*PHIL 210*

Paul Sphor - Final Notes

**Deontology (Kant and Ross)**

1. Deontology
2. Practicality of pure reason
3. Good will & Acting from duty/acting from inclination
4. Categorical/hypothetical imperatives
5. Maxims; formula of universal law
6. Formula of humanity
7. Consent
8. Monism/pluralism
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10. *Prima facie* duties

**Virtue Ethics (Aristotle)**

1. Virtue,
2. Disposition
3. Doctrine of the mean
4. Particularism

**Why follow the rules?** If we cannot appeal to the consequences of following them, what makes the rules asked to follow correct?

* **Two issues:**
1. **Where do the rules come from?**
2. **What gives rules their legitimacy?**

Note that the answers to the questions above differ from one deontological theory to the other.

**Different deontological approaches:**

1. Divine Command Theory
2. Rationalism (Kant)
3. Intuitionism (Ross)
4. Social Contrast Theory (not responsible for this theory)

Divine command theory:

* 1. Rules come from god
	2. God give rules their legitimacy

Rationalism:

1. Rules come from reason *(weak argument)*
	* Appeal to reason is not an appeal to cultural relativism.
	* Reason alone can determine morality.
2. The fact that rules come from reason gives it its legitimacy *(strong argument)*

Intuitionism:

1. Rules come from intuition *(strong argument)*
2. No answer to legitimacy *(weak/no argument)*

Deontology (Kant And Ross)

1. **Deontology**: is an approach that focuses on the rightness or wrongness of actions themselves, as opposed to the rightness or wrongness of the consequences of those actions (Consequentialism) or to the character and habits of the actor (Virtue Ethics).
* Word origin:
	+ Deo: Greek for “duty” (moral obligation)
	+ Logos: Greek for science/study
* Deontology is traditionally contrasted or opposed to consequentialism.
* Deontology laces at its center the kind of action under consideration, rather than the actions consequences.
* Morality is about certain actions that accord with certain specified norms (independent of outcome).
* Similar to rule utilitarianism in that they follow certain norms but the difference is in the justification for the rules.
	+ Rule utilitarianism specifies rules based in consequences while deontology doesn’t.
* Consistent with common sense.
* Usually takes the form of rule-based system:
	+ Morality is a system of rules (ex: Don’t lie, don’t steal etc.)
	+ Why? Rules are simply generations about what kinds of actions are typically required or prohibited.

**Why Deontology?**

* Perhaps it overcomes the problem we saw in consequentialism
	+ Since the best outcome is relative, consequentialism is problematic. Thus, establishing universal/common moral rules solve the problem.

Practicality Of Pure Reason

* It is the reason that drives actions without any sense dependent incentives. Human reasoning chooses such actions simply because those actions are good in themselves; this is the nature of [good will](https://en.wikipedia.org/wiki/Good_faith), which Kant argues is the only concept that is good without any justification, it is good in itself and is a derivative of a transcendental law which affects the way humans practically reason.

**Rationalism**

* “Pure reason is practical”
	+ Reason in the domain of morality is “pure”. (Pure as in regardless of experience or relativity)
	+ Reason on its own provides:
1. Moral content
2. Moral motivation (reason and not desire motivate us to act)
* Two major components of Kant’s theory:
1. Doing the right thing (figuring out what is morally right/wrong)
2. Doing the right thing for the right reason (having the right motivation)

*Pure reason is key to each component!*

* + **Example:** According to Kant, saving a boy from drowning is morally right. However, if one does so for the sake of financial reward rather than saving a life, one would be doing so for the wrong reason.
		- It is not considered completely wrong but would lack moral value. Kant gives credit to doing the **right thing** but doing it for the **wrong reason** takes away its moral value.
		- Saving the boy because it pleases God is similar to that of financial reward, according to Kant, because at the end one would be seeking a divine **reward**.
* Regarding what people think of one’s action, Kant believes that what’s important is what’s in one’s heart regardless of the worldview.
	+ **How can we tell what’s in one’s heart?** Kant says we can never know. Only God can judge us.

