

11. Theories of Ethics

A. Why Ethical Reflection Remains Necessary

In previous chapters we have been concerned with jurisprudential questions—that is, with questions concerning what the laws ought to be—with respect to euthanasia and related matters. But upright persons not only wish to live under sound laws; they also wish to make morally right judgments.

Legal standards direct and regulate society and provide means by which members of society can pursue their purposes in orderly and recognized ways. Moral standards are primarily sought by persons to shape their own activities. It is a mistake to think of moral norms as if they formed an additional legal code. Upright persons undertake ethical reflection about moral questions not so much to settle controversies with others as to make sure that their own lives will meet the test of reasonableness, will be examined lives worth living by persons conscious of and grateful for the human capacity for rational reflection and self-criticism. Thus the question “Who is making these rules, and why should I accept them?” which always is appropriate when one is confronted with laws is out of place when one is seeking moral standards. A serious person regards any proposed moral standard as an appeal to reason and accepts it if no more reasonable alternative can be found.

There are a number of reasons why moral guidelines are necessary and legal standards by themselves are insufficient.

As we explained in chapter two, section H, not all of morality can be legislated. Thus law necessarily leaves open to individuals a more or less broad set of options, some of which are questionable from a moral point of view. Upright persons will wish to know which of the legally permissible acts are morally acceptable and thus to be seriously considered.

Moreover, upright persons tend to extend their ethical reflection to the law itself. The fact that laws are in force is no guarantee that they are just. Anyone who is concerned about moral goodness will wish to know whether present laws—or any proposed laws, including our proposals—are *morally* worthy of wholehearted support. This concern gives rise to two questions.

First, is the conception of government which is based solely upon the commonly accepted principles of liberty and justice morally defensible? In chapter two we articulated this conception as an expression of the American consensus (or, more broadly, of the form of liberal democracy common to the English-speaking nations). Throughout our treatment of the jurisprudential questions we have assumed that this conception of government is sound. Many readers may feel that government ideally should be somewhat less libertarian, that it should embody a commitment, for example, to the good of human life itself, not merely to equal protection of the law of homicide. The ethical theory which we will articulate in this chapter and the next will enable us to argue in chapter thirteen that the more libertarian conception of government is morally defensible not merely as a compromise in a society in which immoral persons participate but even as a sound principle for constituting community among persons who respect as fully as they deserve both human life and every other human good.

Second, in the preceding chapters we have considered, criticized, and rejected numerous proposals which would facilitate killing some persons or letting some persons die when others think they would be better off dead. Underlying these proposals are two assumptions. One of these assumptions is that human life is, not a good intrinsic to human persons, but merely a necessary condition of personal fulfillment. On this assumption life is an instrumental good at the material or biological level. The other assumption is that the rightness and wrongness of human acts depends strictly upon their measurable good or bad consequences for human persons. On this assumption, when continued life is of no benefit and its termination would prevent further suffering, then beneficent killing is morally required.

In the present chapter we are going to criticize the consequentialist method of ethical reasoning, propose what we believe to be a sound alternative to it, and argue that human life is a constitutive, not merely instrumental, good of human persons—a good which contributes directly to human fulfillment regardless of the quality of life a person enjoys.

B. Some Less Plausible Theories of Ethics

Before we criticize the consequentialist method of ethical reasoning, we consider briefly some other current approaches to moral questions. These approaches are generally considered less plausible than consequentialism, and the difficulties inherent in them lend consequentialism much of the plausibility it has.

Very often those who deal with difficult moral questions, including professional philosophers and others considered to have some expertise in critical

reflection, proceed in an unsystematic and ad hoc way. They do not raise the question: What method of ethical judgment is sound? Instead they deal directly with the moral issues and proceed from assumptions which they expect readers or listeners to grant.

One very simple way to do this is to argue by analogy. A real or imaginary case which seems simple and clear is taken as a premiss, and the extent to which people's moral judgments about the case coincide is used as another premiss. The conclusion is then drawn that the same moral judgment should hold for a somewhat similar but less simple and clear case, concerning which moral judgments have diverged.

The analogy proposed by Judith Jarvis Thomson, which we criticized in chapter seven, section F, between abortion and disconnecting oneself from the violinist, is an example of this way of arguing. Our criticism of her argument makes clear why arguments of this sort are weak. If the instances which are compared are not alike in all relevant ways, then the analogy, although persuasive, loses its appearance of rational cogency. If the instances which are compared are alike in all relevant ways, the moral standard implicit in the judgment of the clearer case also will apply to the less clear one. But such arguments will be effective only when the principle itself is not in question. However, the issues considered in this book concern principles, not merely the application of standards to cases, and the same is generally true of important arguments about public policy issues. Thus, arguments by analogy cannot provide a rational ground for settling the issues in dispute.

Another approach to moral issues which avoids the problems of ethical theory is casuistry. Casuistry is a method of moral reasoning by which one applies an accepted set of principles to difficult cases by clarifying the peculiar features of these cases, making explicit all the principles which might be relevant, and comparing the difficult cases to simpler cases determined by each of the relevant principles. In law casuistry is indispensable, and it also will be used by anyone or any moral community which holds and develops a complex set of moral standards. But casuistry has its limitations. Like argument by analogy, it assumes that there are principles which are not in doubt. The application might refine or qualify an accepted standard but will not so radically alter it as to dictate contradictory decisions concerning cases previously decided by the standard.

The issues with which we are concerned in this book go beyond problems of difficult cases to be decided without abandoning accepted principles. The issues have become acute precisely because there no longer is a moral community in contemporary political societies concerning the good of human life and the practical implications of this good. Thus, to proceed as if the issues of principle were merely casuistic problems is to fall short of one's responsibility in the debate.

Marvin Kohl, for example, falls short in this way when he argues casuistically as if beneficent euthanasia were merely an application of the principle of kindness which is generally accepted. Most people who have accepted the principle of kindness would consider killing necessarily unkind. Kohl's interpretation is novel, and it would upset many judgments previously reached by applying the very principle to which he appeals. Obviously the interpretation of the requirements of kindness which Kohl requires must be argued for. But while he answers various objections to mercy killing, *assuming it kind*, he does not argue for his radical reinterpretation of what is required by the principle of kindness. Thus, Kohl's treatment begs the question at issue. So will every effort to handle issues of principle as if they were merely problems of particular application to be dealt with casuistically.

Therefore, any adequate approach to the issues treated in this book must confront the problems of ethical theory and provide an account of the way in which moral standards themselves can be critically defended—that is, how one can rationally prefer one to another candidate for the status of moral norm when the candidates are incompatible with each other directly, not merely in tension with each other in application to difficult cases.

One of the simplest ethical theories compares the source of moral judgments to the sources of factual and scientific judgments. Just as one knows factual truths by observation or experience and develops science on the basis of particular factual truths, so it is suggested one knows moral truths by experience with the moral data and develops moral principles by generalization from such experience. On this theory one might say that conscience is a moral sense by which one intuitively perceives moral truths.

A slightly different version of intuitionism suggests that general moral norms are grasped directly, somewhat as self-evident principles—for example, of mathematics—are believed by some to be grasped. Intuitionist theories of this second sort account for the universality and necessity which many people believe to belong to moral norms.

However, appealing as intuitionism is, moral judgments do not seem to be either like matters of fact or like self-evident general principles of any theoretical discipline. Moral judgments and moral standards are normative, not theoretical. They say what ought to be, not what happens to be or what necessarily is. Whether one thinks of intuition on the analogy of sense perception or on the analogy of insight into some sort of necessary principles of the order of things, it is difficult, to say the least, to understand how one could intuit what might or might not be, but ought to be.

