

Chapter Eleven

Applied Ethics: Part One

A man is truly ethical only when he obeys the compulsion to help all life which he is able to assist, and shrinks from injuring anything that lives. He does not ask how far this or that life deserves one's sympathy as being valuable, nor, beyond that, whether and to what degree it is capable of feeling. Life as such is sacred to him. Albert Schweitzer

1. Applied Ethics. Thanks to the conventions that guide our discussions, any time we take a moral stand, questions about meaning and justification are just around the corner; and thanks to the complexity of the problems and their interconnections, any attempt to answer those questions can quickly strand us in remote areas of philosophy. The episode of interest in metaethics was an honest attempt to confront natural questions about meaning and justification, but the inherent difficulty of the related problems made every controversy indefinitely expandable. When this finally became clear, moral philosophers moved to avoid the “interminable metaethical squabbles” by putting “theoretical” questions about meaning and justification to one side, and turning directly to what came to be called “applied ethics,” though, given our distinction between ethics and morality, what was going on might better have been called “applied *morality*.” Let us keep this in mind as we discuss what was, and still is, called “applied ethics.”

A question from “applied ethics” is a question about the *morality* of some act or practice. When, if ever, is abortion morally permissible? Does a fetus have a right to

life? Is suicide forbidden by morality? Is the death penalty morally justifiable? Would it be morally wrong to televise an execution? When, if ever, is torture a moral option? What moral duties do we have to the poor, to relatives, to future generations, to the members of other species, to the ecosystem? Applied ethics brings these questions to the center of the stage—sometimes by “applying” moral theories like utilitarianism to generate answers, and sometimes by plunging in without assuming some fundamental moral principle. The unifying hallmark of applied ethics, however, is the attempt to find true answers to relatively specific questions about our moral values, obligations, and rights.

Let us remind ourselves of what it takes to *apply* a normative theory of moral obligation like utilitarianism to some practical question that might come before us. We would first have to formulate some version of the principle of utility, and we would have to assume, since we won't be able to show, that this version of the principle is true or warranted in a way that competing versions are not. Before drawing any conclusions, we would need to establish our “sphere of considerability” and our theory of value. We would also have to assume that some kind of quantitative or qualitative comparison is a possibility and not a philosopher's fantasy, and that our knowledge of the present and the future is more extensive than it could possibly be.

But utilitarians are not the only ones with problems. Rule deontologists and rights theorists are burdened with equally unanswerable questions: how do we determine the relative importance of different rules, or of different rights; how do we resolve clashes among them; and, of course, what role, if any, does a rule about utility play? These difficulties, which we have already explored, should be more than

sufficient to suggest that amoralists, at least those who have opted for moral abolitionism, might be in a better position than the moralists to deal with the questions of applied ethics.

The Interest in Applied Ethics. In spite of the daunting theoretical difficulties confronting them, moral philosophers remain devoted to applied ethics. This is partly explained by the fact that they now realize how easy it is to become lost in those “interminable squabbles” of metaethics. They seem to think that if they can avoid the bog of metaethics, they can find the high ground of normative ethics, where the questions are relevant, urgent, engrossing, and answerable.

Another explanation for the widespread fascination with applied ethics is commercial. By the early seventies, those who taught and wrote about moral philosophy and their publishers were moving to meet the demands for relevance that were so urgently expressed in the late sixties. Countless anthologies were produced, and quickly revised, as public attention flitted from one hot issue to another. At the end of the millennium, few ethics courses taught in universities neglected applied ethics, and many of the new, huge, and expensive anthologies of articles about moral problems contained little else. Nearly everyone seemed to have come to agree with Harman’s complaint that metaethics isn’t interesting.

A third factor that helps account for the increased attention to questions of applied ethics is the growth of the media and of the technology of information-sharing. We can now weigh in on events as they are happening, and we can sample the thoughts of people across the world. Secrets are far more difficult to keep, and camera phones are always ready to record the events that trouble and delight us. Wars are

inevitably given a moral justification, but then they are pursued in ways most moralists would call immoral. When the bad news leaks out, and it is far more likely to leak out now than formerly, debates about, and coverage of, related “moral” issues such as pre-emption, torture, collateral damage, secrecy, and profiteering grab our attention until we are distracted by some new atrocity, disaster, or scandal.

Since none of our problems (disease, hunger, poverty, inequality, intolerance, and governmental incompetence and corruption, to mention a few) can be resolved without some people being placed at risk, dislocated, regulated, taxed, fined, fired, impeached, and in other ways inconvenienced, arguments that appeal to justice and rights are permanent features of our social and intellectual environment. Those who participate in these arguments usually have serious personal interests at stake, and they come to the argument with unquestioned moral dogmas, their own account of the facts, and a tendency to use every rhetorical trick in the book. Caught by the metaphor ARGUMENT IS WAR, they never question the assumption that they are in the right, and that their mission is to establish this, by any means necessary. While it won't fit on a bumper sticker, another metaphor might be more accurate: ARGUING ABOUT WHAT IS RIGHT AND WRONG IS WALKING INTO A QUAGMIRE WITHOUT AN EXIT STRATEGY.

Applying Ethics. In *Ethics and its Applications*, Baruch Brody “applies” one form of utilitarianism and one form of deontology to some of the problems of applied ethics: suicide, euthanasia, abortion, crime and punishment, the justification of law, and the distribution of wealth. His deontologist has intuitions about rights and the need for retribution, and his utilitarian thinks punishment is justified only when it deters. The

utilitarian calls an act a crime if the good that results from stopping it outweighs the harm that results from stopping it; while the deontologist says that crimes are acts that harm people by violating their rights. (Brody, 55 and 68) His utilitarian supports plea-bargaining and wants to lower the standard of evidence in order to convict more criminals. His deontologist wants to retain the requirement of proof beyond a reasonable doubt, and thinks that plea-bargaining is an unfair practice that ignores desert. Brody acknowledges that the version of utilitarianism and the version of deontology he develops are not the only possible ones, and, as we observed in Chapter One, he is aware that all moral theories face horrendous problems that moral philosophers have always known about but never overcome. He agrees that the challenges of nihilists, skeptics, subjectivists, and amoralists are serious, but says that he does not need to concern himself with them because they are problems for theoretical ethics, and his book “is not about theoretical ethics.” (Brody [2], 6)

It is a weakness, not only of Brody’s book but of applied ethics in general, that so many of these “theoretical” questions are put to one side and so much is taken for granted. We must feel sympathy for the applied ethicist who, wanting to avoid getting mired in foundational, metaphysical, epistemological, and linguistic questions, yields to the temptation to treat “theoretical” questions as annoying distractions. But when we ignore these questions, or dismiss them in short paragraphs as Brody does, we run the risk of being seen as constructing theories of sand on a foundation of thin air. Not everyone is willing to assume, “for the sake of argument,” that moral realism is true.