Good Will & Acting From Duty/Acting From Inclination

1. Acting for the right reason means to have good will
2. The good will is good in virtue of what it accomplishes
* What gives us moral value is our right intention
1. The intrinsic property that makes the good will so valuable is its motive for action, namely the “duty motive”.
2. Acting from duty sharply contrasts with acting from inclination

Kant is a **dualist** and believes that motivation either comes from a duty motive (duty that is considered the right thing to do) or inclination (desires, impulses, urges, thirst etc.)

* Dualist: someone who makes a sharp distinction between to options/things (either/or)

Categorical/Hypothetical Imperatives

**The Supreme Principle of Morality**

What is this principle?

1. What is imperative?
	* A command that must be obeyed.
		+ Morality is a matter of commands and not requests.
2. What is categorical?
	* Kant distinguishes between hypothetical and categorical:

**Hypothetical**: commands of prudence and not morality. (Ex: if you want a good grade you study hard)

**Categorical**: a command that applies regardless of whatever aims you want to achieve. (Ex: Do “X”)

Moral principles are categorical imperatives: you have to comply with what they command regardless of your aims.

Maxims; Formula Of Universal Law

**Formula of Universal Law (FUL)**:“act only in accordance with that maxim through which you can at the same time will that it becomes a universal law.”

* No exception to oneself
* If you allow others to do a certain action, then you may allow yourself to do so.

**Maxims**

Subjective rules for action

Maxims specify your proposed:

* 1. Action
	2. Circumstances
	3. End

**“I will do X in circumstances Y in order to bring Z”**

*Ex: I will make myself a cup of coffee when I wake up to boost my brain.*

**Applying FUL:**

**Three steps:**

1. Formulate maxim.
* Example: *I will insincerely promise to return money loaned to me when I need to get out of financial difficulty.*
1. Generalize the maxim so that it becomes a universal law.
* *Everyone always promises insincerely to return money loaned to him or her when they need to get out of financial difficulty.*
1. Imagine what the resulting world would be like.
* Then ask questions about the resulting world:
1. Could I act successfully on my maxim in the resulting world?
	* **Contradiction in Concept Test:** Can I conceive of a world looking like this?
2. Could rational agency be effective in the resulting world?
	* **Contradiction in Will Test:** Can I actually will a world that looks like this?

**You need a “Yes” answer to both questions.** **A “No” answer to either means your maxim is immoral.**

Example:

*I will aid others in need when it benefits me, so that my life is as comfortable as possible.*

1. Yes, we could imagine a world like that.
2. No, no one would will such a world because everyone will need help at some point in life.

**Misconceptions about the FUL:**

1. Kin to the Golden Rule
* This is not the same as the golden rule (the rule that says treat people as you want them to treat you)
* Some people enjoy being hit and that does not justify hitting people.
1. Will for a world with more happiness
* Rational agents assign value and set aims etc. unlike animals
* Not the same as consequentialism

**Assessing the FUL:**

Does this test procedure work well? Does it allow us to rule out all and only immoral actions?

**Specifying Maxims**

Example: in the case of homosexuality, what is the maxim we’re acting on?

1. When my beloved and I feel sexual desire for each other, we will engage in **homosexual** relations.
2. When my beloved and I feel sexual desire for each other, we will engage in **sexual** relations.

**Does the FUL rule out too much?**

1. Examples in which making exceptions of yourself seems ok.
2. Examples in which evil is already on hand in the situation. (Murderer at the door example)

Formula Of Humanity

*This formulation states that we should never act in such a way that we treat Humanity, whether in ourselves or in others, as a means only but always as an end in itself.*

**Application of Formula of Humanity to medical ethics:**

FH is widely used in the practice of medicine: it is generally regarded as an important and appropriate principle for guiding conduct.

