprecise and imperfect as they may be, are the necessary beginning points for ethics. This conflict between Aristotle and Descartes is central to Descartes' argument for a new kind of science with more certain foundations.

A fourth point of emphasis is Aristotle's concentration on moral character over particular acts. Aristotle's ethics concentrates on the character of a human being and the kind of life a person leads rather than on the particular acts he or she might perform. Whereas some contemporary approaches to ethics might focus on the rightness or wrongness of particular kinds of acts, such as abortion, capital punishment, or lying, Aristotle mostly ignores this sort of thing and speaks instead of the character of a human being as constituted by the repetitive performance of virtuous or vicious actions. If one's character is temperate or generous, one reliably acts in that way. The significance of any single action is diminished in comparison to the character one establishes over time and can be expected to exhibit in the future. This tends to make Aristotle's ethics less than completely helpful in the context of bioethics, where the acts that are in dispute tend not to be acts that form part of one's ordinary moral life. Actions undertaken in the context of medical care tend to be episodic and not the sorts of thing that constitute moral character in Aristotle's sense.

Finally, we return to the significance of practical wisdom for Aristotle's account. In Aristotle's view, the standard for moral goodness is the virtuous human being. The character and the judgment of the excellent moral agent form and express the indispensable

standard for good and bad. There is no moral rule book and no process of reasoning that substitutes for the exemplary character and prudence of the virtuous human being. “For the morally decent man judges each matter correctly and in each matter the truth appears to him. For the noble and pleasant things are peculiar in accord with each character, and perhaps the morally decent man differs from others most by seeing the truth in each, being as it were the rule and measure of them” (III.4).²¹ Aristotle negotiates the pervasive conflict of moral opinions by identifying the prudent human being as the standard for recognizing what is genuinely good. This person’s character, the settled way in which the passions are habitually structured, permits him or her to see the moral truth of things. Recognition of what is good in human action does not belong to all human beings equally. The privileged perspective belongs to the practically wise. To the obvious objection that the practically wise cannot be recognized as wise by those who do not already agree with them, Aristotle can only reply by restating that this reinforces the need for being brought up in good moral habits so that one will be able to see the truth in moral affairs. This nonegalitarian solution remains unsatisfactory to many today, but it seems to be the only position open to someone who holds that there is some nonobvious truth to know in moral matters. Aristotle articulates practical wisdom as a kind of excellence in moral perceptiveness, an ability to discriminate moral phenomena with greater than average perspicuity (VI, chapters 8–13). An analogy with other areas helps. Every person can see a painting or watch a sporting event and can discriminate, to varying degrees, the good and the bad, but a capable art critic can discern more of what is present in a given painting, and an intelligent sports analyst can articulate the order and the structure of what the athletes are doing. Every person sees the same phenomena, but not all perceive them with the same insight.

Thomas Aquinas: *Summa Theologiae*

Thomas Aquinas is usually presented as a proponent of natural law ethics. This is true to an extent, but it is misleading in the sense that natural law occupies a very small and subordinate part of Aquinas’s account of moral reasoning. Aquinas is primarily a Catholic theologian who incorporates much of Aristotle’s moral teaching into a more comprehensive and more systematic framework. Thus, in his *Summa Theologiae*²² he begins the discussion of human action with a consideration of the ultimate end of man (or happiness), which is argued to consist primarily in the vision of God in heaven and secondarily in the imperfect or incomplete happiness available in this life (I-II, q. 3, a. 8). By “imperfect happiness” Aquinas means the sort of happiness Aristotle articulated, consisting either in intellectually or morally virtuous activity (I-II, q. 3, a. 6). Aquinas, like Aristotle, then considers the acts and the virtues that conduce to the end of human happiness. Like Aristotle, he conceives of happiness as an end that is independent of the particular purposes or desires that human beings happen to have. There is, on his view, a natural desire for happiness or a natural inclination toward human perfection, but this primarily means that

human beings are oriented or ordered toward a particular end as their fulfillment, not that the content of human happiness can be discovered by simply heeding whatever appetites and desires one happens to have spontaneously. A natural inclination is an orientation toward some sort of perfection of one's nature. Thus, to say that human beings have a natural inclination for speech means that our nature is perfected by cultivating speech, not that all human beings feel an urge to speak or take pleasure in speaking.

Aquinas mentions the natural inclinations in his presentation of natural law (I-II, q. 94), but it should be noted that the content of the law is not derived from an examination of human desires. Aquinas's consideration of the various kinds of law (such as civil law and divinely revealed law, like the Ten Commandments) belongs to his treatment of the *extrinsic* principles of human action. The natural law is a "participation of the eternal law in the rational creature" (I-II, q. 91, a. 2).²³ The eternal law is the providential rule by which God governs all creation. Nonrational creatures are simply subject to this law, but a rational creature is subordinated to providence in a more excellent way, by being provident for itself and for others. Natural law, then, is the rational or human grasp of God's providential governance of all creation. We become aware of this not by deducing it from the structure of human nature or by analyzing human inclinations, but by reference to moral experience (see I-II, q. 94, a. 5, reply to third objection).²⁴ The central point here for our purposes is that Aquinas's teaching on natural law is an attempt to defend the intelligibility of the natural moral order without direct appeal to divine revelation. Aquinas does not, as a matter of fact, appeal to natural law as a way of distinguishing good acts from bad acts. Natural law does provide a way of speaking about the availability of moral truth to natural human reason without reliance on faith or revelation. Natural law is relevant less for identifying the goodness or badness of particular acts and more for emphasis on the nonsectarian view of the moral goodness that is promoted. This becomes important in contemporary health care in the conduct of Catholic health facilities. The moral principles that govern the delivery of Catholic health care are regarded not as belonging properly to the Catholic faith, but as natural, meaning that they are intelligible independently of specific political and cultural traditions as well as specific religious doctrines or beliefs.

The bulk of Aquinas's account of moral theology recasts and develops a largely Aristotelian account of the virtues. When Aquinas does want to account for the goodness or badness of particular human actions, he appeals not to natural law, but to the so-called three fonts: the moral object, the intention, and the circumstances of the action.²⁵ The moral object is both the most important element to clarify in this triad and the most difficult to grasp clearly. Simply stated, the *moral object* is what is chosen when we perform human acts. We can speak of the observable, physical component (the exterior act) as the material performance. The moral object is constituted by what we choose in a given material performance. For example, one person hands money to someone else. The moral object is determined by what is chosen in this performance: repaying a debt, giving a gift, making a loan, paying extortion, or whatever it may be. The moral object is not identical

with what occurs materially. No one chooses a raw material performance; we always choose some act, determinate in its kind, which could also be chosen by other agents, for different reasons, and in different circumstances.

The aim with which a given act is chosen is called the *intention* or the *intended end*.²⁶ A single human action involves choosing a determinate kind of action or object with a particular intention or series of intentions. For example, a medical student chooses to study in order to pass classes in order to earn a degree in order to be able to practice medicine in order to heal the sick and so on. When we act, we choose an object as ordered to an intention: we give a gift with the aim of expressing affection; we vaccinate in order to develop immunity; we amputate for the sake of preserving life; we give analgesics with the intention of relieving pain. The willed action is a unity, distinguishable into a chosen object and an intention.

