Moral Theory and Bioethics

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Introduction

When construing an overview of the history of ethics in philosophy, one would be obliged to start with Ancient Greek and Roman philosophy. Ethics was already a subject in philosophy since the presocratics. Socrates, Plato, and Aristotle also developed a specific theory of ethics. The latter developed an ethics of virtue in his Nicomachean Ethics (1984). An ethical doctrine was also developed by Epicurus and Zeno (epicuriansim and stoicism). It would be a grave omission leave out the Middle Ages, although in this period philosophy leaned heavily on ancient philosophy, it was also closely interlinked with theology.

However, since the whole field of ethics in philosophy cannot be dealt with within the scope of one article, the overview of mainstreams in ethics offered here will of necessity be restricted to a brief sketch. The order offered here is more or less based on the chronology of their entrance in the field of bioethics. In that respect one can read through this summary an implicit history of bioethics, rather than a history of philosophy. The mainstreams and schools of thought dealt with here are publication will be naturalism, contractarianism and fundamental rights-ethics (dealt with as one cluster of ethical theories), Kantian ethics, utilitarianism, Aristotelian virtue ethics and ethical pluralism (relativism).

Within the area of bioethics one can discern several ways of reasoning about ethics. These do not mirror the mainstreams mentioned above, although they do reflect several aspects from them. The most important ones which are specific to the field of bioethics, are: principlism (and specified principlism), casuistry and ethical pluralism. Although re-
stricted to bioethics these schools also bear a relationship to ethics in philosophy itself. They will be mentioned only briefly, since they will be dealt with in separate papers.

As said, naturalism, contractarianism and fundamental rights ethics are closely interlinked in their practical application in the field of bioethics, and will therefore be dealt with simultaneously. Contractarian philosophy was an important influence on John Rawls (1921-2002), on whose works Beauchamps and Childress based their grounding work *Principles of Biomedical Ethics* (1979). Kant has had a general influence on contemporary thought, including bioethics, especially through the philosophy of Rawls and partly also by the German philosopher and discourse ethic Jürgen Habermas (1929-present). Utilitarianism has also been a major influence on ethics, although more in Anglo-American philosophy than elsewhere. Rawls attempted to unify Continental with Anglo-American philosophy by searching for a combination between Kant's deontology and utilitarianism. Next to the influence of Rawls, the ethics of Aristotle enjoyed a revival, amongst others through the work of Martha Nussbaum. This revival also permeated to bioethics, especially in the context of the dispute over animal rights and the rights of unborn human life. Moral intuitionism holds that ethics is rather a question of intuition than of rationality. One could say it tries to bring ethics closer to the 'human aspect', a dimension philosophical abstractions and scientific rationality do not seem to be able to account for. Ethical relativism and pluralism are part of the pragmatist tradition in philosophy and the rise of postmodernism. The positions in this field are adhered to, especially because of its non-fundamentalism, and its openness to dialogue rather than ethical truth.

**Naturalism, contractarianism/fundamental rights-ethics**

*Naturalism* holds that ethical utterances express propositions which can be reduced to nonethical utterances. Although the term also surfaces in Aristotle's oeuvre, he does not hold to literally to this reduction as in latter definitions, which arose after the discussions on the idea of a social contract.

From the Middle Ages onwards, the right of the king to govern his country was perceived as a divine, God given right (*droit divin*). In the renaissance world, and the world of enlightenment, in which society became more and more secularised and the middle class became more and more predominant, the question *why* one should obey the king (or state-authority in general) could no longer be answered solely on this argument. Therefore, another argument had to be found to either justify his power, or justify the power of any other given form of government (being the houses in England for example). This argument appears found in the idea of a social contract, in which people transcended their natural highly individualistic egocentricity (in which one can already find the concept of a struggle of all against all, which is still implicitly to be found in Darwin's *The Origin of Species*).

The central notion of the social contract is that the authority of the government is based on a mutual agreement with those governed, who delegate their power to a central organ. This means that in contractarianism there is always a concept of a natural state of being, from which this agreement was reached. From the idea of a natural state, it is much easier to develop a certain conception of rights which are fundamental and unalienable to
every individual. However, this concept of fundamental rights can just as easily be con­
strained through a more theological stance, as within Christian ethics.

