

The Ethics of Killing: Abortion, Euthanasia, and War

Abortion

Overview

It is commonly thought that there is something morally special about being a person, and that because of this there are certain things which, while permissibly done to non-persons, cannot be done to us. One deontological view is that, because each person is of ultimate, non-derivative value, in our relations with other persons we must always respect this, by never treating them as merely means to our own purposes. Abortion, IVF treatment, and stem-cell research all involve treating embryos or fetuses as means to purposes that are not their own—terminating them because of the wishes of the parents, or as a means of increasing the chances of pregnancy, or for the sake of medical research. Most people think that the same sort of conduct would be impermissible were it not embryos and fetuses, but born children whose termination was at stake. One way of defending abortion, IVF therapy, and stem-cell research, then, is to argue that there is a fundamental morally relevant difference between embryos and fetuses on the one hand, and children on the other hand. And one way to attack these practices is to argue that this morally relevant difference does not exist. In this week's reading, we consider what sort of moral status can be assigned to embryos and fetuses, and whether, as some philosophers argue, our decision on moral status is sufficient to win the argument against or for abortion and similar practices.

Core Reading

- Holland, Stephen, *Bioethics: A Philosophical Introduction*, (Cambridge: Polity Press, 2003), chapter 1.
- Holm, Søren, 'Going to the roots of the stem cell controversy', in *Bioethics* (2002), Vol. 16, No. 6, pp. 493-507.
- Tooley, Michael, 'Abortion and Infanticide', in *Bioethics: An Anthology*, edited by Heidi Kuhse and Peter Singer (Oxford: Blackwell Press, 1999), pp. 21-35.
- Finnis, John, 'Abortion and Health Care Ethics', in *Bioethics: An Anthology*, pp. 13-20.
- Marquis, Don, 'Why Abortion is Immoral', in *Bioethics: An Anthology*, pp. 46-57.
- Jarvis Thomson, Judith, 'A Defence of Abortion', in *Bioethics: An Anthology*, pp. 36-45.
- McMahan, Jeff, *The Ethics of Killing - Problems at the Margins of Life* (Oxford: Oxford University Press, 2002), pp. 398-422.

Additional Reading

- Quinn, Warren, 'Abortion: Identity and Loss', in *Philosophy and Public Affairs*, (1984), Vol. 13, No. 1, pp. 24-54.

Essay Questions

'There is no defensible criterion of moral status according to which embryos and fetuses are not morally identical to born human beings, therefore any medical practice which terminates embryos or fetuses is morally identical to terminating the life of a born human being, and is therefore morally impermissible.' Discuss.

Active and Passive Euthanasia

Overview

Like abortion, euthanasia involves the ending of life, and as such there are parallel issues about the moral status of the potential candidate for euthanasia. For example, on what definitions of moral status is a patient in a persistent vegetative state accorded all the rights of personhood? However, the key issues around euthanasia lead us not towards the deontological concept of moral status, but towards consequentialist arguments about the quality of life, and our responsibility for what we allow to happen, as well as what we directly cause. Given the medical resources presently available, it is possible to keep almost any person from biological death for an indefinite period of time. In many cases, then, we must make a decision about when life can permissibly be ended. On what grounds do we make such a decision? How should those grounds be limited? If it is permissible to withdraw treatment, with the directly foreseeable consequence that the patient will die, then why do most medical practitioners think it impermissible to take active measures to help patients die? Is there a morally relevant difference between deliberately withdrawing treatment, with the foreseeable and intended consequence that the patient dies, and deliberately administering a lethal injection, with an identical consequence? This week we consider the problem of euthanasia through the lens of two fundamental questions: what makes life valuable? And what is the difference between killing and letting die? Having emphasised deontological readings last week, this week pays more attention to the consequentialist perspectives on these two issues: that life is only valuable when it is valuable to the person whose life it is, and that there is no difference between active and passive euthanasia.

Core Reading

- Holland, Stephen, *Bioethics: a Philosophical Introduction*, chapters 3 and 5.
- Rachels, James, 'Active and Passive Euthanasia', in *Bioethics: an Anthology*, pp. 227-231.
- Singer, Peter, 'Is the Sanctity of Life Ethic Terminally Ill?', in *Bioethics: an Anthology*, pp. 292-304.
- Grisez, Germain and Joseph M. Boyle Jr., 'The Morality of Killing: a Traditional View', in *Bioethics: an Anthology*, pp. 211-214.
- Kuhse, Helga, 'A Modern Myth: That Letting Die is not the Intentional Causation of Death', in *Bioethics: an Anthology*, pp. 255-268.
- Kuhse, Helga, 'Why Killing is Not Always Worse—and Sometimes Better—than Letting Die', in *Bioethics: an Anthology*, pp. 236-242.
- Quinn, Warren, 'Actions, Intentions, and Consequences: The Doctrine of Doing and Allowing', in *Philosophical Review* (1989), Vol. 89, pp. 287-312.

Additional Reading

- Bennett, Jonathan, 'Whatever the Consequences', in *Bioethics: an Anthology*, pp. 215-226.
- Dworkin, Ronald, *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom*, (New York: Vintage Books, 1994), chapter 3.
- Scheffler, Samuel, 'Doing and Allowing', in *Ethics* (2004), Vol. 114, No.1, pp. 215-239.
- McMahan, Jeff, *The Ethics of Killing - Problems at the Margins of Life*, (Oxford: Oxford University Press, 2002), pp. 455-492.
- Callahan, Daniel, 'When Self-Determination Runs Amok', in *Bioethics: an Anthology*, pp. 327-331.