Furthermore, both particular moral judgments and proposals of general moral norms conflict. This conflict, as we have just explained, is what gives rise to the need for ethical theory. Intuitionism seems to suggest that there really should be no more conflict here than there is about matters of fact or

self-evident principles. But the conflict remains, and no one who holds an intuitionist theory is in a position to explain the fact of conflict or to suggest a rational method for resolving it. Intuitionists thus are reduced to what seems a bare and unsupported assertion of conflicting moral claims. Those who do not accept such claims are called "morally blind" or "morally muddled," but when such charges are laid mutually, discussion is at a standstill.

The failure of intuitionism has led many modern, especially twentieth century, philosophers to doubt that there is any rational way to vindicate any moral norm or judgment. Certainly, if claims to truth in the moral domain are mistaken—if there is no truth or falsity to be had in this domain—then moral norms and particular moral judgments will not be able to be vindicated rationally.

In this case moral judgments often are regarded as the expression of the feelings or attitudes or commitments of individuals or groups: Such things have a function in generating and shaping behavior but are themselves simply facts about persons or societies, not normative truths. The theory that moral judgments are facts of this sort is called "subjectivism"; as applied to societies and cultures, it sometimes is called "relativism." We shall simply say "subjectivism" to cover all forms of this theory.

Certain facts make subjectivism appealing. For one thing, some who are confident that they know the truth about morality are tempted to fanaticism; they may be harsh and intolerant toward others who disagree or who fall short of the standard of true morality. Another point is that people who hold differing moral views, provided that they are sincere, generally are considered morally upright only if they follow their own best judgment, so that different people are morally good in following conflicting moral judgments. Another point is that morality seems to be a matter of a person's free decision; if there were an objective truth in moral norms, then such freedom would seem to be excluded. Again, subjectivism gains some plausibility from the fact that very often people use moral language to do no more than express their feelings, attitudes, or commitments. Thus, often those who do not like a public policy say it is "unjust," because this is a very emphatic way of expressing one's negative feelings or attitudes or one's preference for some alternative approach.

However, intolerance does not follow necessarily from the belief that there is moral truth, nor does tolerance follow from subjectivism.

One can hold that there is moral truth but that it leaves room for a certain range of life-styles which ought to be tolerated whether one likes them or not. One also can hold that forms of behavior one considers incompatible with true moral standards ought to be tolerated for the sake of various human goods, such as liberty and justice.

Moreover, it is obvious that persons of sincere good will can disagree

irreconcilably in regard to ethical questions and can consider themselves bound to follow courses of action which lead to tragic conflict with one another. Those finding themselves in such conflicts need not, and often do not, condemn as vicious those with whom they are in conflict.

Furthermore, one can embrace subjectivism and have completely intolerant feelings, attitudes, and commitments. And if one is a consistent subjectivist, one will consider such intolerance beyond criticism or reproach from any source. Those who embrace subjectivism must confront moral disagreement as a matter of fact to be dealt with according to their own feelings, attitudes, and commitments. Such persons might forbear to do all they would like, but not out of any respect for *objectively valid* principles of liberty and justice—for there can be no moral foundations for such values. Their validity extends no further than their effectiveness if subjectivism is correct. A subjectivist involved in a moral conflict cannot think an opponent sincere *but mistaken*, for there is no moral truth about which one can be mistaken.

The desire for tolerance surely is worthy, but it does not require subjectivism. Rather it requires a distinction between the viciousness or guilt of one who acts and the wrongness or evil of what is done, between the virtue or good will of one who acts and the rightness or goodness of what is done. People of good will can do what is evil by mistake or through weakness, and it also is possible for vicious people to do good despite their worst efforts.

All persons must follow their own consciences, for one's conscience is one's best judgment as to what one ought to do. Nobody is morally guilty who does his or her best to find out what is right and then acts according to this best judgment. But such a judgment, for all its sincerity, can be mistaken—that is, can be *in error* (if, contrary to subjectivism, there is moral truth). Thus, if one finds certain practices of others ethically indefensible, one need not pass a judgment of moral condemnation upon those who engage in or defend such practices. Tolerance of those who disagree with one's judgment, compassion for those who do what one judges to be evil (often in circumstances in which one might oneself do far worse evil), are fully compatible with a firm judgment that the practice one rejects is *truly* immoral, not merely inconsonant with one's own feelings, attitudes, or commitments.

Other facts which at first glance make subjectivism appealing also fail on closer examination to lend it rational support.

The suggestion that moral freedom entails subjectivism depends upon a confusion—one which is very widespread—between moral judgment and moral choice. Moral life, obviously, is not a matter of given facts. In the moral domain a person is no mere puppet moved by natural forces. Rather, as a moral agent, one determines oneself, writes one's own autobiography, creates one's own history. A person can say "No" to the world which presents itself and with that "No" can undertake to make a world more in

accord with a moral vision. Thus moral life is the sphere in which men and women are superior to what is given in advance. How, then, can one submit to moral standards which do not reflect one's own decisions?

The answer is that moral decision is twofold. One is the choice of what one will do; the other is the judgment as to what one should do. Due to this ambiguity it makes perfectly good sense to say, "He decided that he would be doing something wrong if he killed his defective child, but he decided to kill the child to end the suffering of everyone concerned, including himself." The first "decided" refers to judgment, the second to choice. In neither sense is *decision* a fact of nature. But decision as judgment can have an objectivity as an expression of moral truth—if subjectivism is mistaken—which decision as choice cannot have.

If this were not so, there would be no morally wrong acts; the very fact that one decided to do something would make one's choice be right. If subjectivism were correct, there would hardly be room for immorality; immorality would at most be dissonance between one's actions and one's own feelings, attitudes, and commitments—a dissonance one always could remedy by changing one's feelings, attitudes, and commitments as well as by changing one's behavior. In any case, inasmuch as feelings, attitudes, and commitments are themselves merely one set of facts among others, a subjectivist theory does not account for the sense that moral life involves transcendence to the given. Rather, it renders this sense of transcendence inexplicable. A theory which leaves room for moral truth but distinguishes it as normative from the truths of fact and self-evident principle which are the model for intuitionist ethical theories will avoid the difficulties of intuitionism without falling into subjectivism.

Finally, it can be granted the subjectivist that people often do use moral language without intending by it to express more than their own feelings, attitudes, and commitments in a particularly forceful way. Some children call anything they dislike "unfair." This use of moral language is accounted for by the subjectivist theory, just to the extent that truth is no concern of those who talk this way.

But even here the subjectivist theory does not fully explain what is going on. Moral language as subjective expression has something which makes it preferable to a straightforward expression of one's feelings, attitudes, and commitments. Moral language makes an appeal to the reasonableness of others, while a merely subjective expression could at most appeal to sympathy. This special feature of moral language is understandable if, in fact, the cases in which it is used in a subjectivist way are parasitic upon standard uses in which something more is being expressed: a moral truth which deserves attention and respect *as well as sympathy* for the person—a fellow member of a moral community—who utters it.

In short, subjectivism is inadequate as an ethical theory. It puts an end to rational discourse about morality as surely as intuitionism does. It precludes justification of basic moral principles and reduces them to the status of facts. And it renders unintelligible the fact that one can be mistaken in one's moral judgments and be in need of correction. Moreover, subjectivism makes it very difficult to understand how anyone can do what is morally wrong, since immorality will merely be a matter of inconsistency which sufficiently energetic and ingenious persons always can try to remove by altering themselves or their culture rather than by conforming action to existing standards—which are only facts to be dealt with efficiently like any other obstacle to doing as one wishes.

Although few if any who engage in the euthanasia debate profess either intuitionism or subjectivism as an ethical theory, many popular discussions of these issues seem to presuppose an intuitionist or a subjectivist theory of morality.