We might also distinguish an indefinite number of *circumstances* of any action, some of which are more relevant than others. Normally, circumstances contribute very little to the character of an action, but they can also be noteworthy. Whether the analgesics act quickly or not is a circumstance, usually of minor significance. Whether the left leg or the right leg is amputated is circumstantial; what is of essential importance is that the *diseased* leg be amputated. What is an insignificant circumstance in one context can be important in another. For example, in the context of many moral actions it is normally insignificant that one happens to be a physician, but that circumstance becomes central to the moral character of one's acts in the presence of sick people.

In Aquinas's view, all of our choices and intentions ultimately must be integrated into the pursuit of the final human end, happiness. The ultimate end is the standard that regulates everything that is done for the sake of that end. Thus, all of the elements of each moral action must be good, or at least morally neutral, for that action to be morally good. Acts and intentions that cannot be integrated with or that detract from the ultimate end are recognizable as bad acts and intentions. Acts and intentions that cohere with and tend to promote the ultimate end are recognizable as good acts and intentions. Typically, the circumstances are the least important component of moral actions. Normally, circumstances do not render an action good or bad; they merely increase or decrease the moral goodness or badness that is principally drawn from the object and the intention. Occasionally, again, what is ordinarily circumstantial can become so important as to change the character of an action. Reading the newspaper in order to be an informed citizen normally constitutes a good action, but if one does this while at work or when one ought to be doing something more serious, it constitutes a form of negligence. The three fonts of morality are reference points that can be discerned in any given act, but the act must be prudentially assessed as an integral whole in relation to one's comprehensive end as a human being.

This approach permits an emphasis on individual actions in their goodness and badness that is more amenable to customary questions in bioethics. It is this dimension of Aquinas's presentation that Catholic health facilities tend to rely on, as distinct from

natural law, when they want to address the morality of acts such as abortion, euthanasia, sterilization, the various forms of fertility assistance, organ transplantation, and so on. Each of these can be analyzed as a moral object, in abstraction from the good intentions that people seek to accomplish through these actions. If these acts, as moral objects, promote the ultimate end, they are good, and if they detract from it or conflict with it or otherwise cannot be integrated into a reasoned pursuit of that end, they are bad according to their kind. They might, as a matter of fact, still be chosen by someone, on account of the good intentions that can be pursued through them, but the goodness of the intentions being sought is not sufficient to prevent the act as an integral whole from being morally bad. The formulaic principle is that the end intended does not justify the choice of evil means.

This kind of reasoning lies behind the familiar prohibitions that are associated with the delivery of health care in the Catholic context. It is important to note, however, that Catholic health facilities understand the various “prohibited procedures” not primarily as conflicting with theological beliefs, but as being incompatible with the naturally knowable end of all human beings, Catholic and non-Catholic alike. The case of abortion is particularly instructive as to how this sort of reasoning works. It is true that Catholic moral reasoning recognizes all deliberate abortion, from the first moment of conception, as an immoral act. It does not, however, do so on account of a theologically dogmatic account of the moment at which the human person or the rational soul comes to be. The official formulation prohibits the *practice* of all abortion even as it reaffirms our *philosophical* uncertainty as to the precise moment at which the human person comes to be. Ignorance about the theoretical question of when the human person comes to be is coupled with practical certainty about the incompatibility with human happiness of killing what may well be an innocent person.²⁷

The object-intention-circumstances approach also forms the basis for what is often called the *principle of the double effect*.²⁸ This principle is actually nothing more than a somewhat complicated set of distinctions aiming to clarify the lines of responsibility for actions that we deliberately perform. Normally, we are responsible for what we deliberately choose to do and for what we intend to achieve through what we choose. Nevertheless, the actual results of our activity are not identical with what we properly or directly will. In many cases the actual results differ from what we intended, such as when a vaccination actually triggers an illness instead of fostering immunity. Sometimes we do accomplish what we intend, but there are additional consequences, causally related to what we have chosen or intended, that lie outside what we directly will. For example, the scarring that is consequent upon surgery is neither directly chosen as a means nor intended as the aim of the surgeon’s activity. It is an unavoidable consequence of what is directly willed. Again, the impaired ability to walk that follows as a result of amputating a leg is a foreseeable consequence of the amputation, which is what is directly chosen as a means of preserving life. The impairment is said to be indirectly voluntary, which identifies it as something that follows as a result of what is voluntarily done, although it is not itself pursued voluntar-

ily. The principle of double effect is sometimes called the *principle of the indirect voluntary*. Although this principle has many critics, it attempts to articulate the ordinary recognition that we are responsible not only for what we will but also for what we foresee or should foresee as a consequence of what we will, although we are only indirectly responsible for this. A physician who performs a tubal ligation is directly responsible for the sterilization of the woman, whereas one who performs a hysterectomy to remove a cancerous uterus is indirectly responsible for subsequent infertility.

The significance of the difference between being directly responsible and being indirectly responsible is not trivial. In Aquinas's view, we are obliged not to choose or intend what is evil and we are obliged not to permit too much evil to arise through our actions. Nevertheless, if we were obliged to prevent every evil that might arise from our actions, we would hardly be able to act. The resulting attitude is not unlike the traditional medical principle of *primum non nocere*. One must consider not only the treatment one applies and the intended goal of that treatment but also the side effects and other merely possible outcomes that the patient risks enduring because of the treatment applied. The oversimplified formula of how to calculate all of these possible outcomes states that one must be sure to do, on balance, more good than harm. Aquinas would not countenance this formulation, which is essentially utilitarian. The more precise formulation of the principle of double effect claims instead that one must be sure that the good that one aims to achieve is so serious as to warrant risking the bad consequences that might ensue. Thus, it is inaccurate to say that the principle of double effect requires that the good effects must outweigh the bad effects. With that formula, one could never know whether an action was good or bad until after it had been performed. Also, one would be left saying that, in the case of vaccinations for example, it was good to vaccinate all of those who were benefited by the vaccine in the long run, but it was bad to vaccinate all of those who were harmed by it. Thus, the very same action that was chosen would be in one case good and in another bad, but only in view of the consequences that actually ensued in each case. The principle of double effect enables one to recognize actions as good and choice-worthy for the sake of serious goods aimed at through them, despite the awareness or expectation that serious evils could also follow. Thus, it is reasonable and prudent to choose, say, measles vaccination for the sake of the benefits that are likely to follow from it and in order to prevent the evils that are likely to follow from refusing it, even though a particular person might be seriously harmed by vaccination. It remains a morally good choice—albeit one with serious, unfortunate consequences—because the good that was sought was serious enough to risk that outcome. There does remain indirect responsibility for this outcome. For this reason, we are obligated not to expose ourselves to serious risks except for the sake of equally or more serious goods; similarly, vaccine manufacturers are morally obligated to make their products as free as possible from dangerous side effects.

Finally, we note that the principle of double effect is often formulated as encapsulated in several theses:

1. The act (or object) chosen must be morally good or indifferent.
2. The intention aimed at must be good.
3. The good effect must not be accomplished by means of the bad effect.
4. The good effect (or intention) must be at least as serious as the evil effect that may result.