A different approach to applied ethics can be found in Peter Singer’s *Practical Ethics*. While Brody prefers a form of deontological intuitionism, Singer is a preference

utilitarian—that is, an act utilitarian with a theory of value according to which the good is not happiness but the satisfaction of preferences. From the (alleged) facts and (undefended) principles of this brand of utilitarianism, Singer easily generates answers to questions about taking life and about the distribution of resources. It follows from his preference utilitarianism that it is wrong to kill most of the animals we now kill, that abortions are not morally wrong, that sometimes infanticide is justified (Singer [2], 122), and that “those earning average or above average incomes in affluent societies, unless they have an unusually large number of dependents or other special needs, ought to give a tenth of their income to reducing absolute poverty.” (Singer [2], 181) Needless to say, neither the premises nor the conclusions of Singer’s arguments have been accepted by omnivores, those with a strong belief in property rights, or moral abolitionists.

The historian who surveys the battlefields of applied ethics will be impressed by the energy expended by competing moralists, but also by the ritualistic character of the arguments and their apparent ability to go on forever. There are so many approaches to values, duties, and rights, so many “isms,” wishful predictions, and ways to interpret events, that it really does appear that we can mount a moral defense for anything we might have chosen to do, and a moral assault on anything or anyone we happen to dislike.

2. Abolishing Morality. If we agree with the error theorist that applied ethics is undermined by the falsity of its assumption that there are objectively correct answers to questions about moral duty and intrinsic value, then what are our options? We may fear that if we are unable to resort to moral language we will be disadvantaged in our

dealings with others, and so, for practical reasons, we might continue to speak as if we were “believing” moralists. At the end of Chapter Six we considered the pros and cons of continuing as “moral fictionalists” after we have come to accept the error theory. My choice was to avoid the pretence and embrace moral abolitionism. I hope that I was able to say enough at that point to convince you that moral abolitionism is not to be feared, but to be considered, and perhaps even embraced.

If we ask moral abolitionists how they would answer the difficult moral questions that attract the attention of “applied ethicists,” they will tell us to forget about answering them—at least as long as they are thought of as *moral* questions. Like Sextus Empiricus, the Buddha, and Wittgenstein, moral abolitionists say that some questions are a waste of time and only serve to distract our attention from questions that are important and answerable. Moral abolitionists may have a great deal to say (and learn) about the issues that concern the practical moral philosopher, but the fact that they won’t even address the question of *what we ought to do* may be their greatest contribution to moral philosophy. We have seen that when we abolish moral language and thinking we are not left without resources for dealing with life and the world. And we know, I hope, that amoralists and moral abolitionists are not, as such, violent, heartless, or selfish. What allows us to cause great suffering for even small personal gain is not a rejection of morality, or a refusal to speak in moral terms, but a lack of attention, consideration, understanding, and compassion. We are predisposed to neglect and even harm others when we don’t know them and/or don’t like them, when we are uninterested in the way they feel, when their suffering doesn’t bother us.

We are natural information gatherers and problem solvers, and when our problems involve other people, it can be disastrous not to gather what information we can about their circumstances, beliefs, interpretations, explanations, and values. If “Know thy enemy” is good advice, isn’t “Know thy friend” even better advice, and isn’t Socrates’ contribution, “Know thyself,” the best of all, and the one we should start with? We spend our lives constructing our unique version of reality, a narrative in which we are the main character. Let us admit this and then acknowledge that everyone else does the same thing, and that their versions are always different, and sometimes very different, from ours. Unless we attend to the versions of others, and to their version of our version, we will fail to understand why they do what they do.

Information about what others think and feel, about their beliefs, principles and values, is a major component of a healthy and evolving understanding of the world. If we can prevent that understanding from being warped by the need to accommodate false and foolish beliefs, two things happen. **First**, our decider is treated to a relatively clear view of what is going on, and rewards us by coming up with fewer dumb decisions. **Second**, as we collect more information about others and free ourselves from mistakes foisted upon us by our desires and our language, we will almost certainly become less self-centered, more compassionate, and more cooperative. This is not to say that deeper understanding will always lead to harmony, forgiveness, assistance, encouragement, or even toleration, but without it, none of the five items just mentioned has a much of a chance.

In these final two chapters I will try to show that informed and compassionate moral abolitionists have many reasonable and helpful, but not moral, things to say about

the fundamental questions of applied ethics. I have already indicated that I believe that moral abolitionists are in a better position than moralists to discuss these matters and to give advice. For one thing, the moral abolitionist, free of the mistaken beliefs of the moralist, can avoid the inevitable and unresolvable disputes about which values and principles are the right ones. For another, moral abolitionists will not feel compelled to take a stand on every imagined thought experiment that any inventive moralist might concoct. Moralists, who assume that moral questions do have right answers, have been willing to invest serious time and energy discussing imaginary scenarios that are improbable and often quite bizarre. There is something to be learned from this, but it may not be what the fans of “moral dilemmas” think.

3. Thought Experiments and Actual Decisions. Here is one “case” that has cost philosophers and philosophy students many hours. We are trapped in a cave because a fat man is stuck in the only exit, his head protruding into the world above. Water in the cave is rising and everyone in the group, with the exception of the fat man, will soon drown. One member of the group has a stick of dynamite and argues that the only way to escape certain death is to blow the fat man out of the hole—thereby killing him. Should we do it? Kai Nielsen, working with act utilitarian assumptions, concludes that “if there really is no other way of unsticking our fat man and if plainly, without blasting him out, everyone in the cave will drown, then innocent or not, he should be blasted out.” (Nielsen [2], 186)

The example is under-described, but no amount of filling would place us, sitting in our comfortable chairs, in a position to decide what someone else *should* do in a case as bizarre as this. Maybe the fat man is on the brink of finding a cure for AIDS. Maybe

the others are criminals who were torturing the fat man. Maybe the explosion will set off a chain reaction and destroy the earth. Who knows? If the people in the cave are utilitarians, they will drown before they figure out how blowing up the fat man will affect the lives of even his immediate family. And if they do blow him up, they will never, till their dying day, be able to establish that they did “the right thing.”

If the moral anti-realist is right, there is no answer to the question of what we ought to do in that wet cave because there is nothing that we ought to do. This doesn't mean that we don't get into situations where we have to make hard decisions about what to do. But until we get into one of those situations, we cannot say, with any confidence, what we would do. When we find ourselves in a difficult, unprecedented, or even bizarre situation where no option is attractive, what we end up doing will depend on any number of factors, only some of which will be present to our awareness. If we are not actually in the situation, but are just reading about it in a book or hearing about it from a moral philosopher, what we tell ourselves we would do is only an imaginative response to an abstraction.

Consider the “Trolley Problem,” a recent thought experiment that has managed to entice many moral philosophers to leave Nielsen's cave. This moral dilemma exercise has attracted enough attention to have been satirized on the Science Fiction Channel's “Stargate Atlantis” in an episode called “The Game.” The annoying but brilliant scientist Rodney McKay is at dinner with Teyla, a level-headed and sensitive alien, Ronon an alien warrior, and John Sheppard, a human and their leader:

Rodney: Let me ask you a question. Say there's a runaway train. It's hurtling out of control toward 10 people standing in the middle of the tracks. The only way to

save those people is to flip a switch and send the train down another set of tracks. The only problem is there is a baby sitting in the middle of those tracks

Teyla: Why would anyone leave a baby in harm's way like that?