Essay Questions

EITHER 'Since passive euthanasia is, in some circumstances, permissible, and there is no morally relevant difference between active and passive euthanasia, there must be some cases where it is permissible deliberately to end the life of the terminally ill.' Discuss.

OR 'Killing is wrong because of the value of life, but a life is only valuable if it has value for the person who is living it, therefore there is nothing morally wrong with ending a person's life when that life is not valuable to her.' Discuss.

Killing Soldiers

Overview

What can justify the specific acts of killing and maiming necessary for wars to be won? What makes an act that would, in any other context, be considered an unparalleled evil, permissible in the context of war? The question is traditionally divided up into discussion of the killing of soldiers on the one hand, and civilians on the other, with the difference between the two justified by the principle of discrimination between combatants and non-combatants. But why should we suppose that combatants, simply in virtue of their status as combatants, should be permissible targets for lethal force? In particular, why should combatants on the side with just cause be such targets? They have done nothing besides what morality demands of them, and yet somehow they have lost their rights to life: how can this be justified? This is perhaps the area of Walzer's philosophy of war that has been most aggressively and rigorously scrutinised, as philosophers such as Jeff McMahan have challenged his thesis that there is a moral equality between soldiers: irrespective of whether they are on the just or the unjust side, they can kill and maim each other with equal right.

Core Reading

Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, Chapter 3, 8.

Jeff McMahan, 'Innocence, Self-Defense and Killing in War', *Journal of Political Philosophy*, 2/3 (1994), 193-221.

Jeff McMahan, 'The Ethics of Killing in War', *Ethics*, 114/1 (2004), 693-732.

Jeff McMahan, 'On the Moral Equality of Combatants', *Journal of Political Philosophy*, 14/4 (2006), 377-393.

Michael Walzer, 'Response to McMahan's Paper', *Philosophia*, 34/1 (2006), 43-45.

Noam J. Zohar, 'Collective War and Individualistic Ethics: Against the Constriction Of "Self-Defence"', *Political Theory*, 21/4 (1993), 606-622.

Hurka.

George I. Mavrodes, 'Conventions and the Morality of War', *Philosophy and Public Affairs*, 4/2 (1975), 117-131.

Gerhard Overland, 'Killing Soldiers', *Ethics & International Affairs*, 20/4 (2006), 455-475.

Additional Reading

Jeff McMahan, 'Self-Defense and the Problem of the Innocent Attacker', *Ethics*, 104/2 (1994), 252-290.

Jeff McMahan, 'The Morality of War and the Law of War', in Shue et al. (eds.), *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford: Oxford University Press, 2008), 19-43. (not yet available)

Jeff McMahan, 'Killing in War: A Reply to Walzer', *Philosophia*, 34/1 (2006), 47-51.

Henry Shue, 'Do We Need a Morality of War?' in Shue et al. (eds.), *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford: Oxford University Press, 2008), 87-111. (not yet available)

Christopher Kutz, 'The Difference Uniforms Make: Collective Violence in Criminal Law and War', *Philosophy & Public Affairs*, 33/2 (2005), 148-180.

Noam J. Zohar, 'Can a War Be Morally 'Optional'?', *Journal of Political Philosophy*, 4/3 (1996), 229-241.

David Wasserman, 'Justifying Self-Defense', *Philosophy and Public Affairs*, 16/4 (1987), 356-378.

Judith Jarvis Thomson, 'Self-Defence', *Philosophy and Public Affairs*, 20/4 (1991), 283-310.

Michael Otsuka, 'Killing the Innocent in Self-Defense', *Philosophy and Public Affairs*, 23/1 (1994), 74-94.

Richard Norman, *Ethics, Killing and War*, (Cambridge: Cambridge University Press, 1995).

Cheney C. Ryan, 'Self-Defense, Pacifism, and the Possibility of Killing', *Ethics*, 93/3 (1983), 508-524.

Phillip Montague, 'The Morality of Self-Defense: A Reply to Wasserman', *Philosophy and Public Affairs*, 18/1 (1989), 81-89.

Phillip Montague, 'Self-Defence and Choosing between Lives', *Philosophical Studies*, 40/2 (1981), 207-219.

Larry May, *War Crimes and Just War*, (Cambridge: Cambridge University Press, 2007).

Russell Christopher, 'Self-Defence and Defence of Others', *Philosophy & Public Affairs*, 27/2 (1998), 123-141.

Larry Alexander, 'Self-Defense, Justification and Excuse', *Philosophy and Public Affairs*, 22/1 (1993), 53-66.

Michael Clark, 'Self-Defence against the Innocent', *Journal of Applied Philosophy*, 17/2 (2000), 145-155.

Susan Levine, 'The Moral Permissibility of Killing a 'Material Aggressor' in Self-Defense', *Philosophical Studies*, 45/1 (1984), 69-78.

David Estlund, 'On Following Orders in an Unjust War*', *Journal of Political Philosophy*, 15/2 (2007), 213-234.

Essay Questions

1. 'Since one cannot lose one's rights to life simply by following the demands of morality, combatants on the just side may not permissibly be killed by combatants on the unjust side.' Discuss.
2. Is the moral equality of soldiers mandated by combatants' consent to be intentionally targeted?
3. Is the fact that A poses a threat to B's life sufficient to abrogate A's rights to life, even if A is wholly innocent of that threat?
4. 'The doctrine of the moral equality of soldiers, combined with the principle of discrimination, is a pragmatic requirement aimed at limiting deaths in war, and is justified on this basis alone.' Discuss.

5. 'If war cannot be fought without the deliberate killing of innocent combatants, then all war is necessarily unjust, and we should affirm pacifism, instead of just war theory.' Discuss.