Some of the most important contractarianists were Thomas Hobbes (1588-1679),
John Locke (1632-1704), Jean-Jacques Rousseau (1712-1778), and Immanuel Kant
(1724-1804). The American philosopher John Rawls re-actualised this school of thoug­
ht in philosophy. In the first attempt to lay out the boundaries for a separate bioethics
Beauchamps and Childress based their grounding work *Principles of Biomedical Ethics*
(1979), was on Rawls’ philosophy. In Hobbes’ (1668) case this natural state was war of
all against all over basic resources, or, less grave, a state of (general) disagreement. From
this state the contract was reached, and still forms the basic legitimization of our political
power on the one side and of our ethical principles, restrictions or ethical guidelines on
the other. Whether the original natural state, or original position must be perceived as an
actual historical period, as a partly historical notion, or as a complete hypothetical notion
on the basis of which a certain ethics can be built, varies from philosopher to philosopher.
In Locke’s case, the government formed in the social contract could be modified or even
abolished, which was hardly a possibility in Hobbes work. Rousseau leaves more room for
a concept of freedom within the situation of the social contract, because the government
is not only a form of general will, it also has the duty to protect it’s citizens individual
freedom. Kant’s contractarian side bears especially upon the issue of international law, the
concept of a natural state, but it stands apart from the other contractarian approaches.

**Kantian ethics**

Kant developed a moral philosophy that is closely interlinked with his metaphysics. The *Fundamental Principles of the Metaphysics of Morals* (1785), the *Critique of Pure
Reason* (1788) and the *Metaphysics of Morals* (1798) are his most important works in this
respect. In his moral philosophy, Kant is most renowned for his Categorical Imperative, in
which he formulates man as an end to itself, instead of a means, and moral as something
which stands apart from natural inclination.

In his *Fundamental Principles of the Metaphysics of Morals*, Kant suggested that
it is the intentions that make a certain act good, as opposed to its effects. This intention
should be built on a sense of duty (hence deontology, *deón* being Greek for duty), even
when it is counter to our inclinations (a stingy man giving alms to a beggar because if his
sense of duty is truly moral, whereas another man doing the same thing out of a sense of
pity is not). We can know where our duty lies, by reasoning as follows: “I ought never to
act except in such a way that my maxim should become a universal law”, so Kant says
one should only do so and so, when doing it follows a rule, which can be general rule for
a just society. This rule should be obeyed for its own sake and not for its ends. This is the
argument which has become known as the Categorical Imperative.

Kant’s categorical imperative is attractive, but it also has a downside. That one should
act thus is one, but if one were to ask why one would want to act morally at all (the cen­
tral question of decadence, one could say), Kant would not be able to answer the question
satisfactorily. He assumes *a priori* people want to act morally, seek to do the right thing,
for its own sake. Although this view on humans cannot be criticised for its pessimism, some think it is naïve to assume that people are searching to do their duty automatically. Perhaps Kant's argument is directed only at those who do, but than, his maxim would only be directed at a part of society, not at humanity as a whole.

Kant's ethics lie to the normative extreme of ethics, since he takes the question what we should do and in what ways we should do it as a red line, rather than the question what we actually do. Kant's work has been a major influence on the works of Rawls; and Kant's emphasis on duty rather than effect has influenced the work of the German philosopher of discourse, Jürgen Habermas, too.

Utilitarianism

In the history of Western thought, at least since the age of Enlightenment, one can discern two opposing worldviews: determinism and a hybrid of traditions that incorporate a certain conception of free will, or non-determinism. The incommensurability of these two worldviews has permeated throughout the whole realm of thought on human existence, including biology, psychology, philosophy and sociology. Within one specific dimension of the ethical discourse, determinism poses a problem. When one takes the difference between normative ethics (ethics on how we should act in general or in certain circumstances) and descriptive ethics (descriptions of how people actually behave in certain circumstances, when they are said to accede to the ethical), deterministic accounts of normative ethics can lead only to a certain quietism. Asking oneself the question 'how do I decide in a certain situation?' is inconsistent with the idea that the outcome is already predetermined, because asking the question in itself presupposes that we have a choice.

However, this problem does not count for descriptive ethics. If one studies the way people behave, which overlaps the area of descriptive ethics, the inconsistency falls away. So descriptive approaches of ethics seem to allow for a determinism, while normative approaches of ethics do not. Also, within contemporary bioethics, an implicit struggle between these two worldviews influences the debate. This paper attempts to show how these two opposed worldviews demand attention within one influential background philosophy in bioethics: utilitarianism.