Just a few comments are in order. With respect to the first point, we should note that indifferent acts are those that are not essentially ordered to the promotion of human happiness or to its detracting. These are acts such as walking, sleeping, reading, or hammering. As characterized, they are indeterminate in their goodness or badness because they do not essentially conduce to happiness or conflict with it. These sorts of acts depend for their goodness and badness on the intentions with which they are chosen and on the circumstances in which they are chosen. The third thesis specifies that any evil that is foreseen must not be chosen as the means by which one accomplishes the good one intends to do, but at most may be *permitted* as a consequence of what is done deliberately. If the good cannot be achieved except by means of the evil, it is not merely an effect, but a means that is directly willed. For example, in the case of euthanasia, the death of the patient is not merely a side effect of the relief of suffering; death is the means by which suffering is relieved.²⁹ The fourth point is often mischaracterized as requiring, as has been stated, that the good consequences must outweigh the evil. In fact, the principle of double effect is supposed to prevent the need to resort to such calculations to determine the goodness or badness of our choices.

Although this presentation of Thomistic ethical theory has emphasized the role of natural reason or philosophy, it must be recognized that the Christian theological dimension is ineradicable from Aquinas's thought. This transtemporal concern for the complete human good as available only by divine grace exerts significant influence on Thomistic thought and on bioethical reasoning in the Catholic context. Specifically, Catholic moral reasoning, however much it emphasizes the sanctity of human life, is characterized also by recognition of the limitation of the goodness of the preservation of bodily life. For this reason, Catholic faith ultimately interprets both suffering and death in light of God's providence. Not only expert medical care but also the availability of the sacraments and pastoral care constitute an integral part of Catholic health care. It is, after all, this view of the ultimate meaning and end of human life that inspired the foundation of Catholic hospitals. These institutions provide health services in light of the Catholic grasp of moral principles not only for Catholics but for all people as a way of displaying rather than imposing this understanding of the goodness of human life and health.³⁰

Immanuel Kant: *Foundations of the Metaphysics of Morals*

In contrast to the two preceding moral theories, Kant emphatically separates the demands of morality from the search for happiness.³¹ He did this in order to defend or restore

dignity to human beings as capable of rising above selfish concern for the satisfaction of their desires and pursuing instead their duty. He spoke of the widely or universally experienced conflict between, on the one hand, our wishes and inclinations, the full satisfaction of which he called happiness, and, on the other hand, the stern commands of our duty, the fulfillment of which promises nothing to our needs and desires. Given this understanding of happiness—the satisfaction of one’s desires, whatever they happen to be—Kant saw that interpreting morality as the rational discernment of the path to subjective satisfaction made morality nothing more than rational selfishness. We might find this view of moral reasoning defended in John Locke’s *An Essay Concerning Human Understanding*, which interprets happiness as the longest-lasting experience of pleasure in whatever sources one happens to find pleasure. Moral reasoning, on this view, is calculation in the pursuit of happiness.³² Kant argues that making morality serve our inclinations corrupts morality from the start. Moral dignity arises either from the fulfillment of one’s duty as one’s duty, without regard for—and perhaps even in conflict with—one’s wishes, or at least from the capacity to act from one’s duty rather than from inclination.³³ Kant elevates morality to the highest human pursuit. All of the interests of reason, he argued, must be subordinated to reason’s ultimate interest, which is moral.³⁴ All of Kant’s critical philosophy, then, is ultimately ordered toward the promotion of morality.

The instrumentality of philosophy for moral goodness does not mean that philosophy or, for that matter, any serious cultivation of the mind is necessary in order to do one’s duty. Kant regards the recognition of one’s duty as relatively simple, something that is plain to ordinary human understanding. The role of philosophy is to protect ordinary moral attitudes regarding one’s duty from threats that would undermine our efforts to do what we all know we ought to do. The first sort of threat is the reinterpretation of morality as mere calculation of the path to satisfaction of one’s desires. The second sort of threat arises from modern natural science. As Kant understands it, modern science presents nature as a “heteronomy of efficient causes, for every effect is possible only according to the law that something else determines the efficient cause to its causality” (63–64). “Heteronomy of efficient causes” means that nature amounts to a mechanistic system in which the action of any given thing now and in the future is rigorously determined by prior causes. Because human beings too are part of an act within the order of nature, this threatens morality if the human will itself is determined by external efficient causes. If nature is rigorously deterministic, there would be no genuine room for human freedom, which is presupposed by all moral agency (73–74).

Kant was willing to grant that nature is the realm of universal and necessary efficient causality in order to secure scientific knowledge in this realm against skeptical doubts arising from people like David Hume. The price he had to pay was the admission that we cannot know that we are in fact free moral agents. In his view, we must nevertheless regard ourselves as free or presuppose ourselves as free, not insofar as we belong to the material realm of appearances, but insofar as we conceive ourselves to belong to a supersensible realm in which freedom is possible. Kant’s position is not that we must simply hope that

we are free, but that insofar as we take ourselves seriously as moral agents we all do necessarily regard ourselves as free and the source of our own actions whenever we act: “Now I say that every being which cannot act otherwise than under the Idea of freedom is thereby really free in a practical respect. That is to say, all laws which are inseparably bound with freedom hold for it just as if its will were proved free in itself by theoretical philosophy” (65). Freedom from determination to activity by foreign causes is the necessary presupposition we all make when we take ourselves to be moral agents. By regarding ourselves as free, we must also regard ourselves as bound to obey moral duty: “Therefore a free will and a will under moral laws are identical” (64).

To be a moral agent is to be the kind of agent that ought to act out of respect for the moral law and not out of self-interest. We are moral agents properly speaking because of our rational dimension, not because of other features that characterize us as human (the body, emotions, sexuality, sociality, and so on). In fact, in Kant’s view, morality applies to all rational beings as such and is independent of the specific constitution of human nature. It is not an exaggeration to say that whereas the tradition conceives of human beings as belonging to the genus animal and being specifically differentiated by the presence of reason, Kant conceives of us as belonging to the genus of rational being and being specifically differentiated as terrestrial. Kant conceives of moral agency as rational autonomy, by which he means reason is the law or the source of the law by which one lives. This law, however, is universal because every rational being as such legislates identically with every other rational being, because as rational they do not differ. That is, autonomous action involves acting in independence of every foreign or heteronomous principle of the will. The chief candidates for heteronomous principles of the will are the inclinations, external efficient causes, and subordination to some divine law that promises rewards or threatens punishment. Kant’s emphasis on the abstraction from human nature seems excessive, but it should be noted that he devoted considerable attention to human nature in other works.³⁵

The formal character of Kant’s view of autonomous action is captured by his presentation of what he calls the *categorical imperative*. Kant distinguishes imperatives as either hypothetical or categorical. Hypothetical imperatives command only on the condition (or the hypothesis) that we seek some goal. Thus, the command to “break eggs” is hypothetical in the sense that it binds only those who in fact want to make omelets. Generally, Kant calls hypothetical imperatives “rules of skill.” These are imperatives that dictate how to accomplish various tasks, but by which we are bound only *if* we want to attain what the task accomplishes. Some hypothetical imperatives are known by the special name “counsels of prudence” because these imperatives tell us what to do in order to become happy.³⁶ Kant assumes that all human beings are driven by “a necessity of nature” to seek happiness and, thus, we can be sure that all in fact do seek happiness (32). This purpose belongs to all as a matter of the factual constitution of human nature. Our inclinations lead us to seek happiness, and the counsels of prudence are the accumulated experiential wisdom of how to satisfy the inclinations more or less reliably.

