

ETHICS ANTHOLOGY

Below are summaries of each of the Anthology extracts. It would also be useful for you to read the extracts themselves which have been supplied to you in a separate booklet.

Extract 1 – William Barclay – “Situation Ethics”

- ❖ Ethics is normally a series of rules and laws by which people act and they tell us what to do
- ❖ Ethics classifies words and actions into what is good and what is bad
- ❖ Using rules already written for us saves us from the difficult choices we would have to make on our own judgement about what action we should do and what is the right thing to do
- ❖ In 1966, Fletcher wrote a book called “Situation Ethics” which became influential.
- ❖ Fletcher’s basic principle is that there is nothing which is universally right or wrong; there is nothing that is intrinsically good or bad.
- ❖ Good and bad are not unchangeable qualities of anything, they are only things which happen to actions in different situations. They are only descriptions of things in different circumstances, they are not properties, they are predicates
- ❖ According to Situation Ethics there is not such thing as a predefinition of goodness or badness
- ❖ The person who uses Situation Ethics knows all the rules and principles. The person knows that there are principles but refuses to say that any principle is morally binding
- ❖ Bonhoeffer said, “Principles are only tools in the hand of God, soon to be thrown away as unserviceable.”
- ❖ For the Situationist, there is only one thing that is universally good and that is LOVE
- ❖ Fletcher’s two propositions are (1) Only one thing is intrinsically good, namely love (2) The ultimate norm of Christian decisions is love
- ❖ What is love? The situationist speaks of Agape. This is unconquerable goodwill; it is the determination always to seek the other man’s highest good, no matter what he does to you
- ❖ In any situation we must work out what love is. What does love demand?
- ❖ For example, a house catches fire and in it there is a baby and the original of the Mona Lisa; which do you save, the baby or the priceless irreplaceable painting? There is no question here, you save the baby for a life is always of greater value
- ❖ What about in a burning house there is your aged father, an old man, with the days of his usefulness at an end, and a doctor who has discovered a cure for one of the world’s great killer diseases, and who still carries the formulae in his head, and you can only save one – whom do you save?
- ❖ Daniel Boone’s Trail westward, many families in the trail caravans lost their lives to the Indians. A Scottish woman had a baby at the breast. The baby was ill and crying, and the baby’s crying was betraying here other three children and the rest of the party; the party could clearly remain hidden if the baby continued crying; their position would be given away. The baby’s cries and it led the Indians to the party of people and so they were all killed
- ❖ Another occasion there was a Negro woman in the party. Her baby too was crying and threatening to betray the party. She strangled the baby with her own two hands to stop it from crying – and the whole party escaped
- ❖ Which action was love? This is what the situationist is confronted with
- ❖ There are principles to use but these can only advise us. Any principle must be abandoned if the command to love your neighbour can better served by doing so
- ❖ Secondly, love and justice are the same thing, for justice is love distributed, nothing else
- ❖ For Fletcher, love is justice. Niebuhr used to say the difference is that love is transcendent and love is impossible; while justice is something by which we can live in this present society. Brunner held that the difference is that love must be between two persons; whereas justice exists between groups.
- ❖ How does Fletcher believe that love and justice are the same? By accepting that the one absolute is love then love has to be worked out in the situations of life and the working out of it is justice

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- ❖ Fletcher says, justice is love distributed. This means that love has always got to be thinking; love has always got to be calculating
- ❖ Another example from Fletcher is called Sacrificial Adultery. As the Russian armies drove forward to meet the Americans and the British, a Mrs Bergmeier, who was out foraging for food for her children and herself, was picked up. Without being able to get a word to the children she was taken away to a prison work camp in the Ukraine. Meanwhile her husband was captured and ended up in a prison camp in Wales. Ultimately the husband was released. He came back to Germany and after weeks of search he found the children, the two youngest in a Russian detention school and the oldest hiding in a cellar. They had no idea where their mother was. They never stopped searching for her. They knew that only her return could ever knit that family together again after all that had happened to them. Meanwhile away in the Ukraine, a kindly camp commandant told Mrs Bergmier that her family were together again and that they were trying to find her. But he could not release her, for release was only given for two reasons. First, if she was suffering from a disease which the camp could not cope and so she would be moved to a Russian hospital. Secondly, she became pregnant. She would be returned to Germany as a liability and no use for work. Mrs Bergmier thought about it and decided to ask the camp guard to make her pregnant. He did. Her condition was medically verified. She was sent back to Germany and received with open arms by her family. She told them what she had done and they approved. The baby was born and they called him Dietrich and they him most of all because they felt he had done more for them than any one of the others. Right or wrong? Adultery or love?