Rodney: Why? I don't know. That's not the point. It's an ethical dilemma. Katie Brown brought it up over dinner the other night. The question is: is it appropriate to divert the train and kill the one baby to save the ten people.

Ronon: Wouldn't the people just see the train coming and move?

Rodney: No. No they wouldn't see it.

Ronon: Why not?

Rodney: I don't know. Well look. Say they're blind.

Teyla: All of them?

Rodney: Yes, all of them.

Ronon: Why don't you just call out and tell them to move out of the way?

Rodney: Well because they can't hear you.

Sheppard: What, they're deaf too?

Rodney. (Exasperated pause)

Sheppard: How fast is the train going?

Rodney: The speed doesn't matter.

Ronon: Sure it does. If it's going slow enough you can outrun it and shove everyone to the side.

Sheppard: Or better yet, go get the baby.

Rodney: For God's sake I was just trying to . . .

At that point the discussion is interrupted by a call to Rodney from Major Lorne on M4D05A. Applied ethicists should be so lucky.

Perhaps political correctness has led philosophers to retire Nielsen's example of the fat man in the cave, but while Peter Singer does not use the word 'fat', largeness is involved in one hybrid example he offers us. After noting that most of us would agree that we "should" pull a switch that would divert a trolley and cause it to kill one individual (even a baby) rather than everyone in the group it was bearing down on, he turns to his hybrid.

In another dilemma, the trolley, as before, is about to kill five people. This time, however, you are not standing near the track, but on a footbridge above the track. You cannot divert the trolley. You consider jumping off the bridge, in front of the trolley, thus sacrificing yourself to save the five people in danger, but you realize that you are far too light to stop the trolley.

Standing next to you, however, is a very large stranger. The only way you can prevent the trolley from killing five people is by pushing this large stranger off the footbridge, in front of the trolley. If you push the stranger off, he will be killed, but you will save the other five. When asked what you should do in these circumstances, most people say that it would be wrong to push the stranger.

<http://www.utilitarian.net/singer/by/200703--.htm>

Singer allows that we (i.e., the moralists among us) have these moral intuitions, and he mentions the work of Marc Hauser, a Harvard researcher who devised a "Moral Sense

Test” and placed it on the Internet. “After receiving tens of thousands of responses he [Hauser] finds remarkable consistency despite differences in nationality, ethnicity, religion, age, and sex.” It appears that almost everyone is more inclined to throw the switch than the body, even if the final count is the same—one dead and five saved.

Singer says that philosophers have “puzzled about how to justify our intuitions in these situations.” He is, after all, a utilitarian, and a utilitarian will usually say (as Nielsen did) that we ought to save more lives when we can. So, as far as Singer is concerned, we need to explain why, in this kind of a case, our intuitions do not tell us to do what is right. Our disinclination to throw the large man onto the tracks may not be justifiable on utilitarian grounds because it is hard to discount the fact that five is greater than one, but it can be explained, which is what Hauser was attempting to do. By using MRI techniques he found that when we think about hands-on violence against a person, our emotional areas flare up (presumably in an uncomfortable way) more than when we think about doing similar damage by pulling a switch or pressing a button. We may feel differently about acts of direct and acts of remote harming because we have had eons to develop inhibitions against hands-on violence, whereas the possibility of killing people remotely is quite new. The utilitarian will say that our evolved inhibition against hands-on violence has made us lose sight of the fact that squeamishness here (or in Nielsen’s cave) would be quite immoral.

If Singer is allowed to assume the correctness of his preferred form of utilitarianism he will have little trouble “justifying” the judgment that we ought to save the five. But there are other equally indefensible moral perches from which one could “justify” letting things take their own course. One could claim that it is morally wrong to

do anything that you believe will result in another person's death. Not that this is a particularly plausible claim, but it is more plausible than many of the things moralists have said. Or one could say that the very large stranger had a very large right to life. Or one could repeat Kant's second formulation of the Categorical Imperative which tells us not to use people as a means to our ends.

As usual, moralists can be expected to show up on all sides of even bizarre thought experiments. If, as I now hope we can agree, the error theorist is right, then there is no truth about what we morally ought to do there above the tracks, and no justification of any intuition about it. There is only what we believe we ought to do (if we are moralists), what, if anything, we believe we *would* do, and what we actually would do if we should happen to find ourselves in such an unlikely situation. I doubt the three are often identical.

When moral abolitionists are faced with genuine hard choices, they can make decisions at least as efficiently and intelligently as moralists or moral fictionalists, but because the mechanism we actually use to make these decisions runs best on concrete details about real situations, and uses clues we might sense without realizing it, our decider is not very useful in dealing with whimsical examples and underdescribed thought experiments.

In our actual lives we often have to find a satisfactory ground between too much and too little. How much shall we give, help, learn, demand, support? Who, or what, shall we include within our sphere of considerability? How much deception, coercion, or exploitation are we willing to accept, or to practice? Amoralists and moral abolitionists are fortunate to be in a position to think about these questions without the need to find

the one right answer, indeed, without the debilitating handicap of believing that there is a right answer. In the next few sections we will see how this helps them when they confront some of the major issues of applied ethics.

4. Crime, Punishment, and the Death Penalty. In Chapter Eight I mentioned our natural instinct to “lash out” at those who injure or displease us. This fierce tendency may have aided us in our evolutionary ascent, and it can be a useful tool if our goal is control. The oldest law codes we know were devoted to setting out punishments for the various offences of the day. Hammurabi decreed that “If a man has broken into a house, they shall put him to death and hang him before the breach which he has made.” (Nice, 27) Hobbes thought that a powerful “Sovereign” might, out of sheer self interest, institute and enforce laws that would forbid and punish the most dangerous forms of uncivil behavior, and our modern idea of a sovereign state with clear and well-enforced criminal laws is also grounded in the hope that the fear of punishment will make us behave.

When moralists debate about punishment, every form of (mis)treatment has defenders. Hammurabi wanted to send a strong message to burglars, and today’s utilitarians often defend severe punishments in order to deter potential criminals. Other utilitarians insist that mercy and rehabilitation have better consequences. Deontologists also think that criminals ought to suffer in some way, but they oppose punishing anyone to send a message or to take out our individual or collective anger. “Punishment is punishment,” F. H. Bradley said,

only where it is deserved. We pay the penalty, because we owe it, and for no other reason; and if punishment is inflicted

for any other reason whatever than because it is merited by wrong, it is a gross immorality, a crying injustice, an abominable crime, and not what it pretends to be. (Bradley, 26-27)

The passage in the Bible that calls for “an eye for an eye,” expresses (but does not justify) the relatively advanced thought that we deserve what we dish out—no more and no less. “And your eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” (*Exodus* 21:24) This deontological call for pitiless proportional punishment is a step beyond the application of the death penalty for petty offences, but it is based on the flawed moralistic idea that it is sometimes morally right, or even morally required, for us to cause suffering to someone “because it is merited by wrong” that he or she has done.