Over against these imperatives Kant presents the categorical imperative as the sole unconditionally binding moral imperative. This imperative commands without regard to the specific material content of an action and without regard to its intended result. The goodness of moral action does not depend on accomplishing specific purposes in the material realm, but only on willing in the right way. For Kant, this means simply conformity to the universality of law as necessary. The categorical imperative has no specific content; it expresses unconditional acceptance of law as such. “There is, therefore, only one categorical imperative. It is: Act only according to that maxim by which you can at the same time will that it should become a universal law” (38). Kant presents this as an analogy with the universal laws of nature. We are to use the formulation of the categorical imperative to test the morality of any principle (or “maxim”) we might adopt by supposing that what we embrace in our choice were to become a universal and necessary law of nature. What if everybody not only did but had to do what I am doing? That is, what if everybody committed suicide when life became difficult? What if everybody made false promises when it was convenient to do so? Kant considers these and other examples to illustrate that the formal character of universality is the mark of a morally upright maxim, whereas making an exception to accommodate one’s own interest is the mark of violation of one’s duty. Adopting maxims that fail the categorical imperative is ultimately to be at odds with oneself as a rational agent because one takes as one’s maxim something that cannot be coherently willed as a universal law for all rational agents.

In an effort to spell out its meaning more fully, Kant gives two other formulations of the same categorical imperative. One of these formulations has won great currency in contemporary bioethics, although it is usually interpreted in isolation from and often in conflict with the rest of Kant’s account. The second formulation of the imperative is: “Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only” (46). Kant’s view is that human beings, as rational, are persons and stand higher in dignity than mere things. He does not claim, as he is sometimes loosely interpreted to claim, that a human person may never be treated as a means. He says, consistently, that a person should always be treated as an end and not *merely* or *only* as a means. Clearly, this qualification is important, for example, in medical research. Human subjects of research are necessarily the means by which medical scientists come to learn how to produce benefits that may, but often do not, benefit the subjects themselves. The Kantian standard could permit such research, but it requires that the subjects be treated during the experiment as persons and not as mere things, not as the chemical components of an experimental drug are treated. Things, in contrast to persons, may be treated solely by reference to their instrumentality for accomplishing human purposes.

In addition to the emphasis on human dignity in the form of the requirement of treating human beings as ends in themselves, Kant’s ethical theory has influenced bioethics especially by his emphasis on autonomy. What Kant meant by autonomy is the capacity to conduct oneself in accord with universal rational principles and not the liberty or license to conduct oneself as one sees fit. Autonomy is nevertheless often invoked in con-

temporary ethical debates as if whatever a human being were to choose for himself or herself were justified by the fact of its being chosen, irrespective of what the choice might be.³⁷ Kant's clause in the second formulation of the categorical imperative—that one must treat humanity as an end “whether in your own person or in that of another”—illuminates the basis for duties to oneself.³⁸

Kant takes it to be a great problem how it is possible that human beings can be subject to a categorical imperative. How is it possible that human beings, driven as we are by needs and inclinations, can also be bound by the unconditional command of morality? We cannot show from experience that we are in fact capable of acting in accord with it, because we can never be sure that any given agent has indeed acted solely out of duty to the pure moral law and not out of some form of (perhaps hidden) self-interest. The necessary presupposition of ourselves as autonomous (even though we cannot show how we are free) is meant to solve this problem, but it still leaves another problem unsolved: Why should anyone be moral? That is, assuming that it is possible for us to act in conformity with pure duty, why should we (66)? Kant regards this as a related problem, and he states only that human beings do in fact take an interest in moral laws.

The subjective impossibility of explaining the freedom of the will is the same as the impossibility of discovering and explaining an interest which man can take in moral laws. Nevertheless, he does actually take an interest in them, and the foundation of this interest in us we will call the moral feeling. This moral feeling has been erroneously construed by some as the standard for our moral judgment, whereas it must be regarded rather as the subjective effect which the law has upon the will to which reason alone gives objective grounds. (77–78)

Kant regards this interest in morality as “pure” because it arises only when the universal validity of the maxim is reason's determining ground. This makes it different in kind from any interest we might happen to take in what can be accomplished through the actions we perform. Kant takes the interest in morality as a fact of reason and claims “an explanation of how and why the universality of the maxim as law (and hence morality) interests us is completely impossible for us men” (78–79). This problem may be the necessary result of the separation of morality from happiness.³⁹

John Stuart Mill: *Utilitarianism*

Kant's ethics is often called *deontological* because it emphasizes unconditional duties, irrespective of the consequences of our actions and of what we intend to accomplish in the world through our actions. For Kant, neither the success nor the failure of our efforts in the world is morally relevant; acting from the motive of duty is morally decisive. Mill's utilitarian ethics⁴⁰ is, in part, a specific reaction to Kant and his apparent unconcern for the consequences of our willing. Mill emphasizes the end or the consequences of human activity, and therefore his ethics is called *consequentialist*.⁴¹ Mill argues that the end of all

human action and first principle of morality is the greatest happiness principle, also known as the principle of utility. Mill goes so far as to say that the principle of utility is indispensable even to Kant, who claims to derive morality without reference to consequences. Mill objects that Kant's application of the categorical imperative only works if we evaluate maxims by reference to the consequences that would ensue if those maxims were adopted universally (4).

Mill explains that *utility* or *the greatest happiness principle* "holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to promote the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure" (7). Only pleasure and freedom from pain are desirable as ends in themselves; other things are desirable as the means to pleasure or because pleasure inheres in them. Mill distinguishes higher and lower pleasures; in this way, the question of quality as well as quantity of pleasure becomes relevant. The comparison and the ranking are to be made by those who are "competently acquainted" with both pleasures. "Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure" (8). Mill's use of this standard of judgment is somewhat difficult to interpret because he both seems to appeal to the judgment of those who experience pleasures and pains, but also rejects some people as not competent to judge. "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" (10). Mill appeals, then, to a standard of judgment that is analogous to Aristotle's prudent human being, but he also conceives this competent judgment as being much more widespread and easily acquired than Aristotle suggested. He appeals explicitly to the democratic standard of majority opinion to decide any disagreement among competent judges (11).⁴²

There is in this conception a certain similarity to the Aristotelian and the Thomistic account of the relation between morality and happiness, but important differences emerge when we note that Mill's view is that the end in question is not the agent's own happiness but the greatest amount of happiness for all (11). In the course of dealing with an objection of whether a human being can, in any realistic sense, aim at such an expansive goal, Mill claims that human happiness is within our grasp if we marshal our efforts systematically.

Yet no one whose opinion deserves a moment's consideration can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society combined with the good sense and providence of individuals. Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education and proper control of noxious

influences, while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe. . . . All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort. (15)

On closer inspection, then, Mill's first principle of morality—the pursuit of the maximum happiness for all mankind—proves to be a new formulation of the moral argument in favor of the scientific mastery of nature first explicitly articulated by Bacon and Descartes. The basic moral obligation of mankind is, in Mill's view, to take part in the humanitarian effort toward the relief and benefit of man's estate.