Challenges of Fletcher and Situation Ethics

- ❖ The examples that Fletcher uses to illustrate his approach are abnormal, unusual and extraordinary
- ❖ Situation Ethics gives a lot of freedom. It is just us to make the choice. People would rather have the choice made for them. If you leave a man to do what he wants then there can be incalculable. Freedom can become selfishness and cruelty
- ❖ John A.T. Robinson called Situation Ethics “the only ethic for man come of age” This is possibly true but man has not come of age. Man still needs the protection of the law. If man needs to make their own decision then we must make man morally and lovingly fit to take that decision
- ❖ Thirdly, the situationist points out again and again that in his view there is nothing which is intrinsically good or bad. Goodness and badness are predicates not properties. It seems doubtful that such a distinction can be removed
- ❖ Fourthly, the situationist is liable to forget two things (a) He is liable to forget what psychological aids can do for abnormal conditions. (b) liable to forget quite simply the grace of God. Unless Christianity is a total swindle, it must make good its claim to make bad men good
- ❖ There is a tension between freedom and law. There is a tension between immorality and illegality.
- ❖ What if we do accept the Christian ethic as the best way to be for society? Are we happy if the law makes what we think to be wrong, easier to do?
- ❖ There is tension between the individual and the community. Too much law means the obliteration of the individual; too much individualism means the weakening of the law.
- ❖ The only solution is that man should discover what it means to love his neighbour as himself

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Extract 2 – Immanuel Kant – “Groundwork for the Metaphysics of Morals”

- ❖ Everything works in accordance with laws
- ❖ Only a rational being has the faculty to act in accordance with the representation of laws i.e in accordance with a will
- ❖ Reason is required, the will is nothing other than practical reason
- ❖ The will cannot be subject to other conditions, it must be able to make choices freely
- ❖ An objective principle is called a “command” and the formula of the command is called an “imperative”
- ❖ All imperatives are expressed through an ought
- ❖ Practical good is that which determines the will by means of representations of reason and not from subjective causes
- ❖ For a divine will and for a holy will, no imperatives are valid
- ❖ All imperatives command either hypothetically or categorically.
- ❖ The Hypothetical represents practical necessity of an action as a means to gain something else. The Categorical is objective and necessary for itself without reference to another end
- ❖ The Categorical commands action immediately. This imperative is of morality
- ❖ The Categorical Imperative is a priori because I know directly what it contains. The Hypothetical does not tell me what is involved beforehand. It is only revealed until the condition is given to me
- ❖ The Categorical Imperative is this – Act only in accordance with that maxim through which you can at the same will that it become a universal law. (Universalisability)
- ❖ Only a Contradiction of the Law or a Contradiction of Nature can prevent something becoming universal. So, either it is illogical or I would not want it done to me
- ❖ Secondly, do not use someone as a means to an end. Rational nature exists as end in itself. This is called the Practical Imperative

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Extract 3 – Aristotle – The Nicomachean Ethics, Book II