More and more people try to support their diverse and incompatible moral views by an appeal to "experience," as if experience were a final and unanswerable argument. Actually it is no argument at all. People who appeal to experience often imply an intuitionist theory. This is so if they think that they discern moral truth in their experience. Otherwise they imply a subjectivist theory if all they mean is that their experience has contributed to their peculiar feelings, attitudes, and commitments, which are what they are, and neither need nor can have any more justification than any other fact, such as feeling depressed, liking Bach, or being committed to one's country right or wrong.

Again, polls showing changing public attitudes often are cited as if they indicated that traditional moral standards are surpassed and no longer valid. But mass public opinion—even if it reflects something more worthy of respect than the effectiveness of the opinion-making media—does not settle morality unless subjectivism is correct. And if it is, the new morality is no more true than the old one, and there can be no more justification for accepting the latest opinion than for holding to traditional opinions.

The history of twentieth-century ethical theory, apart from the articulation of various versions of subjectivism, is largely a series of attempts to find a way of getting beyond intuitionism and subjectivism.¹ If these views are untenable, most philosophers think, there must be some rational way to criticize and justify moral norms, even the most basic of them. How can one do this?

Many religious persons would answer that moral judgments are true simply because God has given his commandments to humankind, and these commandments can be reflected in human moral judgments, which thus conform to a standard which cannot be wrong.

Philosophers generally will not accept this account, partly because it depends upon religious faith and partly because it is difficult to discern the practical implications for difficult questions of the commandments traditionally believed to come directly from God. Thus some argue that euthanasia must be excluded as forbidden killing; others that it must be permitted as compassion toward a suffering neighbor.

However, a more basic problem with a divine-command theory of morality is that it seems to be another form of subjectivism, but one with God as the sole subject whose determinations constitute morality. Of course, on this account the norms are not truths and cannot be rationally defended. If one attempts to avoid this conclusion by providing reasons *why* God's commands *ought to be accepted* and followed in practice, then one appeals to a moral norm which claims respect apart from the fact that God commands anything.

Thus even those who hold that God does give certain commands which transcend human understanding and that these commands ought to be accepted in faith—a position we ourselves hold—preserve the possibility of rational defensibility for religious morality only if they can explain why one ought to believe and live one's faith. If one abandons the possibility of rational defensibility for religious morality, one forgoes the possibility of proposing faith with any sort of moral appeal. The alternative is to propose it as something either with no appeal or with an appeal to nonmoral interests.

One way to try to supply reasons why divine commands ought to be accepted is to appeal to human nature. Presumably, various kinds of action comport well or badly with human nature, considered as a whole.

The difficulty with this theory is that all possible human acts are consistent with human nature if this nature is considered as something which is given. Thus, viewed in this way, human nature provides no norm by which one can separate good from bad acts. However, if nature is considered not merely as a given but as a normative ideal, then naturalness is equivalent to what human persons ought to be. The appeal to nature thus becomes an appeal to intuition, or a merely question-begging attempt to articulate this intuition.

The ethical theory of Immanuel Kant is an attempt to find a moral norm in the nature of human persons themselves, while it excludes as immoral much of what men and women actually do. Kant argues that what is central to personal moral life is rational self-determination to action. Goodness attends one's action to the extent that it issues from principles which can pass reason's test of perfect self-consistency; evil attends one's action to the extent that it is elicited by one's given needs and interests, desires and fears, in a way which escapes or evades control by the rule of reason.

Kant surely has located a *necessary* condition of moral goodness. A person who is uninterested in principle, who is willing to make special exceptions in particular cases for no reason at all, clearly is unconcerned about morality.

But it is not clear that Kant has located a *sufficient* condition of moral goodness. It seems possible for anyone to achieve rational consistency if he or she is ingenious enough at making distinctions.

Moreover, if as Kant suggests immorality attends action which flows from impulse unregulated by reason, then moral failings seem rather to be something a person suffers than something a person does. But while people do fail morally through weakness, such failings seem less seriously immoral than those acts in which reason seems to play a larger role. In short, Kant does not show how a person, precisely as a *rational agent*, can be immoral (and in the moral sense "unreasonable"). The violation of rational principles such as the laws of logic leads to the total breakdown of rational functioning; the violation of moral norms does not but rather represents a peculiar perversion which is only maximally possible if there is no breakdown in rational functioning. One of the data from which ethics begins is that there is a distinction between being immoral and being mentally ill. Kant cannot account for this distinction.²

The challenge to go beyond intuitionism and subjectivism, which is not adequately answered by the theories discussed thus far, is met more plausibly by those ethical theories which are called "teleological." A teleological theory also begins from some truths which are considered to be too basic to demonstrate—truths which are claimed to be self-evident or known by intuition after a reflective clarification. But these truths themselves are not proposed as moral norms. Rather, a teleological theory maintains that moral obligations are determined by what promotes human well-being or human flourishing. The basis for moral norms thus includes two kinds of propositions. One of them characterizes certain goods—"goods" not in a moral sense but merely in the sense of things desired for their own sake—as constituents of human well-being or flourishing. The other kind of proposition specifies the manner in which human acts must be related to these human goods if the acts are to be morally right.

Teleological theories have considerable initial appeal. Morality does seem to be for persons, for their full development and true well-being. It seems mistaken to think that moral rules are mere restraints upon human desires and actions, mere limits which would prevent people from being all that they might become.

Moreover, the proposition that human well-being is to be promoted does seem to be self-evident. In arguments about what is to be done the disagreement is always about what will promote well-being, in what it consists, whether an action or policy which seems to promote it really—perhaps in the long run—does not do so. Thomas Aquinas, for example, argues that the first principle of practical reasoning is: Good is to be done and pursued, evil is to be avoided. And he holds this principle to be self-evident. Moreover, "good"

here signifies, not moral goodness, but rather what contributes to human well-being or flourishing.³

C. Consequentialism: A Plausible but Inadequate Theory

For the moment we put aside the question of what constitutes human well-being or flourishing. This question, concerning what goods are basic to morality, we shall consider shortly. But first we wish to consider the theory of the method of ethical reasoning which we call "consequentialism." This theory has become extremely popular in modern times, both among professional moralists and among others who discuss moral and public policy questions. The influence of consequentialism upon the issues discussed in this book has been enormous.

According to the simplest consequentialist theory of moral reasoning the moral good or evil of human acts is determined by the results (consequences) of these acts. If an act has good consequences, then that act will be good; if it has bad consequences, it will be bad. Of course, most acts have consequences which are partly good and partly bad, and moral judgment is necessary only when one must compare alternative courses of action, among which one might choose, to determine what one ought to do. Consequentialism holds that the morally good act will be the one which on the whole gives the best results. All the alternatives, including not acting and delaying action, must be compared. If one can add up the good results expected of each possible course of action and subtract in each case the expected bad results from the good, then according to the simplest form of consequentialism the morally right choice is that alternative which will yield the greatest net good—or, in an unfavorable situation, the least net harm.

In other words, the consequentialist wishes one to think about what one might do in terms of its impact upon human persons—the extent to which it will benefit or harm them. The right thing to do will maximize benefits and minimize harms. Only the one best act will be morally good, and it will be obligatory. Other possible courses of action will be immoral, more or less seriously so depending upon the extent to which they are less beneficial or more harmful to someone than the morally right act.

A consequentialist theory of moral reasoning seems implicit in the ethical and political theories of a great many modern thinkers. Machiavelli and Hobbes, for example, seem to argue in this way for proposals which seemed radical in their day. Marx, when he justifies revolutionary action, seems to do so by pointing to its necessity to overcome alienation and attain a new level of human life, much better than the dehumanized existence in which humankind has suffered until now. Even many contemporary Christian thinkers

seem to offer consequentialist arguments, sometimes based upon an other-worldly conception of human flourishing, for their moral teachings. But more than any others in the English-speaking world, the utilitarian thinkers, including Jeremy Bentham and John Stuart Mill, explicated and defended consequentialism as a method of ethical reasoning. The consequentialist formulation which they made popular is: The right act is that which brings about the greatest happiness for the greatest number.