Mill emphasizes that in the pursuit of the greatest happiness, one's own happiness does not occupy any privileged position. Rather, one must be "as strictly impartial as a disinterested and benevolent spectator" (17). Mill presents this as congruent with or identical with the Christian teaching embodied in the command to love one's neighbor as oneself, although it should be noted that Mill wants to defend utilitarianism by reason and not by theological authority (4–5). He does not expect each human being to be pursuing the happiness of all of humankind constantly. Most actions will be more parochial. All the same, the standard of utility requires us to be certain that, while we benefit those who are near and dear, we do not violate the rights of anyone else (19).

Mill draws an instructive contrast between his view and Kant's by distinguishing between the "rule of action" and the "motive" of action (18–19). By "rule of action" Mill seems to mean what we will or what it is right for us to will, whereas by "motive" he means the feeling that brings us to will as we do. Thus, one might refrain from stealing because it is one's duty not to steal, or one might refrain from stealing out of fear of being caught. In each case, a person follows the right rule of action and acts for or in keeping with the greatest happiness of all, but the moral worth of that person (as distinct from the moral goodness of the deed) is judged differently in each case. Mill emphasizes the importance of doing the good action and does not think that the act is corrupted if its motive is impure. This leads Mill to distinguish between "intention" and "motive." Motive, he says, is the feeling that makes the agent will what he or she wills. The intention, he says, is "what the agent *wills to do* [emphasis in the original]," and the moral goodness or badness of an action depends entirely upon the intention.⁴³ A difficulty remains, however, in the difference between what we will to do and the multiplicity of consequences that may actually result from our willing. Where Kant ignored the moral significance of the actual consequences and Thomistic ethics attempts to distinguish between direct and indirect responsibility, Mill's utilitarianism sometimes emphasizes "what the agent wills to do" and sometimes emphasizes the actual results, which may have been unintentional, of what we will.⁴⁴

At this point it is helpful to note another ambiguity in Mill's account that has been distinguished more clearly subsequently. Sometimes Mill speaks as if utilitarianism sanctions in each case the specific action that promotes the greatest happiness of the greatest number and sometimes he speaks as if it sanctions the rule that generally promotes the

greatest happiness of the greatest number. These two positions are described as *act utilitarianism* and *rule utilitarianism*, respectively. A common objection against utilitarianism is that action does not permit us the time to calculate the consequences of our actions for all humankind. Mill responds to this in part by noting that the inherited experience of humankind is available to us in the form of various moral rules that guide us to prudential practices. For example, Mill appeals to the customary prohibition against lying and notes that, however useful particular lies might be, one must also recognize that such lies, chosen on account of a narrowly conceived expediency, actually work to undermine the trust human beings place in one another's word. In this way, those who lie actually deprive humankind of the goods made available through that trust and trustworthiness. Immediately, he qualifies this apparent endorsement of a utilitarian prohibition against lying: "Yet that even this rule, sacred as it is, admits of possible exceptions is acknowledged by all moralists; the chief of which is when the withholding of some fact (as of information from a malefactor, or of bad news from a person dangerously ill) would save an individual (especially an individual other than oneself) from great and unmerited evil, and when the withholding can only be effected by denial" (23). It should be noted that Kant, in particular, did not endorse the moral goodness of the useful lie and that this contrast with Mill illuminates the differences between them. These differences occupy bioethicists considering the question of a physician's obligation to disclose unpleasant or otherwise undesirable truths to patients.

The greatest happiness principle, at first sight, seems to answer much better than did Kant the question of why a human being should be moral, because moral standards are thereby reconnected with happiness, understood as pleasure, which is not something one needs to urge people to seek. Mill, nevertheless, recognizes the potential for conflict between an individual's pursuit of happiness and the general happiness: "Why am I bound to promote the general happiness? If my own happiness lies in something else, why may I not give that the preference?" (27). Mill replies that, if we abstract from external sanctions of reward or punishment that might arise from God or from men, we must recognize that the only genuinely *moral* sanction is the internal feeling that goes by the name of conscience or conscientiousness. "The internal sanction of duty, whatever our standard of duty may be, is one and the same—a feeling in our own mind; a pain, more or less intense, attendant on violation of duty, which in properly cultivated moral natures rises, in the more serious cases, into shrinking from it as an impossibility" (28). Mill sees that even if one agrees with Kant or with Aquinas that the ultimate standard of morality exists independently of human psychology, it is meaningless to speak of this standard as an operative moral sanction unless the human agent permits it to influence his or her action. In this sense, the only conceivable moral sanction is "entirely subjective, having its seat in human consciousness only" (29–30). What moves us can only be our appreciation of the moral standard as a standard for our action.

Mill thinks that we come to acquire these moral feelings of deference to the principle of utility primarily through education, although they have a natural basis in the social

feelings of humankind. An improper education could corrupt our moral formation in very damaging ways. As a result, the moral formation of individuals is perhaps the most pressing social problem; again, Mill expresses optimism concerning the great progress that can be made through human institutions, provided that we begin early and cultivate the moral feelings of each toward the general happiness.

If we now suppose this feeling of unity to be taught as a religion, and the whole force of education, of institutions, and of opinion directed, as it once was in the case of religion, to make every person grow up from infancy surrounded on all sides both by the profession and the practice of it, I think that no one who can realize this conception will feel any misgiving about the sufficiency of the ultimate sanction for the happiness morality. (33)

Mill concludes his discussion of the ultimate sanction of morality by pointing out that the cultivation of regard for the happiness of others must compete with the naturally much stronger selfish feelings, which, presumably, cannot be eradicated. Thus, he emphasizes the naturalness or apparent naturalness of a man's understanding himself as a social being, "which tends to make him feel it one of his natural wants that there should be harmony between his feelings and aims and those of his fellow creatures. . . . [T]o those who have it, [this feeling] possesses all the characters of a natural feeling. It does not present itself to their minds as a superstition of education or a law despotically imposed by the power of society" (34). In these remarks Mill seems to anticipate the potential for objections that were eventually made by Freud and others.⁴⁵ The general happiness might sometimes require renunciation of one's own happiness, but utilitarianism denies that renunciation itself is good. "A sacrifice which does not increase or tend to increase the sum total of happiness, it considers as wasted" (17).

The question of the sacrifice of the individual or of the minority for the greater general happiness raises what is perhaps the most consistent and troublesome objection to utilitarianism. The priority of the general happiness to that of the individual and the claim that it is the individual's obligation to seek the general happiness while regarding his or her own personal happiness as no more significant than that of any other single person together suggest alarming possibilities for the exploitation of individuals for the benefit of the general welfare. In the context of bioethics, one immediately thinks of the treatment of subjects of medical research or of the conscription of organs from living "donors." Kantianism, with its insistence that each instance of humanity be respected as an end in itself, seems to provide much sturdier restrictions on such activities.

Mill's treatment of justice, which occupies fully one-third of *Utilitarianism*, aims to respond in advance to these sorts of challenges. He begins by demonstrating that our grasp of "justice" is far from clear because of the multiplicity of applications of standards of justice. This discussion is reminiscent of some accounts of the difficulty of identifying what would be a just distribution of scarce medical resources. Is it just to treat everyone equally or, rather, in accord with what each variously deserves or needs? Mill appeals to a

familiar distinction between perfect and imperfect duties. Perfect duties oblige always, whereas imperfect duties, such as charitable giving, “we are indeed bound to practice but not toward any definite person, nor at any prescribed time” (49). Others have rights to exact from us the fulfillment of our perfect duties. Imperfect obligations do not correspond to or give rise to a right in another to demand specific actions from us. The distinction between perfect and imperfect duties coincides exactly, Mill says, with that between justice and the *other* obligations of morality (50).