Utilitarianism is a school in ethics in which a determinist picture of human existence runs counter to non-determinism. Utilitarianism can be termed consequentialist. In contrast to, for example, Kantian deontology, it puts the emphasis in morality on the consequences rather than the intentions of an act. Utilitarianism is an almost exclusively Anglo-American tradition in ethics. Jeremy Bentham, James Mill and his son, John Stuart Mill, were the 'founding fathers' of this school of thought. This branch of ethics became very influential in the nineteenth century, notably because of the (pseudo-)scientific, or even mathematical method it offered. In that age of scientific positivism, utilitarianism became a way of looking at society through the glasses of mechanised society.

The way the consequences of a moral act should be read is quite specific to utilitarianism. They are to be viewed as the balance between the greatest benefit on the one hand and the most just and equal distribution on the other. Benefit is not defined along
subjective lines, but is to be seen on a scale of pleasure and pain. This means that one could ultimately call it a hedonistic (pleasure as highest aim) theory of ethics. Avoiding pain, and seeking pleasure, within utilitarianism, is the basic motive of any human being or society. The net outcome of the calculation of providing for the highest benefit without losing sight of the most just and equal distribution is coined ‘utility’. Maximising utility, the product of benefit and just and equal distribution, is to be the ultimate goal of any policy or act.

Within utilitarianism, most traditional themes in ethics, such as justice, right and wrong, compassion, etc., are translated in terms of a calculus of pain and pleasure on a societal level. The only motive within utilitarianism that falls outside of the utility calculation is the search for an application of the theory itself. Seeking a means to create the ideal society is a motive that falls outside of the purely individual search for pleasure. In that sense it could still bear the label normative, but (as such) it is a rather utopian theory. The people to which utilitarianism apply are not seen as normative, but rather as pleasure-seeking and pain-avoiding creatures. This picture of human existence stems from biology.

In principle, utilitarianism fits within those theories that envisage a certain ideological project for society. It does not just take the person as a central subject, nor does it seek only to address questions of conscience in the person. The person is reduced to this picture of a pleasure-seeking and pain-avoiding unit of society. It also seeks to provide for a method with which a society consisting of such units can be managed most properly. Justice is then reduced to dividing the means and possibilities in society in such a way that pleasure or happiness is provided for as much as possible for all. However, happiness is something which cannot be defined objectively. Moreover, what is pleasurable cannot automatically be identified with what is good.

The major difficulty with utilitarianism is that it runs the risk of prioritising the interests of society above those of the individual in a totalitarian way. It does not provide for a safety valve, which shuts down the system when the individual itself is at stake, because the individual as such does not exist in utilitarianism. Critique on utilitarianism was more prevalent on the continent than in England and America. The idea of a construable society is less attractive to a society that has witnessed two world wars and a cold war, which sprang out of just such an idealistic approach to society. In that sense we live in a world in which any form of idealism is seen as ethically suspect. Still, utilitarianism does provide for a strong argument for a universalistic ethics, because it strives for the biggest benefit for the majority. In its opposition to exclusivism, utilitarianism has a democratic potential and it is one of the few philosophical approaches that succeed in giving a holistic approach to ethics.

One of the most important proponents of utilitarianism, whose work still bears relevance for the contemporary debate in bioethics, is the America philosopher John Rawls (1999). Another contemporary proponent of utilitarianism in bioethics is Peter Singer. Singer’s work (1993) is considered highly controversial, because he infers from utilitarian premises conclusions such as the legalisation of euthanasia of unborn children, infants and severely handicapped people. In Singer’s view, if society suffers from the existence of a severely handicapped person (the parents, the financial implications for society, etc.), and the individual also suffers from his or her condition, it should be legal to commit painless infanticide.

1 This is the central argument in G. E. Moore’s, *Principia Ethica*. He builds on this, centering on the argument of goodness not being a natural property.
Aristotelian virtue ethics

The ethics of virtue can be seen in direct opposition to utilitarianism. It builds upon the idea that ethics is defined as a striving to be a virtuous person. Although Plato already defined four principle virtues (prudence, justice, fortitude and temperance) in his Symposium, the approach is strongly associated with Aristotle. In his Nicomachean Ethics, Aristotle discerned between intellectual virtues (sophia (theoretical wisdom) and phronesis (practical wisdom) and moral virtues (e.g. courage and good temper). Virtue ethics is directed at defining what makes a person, rather than an action, good.

Suppose a drowning person needs help. A utilitarian will point to the fact that the consequences of doing so will maximise well-being (in particular circumstances this might not be the case). A deontologist would point to the fact that, in doing so, the agent will be acting in accordance with a moral rule, apart from whether following this particular course of action has good consequences and apart from whether one has the tendency to help people or to neglect them. One should feel obliged by a rule, because that rule in itself is good to obey and following it is a goal in itself. A virtue ethicist would say, however, that helping the drowning man would be good, it would be a virtuous thing to do.