The metaphor at work here is JUSTICE IS BALANCING THE SCALES, and the blindfold Justice is often depicted as wearing is to secure her impartiality. When you have done something wrong, the scales of Justice, not our anger or lust for revenge, determine how much you must suffer to pay for your wrongdoing. Our belief that wrongdoers deserve their due is so deep that we have not been willing to leave the job of distributing desert to human agents. We know that sometimes law and human action fail to balance the scales, so we have imagined a variety of hells, and adopted a vague, unverifiable, but emotionally comforting non-sectarian doctrine of karma, often expressed by the slogan “What goes around comes around.”

There is much to argue about here, but fortunately the moral abolitionist is not saddled with the need calculate how much any person, even the most extreme offender, deserves to suffer. Apart from the stipulated penalties in the laws currently in force, any

one of which can be changed, nobody deserves to suffer for any reason whatever. It is this rejection of the idea of “moral desert” that finally makes it possible to discuss remedies to crimes and incivilities without having to pander to moral ire and posturing. We have overdosed on desert, and it would be both healthy and economical to consider some alternatives.

Moral abolitionists are not anarchists. Like everyone else, they will want laws to protect themselves and others from human predators, laws to regulate important transactions and enforce contracts. Amoralists and moral abolitionists will not consider themselves *morally* bound to follow the laws of their state, or even the conventions of their society, but there is no reason to think they will conform to those laws and conventions any less than moralists. If the laws are particularly cruel or stupid, however, amoralists will be more reluctant to follow them than will those moralists who believe in a moral obligation to obey the law. That reluctance can be very healthy, if not for the amoralist, then at least for the society he or she inhabits.

Amoralists will not believe that punishment is morally justifiable or that it is morally wrong, but they can take a stand on their government’s policy, or any government’s policy, of punishment. A moral abolitionist who believes that only strict laws and harsh punishment will save us from ourselves or from each other is likely to throw in with the hard-liners. Another moral abolitionist with different beliefs and preferences may favor kinder and gentler laws. Decisions about what laws and policies to support are difficult enough without bringing in normative assumptions that mask greed and prejudice and encourage us to pretend to know answers to unanswerable questions about the future and about value, obligation, and rights.

As I noted in Chapter Eight, and as almost everyone would admit, our penal system is broken. Our prisons are clogged with between two and three million people, many of whom are innocent and/or harmless. Arbitrary and ancient moral and religious beliefs have led to laws that punish “victimless crimes,” (a controversial notion, but not without meaning). Our drug laws are punitive, inconsistent, and they often cause more harm to users and their families than the drugs they prohibit. It is not my intention to present here, in a mere three pages, a plan to fix our broken and shameful system, but I am tempted to offer a few suggestions based on the thought that the real culprit is not the inmate, but the crazy and ancient idea that we are ever morally obliged to make anyone suffer.

(1) Reduce the prison population. We all know that many of those in our prisons and jails are innocent. Compassion urges us to make an effort to determine who they are and release them as quickly as possible. If there is a chance that DNA evidence can show that someone is innocent, then it is negligent to disregard it. It is hard to imagine anything more distressing than being falsely incarcerated. Information about how one organization is working to help those in this situation can be found on the web site of “The Innocence Project” <http://www.innocenceproject.org/>.

Even if we manage to release all or most of the innocent, there is still much to be done before we can begin to feel good about our justice system. We can strike many of those “victimless crimes” from the books, eliminate and revise many of the drug laws, and release harmless recreational drug users. Some addicts and alcoholics will need care and treatment, but addiction is a disease rarely chosen freely, and with the right treatment it can often be cured. The “right treatment” does not include confinement with

other addicts in a dirty and dangerous prison. Restoring former addicts and reformed criminals to society would be less expensive in the long run than the system we now have, and it would be a thousand times more humane. This is certainly not to recommend that we just “throw open” the prison doors. A robust restoration strategy will only work if we make sure that those we release are prepared for life on the outside, and if, after they are released, they are given serious and concerned help getting (and keeping) their new lives up and running.

After we have reduced the prison population, reformed our laws, set humane standards for prisons, retrained wardens and staff, and changed our attitude about desert, we will still have a problem because some of the inmates who remain may really be incorrigible and dangerous. We will want to keep them where they can not harm us, but let us abandon the idea that the role of prison is to deliver the suffering the scales of justice have determined our criminals deserve.

(2) Respect the prisoner. Just as police officers are taught to treat everyone with respect and only to use force when necessary, the same should apply to guards and workers in our “corrections” system. Incarceration and even isolation or physical restraint may sometimes be necessary, but the lessons of non-violence and respect for others can only be taught by those who practice them. Filthy living conditions and guards with bad attitudes were not part of the sentence. Let the cell be clean and small and the food simple and healthy. Make it clear that violence will result in isolation from potential victims, but never repay violence with violence. Any officer caught using excessive force should be dismissed or reassigned and given counseling until we can be sure it will not happen again.

There are, of course, levels of “respect” and different ways to show it and to withhold it. Superficial courtesy is a beginning, as Confucius understood. It makes more sincere forms possible by holding off hostility, thereby opening the way for understanding, which is the key to compassion and ultimately forgiveness.

(3) “Realize” the situation of each inmate. Prisons contain hardened and habitual offenders, but they also contain others who are there because of a single foolish decision, or because of pressures few of the well-behaved understand. An enlightened prison system will employ sensitive and trained workers whose goal is to find out as much as possible about those who have been separated from society. Who are they? What are they good at? How did they end up behind bars? How do they understand their own situation? Are they capable of regret, remorse, and reform?

When we realize how complicated and contingent life really is, how frequently people are moved by hidden factors and unexpected events, and how they can be overwhelmed by the demands made on them, we will certainly change many of our beliefs and attitudes about those who have fallen into crime. It is true that punishment has been around from the beginning. Even Adam and Eve were punished. But perhaps the time has come to take a more informed and compassionate approach to those who violate our wishes or our laws and to construct a less vindictive system that is free of the anger and the mistakes of moralism. As we grow in our understanding, may we replace our angry moralism with compassion, and turn from the question “What punishment do they deserve?” to the question “What help do they need?”.

(4) Prison is no place for privacy. It is hard to understand why jails and prisons do not monitor everything that can be physically and legally monitored.

Bullying, sexual predation, gang activity, and abuses by prison authorities require privacy and secrecy, so why not act to minimize both? A paper released by Human Rights Watch in 2001 ("[No Escape: Male Rape in U.S. Prisons](#)") helped promote the passage of the Prison Rape Elimination Act of 2003, so we are becoming aware of the problem. Violence of all kinds against inmates by other inmates or prison workers can be reduced by close and constant observation. When we observe abusive behavior by inmates or guards we can isolate the offenders and work to bring them to change their ways. Constant monitoring, assisted by the best available technology and vigilant observers, will allow us to discover and positively reinforce the behavior we wish to encourage.