I account the justice which is grounded on utility to be the chief part, and incomparably the most sacred and binding part, of all morality. Justice is a name for certain classes of moral rules which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be of the essence of the idea of justice—that of a right residing in an individual—implies and testifies to this more binding obligation. (59)

The rules of justice are “more binding,” but still not “absolutely binding,” for the principle of the greatest happiness is still more fundamental than the rights to equal or impartial treatment.

All persons are deemed to have a *right* to equality of treatment, except when some recognized social expediency requires the reverse. . . . It appears from what has been said that justice is a name for certain moral requirements, which, regarded collectively, stand higher on the scale of social utility, and are therefore of more paramount obligation, than any others, though particular cases may occur in which some other social duty is so important as to overrule any one of the general maxims of justice. (63)

Clearly, the adjudication of the competing pressures in each case requires an independent judgment of whether the greatest happiness is best served by following established rules or by making exceptions. The judgment must come from clear-sighted prudence or, at least, the opinion of the majority.

Conclusion

The preceding sketches of the moral thought of Aristotle, Aquinas, Kant, and Mill are necessarily incomplete. Even a brief survey manages to convey the substantive differences that separate them from one another. Recognizing those differences helps to indicate the depth and complexity that attends the search for an adequate bioethical theory. It also helps guard against a form of moral syncretism, in which we select what may be mutually incompatible principles, ideas, or standards as we find them convenient and try to fashion piecemeal solutions to practical difficulties as they arise. One form of this syncretism settles on a desirable solution and then sophistically constructs an argument to support

that conclusion. For example, it is not impossible to find people who will embrace a utilitarian standard in order to support embryonic stem cell research, but a Kantian standard in order to oppose forcible removal of organs from prisoners. In the absence of a compelling reason why one does not embrace the same standard in the two cases, we suspect this approach of intellectual and moral vacuity.

Bioethics is especially susceptible to relying upon deracinated moral “tools” from different sources because, with the exception of Thomists in the Catholic health care arena, few people approach bioethics from the perspective of a comprehensive moral theory they have already embraced in its entirety. Most bioethical issues arise as practical problems for which we seek intelligent and good solutions. The moral discourse of our ordinary thinking readily furnishes us with a mixture of classical, Christian, and modern secular principles and concepts. It makes sense that we would use these as they seem appropriate for articulating solutions. Unless we exercise considerable caution, this might lead us to embrace an argument that is internally incoherent or otherwise ill-considered. Relying on thoughtlessly constructed arguments both undermines any particular solution we devise and tends to cast doubt on the whole enterprise of moral reasoning. A thorough skepticism about our ability to know moral truth is a serious moral position that needs to be considered, but the practical consequences of completely embracing the claim that no moral solution is knowably superior to any other ought to be sufficient to incline us at least to inquire seriously into the matter.

Utilitarianism always has a certain theoretical advantage insofar as it is very clearly true that one should think like a utilitarian in some cases—that is, when there is no moral difference between the means to be chosen. For example, if the goal is to treat cancer, one selects between competing medical interventions (chemotherapy, radiation, surgery, or some combination) by comparing the expected consequences of choosing each. We presuppose here that the means are morally equivalent. But is it always true that the available means are morally equivalent? If the goal is becoming the parent of a healthy baby, we might try sexual intercourse, artificial insemination, in vitro fertilization, cloning, adoption, or kidnapping. The necessity of giving a principled reason why the means are indifferent in the one case but not in the other requires us to consider moral questions in an intellectually serious and comprehensive way. This introduction has attempted to encourage that inquiry.

Chapter Summary

This chapter summarized the broad outlines of four ethical theories that stand at the center of the Western tradition. Each theory was examined by reference to the representative work of a single author: Aristotle’s *Nicomachean Ethics*, St. Thomas Aquinas’s *Summa Theologiae*, Immanuel Kant’s *Foundations of the Metaphysics of Morals*, and John Stuart Mill’s *Utilitarianism*. The two classical theories agree in identifying good moral action with the activity that is conducive to or constitutive of good living, which is identified with hap-

piness. For these authors, inquiring into what action is morally good is a rational investigation into how to live as happily as possible, which means as virtuously as possible. Moral reasoning is simply the search for the kind of activity that is or leads to happiness. The two modern authors, by contrast, conceive of morality as a realm that is, in different ways, independent of the individual concern for happiness. Kant presents morality under the aspect of stern commands of duty that oblige us quite apart from and even in contempt of our selfish desires for happiness. The concern for happiness—which he conceives as the full satisfaction of whatever desires a person happens to have—is amoral, although this concern tends to interfere with our fulfillment of the moral law, in reference to which alone we can speak of human dignity. Mill conceives the principle of morality as the promotion of the greatest happiness, which consists in pleasure, of the greatest number of people. Moral obligation arises only in view of the general happiness, which may stand in tension with one's individual happiness. These four theories were introduced by examining the innovation exerting the greatest influence on both our medicine and our moral reasoning: modern science. This chapter described how any attempt to appreciate the role of theory in bioethics must address the prominence and authority of science.

Review Questions

1. What is the meaning of the term *bioethics*?
2. What is the difference between private and public moral justification?
3. How does one distinguish between classical and modern moral philosophy?
4. How does Descartes' *Discourse on Method* develop the landscape upon which contemporary bioethics is built?
5. According to Descartes, what are the two contrary pressures brought on moral reasoning?
6. How does Aristotle characterize a virtuous person?
7. According to Aristotle, what is the proper fulfillment of a human being?
8. What distinction does Aristotle make between an *end* and a *purpose*? How does this relate to issues in modern medicine such as physician-assisted suicide?
9. The philosophies of Aristotle and Thomas Aquinas are similar in many ways. How are they different from one another?
10. What are the characteristics of natural law according to Thomas Aquinas?
11. What are the three fonts Thomas Aquinas applies to the goodness or badness of a human action? Why are they important?
12. What is the principle of double effect? How can this principle be applied to modern bioethics?

13. Why did Immanuel Kant separate the demands of morality from the search for happiness?
14. What does Kant mean by the term *duty*?
15. What is utilitarianism?
16. What is the difference between a hypothetical imperative and a categorical imperative?
17. “Act only according to the maxim by which you can at the same time will that it should become a universal law” is an explanation of which imperative? What does it mean?
18. What is John Stuart Mill’s first principle of morality?
19. John Stuart Mill argued that “It is better to be a human being dissatisfied than a pig satisfied.” What does he mean by this statement?
20. Why is it important to understand the various ethical theories in bioethics?