Virtue ethics has a certain elegant simplicity to it. It neither searches for the ethical where it cannot be found, nor does it need to explain the ethical away. It identifies ethics as striving to be a good person, apart from whether one does or not, apart from human nature, and as rationally worked-out moral rules for the well-being of the many. This, however, hardly provides for a solid base in more complex problems than the case of the drowning man. If two people were in opposition and both stated that their way of dealing with a question is the most virtuous, there is no method for answering this question.

Moral intuitionism/emotivism

There is a general tendency in philosophy to over-rationalize dealing with ethics. This risks reducing ethical questions to questions of calculation. Some people, therefore, feel there is a certain sterility in the way some ethical traditions approach ethics. Philosophers like G.E. Moore ((1873-1958) best known for his arguments against naturalist reductivism), W.D. Ross (1877-1940), and H.A. Prichard (1871-1947) put forward moral intuitionism to counter this tendency in modern ethics. Moral intuitionism states that in our ethical choices and judgements we should follow our instinct, or gut feeling. Intuitionism is based on the idea of the ethical as something that starts with a 'gut feeling'. One has a certain natural ability to judge situations ethically on an intuitive base. In this sense, one could say that intuitionism is related to naturalism, although it tries to avoid an overdeterministic picture. This intuition should form the basis of any given ethical judgement. From intuition to judgement it is just a question of correct ethical reasoning.

The basis of this approach to ethics is somewhat undefined: there is no ultimate base for rational justification within moral intuitionism. The presupposition is that there is at least some universal natural aspect of humans that makes these gut feelings the right ones.
The fact that they are of our nature, does not make them ethically just in itself, if there is such a universal commodity which makes this possible. If 'the just' is reduced to a question of human nature, then anything which makes us tick would be ethically justifiable, which is of course not the case.

There are drawbacks to this position though. Implicit in intuitionism is a certain universalism. Contemporary society can hardly be called homogenous, and when one needs to base ethical decision making on the outcome of what different people would feel intuitively as right or wrong, it would be very difficult to reach a consensus. On what basis but that of following a certain 'natural inclination' can it be defended that the one is right and the other is not?

Moral pluralism/relativism

Moral relativism (pluralism) is a position in which the existence or possibility of absolute moral truths is denied. Ethics are dependent on custom and preference rather than anything else. It states there is no single ethical theory, no single set of ethical principles and no single method for resolving ethical problems. All moral beliefs are seen as dependent on the separate cultures they stem from or even from individuals. For this reason, right and wrong are to been seen as local entities; they differ from place to place and from time to time. A certain form of tolerance and an emphasis on context are to be taken as central in any form of moral reasoning.

On the one side Ethical pluralism and relativism stem from (American) liberalist thought, on the other, from postmodernism. However, the possible relativity of values and morals have been debated since ancient classical times. The position itself has not become a separate doctrine until the second half of the twentieth century. The American liberalist Richard Rorty is the most important proponent of the pluralist/relativist position. Under the flag of postmodern 'irony' (1989), he sketches out an ethics, which is neither built on a certain metaphysical ground level of objectivity nor does it follow a certain method. It is based on the concept of an ironic attitude towards one's own 'truth grounds', to be able to have a tolerance towards the other's opinions.

Ethical relativism is sometimes thought to necessarily devolve into moral nihilism, or into an individualist emotivism. For this reason it is criticised, although it still remains one of the more important mainstreams in ethics which tries to overcome the problems inherent in moral absolutism, or rational enlightenment philosophy.

Conclusion

All these mainstreams in ethics remain central to the contemporary discourse of ethics within philosophy. I lined them up for this reason, for although many discussions on what should and should not be allowed in the development of biotechnology are resolved either in court or in politics, both our juridical system and our political systems have been defi-
ned partly along these lines. Although the function of professional ethics within daily life is not always transparent, it has influenced the world as it was shaped and is now being shaped. These positions within theoretical philosophy also provide for a framework of justification *a posteriori*, i.e. after things have been done. We do things in daily life this way or that way, either in our personal or in our professional life, either individually or as a group, as a government, a society, or as collective of professionals, and sometimes it is necessary to make explicit certain dimensions of these daily practices within a more or less rational system. Although this link sometimes needs to be made from within these particular practices. In many cases this is more realistic than to strive for an approach in which ethical theories are taken to have developed outside of our social practices and are made to fit to our daily life.

References