(5) Don't be cheap. Some say that constant monitoring would be expensive. Others reply, I believe correctly, that it would prevent enough harmful and disruptive behavior to result in a savings. But even if it is not cost-effective, it will almost certainly prevent much violence and abuse. The bottom line isn't the only line, and it is a mistake to try to run prisons "on the cheap." If we cut every corner that can be cut we will end up with underpaid, poorly trained, and angry guards working in understaffed, badly equipped, and deteriorating facilities. Like everything else in this area, the point is controversial, but we have probably been unwise to put so many "correctional facilities" in private hands. When we privatize prisons we create an incentive to build more of them, which then have to be filled and operated with an eye to the bottom line. When less money is spent on the food, welfare, education, and rehabilitation of the inmates, there will be more profit for the large corporations that build and manage prisons all over

the country (and, not coincidentally, lobby for longer prison sentences and more and larger prisons).

Why are we so unwilling to support a humane “corrections” policy that would improve life for the thousands now being abused by our criminal “justice” system? It could be that we place prison reform so low on our list of improvements to society because we fail to *realize* what life is like for the inmates in our prisons (and for their relatives), and because many of us still harbor the uncharitable moralistic belief that criminals deserve what they get. The blend of greed, ignorance, and self-righteous moralism is, as ever, the cause of great suffering

(6) Restorative Justice. Restorative justice offers an approach to criminal justice that has recently become a movement in many countries. John Braithwaite, a critic of systems of law that look first or exclusively to punishment, characterizes restorative justice as an attempt to restore the offender, the victim, and society to a state of harmony through understanding, remorse, restitution, and forgiveness. The method is to bring involved parties together to work out some acceptable resolution of the disruption in the social order caused by the crime. According to Braithwaite, elements of restorative justice can be found in ancient Arab, Greek, and Roman civilizations, early Germanic tribes after the fall of Rome, Hinduism, Buddhism, Daoism, and Confucianism. (John Braithwaite, *Restorative Justice and Responsive Regulation*, Oxford, 2002)

Braithwaite claims that such a system can be more effective in reducing offences than our current punitive system, more satisfying to the victim, and better for the community. The scant research we have seems to bear this out. According to the web

page of the Centre for Restorative Justice, affiliated with Simon Fraser University, many studies do indicate that “offenders diverted to restorative justice programs tend to recidivate less, and that all who are involved in the process generally feel more satisfaction when compared to traditional methods.” (<http://www.sfu.ca/cfrj/intro.html>)

The human capacity for anger is great, but so is our capacity to forgive. This is shown by the work of “Truth and Reconciliation Projects” in South Africa, Australia, and many other countries whose citizens have set out to come to terms with their past. These reconciliation projects often lead to a kind of forgiveness that goes far beyond what many of us would have thought possible. Their critics, who see them as promoting injustice, fear that forgiveness will come too soon. Opponents of Desmond Tutu’s “Truth and Reconciliation Commission” in South Africa argued that it was unjust to ask the victims of apartheid to abandon their desire see their former oppressors get what they deserve. Similar arguments, all based on the moralistic idea of desert, are made against the proponents of Restorative justice everywhere.

It often feels good to cause, or to learn of, the suffering of those we blame for causing us to suffer. But it also feels good, very good, when those who have hurt us admit to the deed, realize the harm done, regret their actions, and feel a sincere desire to make restitution. These three R’s, realization, regret, and restitution, can then lead to the fourth, which is restoration to full membership in a community of trust. An important aspect of restorative projects is “restitution,” willingly undertaken by the offender. If it is not willingly undertaken, but imposed by authorities, it is just another form of punishment, even if it is more humane than the rack or solitary confinement. Successful restoration also depends on the willingness of the injured parties to forgive. In Chapter

Ten I suggested some exercises for experiencing harmony, one of which was to forgive someone. There I distinguished between an external or formal kind of forgiveness, and an internal forgiveness that comes from the heart. Even a moralist can say “I forgive you,” but it is much harder for a moralist, at least one who buys into the metaphor of the scales of justice, to forgive deeply, which is to arrive at a state where angry and resentful thoughts no longer occur and the desire to see the offender suffer dissipates.

It is sometimes hard to be sure that someone really does regret a crime, or that he or she has reached the point of saying “Never again!” and meaning it. Skeptics say that we can never really know whether someone is truly remorseful, but we should not underestimate our own acuity in spotting liars, or our ability to help others realize the harm they have done. The greatest barrier to a more humane and effective criminal justice system remains the chain of logic that says that morality requires justice, justice is based on desert, and offenders deserve to suffer enough to balance the suffering they have caused. Restorative justice may be impossible on any large scale until this basic and unkind confusion is purged from our justice system, if it ever is.

The death penalty is a very special case of punishment. Deontologists often say that some people deserve to die because of what they have done. The slogan “a life for a life” expresses the feeling that by taking a life, a killer has created an imbalance, a gap that can only be filled by his own death. Utilitarians support the death penalty by claiming that we are better off with it, and other utilitarians oppose it by claiming that we are better off without it. Those who support it usually do so on the grounds that it deters further acts of killing. Their critics argue that the death penalty does not deter, and some add that even if it did, that would not be a completely

overwhelming reason to adopt it. On the (extreme) other hand, a bullet-biting utilitarian like William Godwin might support executing an innocent suspect on the grounds that doing so will deter potential murderers by leading them to believe in the competence and efficiency of the criminal justice system. Such an act would, by the way, be a prime example of the “crying injustice” and “abominable crime” against which Bradley was just lobbying.

What happens when we abandon moralism and look at the death penalty from the point of view of an informed and relatively compassionate moral abolitionist? Moral abolitionists who believe in the deterrent power of the death penalty, or who have lost a loved one to violence, may support it, but without appealing to our moral duty, or our moral right, to impose it. Other moral abolitionists will oppose the death penalty, but again without appealing to the traditional moral considerations. They will not be able to say that life is sacred, or that it is always wrong to kill, but they can still have a preference and their own reasons. Perhaps they find it inconsistent to embrace the murderer’s assumption that killing is one way to deal with a problem. Or they may feel that the death penalty is an outdated and unevenly applied remedy that doesn’t deter murderers nearly as well as any number of less final responses would. Or they may just hate the thought of anyone being killed on purpose.

A third group of moral abolitionists includes those who don’t really know what to think about capital punishment. They may never have had the occasion to confront the question in a way that forced them to make a decision, one way or the other. They know that there are intelligent and dedicated advocates on both sides of the issue, and that many states and over a hundred countries have abolished the death penalty. But

they are also aware of strong support for “the ultimate penalty.” If we are moral abolitionists who want, for some reason, to form an opinion about the death penalty, there is an alternative to flipping a coin, or adopting the opinion of our friends. We will not get mired in the abstractions of morality, or binge on the idea of moral desert, so the obvious thing to do is to just find out more about the death penalty. There is no better alternative to ignorant moralizing or thoughtless conformity than investigating the actual laws we have, the ways they are enforced, and the ways this system affects the lives of all those involved. It is hard to see how the death penalty will be able to survive this investigation.

5. Reproductive Issues. The vague title of this section is a sign that our focus has widened since the early days of “applied ethics.” Then, the hottest of the hot topics was abortion. While “pro-choice” and “pro-life” were both misleading labels, the sides were clearly drawn and the arguments assumed a familiar and predictable pattern. But recent developments in the technology of reproduction have raised new questions and started new arguments. With expectable significant advances in embryonic stem-cell research just around the corner, questions about the use and disposition of embryos have multiplied. In this section, we will first look at the way a belief in objective morality both intensifies and undermines discussions about abortion. Then we will assess the damage moralistic meddling has done when topic is stem-cell research. Finally I will show how a few allow their moralistic (and religious) beliefs to overcome both common sense and compassion when the topic is contraception.