Endnotes

1. Although it is sometimes useful to distinguish the terms *moral* and *ethical*, in this chapter they are used interchangeably.
2. See “The Discipline of Pure Reason” in Kant’s *Critique of Pure Reason*.
3. The most prominent school of bioethical reasoning, the principlism of Tom Beauchamp and James Childress, substitutes the search for *coherent* moral beliefs in place of the search for *true* moral beliefs and postulates the insolubility in principle of fundamental moral disagreement. “Finally, available work using the method of coherence lacks the power to eliminate various conflicts among principles and rules. This insufficiency is not surprising, because all moral theories experience this problem, and coherence theory has no magical powers to settle these conflicts” (*Principles of Biomedical Ethics*, 5th ed. [Oxford: Oxford University Press, 2001], 401). H. Tristram Engelhardt, Jr., represents an interesting exception that proves the rule. He takes the epistemological insufficiency of secular reason as established, but he laments the fact and strives to defend both a contentless, consent-based, secular bioethics and the legitimacy of a plurality of content-full, private moralities that bind particular communities. See *The Foundations of Bioethics*, 2nd ed. (New York: Oxford University Press, 1996) and *The Foundations of Christian Bioethics* (Netherlands: Swets & Zeitlinger, 2000).
4. René Descartes, *Discourse on Method*, trans. with an interpretive essay by Richard Kennington, ed. Pamela Kraus and Frank Hunt (Newburyport, Mass.: Focus Publishing, 2007), 22. Subsequent references will be made to the pages of this text. French text in *Oeuvres de Descartes*, vol. 6, ed. Charles Adam and Paul Tannery (Paris: J. Vrin, 1964), 1–78.
5. See Richard Kennington, “Descartes and Mastery of Nature,” *Organism, Medicine, and Metaphysics*, ed. Stuart F. Spicker (Dordrecht, Holland: D. Reidel Publishing, 1978), 201–23.
6. In Descartes’ famous image of the tree of philosophy (preface to the French edition of *The Principles of Philosophy*), metaphysics forms the roots and physics the trunk, and the main branches are mechanics, medicine, and morals. “By ‘morals’ I understand the highest and most perfect moral system, which presupposes a complete knowledge of the other sciences and is the ulti-

- mate level of wisdom.” The fruit (the principal benefit of philosophy) hangs from the branches. *The Philosophical Writings of Descartes*, vol. 1, trans. John Cottingham, Robert Stoothoff, and Dugald Murdoch (Cambridge: Cambridge University Press, 1985), 186.
7. The distinction between philosophy and science, which we take for granted, became widely accepted only after Descartes. Even Newton thought of his *Principia* as belonging to “natural philosophy.” Kant sharply distinguishes science from philosophy. See, for example, the discussion of demonstrations in *Critique of Pure Reason*, A734/B762–A738/B766.
 8. Consider, for example, the doctrine of substance (book II, ch. 13) in Locke’s 1689 *An Essay Concerning Human Understanding*.
 9. See Transcendental Doctrine of Method, first section, “The Discipline of Pure Reason in its Dogmatic Use,” and second section, “The Discipline of Pure Reason in its Polemical Use,” in *Critique of Pure Reason*.
 10. See, for instance, the presentation given in Tom L. Beauchamp and LeRoy Walters, eds., *Contemporary Issues in Bioethics*, 5th ed. (Belmont, Calif.: Thomson Wadsworth, 1999), 7–8.
 11. Ronald Munson, *Intervention and Reflection: Basic Issues in Medical Ethics*, 8th ed. (Belmont, Calif.: Thomson Wadsworth, 2008), 7.
 12. The title of an essay in a medical journal encapsulates this attitude. The full title is “An Anecdote Is an Anecdote Is an Anecdote . . . but a Clinical Trial Is Data.” M. Donohoe and R. M. Rogers, *American Journal of Respiratory Critical Care Medicine* 149 (1994): 293–94.
 13. In the prefatory paragraph to the *Discourse*, Descartes identifies the maxims of the provisional morality as drawn from the rules of his method. See also the fifth paragraph of the third part: “Besides, the three preceding maxims were founded only on my intention of continuing to instruct myself” (*Discourse on Method*, 30).
 14. The issues here are enormously complex, and the situation may well be different for different authors. It seems safe to say that although Aristotle’s ethics, for example, is not indifferent to metaphysics, the theoretical sciences do not precede and establish the starting point for practical sciences such as ethics and politics. Thomas Aquinas is a different and more difficult case, especially because he follows a theological order of presentation, beginning with God as the first principle of all things and descending to the created order.
 15. See, for example, the chapter “Moral Character” in Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 5th ed. (Oxford: Oxford University Press, 2001), 26–56.
 16. *Nicomachean Ethics*, trans. W. D. Ross, rev. J. O. Urmson, in vol. 2 of *The Complete Works of Aristotle*, revised Oxford translation, ed. Jonathan Barnes (Princeton, N.J.: Princeton University Press, 1984). For the Greek text see L. Bywater, ed., *Aristotelis: Ethica Nicomachea* (Oxford: Oxford University Press, 1894). Subsequent references to *Nicomachean Ethics* will be made by citing the book and chapter with roman and Arabic numerals, respectively. In some cases, precise references to the Bekker line numbers will be made.
 17. This distinction is clarified by Francis Slade, “Ends and Purposes,” *Final Causality in Nature and Human Affairs*, ed. Richard F. Hasting (Washington, D.C.: The Catholic University of America Press, 1994), 83–85, and Robert Sokolowski, “What Is Natural Law? Human Purposes and Natural Ends,” *Thomist* 68 (2004): 511. See also Aristotle’s *Metaphysics* book IX, chapters 2 and 5.
 18. President’s Council on Bioethics, *Beyond Therapy: Biotechnology and the Pursuit of Happiness* (New York: ReganBooks, 2003).
 19. See *Nicomachean Ethics* I.7 1097b34–1098a1 and I.13 1102b11–12. But also consider his recognition of the goodness of the life of the body and its indispensability for any form of excellence, for example, I.8, 1098b12–14, IX.9, 1170b1–2, VIII.7, 1159a5–12, and X.8, 1178b33–35.