- ❖ Virtue is of two kinds – Intellectual and Moral
- ❖ Intellectual comes from teaching and moral virtue comes from habit
- ❖ Moral virtues are not part of our nature. We are adapted by our experiences to receive them and they are made perfect by habit
- ❖ We first have the potentiality and later show the habit
- ❖ There are things we have to learn before we can do them. For example, men become builders by building
- ❖ It is from the same causes and by the same means that every virtue is both produced and destroyed
- ❖ Good builders and bad builders are also produced as the same with any skill
- ❖ The same is true of appetites and feelings of anger. Some men become temperate and good tempered, other become self-indulgent
- ❖ There are three objects of choice and three of avoidance. The noble, the advantageous and the pleasant. To avoid – the base, the injurious, the painful
- ❖ Virtue is concerned with pleasure and pains
- ❖ Actions are called just and temperate when they are such as the just or the temperate man would do
- ❖ What is Virtue? In the soul are three kinds – Passions, capacities, states of character and virtue is one of these
- ❖ Passions refers to appetite, anger, fear, confidence, envy, joy, friendly feeling, hatred, longing, pity and these are linked to pleasure and pain
- ❖ Virtues nor vices are called passions because we are not called good or bad on the ground of our passions but are so called on the ground of our virtues and our vices and we are neither praised nor blamed for our passions but for our virtues and vices we are praised or blamed
- ❖ Virtues are not passions or capacities and so all that remains is that they are states of character
- ❖ Virtue is a mean between two vices – excess and deficiency
- ❖ Virtue has no deficiency or excess. It is not easy to always find the middle. It is a task that some people find more difficult than others. Goodness is both rare and noble

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Extract 4 – Michael Wilcockson – “Euthanasia and Doctor’s Ethics”

Good or bad medical practice?

- ❖ A “third party” in law in the case of euthanasia refers to a doctor
- ❖ For Euthanasia to be justified it has to be considered as part of medical practice as any other practice of euthanasia would be impossible to control or regulate
- ❖ Without regulation society would permit killing or murder
- ❖ The consideration of euthanasia is rightly a medical issue. Put simply it is this: should a doctor kill his patients in some circumstances?

a) Moral Crisis in liberal societies

- ❖ Peter singer argued that Western liberal societies are going through a Transitional stage in ethics where the authority of the Sanctity of Life argument is giving way to the liberal Quality of Life argument
- ❖ This liberalism has been seen in other areas of society
- ❖ Singer suggests that the SOL argument comes from an older absolute view of life but with religion diminishing the basis of the rule can no longer be sustained
- ❖ Although Singer is potentially right, both the QOL and SOL arguments have a lot to deal with in advancing technologies

b) Three moral principles

- ❖ Three principles presuppose that the doctor is working from the traditional SOL argument enshrined in Hippocratic Oath which says, “I will give no deadly medicines to anyone if asked, nor suggest any such counsel”
- ❖ Each principle depends on making a distinction between direct and indirect killing (active and passive)

(1) Acts and omissions

- ❖ If A chooses to shoot B then this is an intended act.
- ❖ If C sees A and fails to stop A shooting B then this is an intended omission
- ❖ If C is a pacifist then they may justify their action by appealing to a negative responsibility i.e. by failing to act they are morally blameless
- ❖ The Catholic Church states that, “An act or mission which, of itself or by intention, causes death in order to eliminate suffering constitutes a murder gravely contrary to the dignity of the human person and to the respect due to the living God, his Creator. The error of judgement into which once can fall in good faith does not change the nature of this murderous act, which must always be forbidden and excluded.”
- ❖ The problem arises with premature babies. A doctor can withhold treatment as a form of passive euthanasia or simply letting nature take its course. If however, the doctor begins treatment and then withdraws it this could be seen as an act of active non-voluntary euthanasia or murder

(2) Double effect

- ❖ According to the Doctrine of Double Effect (DDE) there is no difference between foreseeing an event and directly intending or willing it to happen.
- ❖ A defends themselves against an attack from B using reasonable force. They know this might result in the death of B but it is NOT their intention that this should happen. If B dies as a result of A’s defence the DDE does not hold A to be blameworthy for an act they did not intend.
- ❖ Is the DDE open to abuse?