Abortion. The questions we ask about abortion are different from other questions about killing because the status of the “victim” is unclear. Though a newly

fertilized ovum is genetically human, it is contentious to call it a *person* or a *human being*. Terminology is not neutral. Whether you refer to a fetus as a “person,” “fetal tissue,” an “unborn child,” or a “tiny defenseless baby” will depend on what conclusion you hope to establish, what attitude you seek to elicit, or what behavior you desire to support.

If we take words as they are used, a fertilized human egg is not a person, nor is a fetus. If we ask how many people were at a party, we do not count pregnant women as two, nor are they charged double admission. The usage of our forefathers seems to have been the same as our own. In his decision in *Roe v. Wade*, Justice Blackmun wrote that the use of ‘person’ in the Constitution seems to have application only “postnatally.” (*Roe v. Wade*, 410 U.S. 113 [1973])

The egg is human before it is fertilized. From conception to the third week it is called a **zygote**. From four to seven weeks an **embryo**, and from eight weeks to birth a **fetus**. A zygote or an embryo is human and alive, but is it a “human being” or a “human life”? Perhaps it is a “human life,” if this means only that it is human and alive. But then we will not mean the same thing by ‘human being’ and ‘human life’, for there are cells that are human and alive, and they are certainly not human beings. It is also impossible to say that since there is no specific point at which we can draw a line between a zygote and a human being, a zygote *is* a human being. This would turn acorns into oak trees and giants into midgets. When we apply a term like ‘person’ or ‘human being’ to a zygote, an embryo, or even a fetus, it is almost certainly in order to discourage abortions by linking them with murder, which is the intentional killing of a human being.

Information is no more neutral than the language used to convey it. Some opponents of abortion want to force women to hear information about fetal progress before they are allowed to have an abortion. Others would have them view pictures of the mutilated remains of “unborn babies.” Of course there are other things these women could be shown and told. They could be informed that early abortions are safer than giving birth, or they could be told stories of women whose lives were ruined by unwanted pregnancies. We are usually strongly impressed by those facts that support our position, and it is natural to want others to take those facts as seriously as we do. But we are often disappointed in this because those who disagree with us have their own favorite facts. There is, however, no need for despair. In addition to all the rhetoric and emotion, plenty of good information is available to anyone who seeks it, information about the generation process, about the social, political, and psychological ramifications of abortion policies, about the attitudes of people toward abortion, about the actual situations of people who seek abortions, and about the law.

The law concerning abortion stands, with minor modifications, as established in 1973 by the Supreme Court in *Roe v. Wade*. This case was brought to the court by Roe (the appellant) against Wade, who represented the state of Texas. The lawyers for Roe argued that the Texas laws forbidding abortion were unconstitutional, and that a woman ought to be allowed to have an abortion at will, for any reason, at any time. The lawyers for the State of Texas argued that abortion is murder, and ought always to be forbidden by law. The ‘ought’ in the previous two sentences can be heard either as a moral ‘ought’ or as a legal ‘ought’. When the court considers a law, the ‘ought’ in question has

legal meaning: “given the United States Constitution as a basis, what acts ought the laws of Texas allow or forbid?”

The court rejected Texas’ argument because it found no support in the Constitution for the claim that the fetus is a person. But the Justices did not agree completely with the appellant either, so they decided to place no restrictions on a woman's right to seek an abortion during the first trimester, but ruled that during the second trimester, the state has an interest in regulating abortions to protect the health of the woman, and that in the third trimester, abortions may be regulated out of concern for the fetus.

This is what the law says, and while legitimate questions can be raised about privacy and harm, those who oppose *Roe v. Wade* so vehemently are worried about more than Constitutional Law. They claim that the real issue is the moral one, so let us put the law aside and ask what moralists have to say about abortion from their own point of view, from the moral point of view. The two extreme positions found in *Roe vs. Wade* are reproduced in the moral arena and represented by two slogans. The “Pro-life” claim that “Abortion is murder” is based on the assumption that the fetus is a person, because only persons can be murdered. The “Pro-choice” slogan, “Abortion on demand,” is based on the assumption that the fetus isn’t a person, otherwise “reproductive freedom” would amount to the freedom to commit murder. Since the word ‘person’ is so laden with rhetoric and so utterly open to appropriation, it is unlikely that moralists who support and moralists who oppose abortion will find a definition of ‘person’ on which they can agree. The truth is, of course, that a fetus is what it is, at

least a developing group of human cells, and an abortion decision is a decision to kill it, whatever it is called.

Moralists who reason about the morality of abortion can easily show up on either side of the fence. Some emphasize the rights of the (potential) child, others insist on the rights of the mother. Utilitarians criticize rights theorists (as Bentham did) for simply objectifying their preferences. Only utilitarianism, they say, can point to something real on which to base a judgment—how much good will be produced and how much evil avoided by the available choices? But this question is much easier to ask than to answer, and anyone who takes it seriously runs the risk of getting lost in a web of hypotheticals and bogus calculations about imaginary futures. In Chapter Five I observed that utilitarians reasoning about a specific abortion decision face the Quixotic task of trying to compare the relative value of two worlds, one where the fetus survives, and other where that fetus is aborted. Fighting a windmill would be child's play compared to that assignment.

Utilitarians are likely to end up supporting choice, and their concern to maximize happiness or preference-satisfaction, and to minimize their opposites, may even lead some to support infanticide. Peter Singer supports it in some cases—much to the horror of many. His opponents have their own moral beliefs about the practice, but they cannot deny that some newborns are destined for a brief life of uncomprehending pain. Moralists who are not forced by circumstances to make one of these actual life and death decisions would be wise to stand in mute support before those who are. Singer's utilitarian opponents have little more in their arsenals than standard "slippery slope" arguments. If we allow that infanticide, or even abortion, is sometimes morally

permissible, they argue, we will have opened the door to the murder of countless babies deemed inconvenient. As we know by now, no form of argument is more disreputable than this one, no matter what the topic.

There will be times when moral abolitionists will have to make specific decisions about whether to have an abortion, to support or oppose someone who wants one, or to work for or against abortion restrictions. When this happens, moral abolitionists will be in a good position to make a decision because they will not be under the influence of charged moral language, indefensible moral and factual assumptions, and religious dogmas. Clearheaded moral abolitionists will not allow themselves to get caught up in the rhetorical struggle over words, and they will not be hampered by the belief that there is only one right way to deal with each situation. They will be willing to allow those who are involved to make their own decisions, but when they “look carefully” at an actual pregnant teenager who desperately wants an abortion, it is hard to see how any information about the fetus growing inside her could generate more compassion than accurate and extensive information about that young woman, who is unquestionably a person, and has a face, a name, a story, and a full complement of hopes, fears, and plans.