20. For example, *Nicomachean Ethics* III.5, 1114a21–31.
21. The translation here is my own (III.4.1113a29–33).
22. Saint Thomas Aquinas, *Summa Theologiae* (Alba and Rome: Pauline Editions, 1962). For a translation containing most of the material treated here, see Saint Thomas Aquinas, *Treatise on Happiness*, trans. John A. Oesterle (Notre Dame, Ind.: University of Notre Dame Press, 1983). For the texts on natural law, see Saint Thomas Aquinas, *Political Writings*, ed. and trans. R. W. Dyson (New York: Cambridge University Press, 2002).
23. “*Et talis participatio legis aeternae in rationali creatura lex naturalis dicitur*” (I-II, q. 91, a. 2).
24. See Robert Sokolowski, “Knowing Natural Law,” in *Pictures, Quotations, and Distinctions: Fourteen Essays in Phenomenology* (Notre Dame and London: University of Notre Dame Press, 1992), 277–91.
25. For confirmation of the importance of these three sources of morality, see *Catechism of the Catholic Church* (#1750). For Aquinas’s presentation, see *Summa Theologiae* I-II, qq. 12, 13, 18, 19, and 20. See also Servais Pinckaers, *The Sources of Christian Ethics*, trans. Mary Thomas Noble (Washington, D.C.: The Catholic University of America Press, 1995) and David Gallagher, “Aquinas on Moral Action: Interior and Exterior Acts,” *American Catholic Philosophical Quarterly*, Annual Supplement, LXIV (1990): 118–29.
26. Here *end* is not used in the precise sense in which we distinguished it from *purpose* earlier. Here, the end is the target of the human will and is therefore a purpose. We note again, however, that an end can in fact be targeted by deliberate human action, with the result that the same thing is, from different perspectives, an end and a purpose. Thus, health is the end of medical activity, and it can also be the case that the medical doctor aims at no purpose beyond restoring the health of a given patient.
27. See Congregation for the Doctrine of the Faith, *Declaration on Procured Abortion* (18 November 1974), especially footnote 19. This teaching is repeated in the Congregation’s *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation* (22 February 1987) and in John Paul II, *The Gospel of Life* (25 March 1995), #58–63.
28. Aquinas gives a classic formulation of the basis of this in his discussion of homicide (II-II, q. 64, a. 7). Again, it should be noted that the extensive analysis and application of this principle in the secondary literature is magnificently out of proportion to the small scope given to this sort of reasoning by Aquinas.
29. See Congregation for the Doctrine of the Faith, *Declaration on Euthanasia* (5 May 1980).
30. See National Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, 4th ed. (Washington, D.C.: United States Conference of Catholic Bishops, 2001). In addition to its historical importance, the examination of Catholic moral reasoning can be justified, if for no other reason, by the large number of Catholic health institutions in this country. All medical personnel in Catholic health facilities agree to deliver care in conformity to the moral principles articulated in the *Ethical and Religious Directives*.
31. Immanuel Kant, *Foundations of the Metaphysics of Morals*, 2nd ed., trans. Lewis White Beck (Upper Saddle River, N.J.: Prentice-Hall, 1997). Subsequent references to the pages of this work will be made parenthetically in the body of the text. German text: *Grundlegung zur Metaphysik der Sitten*, in *Kants Gesammelte Schriften*, vol. 4 (Berlin and New York: Walter de Gruyter, 1968).
32. See especially book II, chapters xx and xxi. Locke’s doctrine of the pursuit of happiness, which is so important for American political life and thought, is specifically mentioned not in his political works, but in the *Essay*: “As therefore the highest perfection of intellectual nature, lies in a careful and constant pursuit of true and solid happiness; so the care of our selves, that we mistake not imaginary for real happiness, is the necessary foundation of our liberty” (book II

- ch. xxi, §51). Happiness is real and true, but it is individual, and so it is a mistake to seek with Aristotle wherein the highest good might be found, for this is something different for different human beings (see book II, ch. xxi, §55). John Locke, *An Essay Concerning Human Understanding*, ed. Peter H. Nidditch (Oxford: Clarendon Press, 1975).
33. Kant characterizes human dignity in both ways. See *Foundations of the Metaphysics of Morals*, 2nd ed., trans. Lewis White Beck (Upper Saddle River, N.J.: Prentice-Hall, 1997), 57.
 34. “Philosophy is the science of the relation of all knowledge to the essential ends of human reason. . . . Essential ends are therefore either the ultimate end or subordinate ends which are necessarily connected with the former as means. The former is no other than the whole vocation of man, and the philosophy which deals with it is entitled moral philosophy” (*Critique of Pure Reason*, trans. Norman Kemp Smith [New York: St. Martin’s Press, 1965], 657–58 [A839/B867–A840/B868]).
 35. In the preface to *Foundations*, Kant promises a practical anthropology to complement the rational consideration of moral philosophy he presents in this work. The nearest he came to completing this is the collection of his lectures on the subject in his fascinating *Anthropology from a Pragmatic Point of View*, trans. Robert B. Loudon (Cambridge: Cambridge University Press, 2006). Here, Kant discusses the moral task of mankind as the progressive, historical effort to rise above the demands of our particular nature. The anthropology presents a mastery of nature argument as accomplished through the historical, progressive development of moral character.
 36. We must note, however, that Kant argues that the indefiniteness of our concept of happiness requires that these imperatives amount to no more than counsels, not commands. Omniscience would be necessary to articulate the path to happiness, and “the task of determining infallibly and universally what action will promote the happiness of a rational being is completely unsolvable” (35).
 37. Ronald Munson sketches what he says might constitute a Kantian argument in favor of suicide: “Our status as autonomous rational beings also endows us with an inherent dignity. If that status is destroyed or severely compromised, as it is when people become comatose and unknowing because of illness or injury, . . . [i]t may be more in keeping with our freedom and dignity for us to instruct others either to put us to death or to take no steps to keep us alive. . . . Voluntary euthanasia may be compatible with (if not required by) Kantian ethics” (*Intervention and Reflection*, 8th ed. [Belmont, Calif.: Thomson Wadsworth, 2008], 688). Contrast Kant’s claim: “If in order to escape from burdensome circumstances he destroys himself, he uses a person merely as a means to maintain a tolerable condition up to the end of life. Man, however, is not a thing, and thus not something to be used merely as a means; he must always be regarded in all his actions as an end in himself. Therefore I cannot dispose of man in my own person so as to mutilate, corrupt, or kill him” (46).
 38. For an especially helpful discussion of the distinction between what Kant meant by autonomy and what it has come to mean in contemporary bioethics, see Hadley Arkes, “‘Autonomy’ and the ‘Quality of Life’: The Dismantling of Moral Terms,” *Issues in Law and Medicine* 2 (1987): 421–33.
 39. Two qualifications are important here. The first is that, as has been indicated, Kant means by happiness “the sum of satisfaction of all inclinations” (15), which he regards as a hopelessly vague notion. This is not what was meant by happiness according to Aristotle and Aquinas, each of whom identified it with the highest virtuous activity. The second point is that Kant does try to integrate morality and happiness insofar as he regards moral goodness as the condition of worthiness to be happy (9). There is, for Kant, no necessary connection between moral

goodness and well-being or happiness (59); the ideal that happiness be distributed in proportion to moral worth obtains, if anywhere, only in another world, a moral world (see *Critique of Pure Reason*, A807/B835–A812/B840).

40. John Stuart Mill, *Utilitarianism*, 2nd ed., ed. George Sheer (Indianapolis/Cambridge: Hackett Publishing, 2001). Subsequent references to pages of this edition will be made parenthetically in the body of the text.
41. Sometimes Mill's ethics is classed as "teleological" along with Aristotle's ethics, but because of the significant differences between an "end" (*telos*) and a "consequence" as the principle of moral reasoning, it is useful to distinguish the two schools of thought. The relevant differences should become clear in what follows.
42. A more complete account of Mill's understanding of happiness would need to consider his other works, especially *On Liberty*. There Mill discusses the relation between truth and utility and defends diversity in belief and in action.
43. It is difficult to bring this use of "intention" into line with the Thomistic use because Mill's use seems to be ambiguous between what Aquinas called "choice" and what he called "intention." The difficulty is complicated by Mill's use of "motive," which may refer to what we hope to gain through action (18). It seems safe to say that by "motive" Mill has in mind that psychological influence that leads us to will what we will, whereas the intention is either the act we perform or the act together with what is immediately accomplished in it.
44. Consider, for example, the treatment of the unintentional consequences of lying, mentioned in the next paragraph.
45. See, for example, *Civilization and Its Discontents*. In *On Liberty*, Mill shows himself to be especially attentive to the dangers of socially imposed compulsion.