Examples:

1. Someone dies in ER and there are no relatives are around. Residents want to use the body to practice procedures they can’t practice on animals. Is it morally possible?

*In 2001, the AMA said “no”. Consent form from a surviving family member is required.*

1. Patients anesthetized for surgery were once routinely subject to practice exams by students. Is it morally permissible?

*In 1990s, medical board said “no”. Consent for examination is required.*

**The learning curve problem:**

**“Developing and acquiring medical** expertise requires practicing on patients, with one’s performance improving along a learning curve.”

**Why can’t we apply FH in the case of learning curve?**

1. **Degree of risk**: patients are sometimes exposed to serious or even life threatening risks.
2. **Frequency**: a large number of procedures can be done much better by experienced hands and new procedures came along at a fast rate.
3. **The learning curve is often steep.**
4. **Consent is harder to get.**

**Either:**

1. Current medical practice learning curve is immoral
2. Kant’s FH fails in some way

**Le Morvan and Stock’s Basic Argument**

1. Developing adequate medical skills require that inexperienced doctors learn by practicing on current patients.
2. Such practice entails subjecting these patients to higher risk than necessary.
3. Therefore, current patients are used as mere means to the end of improving medical care for future patients.
4. But such practice is morally acceptable.
5. Therefore, Kant’s formula of humanity sometimes fails to yield correct answers and must be modified or rejected.

**Assessing the argument**

Four counter arguments that reject the conclusion stated in (3):

**Response (1):**

*We respect the patient if we make our best effort to give her good medical care. Medial students wish to learn but presuming they also wish to give the patient good care then the patient isn’t being treated as a mere mean.*

**Response (2):**

*When we consider the big picture of medical care, we see that it is in all of our best interest to have high quality medical care in the future. The patient is not treated merely as means for developing expertise but also as the potential future beneficiary of the expertise produced by the medical system. (Better outcome)*

Reply by L/S:

* + 1. The patient might not always be correctly described as a possible future beneficiary.
		2. Even if the patient is really a possible future beneficiary, she could still reasonably say that she does not wish to be treated by a novice. So by not giving the patient the opportunity to make a fully informed choice, she is being treated as a mere means.

**Response (3):**

*We should revert to the FUL. If we apply it, we see that the patient should make it her maxim to accept treatment by a novice. Everyone will refuse to be treated by an inexperienced doctor to obtain the best outcome but this is contradictory because that way there won’t be any experienced doctors at all.*

Reply by L/S:

The fact that the patient should accept treatment by a novice be practiced does not imply that such treatment is permissible without her consent.

**Response (4):**

*The patient implicitly consented to the care being provided since he is seeking treatment at the teaching hospital.*

Reply by L/S:

You can’t plausibly claim that patients consented. Many patients who go to teaching hospitals do not have a choice.

**Paternalism:** interference with one’s informed choice for the person’s own good.

**Is paternalism ever justifiable? Could it ever be justified in Kant’s account? What about people should be respected?**

1. Autonomy: freedom to choose how to live in her own way and to develop herself as she sees fit.
2. Rational nature: the course of action someone would choose if she were a perfectly rational agent.
3. Neither of the above (ex: utilitarians say we should respect people’s capacity for experiencing pleasure and pain)

Consent:

Consent involves:

1. Knowledge of what exactly you are affirming
2. Free affirmation

**More than actual consent is needed?**

1. Suppose a man on the bridge consents to be pushed off the bridge.
2. Suicide.

**The importance of consent:**

Both reply (2) and (3) depend on an appeal to consent. But what kind of consent is at issue?

1. Actual consent
2. In principle consent
3. Rational consent

Monism: there is one fundamental normative ethical principle from which we can derive our various duties. (Advantage: preventing conflicts between two or more principles.)

Pluralism**:** a theory or system that recognizes more than one ultimate principle.

Intuitionism

* It is the view that some moral truths can be known non-inferentially (i.e., known without one needing to infer them from other truths one believes).