Stem Cell Research. The opponents of both abortion and stem cell research are troubled by our treatment of human embryos—fertilized human eggs, whether *in utero* (in the uterus) or *in vitro* (in a glass lab vessel). The opponents of *in vitro* fertilization often criticize the whole concept, but they are particularly concerned about what happens to the eggs that are not implanted. Fertility clinics may freeze some of them, but many are discarded. For them to be used in stem cell research they

must be killed and the stem cells removed (“harvested”), so if abortion is murder, then research on stem cells from “sacrificed” embryos is in the same moral boat. Someone who really believes that a “person” comes into being at the moment of conception should be willing to say that the killing of a tiny embryo is as much a moral offence as the killing of a second or third term fetus, or a human baby, or a thirty year old man. Morality would demand the rescue of as many of those stranded embryos as possible and would obligate us to strive to get them implanted so that they can continue their journey through life. Few of those who take the “pro-life” side are that consistent.

Utilitarians have only to look at the probable medical benefits of stem cell research to find plenty of reasons to support it. It promises to help in treating Alzheimer's disease, Parkinson's disease, cancer, spinal cord injury, and who knows what else. It might be possible to serve up a utilitarian argument against using eggs destined to be discarded, or for banning the whole practice of *in vitro* fertilization, but any such feat would require an unprecedented display of slippery slope reasoning. Admittedly, both sides are speculating about the future, but one chooses science and hope, and the other fantasy and fear. If we ban abortions, the impact falls primarily on women who desire, or might someday desire, an abortion. If we ban stem cell research, the impact falls on everyone who will ever hope for a cure for one of an indefinite number of deadly and painful conditions. Both abortions and stem cell research require “sacrificing” fertilized eggs, and so, from a moral point of view, they appear to stand or fall together. However, it is possible that widespread enthusiasm for stem cell research may eventually undermine moralist opposition to abortion, at least in the minds of consistent moralists.

One does not have to be a utilitarian or a rights theorist, or any kind of moralist, to be in favor of expanded stem cell research. Given the absence of a belief in the personhood of the zygote or embryo, and given the great promise of stem cell research, anyone who cares for the health and happiness of his or her fellow humans is likely to support it. If some moralists find stem cell research objectionable, they can forgo medical treatments made possible by it by making their reluctance a part of their living wills. Let us not allow their false factual, moral, and religious beliefs to stand in the way of making life better, and sometimes bearable, for thousands of certifiable “persons.”

Contraception. It seems obvious that the best way to reduce abortions is to reduce unwanted pregnancies. Unfortunately, a strict and confused form of moralism often blocks the shortest path to this goal by opposing efforts to supply information about, and materials necessary for, birth-control even to those adolescents who are already sexually active. Only a moralist, and a pretty ill-informed one at that, would be able to find reasons for a policy that puts young people at such a great risk for disease and unwanted pregnancy. But moralism may not deserve all the blame. Politics and religion are also deeply involved in this fracas.

What do moralists have against contraception? Utilitarians who understand the threats of overpopulation and sexually transmitted diseases will rarely be troubled by abortions, and are likely to see contraception as an even better option. A small number of utilitarians may have other (possibly religious) reasons for opposing contraception, and they will invariably head for the nearest slippery slope. They may argue that it is harmful to provide information to the young about sexuality, pregnancy, and sexually transmitted diseases because easy access to information and contraceptive materials

will lead to a great increase in early intercourse, which, according to their lights, is a bad thing.

The assumption that openness and full information about sexual matters is harmful to our youth has been discredited by the disastrous outcome of the Bush administration's "abstinence only" policies, and everyone who is not blinded by moralism or religion knows this. Just Google the topic and learn (for example and from *Wikipedia*) that "Abstinence-only education has been criticized in official statements by the American Psychological Association, the American Medical Association, the National Association of School Psychologists, the Society for Adolescent Medicine, the American College Health Association, the American Academy of Pediatrics, and the American Public Health Association, which all maintain that sex education needs to be comprehensive to be effective." See also Julie F. Kay and Ashley Jackson, *Sex, Lies, and Stereotypes: How Abstinence-Only Programs Harm Women and Girls*.

http://www.hsph.harvard.edu/pihhr/files/SexLies_Stereotypes2008.pdf

If we set far-fetched utilitarian fantasies to one side, are there any other considerations that might lead us to think that it is morally wrong to practice birth control? There are, and their main source is the Catholic Church, which claims to have been opposed to contraception from the very beginning. Two considerations are traditionally advanced, and it is hard to say which is worse. One claims that contraception is wrong because it thwarts nature, and the other says that it is murder.

(1) Contraception is against nature. Clement of Alexandria tells us that "to indulge in intercourse without intending children is to outrage nature, whom [we] should take as our instructor." (Quoted by John A. Hardon, S. J. in "The Catholic

Tradition on the Morality of Contraception,” hereafter CTMC.) St. Augustine even opposed *coitus interruptus*, saying, “Onan, son of Juda, did this very thing, and the Lord slew him on that account. Therefore, the procreation of children is itself the primary, natural, legitimate purpose of marriage.” (CTMC)

http://www.therealpresence.org/archives/Abortion_Euthanasia/Abortion_Euthanasia_004.htm

The idea that some activity goes against nature has been used to oppose everything from vaccination to celibacy. Pope Pius XI said that those who indulge in sex without aiming at procreation “act against nature” and that this is “shameful” and “intrinsically immoral.” (CTMC) Nature may push us in many directions, but when we push back in an effort to give some shape to our world and our lives, neither the struggle nor the result is shameful or intrinsically immoral. The world isn’t designed, but if it were, then everything that has come into being, including babies and condoms, love and hate, selfishness and generosity, is natural and a part of the plan. Even going against nature would then be a part of our nature.

(2) Contraception is murder. St. Jerome scornfully referred to those women who drink potions “to ensure sterility and are guilty of murdering a human being not yet conceived.” (CTMC) Caesarius, Archbishop of Arles in France (470-542), agreed and claimed that if a woman accepts “a potion to prevent conception . . . she will be held guilty of as many murders as the number of those she might have conceived or borne, and unless suitable penance saves her she will be condemned to eternal death in hell.” (*Sermon* 1, 12; CC 103, 9) (CTMC)

We have seen how there is a permanent rhetorical struggle over the meaning of expressions such as 'person' or 'human being'. Given the way we now use the word, it is controversial to say that a fetus in the third trimester is a person, more so to say the same of an embryo or a zygote, and ludicrous to speak of murdering a "human being" (as St. Jerome says) who has failed to come into being because of *coitus interruptus* or some more reliable form of contraception.

Some of our most momentous and most private decisions are the ones we make about sex and reproduction. Here, as elsewhere, moralists can be found on both sides of all the fences. What we learned in Chapter Eight was that input from the moralist is just one of the influences some of us factor in when we make decisions. Some give more weight to the moralist's advice than others, but our deciders have many other facts and feelings to factor in. Moralists do not like this because they believe that their considerations are "overriding" (or at least important). They think of the demands of morality as inescapable and binding, but the moral abolitionist understands that because they come from us, they are not objective, quite escapable, and only binding if we ourselves tie the knot. Any moral judgment can be defended, but only by those who are allowed to assume the rhetorically effective facts and undefended moral principles needed to construct the argument. When we are forced to make hard decisions about private matters involving reproduction, sexual behavior, or even our choice of entertainment, moralists can be annoyingly meddlesome, philosophically naïve, unappreciative of difference, in love with conformity, and blindly righteous.