The utilitarians joined consequentialism with a theory of human well-being which was more or less frankly hedonistic. Hedonism equates what is intrinsically good for persons with pleasure or enjoyable experience, what is bad for persons with pain or undesirable states of consciousness. The utilitarian theory thus proposes that the morality of actions be judged by the extent to which they cause enjoyment and minimize misery. Obviously, consequentialism need not be tied to a hedonistic value theory; consequentialism itself perhaps is more plausible than this or that theory of value with which it has been connected.

Still, consequentialism with a more or less strong component of hedonism underlies many proposals for altering public policies and laws in ways which diverge from traditional morality. Justifications for mercy killing, for example, which invoke quality-of-life considerations generally evaluate quality in terms of the enjoyable activities and experiences an individual is likely to have in comparison with the pain and suffering the individual must undergo if life continues. Considerations of the interests of the family and society bring into account the relative costs and benefits to others, in accord with the utilitarian injunction to consider the good of all concerned. When it seems that the benefits of continued life for the individual and for others are overbalanced by the harms of suffering and burdens, then it is presumed such killing would be kindly and that it is morally permissible and even obligatory.

There are many different forms of consequentialism. We have described the simplest form.

It is direct. It locates the preponderance of value which determines the moral worth of each particular action in the particular state of affairs brought about in and through that action. More complex versions of consequentialism are indirect. They look to the overall state of affairs which will be brought about if one accepts a certain rule or other principle, and then the moral significance of particular acts is judged by their conformity to that rule or other principle.

Again, some versions of consequentialism are pure. They admit no moral value which cannot be judged by consequentialist considerations alone. Other versions of consequentialism are mixed. They hold that some or all moral values can be judged only if consequentialist considerations are supplemented in appropriate ways by nonconsequentialist ones—for example, by the limiting requirements of justice.

Act consequentialism and rule consequentialism do not seem to us to differ as much as is sometimes supposed. Act consequentialism admits that if a judgment is right in any particular case, then the same judgment should be made and followed by anyone who faces a similar set of alternatives with a like balance of good and bad consequences. Thus the judgment of the particular act, just insofar as it is a rational appraisal, is really universal and thus is a rule. And a rule consequentialist, when pressed, does not insist that rules must be maintained if on the whole and in the long run change in them would be for the better. Thus rules are qualified to permit all reasonable exceptions, and reasonableness is judged by the consequences of acts.

Rule consequentialists sometimes argue that their position takes account of situations in which it is harmless to the community and advantageous for each individual to act in a certain way but disastrous for all if everyone acts in that way. However, act consequentialism can justify making and enforcing rules—since the making of a rule is itself a particular act—to restrain everyone from contributing to a situation when the cumulative effect would result in a common disadvantage. Among the consequences of an individual act are the implications it has for the actions of others and the consequences it will have when joined with the predictable acts of others. Thus act and rule consequentialism seem to yield the same results.⁴

Even if some forms of consequentialism are not reducible to the simplest sort, every kind of consequentialism involves a common feature: They all require the weighing of values implicit in various alternatives, whether these alternatives be courses of action, rules, life-styles, or something else. We hold that precisely because of this feature, shared in common by all forms of consequentialism, it is an unworkable theory of moral reasoning. It cannot do the job for which it is intended by its proponents.

In recent years many philosophers have criticized consequentialism. Many of these criticisms have tried to show that consequentialism would yield moral judgments at odds with the considered moral opinions of most morally serious people. For example, it is often pointed out that consequentialism cannot justify common moral judgments about justice, because a consequentialist is concerned about the maximizing of the total benefit and has no way to assure fair distribution of goods.⁵

But a consequentialist has two ways to respond to objections of this sort. First, it can be argued that fairness itself is important because unfairness causes a great deal of misery and leads to conflict which breeds even more misery. If strict fairness is not required to avoid bad consequences and if some inequality in distributing benefits is beneficial on the whole, then the consequentialist will argue that it is fanatical to insist upon strict fairness.

Second, consequentialists can—and often do—regard their theory as a revisionist approach to moral dilemmas, as a new morality. If it does not account

for prevailing moral opinions, that might be because these opinions are corrupted by the prejudices of ancient traditions. The consequentialist will urge that this new approach be adopted to put moral judgment, at last, on a rational basis, a basis similar to that adopted by science and other advanced forms of human thinking.

Our own critique of consequentialism does not depend upon an appeal to moral intuition for counterexamples to consequentialist judgments. Our position is, not that consequentialism gives wrong answers, but that it cannot rationally justify any moral judgment, because it is an altogether unworkable way to proceed from an appreciation of the basic human goods involved in human well-being or flourishing to judgments on the moral quality of human acts, humanly approved rules, or the like. The subject matter upon which consequentialists try to bring their theory to bear, we maintain, is such that no one can reason about it in the way consequentialism urges.

Consequentialism is a calculative method. It suggests that the good and bad effects of each alternative be tallied, that the total bad effects be subtracted from the total good effects of each alternative, and that the net results of each computation be compared with the others. The alternative which gets the best—or least bad—score is the one to be accepted.

This calculation simply cannot be done unless the values of the various outcomes are such that they can be measured against one another. But the good effects of one alternative—in the simplest case of one action—often seem to be simply different in kind from its bad effects. Moreover, the good and bad effects of each alternative often appear simply incommensurable with the good and bad effects of the other possibilities.

The appearance of incommensurability between various goods which are components of human well-being is revealed clearly by examples. A young woman has a choice whether to be a physician or a lawyer. Assuming that the decision is not settled by an existing resolution to take up the career which will probably yield a better income or something of the sort, the young woman will see that each profession is humanly worthy in its own way. A physician can help to promote health, cure disease, and comfort the dying. A lawyer can help people cooperate together, promote public order, and protect justice. One simply cannot add up the pro and con features of these ways of life and assess the worth of each. There simply is no neutral scale on which she might weigh in homogeneous units the good and bad aspects of the two professions.

Of course, if one assumes a prior commitment to some further good, a commitment which is not allowed to be put in question while considering these possibilities, then the comparison may be carried out with a definitive result. For example, if a young man is determined to follow that career into which he can enter with fewer years of time and fewer dollars for schooling,

then a simple comparison will tell him to favor the law and avoid medicine. If he has made up his mind to follow as lucrative a career as possible, a study of his own talents and of the market situation will indicate, at least with a certain degree of probability, which alternative to accept.

But moral choices are not simply selections of the most efficient ways of reaching some antecedently established goal. Rather, moral choices are made in a context in which one recognizes multiple goals, accepts the possibility that some of these may be called into question, and does not preclude the need to accept constraints on the pursuit of some goals.

The incommensurability which appears in choices like the one just described also appears in choices which most people would consider paradigmatic cases of moral decision, as moral dilemmas very difficult to resolve. For example, if one must decide whether to undergo chemotherapy for cancer, one must consider the pain, disruption, expense, psychological repugnance of the treatment and its effects. One also must consider the obligations which would go unfulfilled if one dies sooner than necessary, the various activities and experiences one will miss out on. It is hard to see how any of these items could be rationally weighed against one another. The same thing is true in other cases. How, for example, is the value of the life of a severely defective infant to be weighed against the costs of treatment, the burdens to the child's parents and to society, and so on?

When consequentialists propose their theory, it seems overwhelmingly sensible. Choose the course of action which will yield the greatest net benefit to all concerned. If one disagrees, the challenge is: Do you mean that one ought to prefer an alternative which brings about more misery on the whole? Clearly, one cannot prefer this if it is really the alternative. But now we have shown, on closer inspection, that the comparison of alternatives does not appear to present one with instances in which any alternative is clearly and unambiguously likely to bring about either a greater net benefit or more misery on the whole. Rather, all of the morally interesting alternatives seem to embody incommensurable goods.