**Ross**

* Deflationary view
* Believes that philosophy is not as powerful as most philosophers think it is.
* Believes that we do not need a theory to know what’s wrong or right. We only need to consult our common sense.
* Rules are not absolute.

Utilitarianism fails because:

1. Happiness is subjective.
2. Duty simply cant be understood in terms of maximizing some good (promising example)
3. Duty is highly personal
4. Neglects motivation

Kant’s approach is basically correct: morality is a system of moral rules. However, Kant’s attempt to make morality about reason alone fails.

* We can’t abstract entirely from consequences
* We also can’t ignore particular relationships

**Three central features of Ross’s theory:**

1. There are certain basic duties that obligate us and can be easily recognized and endorsed.
2. No duty is absolute. Duties can conflict with each other.
3. When they conflict, there are no general rules to follow for resolving the conflict.

**Ross’s seven basic duties:**

1. Fidelity: telling the truth/keeping a promise
2. Reparation: act to right previous wrongs one has done (repair)
3. Gratitude: return services to those from whom we have in the past accepted benefits
4. Justice: distribute goods fairly
5. Beneficence: help others in need
6. Self-improvement: develop talents and capacities
7. Non-maleficence: do not harm others

**How do we know we have those duties?**

They are recognized by everyone who has a bit of education. They are more or less self-evident truths, just like basic axioms in mathematics or geometry.

**Notice that the list does justice to our common sense idea that morality involves all three of:**

1. Following rules
2. Paying attention to consequences
3. Giving special consideration to personal relationships

Prima Facie Duties

A **prima facie duty** is a **duty** that is binding (obligatory) other things equal, that is, unless it is overridden or trumped by another **duty** or **duties**.

Ross’s most famous idea: duties are not absolute. Duties are always prima facie.

Each of the seven basic duties is genuine (obligatory) but can be overridden in special circumstances by a more pressing duty.

* Not a utilitarian calculation
* One duty is more pressing
* For example, in the case of the murderer at the door, beneficence overrides fidelity.

**Resolving conflict:**

Ross says that when there is a conflict between duties, it is not self-evident what we ought to do. We have to rely on our moral judgment to decide which is the more “pressing” duty.

**Importance of Judgment**

Kant and utilitarians failed to see that morality is often a matter of making particular judgment rather than of straightforwardly applying general rules.

Not Subjectivism: to claim that we have to use our judgments is not to claim that morality is subjective or arbitrary: we can give reasons to our judgments. (Only when resolving conflicts)

**Moral judgments are also particular and reason based:**

Deciding that an action is right is likewise a matter of discerning a quality in the particular situation that makes it morally significant.

**Applying the theory:**

Three steps:

1. Look ad see what duties apply to you in a particular situation
2. If only one, then act in the way the duty requires.
3. If more than one, use your judgment and determine which duty is the most pressing and act in the way that duty requires.

**Strengths of Ross’s theory:**

* + Correspondence with common sense
		- * Respects the pull of consequences, rules and particularly in different cases.
			* Acknowledges place of moral conflict.
	+ Sensitive to context
		- Considers context of every case
		- Sensitive to he features of the situation

**Weaknesses of Ross’s theory:**

* Is intuitionism too conservative?
	+ Common sense changes with time. Slaveholders do acknowledge duties but they genuinely believe that black people are inferior. Mistake about black people and not duties.
* Is morality really just a heap of unconnected obligations?
	+ Kant and Utilitarians give reason for what makes a thing the right thing to do. Ross doesn’t.
* Does Ross have a real account of what it means to be a “more pressing” duty?
* Does Ross correctly describe the role of judgment?
	+ Ross requires judgment only in cases where there is a conflict. Aristotle thinks that judgment is much more central than Ross thinks it is.

Virtue Ethics (Aristotle)

**Focus of Virtue Ethics:**

* Ethics should firstly pay attention to not to whether people perform actions of a certain kind i.e. one that conforms to certain rules or that bring about certain outcomes.
* Rather, it should pay attention to people’s character.
* We want people who are just, brave, courageous, generous etc.
* We want a world of good people and then morality will be attained inevitably.