(3) Ordinary and extraordinary means

- ❖ This principle of ordinary and extraordinary means is used by weak SOL arguments and QOL proponents
- ❖ Another way is to think of proportionate and disproportionate means

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- ❖ In Natural Law a person who refuses water and food in order to die has deliberately committed suicide which is against Catholic theology as a mortal sin
- ❖ A person is within their rights to refuse treatment on the grounds that it is over and above what is needed ordinarily for existence
- ❖ The British Medical Association says that “competent patients have a right to refuse any treatment, including life-prolonging treatment”
- ❖ On the other hand, others argue it is a doctor’s professional duty to use whatever medicines are available regardless of the situation. A response to this might be to think in terms of proportion as an alternative variation of extraordinary means.
- ❖ Proportion is well-established and a principle in the Natural Law tradition which may be applied to medicine without compromising the obligation of the doctor to treat his or her patient
- ❖ This enables each situation to be seen individually so that what might be considered proportionate to achieve good ends is contingent on the needs of the patient and even the resources of the doctor
- ❖ The WSOL argument argues that where death is inevitable the doctor is bound by compassion or love to treat the patient accordingly.
- ❖ Singer goes further. Rigid adherence to the doctrine never to kill is an abrogation (a right) of the doctor’s responsibility to his patient. The question is not so much between ordinary and extraordinary means but whether in some cases, direct termination of life is good medicine
- ❖ In QOL the factor is whether the use of extraordinary means would promote the QOL. This notion is Utilitarian

2. Law and Morality

There has been a shift in public opinion which has increased the pressure for reform especially for voluntary euthanasia patients. The Tony Bland case has set a precedent for severely brain-damaged patients.

a) The liberal model

- ❖ Mill’s essay On Liberty is often given as an example of the way in which law should function in a liberal society
- ❖ The principle is that law is not in itself a moral guideline.
- ❖ Law in a liberal society acknowledges that each person has their own preferences which using the utilitarian principle, if satisfied leads to the greatest happiness. The law enables the greatest personal autonomy of the greatest number
- ❖ The second function of law is to protect the individual. This limits the majority from exploiting the minority and also the minority from exercising too much sway over the majority. Law should have minimal interference
- ❖ In practice the law has to take into account a general moral feeling and it also has to see that once legislation is in place this gives people approval of certain forms of behaviour
- ❖ Bernard Williams called this “the Precedent Effect”
- ❖ Others would call it the “slippery slope”
- ❖ For example, if Euthanasia was permitted according to the law then this would permit other forms of illicit killing
- ❖ The BMA is very clear that euthanasia should NOT become law

b) The case for legalising euthanasia

- ❖ Two principles are cited for this and they are (i) Personal autonomy (ii) QOL argument
- #### Britain
- ❖ Euthanasia is only an extension of what is permissible as suicide
 - ❖ The 1961 Suicide Act in the UK permits personal autonomy to choose what to do but forbids third party involvement
 - ❖ The Act makes it illegal to aid or give assistance in a suicide

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The Netherlands

- ❖ The law here brings a balance between popular will, medical practice and legal control
- ❖ The case is for physician – assisted suicide
- ❖ Mercy killing is illegal but where there is a conflict of duties between the doctor’s medical ethics and the demands of the patient, euthanasia may be permitted
- ❖ Only a medical practitioner may be allowed to carry out euthanasia
- ❖ The patient must make their case persistently and explicitly
- ❖ The request must be freely made, well-informed and without coercion
- ❖ The condition of the patient must be one where there is no room for improvement and there is unbearable pain. All other ways of relieving pain must be considered
- ❖ A doctor should seek a second opinion of another independent doctor
- ❖ A doctor must report their action to the public prosecutor who then judges each case individually

The USA

- ❖ “Proxy empowerment” is being pushed for and the use of “living wills”
- ❖ The movement is for physician-assisted suicide
- ❖ All this is resisted by the pro-life movement

Australia

- ❖ No uniform law
- ❖ A doctor may discontinue life-support at the request of the patient. This does not count as assisted suicide

c) Objections to legalising euthanasia

- ❖ Main objection is the slippery slope
- ❖ The wedge argument is based on a form of logic which argues that what may be permitted initially as an exception becomes the rule
- ❖ This comes from an observation that (i) there are always those who exploit a weaker rule (ii) what begins with the best of intentions results in undesirable ends
- ❖ Helga Kuhse challenges people who support the wedge argument to provide empirical evidence to support their case. Her own argument is that this argument is used by scaremongers to support the complete ban on all forms of euthanasia
- ❖ There are also those who argue that legalising euthanasia would not promote patient autonomy but reduce it
- ❖ Legislation would harm the relationship between patient and doctor

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