We hold that this appearance of incommensurability of the goods in the alternatives between which one must choose is veridical: The appearance is reality and cannot be overturned. These goods are either means to or components in human flourishing. That these human goods are incommensurable is implied by the fact that human individuals can make free choices. One can make a free choice only between options which embody incommensurable goods. If possibilities which initially seemed to offer significant alternatives turned out not to embody any incommensurable goods, then one's judgment would be determined and no choice would be necessary. Other possibilities simply would fall away in favor of the one which appeared best.

The point can be clarified in the following way. If goods were commensur-

able, then there would be no need for free choice, since in each case of deliberation between alternatives one could discover by calculation which possibility was the best. If one could discover which possibility was the best—using “best” in a single, uniform meaning—then it would be psychologically impossible not to take the alternative which one had discovered to be the best. Of course, if one were able to take what was known to be less good—using “good” in the comparison in a single, uniform sense—such a choice would be irrational. But the point we are making is even more basic. If one of the alternatives about which one deliberates were recognized to be determinately better than the other options, then it would be impossible to choose any of the others. Choice, after all, is for the sake of the good in what is chosen; choice of what is less good rather than of what is more good could not be for the sake of anything.

It is possible to choose unreasonably that which is less good than an alternative which one might choose—for instance, to choose unreasonably to do what is morally evil rather than what is morally required. But such unreasonableness is possible only because what is judged to be “best” is *not* discovered to have as much good—using “good” in a single, uniform sense—as any alternative and some more good besides. Rather, each eligible alternative is seen as having some special good—peculiar to itself and incommensurable with the good held out by the other possibilities—which will be attained only if that alternative is chosen and must be forgone if another alternative is taken instead.

If goods were commensurable as consequentialist calculation demands, then one of the options could be discovered to have as much good as the others and more good besides. The “as much” would replace or compensate for the good forgone in the alternatives not chosen; the “more besides” would make the best alternative irresistible. If goods were commensurable, there would be a common standard of goodness, and no alternative ever would hold out an appeal peculiar to itself. By the common standard one possibility would be found to have all the good, all the appeal, of any alternative possibility, and then some; the alternatives simply would not measure up.

The preceding, quite abstract argument can be confirmed by reflection upon experiences one has of making choices, particularly those choices of acts for which one feels morally responsible.

If we seek within our experience for the cause of the fact that we have actually done something for which we feel moral responsibility, we usually come back to a point at which we ourselves made a choice, at least a choice to “go along” with something. Prior to the choice itself we were aware of two or more possibilities, incompatible with each other and lying in the future before us. It seemed to us that none of these possibilities was bound to occur. We thought that only we ourselves could settle whether each possibility would or would not ever become real.

We therefore considered each alternative in turn by noting the pros and cons of each. These pros and cons were not altogether comparable. Although there may have been some common factors, we did not find that one alternative included all the pros and excluded all the cons of the other (or else they would not have appeared to be genuine alternatives). With some perplexity at the lack of any common standard by which to measure the various pros and cons, we acutely felt the need to settle the indeterminacy in the facts ourselves. In considering each of the alternatives from the point of view of the good and appeal peculiar to itself other possibilities seemed clearly inferior. But since every possibility seemed better after its own fashion, the quest for the altogether better was frustrated. The possibilities offered incommensurable goods; there simply was no way to measure the peculiar "better" of one alternative against the "better" of a diverse sort proper to another.

One's problem in choosing is like that of a person who is asked which is preferable, a dollar bill or a copper cent. So long as the credit of the government is good, the bill is worth more as money. But if one needs a bit of copper to bridge a gap in an electrical circuit, then a penny is preferable and the paper bill worthless. So it is when we choose: We must settle which of two or more possible "betters" we will realize.

Thus we determine ourselves by taking as a measure of good the standard by which one alternative will appear decisively better. And once we have chosen, the rejected alternatives seem to pale in appeal. No longer impartially considering all possibilities from the perspective of each of them in turn, we view the whole set of possibilities from the single viewpoint of the good proper to the one we have chosen.

Looking back on a choice already made, we always seem to have chosen the greater good—the alternative which appeared better—unless we have a change of heart, which happens, for example, when we repent of having done something immoral. Some argue from the retrospective experience of the superiority of what was chosen that we do not really determine ourselves but rather are determined by the facts to choose the greater good. They forget that before the choice was made, each alternative seemed better in its own way, and our perplexity in seeking the greater good was terminated only when we ourselves selected the single measure of good which we then applied to all the possibilities—a measure according to which one alternative only then became unambiguously better.

Consequentialism goes wrong by ignoring this fact: There is no "greatest net good" because goods are incommensurable. One's computer balks and says that this does not compute. Consequentialism logically must presuppose that while deliberation is going on, the choice already is made, the value standard already settled, so that there will be no self-determination. But in this assumption a consequentialist must ignore the facts of experience. We do

determine ourselves, not by computation, as if there were commensurable goods, but by accepting one way of being satisfied rather than another as the standard by which we shall proceed in a given case.

Of course, the consequentialist can accept the conclusion that free choice entails the incommensurability of goods and try to escape the implication that consequentialism is unworkable in principle by denying that human persons make free choices. As a matter of historical fact most consequentialists have embraced some form of determinism. Those in the English-speaking tradition have usually held the form of determinism which is called "soft determinism," or "compatibilism." According to this view human acts are determined in a way which is compatible with their being imputed to the people who do them, for human agents remain free in the sense of being uncoerced even though their acts are neither uncaused nor self-determined but rather are determined by a cause. Often compatibilists are psychological determinists, who maintain that one necessarily chooses that alternative which seems best.

A consequentialist who accepts a deterministic account of human choice and action, however, merely relocates the difficulty which we have already pointed out in the consequentialist position.

If the factors which cause choices are nonconscious ones, then the effort of thinking about moral questions is futile, since one will choose as one is nonconsciously determined to choose.

If the factors which cause choices are consciously grasped reasons—that is, if psychological determinism is accepted—then a consequentialist ought logically to identify the sufficient condition of the choice with the result of the consequentialist calculus. In other words, what seems best will be what is discovered by calculation to promise the greatest net good. But this leads to a conclusion which the consequentialist cannot accept: What one ought to do will be identical with what one will do. This conclusion cannot be accepted because it is a fact, always taken for granted by ethical theory, that one can do what is wrong, that one can violate the requirements of morality.

A consequentialist might argue that even on a consequentialist theory which accepts psychological determinism a person still might fail by ignorance or miscalculation to discover what is right. Thus the objective norm will be established by consequentialist calculation properly carried out, the subjective choice will be determined, and the choice will be divergent from the norm. The consequentialist thus would be urging that there is one sovereign norm of morality: Calculate carefully! But to say that one ought to calculate carefully so that one's choices and acts will be determined by the greatest net good simply moves the question about freedom and morality to a different level of choice and action. Either one is free to calculate and not to calculate, and this choice is not determined and so not controlled by consequentialist considerations. Or one is determined to calculate and will do it as one is

determined to do it—if consequentialism is relevant at all in precisely the way that one ought to do it.

Thus, whether persons can make free choices or not, consequentialism cannot provide guidance for morally significant choices. On the one hand, the commensurability of goods which consequentialism requires is incompatible with free choice, so if persons do make free choices, goods are incommensurable and consequentialism is not workable as a method of judging what the choices ought to be. On the other hand, if persons do not make free choices, they are determined to choose an act either in accord with or at odds with the consequentialist judgment. If at odds, then it is senseless to say that people ought to do what the consequentialist judgment says, for they cannot. If people are determined to act in accord with the consequentialist judgment, then it does not make sense to consider their choices and actions morally significant, for they cannot do other than they ought.