**What are virtues?**

1. Excellences of character i.e. Admirable character traits
2. Dispositions or habit-like tendencies (second nature)
3. Acquired by exposure and repetition

**Dispositions:**

* How one usually acts.
* How one acts most of the time.

**The importance of virtues to Aristotle:**

The virtues are crucial to how we live our lives overall; leading a life of virtues allows us to live well.

Recall the two fundamental questions of ethics:

1. What is a good life for me?
2. What do we owe to other people?

Aristotle would say that virtue is the answer to both.

**Virtue and Reason:**

Aristotle’s key claim: possessing the virtues give us the ability to act in accordance with reason.

What is reason?

* Utilitarianism: reason is about calculating happiness
* Kant: Reason is about consistency and universality
* Aristotle: reason is about perceptual capacity

Practical reason is a quasi-perceptual capacity that allows us to correctly discern the moral order.

* Reason is not about rules but about perceptual capacity
* **Seeing** what is the right thing to do
* The virtuous is the one who realizes what is important and what is not
* See the moral landscape correctly

**Virtue: Action and Feeling**

 **Feelings:** the disposition to have certain feelings of the relevant kind in the right circumstances and to the right degree.

**Actions**: the disposition to perform actions of the relevant kind in the right circumstances and for the right reason.

**Connection of virtue to doing the right thing:**

Aristotle: to possess virtue is not only about actions but also feelings (unlike Kant)

* Appropriate emotional responses
	+ Not getting angry or disappointed when witnessing someone cheating is not virtuous
	+ Feeling happy a cat being tortured is not virtuous

**Example: Generosity**

The practice of generous actions allows us to acquire generosity as a disposition; we develop a tendency:

1. To recognize what generosity involves in some situations
2. To have feelings of generosity involved in this situation
3. To desire to act generously for its own sake

**Example: Raising Kids**

Aristotle: kindness is acquired by practice

* Asking a child to share candy every time
* Asking child to always share toys
* Then the child recognizes what generosity involves
* Recognizes the happiness of others as a result of kindness; thus feeling happy being kind.

**The general result:**

Virtuous and bad people, when confronting a certain situation, do not “see” the situation in the same morally neutral way. Each sees it in consistent with her moral powers.

**Example:** Tourist vs. Resident or Novice vs. Expert

Does the theory give us any real guidance with regard to figuring out what we owe to other people?

Rachels: incompleteness of virtue ethics

* Mistake about intermediary
* One must not separate virtue and vice as opposites
* Virtue is not opposed to vice

|  |  |  |
| --- | --- | --- |
| **Deficiency** | **Virtue** | **Excess** |
| Cowardice | *Bravery* | Recklessness |
| Stinginess | *Generosity* | Extravagance |

* Virtue is neither deficiency nor excess of a certain trait. It’s in between.

Does the theory guide us? Aristotle might say settle between two extremes.

**The mean is not an average or a median.**

Ex: Milo’s trainer

* Mean depends on who you are dealing with and what is the situation (relative)
* The right thing is the mean but it does not offer proper guidance because we can’t know what the proper mean is.

Particularism

There are no generally valid moral rules: everything is case sensitive.

* There are some exceptions
	+ Never commit adultery
	+ Never feel envious

Being virtuous is hard work:

Applying the theory requires that judgment be used all the time. The only step is: use your practical reason to determine what the morally important features of the situation are and act accordingly.

**Euthyphro**

1. *Is the right action right because it’s what a virtuous person would do?*
2. *Would the virtuous person do the right action because it is right?*

**Aristotle would say yes to the second question.**

**Is virtue ethics incomplete?**

* Can we say which virtue is more important in case of conflict?
* Do we end up falling back on common sense?
* Can we give justification for anything counting as a virtue?