We are currently extracting our laws about contraception from the clutches of religion, factual ignorance, and fear. For the moral abolitionist the answer is simple.

Make information available, make contraception available, and trust parents, schools, ourselves, and our imagination to find ways to provide information and assistance that does not promote harmful behavior. Overdoses of morality and moral guilt have caused immense suffering, and some pretty bizarre behavior, so it is well to remember that there are less duplicitous and annoying tools to employ if we want to teach our young about “good sex.” We want to encourage responsible behavior, but unless we can talk freely and without embarrassment we can neither explain nor discuss what responsible sex is. Underlying many of our attitudes, and to blame for many of the incomprehensible prohibitions regarding sexual matters, is the idea that sex is dangerous, evil, irresistible, and the belief that we ought to be ashamed of many of our quite natural feelings and activities. In these matters, as in all other aspects of life, we need to find way to free ourselves from the uninformed, confused, inconsiderate, dogmatic, and often harmful beliefs of those who came before us.

We have glanced at three areas of reproductive ethics, and in each area moralists make things worse by preaching ideas that do not stand up to criticism, and that certainly cannot overpower our natural and often healthy impulses. Accurate information is definitely more useful than propaganda and euphemisms. When faced with questions about reproductive ethics (not reproductive morality) the advice of the moral abolitionist is, as ever, to begin by silencing our assessor. Then it is time to do our best to develop a clear view of what is going on and how our behavior really affects others. Then, when we have deleted some of our stereotypes and biases, and learned to avoid the snares built into our language, we will be ready, when we reach that fork in the road, to stand back and let our decider do its work

6. Suicide and Euthanasia. Moralists do not agree with one another about suicide and euthanasia any more than about anything else. Some think we have a right to end our lives or to have them ended, and some do not. Others support a blanket moral prohibition of suicide and euthanasia by insisting, with Thomas Aquinas, that death is always a worse evil than life, even when that life is full of pain and suffering. Aquinas claimed Aristotle's support here, but anyone not blinded by moralism can easily describe a life so full of pain and so hopelessly doomed to suffering, that death would be preferred by anyone actually in the situation. Only if life itself had immense intrinsic value could someone argue that it would be better for the most miserable of all beings to remain alive.

Another way a moralist might oppose suicide and euthanasia is to appeal more directly to theological considerations, as Locke did when he argued that since we all belong to God, if we hurt or kill anyone, including ourselves, we are violating God's property rights. We have already seen how this way of thinking can be traced back to under-informed slave-owners, and we have seen how peculiar it is to speak of God's "property." It would be astonishing if anyone seriously contemplating suicide or euthanasia for a loved one were to be moved, even an inch, by this argument.

Moralists also *support* suicide and euthanasia. Rights theorists argue that we have not only a right to life, but also a right to terminate that life. A statement on the web page of The Voluntary Euthanasia Society says: "We believe that everyone has the right to choose how they live and die. Each person has value and is worthy of respect, and has basic rights and freedoms and the power to control his or her destiny." So they say, and their respect for autonomy must be admired, but the rhetorical flair of this

remark is matched by its obscurity and unreflective moralism. (That organization has not expired, but in 2005 it changed its name to “Dignity in Dying.”)

Peter Singer agrees with the position of the Society, but on the utilitarian grounds that it is better to allow a suffering and terminally ill patient to choose to die. Other moralists, less kind than Singer, even argue, on utilitarian grounds, that some people have a moral duty to die in order to spare others the crushing burdens of their illness. But not all utilitarians are comfortable with euthanasia. Slippery slope argue that euthanasia and suicide are immoral because they will eventually lead to the slaughter of many who are considered undesirable. Since many countries have recently dissolved legal barriers to voluntary euthanasia, this prediction will soon be tested. But there is little reason to think that toleration for euthanasia is likely to lead to mass murder. So far these fears have not materialized in The Netherlands, where voluntary euthanasia has been permitted for years, or in Oregon, where physician assisted suicide has been legal since 1994.

The amoralist does not believe in the intrinsic value of life, the inherent right to life, the duty not to take life, or the duty to die. But even if life is not intrinsically good and pain is not intrinsically bad, each being, including the amoralist, “values” its own life, and has a drive to preserve it, and to avoid pain. Compassionate moral abolitionists will feel helpless regret when confronted by incurable agonizing pain of others, and will be willing to leave decisions about the end of life to those whose pain and whose life it is, or, when necessary, to their parents, children, and loved ones.

There are suicides and suicides. There is a great difference between someone who is suffering from incurable and relentless physical pain and someone who has

received a temporary setback. Anyone who thinks and cares about others will be saddened by the suicide who was unable to realize that the pain or shame might be healed by time. But an attempt at understanding is more in order than moral condemnation.

There are other regrettable motives for suicide. For example, the amoralist will not think, and the moral abolitionist will not say, that it is morally wrong to commit suicide in order to get revenge, but, like most moralists, they will see it as injudicious, and any informed and compassionate moralist or amoralist is likely discourage and condemn it.

What, then, should be said of suicide bombers? Obviously the moral (and the ethical) issue here is not so much about the suicide as it is the bombing. We know that with the right premises and assumptions a moral justification can be given for anything, and we know that people will believe almost anything if they are cut off from objective information or if they are under the influence of a charismatic leader. What suicide bomber ever goes to his or her work without believing in the justice of the cause and the moral necessity of their act? That, remember, is exactly what is wrong with morality.

Compassionate amoralists will oppose suicide bombings and some error theorists may even think that if there is ever a place for moral fictionalism, this is it. But I doubt this because terrorists have their own religious and moral beliefs that would make them unresponsive to the moral reasoning of their potential victims. It would be more effective to try to undermine the moralist way of thinking, which is readily available to both despots and freedom fighters, both jihadists and their victims. It is the unreflective reliance on moral language, and the mistaken and uncharitable attitudes

and beliefs that accompany it, that alienates opponents on both sides of any argument, undermines sympathy, and makes violence and war easier to contemplate.

In this chapter we have examined three of the favorite topics of those working in applied ethics: crime and punishment, reproductive issues, and questions about the deliberate ending of life. My goal was not to answer the related moral questions, but to suggest that we can make serious progress on these problems only when we let go of the *moral* questions, and work to prepare ourselves to make sensitive and informed decisions when and if we are called upon to do so. I have argued that moralism has almost destroyed our criminal justice system by making moral desert a centerpiece and an excuse for mistreatment and callousness. Moralism also confuses us about our reproductive choices, relying on utterly false beliefs and sub-standard arguments to influence decisions that affect our whole lives. Finally, moralism is guilty of interfering not only with our decisions about how to live, but also with that most personal decision of all, which is how to die. In the next, and final, chapter we will add to the list of damage done by moralizing some other questions about the treatment of humans, non-human animals, and the environment.