The consequentialist, therefore, must either accept the unworkability of his theory because of the incommensurability of goods, or admit the pointlessness of moral reflection because of the impossibility that one choose and act as one ought when one is otherwise determined, or deny a fact which all ethical theory presupposes: that people sometimes do what is morally wrong. We conclude, therefore, that consequentialism fails as a theory of moral reasoning.⁶

If the foregoing refutation of consequentialism is correct, any ethical theory which involves it fails just to the extent that the theory does involve it. Someone might object that it is hard to believe that so many serious philosophers and others hold a theory as bad as this. After all, the subject matter is not esoteric but is the making of moral choices, which everyone directly experiences. Our reply is that the very failure of consequentialism helps its proponents to feel that it is an important ethical theory well grounded in their own experience.

When consequentialists argue for the moral permissibility of certain kinds of action—for example, the permissibility of killing those whom they think would be better off dead—the possibilities are examined in the light of the consequentialist's own prior commitments. These prior commitments need not have involved personally adopting a proposal to kill anyone but might have involved condoning the acts of others. Moreover, the prior commitments need not have had to do with the specific kind of act under consideration provided that they had enough bearing on the goods at stake in the kind of act for which the consequentialist argues and the kinds of act alternative to it in the situation the discussion envisages.

Enough bearing for what? Enough bearing so that the consequentialist does not perceive the incommensurability of the goods, but perceives them according to a uniform standard, which allows the calculation consequentialism

requires to be carried out after the manner of an intuitive estimate. One who has approved abortion, for example, might consider the case of a severely defective infant in terms of the good preferred to human life in the approval of abortion and on this consideration judge that life with defects is of such poor quality that the child would be better off dead.

Thus the consequentialist feels confident that "greater good" or "greatest net good" has a very clear and definite meaning. But these expressions, as consequentialists use them, mean no more than "the good which anyone *with my commitments* would prefer." Still, consequentialists want their judgment to be accepted as a moral judgment; they claim that their judgment expresses a standard which any reasonable person ought to accept. So consequentialists project their personal commitments upon the objective possibilities and then read off this projected set of preferences as if they were an objective description which any reasonable person would perceive.

In other words, although consequentialism is wholly unworkable as an ethical theory, it is quite serviceable both as a method of rationalization and as a form of persuasive discourse, by which one can commend one's personal preferences and prejudices in terms which suggest moral objectivity.

As a method of rationalization consequentialism is sufficiently subtle that it can be accepted by persons of fairly subtle intelligence who have a theoretical interest in moral questions and who are conscious enough of more vulgar methods of rationalization to find their arbitrariness unacceptable. As a form of persuasive discourse consequentialism provides a great deal of material which subjectivist theorists analyze quite accurately, only to miss the fact that like other parasitic uses of moral language, consequentialism is rhetorically effective only because there are standard, nonsubjectivist ways of using the language of moral evaluation.

Someone familiar with recent analytic ethics is likely to object that there is nothing unreasonable in the effort to combine arbitrariness and the willingness to universalize in the formation of an ethical theory. Such a strategy, after all, is that explicitly adopted by R.M. Hare and other prescriptivists. However, we think Hare is attempting to do what is rationally impossible—namely, to derive the moral "ought" from the premoral "is" of a combination of facts: facts about premoral desires, facts about linguistic usage, and facts about decisions. The interested reader is referred to a lengthier examination of Hare's approach published elsewhere.⁷

D. Legitimate Uses of "Greater Good"

Still, it will be objected, measuring, counting, and weighing of goods do have an important place in practical reasoning. When people are trying to

decide what to do, they do make use of these operations. "Greater good" and similar expressions are used meaningfully. How can this fact be squared with our argument that consequentialism is unworkable?

Goods can be measured, weighed, and counted. But when they are, the context is either one of two kinds. In one kind a practical but nonmoral judgment is made. One calculates, not to determine what one ought to do morally speaking, but to determine what is better in some nonmoral sense of "better." In another kind of context one does reflect to determine what is morally right. But one does not measure, count, and weigh the amount of human good which is promised by each alternative, and *then* draw a conclusion of moral principle. Rather, one reflects within a framework of moral assumptions, which set a definite standard for the relevant goods.

It is easy to find examples in which comparative evaluations are made in reaching a practical, nonmoral judgment. Consideration of a few such examples will clarify how different this procedure is from consequentialist moral reasoning.

Sometimes people compare the extent to which goods in which they are interested probably will be realized by various possible courses of action. They notice that one possibility will lead to all the benefits to which another will lead, and more, and also notice that other things are equal. For instance, one seeking the best rate of government-insured interest might compare the rates available at various savings institutions and find that one offers a slightly higher effective rate than the rest and meets all the other conditions which have been set. In a case like this the possibility which maximally satisfies interests is taken.

But the practical judgment is not a moral judgment. At this point one has no choice except in a sense in which a computer also makes a choice. If one's investment decision is morally significant, this is in virtue of a prior judgment and choice which established the standard—for example, the best rate of government-insured interest—to the exclusion of other considerations.

If one finds out that the indicated institution discriminates against blacks or some other group in granting mortgages, one now confronts a possible moral choice. But the goods of maximum return on one's investment and of avoiding involvement in racial injustice are not one good, but two, and they are incommensurable.

In cases in which there is a definite standard and one accepts what is better by that standard one is attaining all the good one can in any other possibility by the one chosen, and then some. This is like killing two birds with one stone. Of course, a person can choose not to kill two birds with one stone, but only if some other good comes into consideration. For example, a hunter might wish to practice conservation. Malicious egoists can choose an act which benefits only themselves rather than a similar act which also benefits

others, but only because egoists' malice can make it seem that denying a good to others is an additional good to themselves.

"Greater good" has a legitimate place in technical judgments. If one has a well-defined objective and knows the cost of various ways of attaining it, one can rate a certain means economically best. "Best" here simply means most efficient. Cost-benefit analysis yields judgments of this sort.

There is nothing wrong in being efficient. But neither does efficiency indicate moral acceptability. Whether what is efficient is morally acceptable depends on the moral quality of one's ends and the means chosen to pursue them. Thus whenever the moral acceptability of both ends and means is taken for granted, practical reasoning which is calculative does help one to discover the best—that is, most efficient—course of action.

Engineering regularly proceeds in this way. But the engineer's recommendation of the right alternative to choose is not a moral judgment. Medicine, as technique, involves many legitimate, nonmoral judgments of what is best. But the physician as a person also is interested in what is right and wrong. Here the consequentialism of technical reasoning is out of place and unworkable, unless it serves the illegitimate functions of a method of rationalization and form of persuasion.

Thus, if one's well-defined objective is the elimination of Jews, one can proceed efficiently. Waste of scarce resources would be wrong. One must look for the best way of carrying out the task. But "best" here refers to a technical, nonmoral value.

Expressions which signify comparative value also are used in contexts in which it appears that calculation leads to a moral judgment. We now turn to a few examples of such uses.

A morally upright person who is not a consequentialist, asked to help kill a defective child, might say: "No, I won't do it. What you wish to do would prevent much misery. But it also is an attack upon the child's life, which I consider to be a good that must be respected. The benefit here cannot outweigh the harm, so I cannot bring myself to help you."

Upright people do talk this way, and it sounds consequentialist. But we submit that upright persons who talk in this way do not mean that they have reached the moral judgment by weighing goods against one another without using moral standards—and this is what consequentialism requires. Rather, upright people use consequentialist language to express moral judgments reached in other ways. Believing that the act would be wrong, the upright person *thereupon* considers the good it would achieve to be less than sufficient to justify it. The estimate of the comparative goods is reached by way of the moral judgment; the moral judgment is not reached by weighing, counting, and measuring goods independent of moral standards.

There are several reasons why upright persons use language which sounds

consequentialist. First, morally good people do not usually carefully distinguish moral from nonmoral uses of evaluative language. They consider all other values from a moral perspective and thus lend them a moral coloring. Second, everyone tends to use language as it is used. Calculative language is widely used legitimately in technical contexts, and it also is used in plausible rationalizations. In modern technical cultures technical thought tends to become a model for all rational discourse. Third, in contemporary culture many people who are morally upright are on the defensive. It is less embarrassing to give a consequentialist formulation of one's moral judgments than to say simply, "I won't help you because what you propose seems to me to be immoral." Fourth, a child learns the language of technical activity and evaluation earlier than moral concepts are developed. Even the child's initial concept of morality is technical: Knowing how to be a "good child" is a technique to be mastered. Thus, technical language naturally is a matrix for moral language.

Expressions signifying comparative evaluation also have a legitimate use in explaining moral judgments to the extent that "greater good" or "higher value" can refer to a difference relevant to moral judgment in the *kind* of value. Goods intrinsic to persons have relevance to morality in a way that extrinsic, merely instrumental goods do not. Thus, one can say that a human life ought to be preferred to the life of an animal, since the life of a person is a higher value. But this expression does not indicate the commensurability the consequentialist needs. Rather, this expression merely makes the claim that, morally speaking, human beings come first.

"Greater good" also is used meaningfully in the context of legal processes. Judgment reached by legal processes ought to be morally just, and legal processes obviously involve weighing, counting, and measuring. Justice is symbolized by a blindfolded person holding a scale.

However, a legal judgment has moral force only to the extent that the legal system has a moral basis and uses morally justifiable procedures. Conflicting claims and relevant facts, not human goods, are weighed in the scale of justice. This scale is not morally neutral, for it precisely is the morally normative principles of justice which are at the foundation of legality and governmental legitimacy. The scale of justice is what makes the authority of the law something other than mere power.

E. A Nonconsequentialist Theory: Human Goods

Consequentialism has achieved widespread acceptance. However, because of its inherent unworkability it should not be accepted. We have pointed out the essential reason why consequentialism is not really a theory of moral reasoning. Many other philosophers have shown that there are other unsolved

problems for a consequentialist.⁸ We believe the preceding considerations make clear that the problems not only are unsolved but are insoluble. Consequently a teleological approach to ethical theory must be nonconsequentialist if it is to be defensible. A defensible teleological theory must take fully into account the fact of moral existence revealed in our critique of consequentialism: the incommensurability of human goods. We begin an exposition of the theory we consider sound by discussing first the question of the goods to which teleological moral reasoning directs action.

Reflection on the motivations of human acts which are morally significant—that is, those done by deliberation and choice—reveals that some acts are done for their own sake. Play and recreational activities often are done for no purpose beyond the activities themselves. Such activities are not lacking in purpose and meaning; their purpose and meaning is within them. One might say they are done “just for the fun of it.” Thus, these activities are considered inherently worthwhile. In saying they are good one is not making a properly moral judgment. Rather, one is saying that such activities are part of human flourishing; they perfect and complete human persons and give their lives some of the meaning they can have.

The immediate reason why one chooses in a particular case, however, often is subordinate to an ulterior motive. If one asks a laborer why he labors, he might answer: “To make money.” If one asks why he seeks money, he might reply: “To feed myself and my family, because we get hungry.” If one tries to push the inquiry beyond this point, one might find oneself none too gently rebuffed, not because the laborer is ignorant of a further purpose, but because apart from satisfying the basic conditions to survive, there simply is no further purpose here. To try to question the self-sufficiency of a purpose which is in fact ultimate as motive is likely to seem to simple persons a way of ridiculing them.

Thus, play and recreation, while inherently worthwhile, are not the only things human beings recognize as giving meaning to their lives. Knowledge of truth and appreciation of beauty also are recognized as good. Those who consider knowledge and esthetic activities merely instrumental are rightly considered philistines who do not appreciate the full potential of their own human personalities. Such persons, if not considered immoral, are pitied as individuals somehow defective in personal capacity for a fully human life.

As our example of the laborer suggests, life itself also is a good which people wish to preserve and protect for its own sake. So also is health, the perfection of the living body precisely insofar as it is an organism. Like the other goods we have mentioned, life and health can have an instrumental importance as well as serving as motives by themselves for human acts. But life and health can, and often are, considered to be intrinsic aspects of human flourishing.

This point is clearer in respect to health, since people seek to be healthy not only because they can thereby do other things they value but also because they consider health itself desirable. The same seems to be true of staying alive. Much of humankind over its history has struggled to feed and clothe and shelter themselves and to continue the race through children.

However, some deny that human life has the intrinsic worth and dignity we attribute to it. They attribute to life a merely instrumental value. Since the intrinsic worth and dignity of life is pivotal for the ethical determination of the issues with which this book is concerned, we shall devote section H of the present chapter to an extended response to the view that life is not an intrinsic good of persons.

There are still other inherently worthwhile activities which contribute in their appropriate ways to human flourishing. Human beings strive to establish harmony between various aspects of their own personalities, harmony with other people, and harmony with God. Friendship among people obviously is a human good for itself, although friends also must have a common interest, which will shape their action toward some one or many other basic human goods. Likewise, for those who believe in the divine, friendship with God is considered good for its own sake. Many religious people regard prayer not merely as an instrumental activity but as a part of life which is important simply because it is a way of being with God.

Self-integration, similarly, is considered worthwhile. As in other societies which have reached a level of abundance at which mere survival is no longer the primary concern of most people, many people in our society regard self-integration as a central purpose of their lives. People want to "get themselves together," to "find themselves and establish their identities," to be "happy." For those who do not consider themselves self-integrated, or as well integrated as they wish to be, many acts can be chosen as means to the pursuit of this good.

But this good itself can be realized in acts which participate in it. Just as there must be some specifying common interest which unites friends in a relationship they consider good in itself, so in activities by which a person pursues other goods in an integrated way the person can be motivated by the inherent goodness of his or her acts insofar as they embody in harmony all aspects of the personality fully alive: bodily powers, dispositions, emotions, beliefs, commitments, and so on. Thus, one can choose to act for one's own self-integration and can regard other human goods for which one acts as providing opportunities for the enjoyment of self-integration. The conception that virtuous activity is its own end exemplifies this notion of self-integration as an intrinsic component of human flourishing.

We have listed the goods which seem to us to constitute human flourishing. Perhaps the list is not complete. We have made no attempt to establish a

perfect classification. For the purposes of this book such precision is unnecessary. We only wish to make clear that there are several incommensurable human goods, that human flourishing has many intrinsic aspects. Each of these goods makes a peculiar and irreducible contribution to the complete well-being of persons. While every person loves some goods more than others, it simply would not make sense to say that participation in goods one prefers makes the forgoing of others no loss, no limitation to oneself. If the goods were commensurable, this would be so, but because they are not, every choice is at once self-realization and self-limitation.

Our list might appear to have one glaring omission: Pleasure is not included as a basic human good. The omission is intentional. Pleasure is an experience, and experiences are not actions, whereas human flourishing is constituted of acts. The human goods are not products of human acts or ideals at which actions aim. They are realized within human acts by the very doing of these acts—realized not exhaustively, but participated to a greater or lesser degree.

Of course, the performance of actions worthwhile in themselves often is a pleasant experience. But sometimes it is not pleasant to do good acts, and the enjoyment which good acts do bring is rather their *felt* goodness than some separate good participated in by them. Thus the enjoyment involved in friendship or knowledge or healthful eating is not a good and motive apart from these goods but simply is their goodness consciously experienced.⁹

F. How Morality Depends upon the Human Goods

If what we have said thus far indicates the goods—or at least some of the goods—toward which human actions ought to be directed, nothing we have said thus far shows how one can reason from one's awareness of human goods to moral judgments concerning what one ought to do. To approach this question we recall that the method of moral reasoning we are articulating is teleological but not consequentialist. A teleological theory justifies moral judgments about right and wrong in terms of what is humanly good or worthwhile. Basing moral obligations on the well-being or flourishing of persons surely is intuitively plausible. We hold that it also is theoretically defensible.

When a person considers that an action is right, this consideration makes a demand upon the person: The action is regarded as one to be done. But no action can be done unless it can be chosen, and no action can be chosen unless it promises a good which makes it appealing. Unless the "is to be" of the normative judgment is a mere extrinsic compulsion, which might elicit servile obedience but no moral respect, the person who is called to respond by action must perceive the demand as an intrinsic appeal—in other words, as

an expression of the goodness in the action which makes it interesting as a possibility.

Moreover, if choice is self-determination, then the goods one can choose must be considered as aspects of one's own identity. It follows that the rightness of moral choices must be based upon the well-being or flourishing of persons, for a moral agent can identify with this and find self-fulfillment in it. We do not deny that there are other principles of morality transcendent to human persons, but these principles must specify moral demands by way of human goods, for otherwise they would be alien impositions upon human flourishing, which would elicit resistance rather than respect from reasonable persons.¹⁰

Thus we hold that the basic human goods are the principles which are in some fashion expressed as norms for action by moral judgments—in other words, that “oughts” arise from “goods,” that what makes some acts right and some wrong must somehow derive from what makes all acts possible: the appeal of the goods which makes possibilities live options for a human agent. But this raises the question: How does this normativity work? Obviously not all acts which are possible are right. How can the very principle of the possibility of some actions (those which are morally excluded) require that these possible actions not be made actual? The nature of this normativity of human goods for human acts can be clarified by the following considerations.

In the first place, nothing is considered good unless it is thought of as having a basic reality which can be more or less developed and perfected. To be a good entity of a certain kind is to be an entity of a kind which can be more or less perfectly, and which in fact is more rather than less perfectly. The possibility of degrees of perfection depends upon potentiality in the entity; goodness is realization of potential. But not every realization of potentiality is good. Sometimes an entity which can be more or less fully what it is will be deprived of its fuller and fullest realization on the whole by realizing only one potentiality.

The point can be illustrated by considering living organisms simply as such. The perfection of an organism is health. Health is a disposition for the exercise of the functions of the organism so that its whole repertoire of possible life will be unfolded. In this respect a healthy organism is one which is realizing its potentialities. But growing cancerously also is within the potential of an organism. This realization of potentiality is not good. The trouble with it is that it deprives the organism of its fuller and fullest realization on the whole. Hence, the good of an organism is a fulfillment of life potentialities which leads to further fulfillment and more abundant life. What is bad for an organism is a realization of some potentialities in its vital processes which tend to deprive it of continuing and more abundant life.

The same thing is true, analogously, in other realms. To think in ways that

are inconsistent, muddled, unsure, and unsystematic is one way of realizing the human power of thought. But this actualization of potentiality is bad, not good. What is good is thinking which is consistent, clear, sure, and organized into schemes of explanation. Such thinking is good because it makes knowing flourish and expand. Bad thinking is self-limiting. Likewise, in the realm of fine art creativity is good because it is expansive of the realm of artistic entities. And in the technical sphere efficiency is a value because it is getting the most one can out of what one has.

Human goods are the principles of the possibility of all human acts. They establish moral norms insofar as acts flow from deliberation and choice. Every choice is both self-realizing and self-limiting. Insofar as any choice is self-realizing, the good which makes it interesting renders the choice possible for a person who is rational, not blindly or insanely driven to act. The good appeals to intelligence, not merely presenting itself as possible, but offering itself as a possibility to be realized through action. Thus there is a direct, normative appeal in every human good.

However, the direct, normative appeal of each human good is not yet moral normativity. Deliberation about the possibilities of self-realization through a morally evil act and choice of such an act also responds to this direct appeal. Indeed, the normative appeal of the good which is held out by a possible morally evil act is the content of the experience of temptation. Every teleological theorist recognizes that the pursuit of particular goods through particular acts can be immoral.

Still, although no single good provides a moral norm, the normativity of all the basic human goods together does give rise to a moral norm. For the goodness of the person as a human agent through deliberation and choice lies in realizing, not all potentialities for action, but rather in realizing those which are conducive to fuller and the fullest self-realization. Or, in other words, while every choice has an aspect of self-limitation, some choices are self-limiting in a way that others are not. Choices which are restrictive of the very principles upon which one can act humanly tend to stunt and constrict the person rather than make the person flourish. Thus such choices are morally bad. They are ones which, although possible because of their responsiveness to the appeal of some basic human good, are unnecessarily self-limiting because they are incompatible with a realistic appreciation of other goods and openness toward the possibilities these other goods hold out.

Of course, the moral normativity of all the human goods together cannot require that one simultaneously act for all of them or actively oppose all that threatens them. One can only do so much. Choices must be made; these will necessarily involve self-limitation in fact. Individuals and communities must commit themselves to something and forgo other possibilities. Yet one can forgo a possibility without altering one's appreciation of the good which gave

rise to it. To alter one's appreciation of a good is to reject its normativity. An act whose choice involves this is morally evil.

Thus, the basic requirement of morality is that one choose and act for some human goods, while at the same time one maintain one's appreciation, openness, and respect for the goods one is not *now* acting for. A strong basic requirement which would demand something more specific is impossible in view of the plurality and incommensurability of the goods, and the limitations of human powers and opportunities, which together make choice necessary.

The preceding explanation of the basic requirement of morality is, we realize, very abstract. And a clear understanding of the relationship between the morality of acts and the basic human goods, which are aspects composing human flourishing, is central to ethical theory. Therefore, we are going to explain the same relationship again in a somewhat different way.

Any sound teleological ethical theory must be consistent with the fact that not every choice is morally evil, yet every choice responds to the appeal of the human goods promised by one possible course of action and leaves unanswered the appeal of the equally basic and incommensurable goods promised by one or more alternatives. That each of these goods is to be realized and protected is a starting point for deliberation about possibilities which would bear upon it. Such a starting point is a principle for practical reasoning about what to choose and to do. Corresponding to the whole set of basic human goods is the whole set of principles of practical reasoning.

This whole set of principles directs that all the goods be realized and protected. But even bad acts depend upon and respond to some of these principles. Therefore, none of the principles of practical reasoning is a moral norm merely by being a practical principle. The underlying assumption that human life ought to be preserved and respected, for example, does not of itself dictate that no one ought ever to be killed.

The distinction between moral good and evil according to the theory we put forth is primarily a distinction between ways in which proposed courses of action are related to all of the principles of practical thinking. Some proposals are consistent with all of these principles, although they hold out the promise of participation in only some of the basic human goods toward which these principles direct human interest and action. Other proposals are consistent with some of the principles of practical thinking—those which direct action to the goods promised by these proposals—but inconsistent with at least one principle of practical thinking. Proposals of the former sort are morally good, while those of the latter sort are morally bad.

Thus, for example, if a physician is considering whether to treat a certain patient or not, and to treat the patient in one way or another, the proposed courses of action about which he is deliberating can be related in two different ways to the whole set of principles of practical thinking which express the

claims of the whole set of basic human goods. On the one hand, as the alternatives are understood, all the various forms of treatment might promise a benefit for the patient's health, and none of them might seem inconsistent with any other basic human good. On the other hand, as the alternatives are understood, while all of them promise a benefit to the patient's health, some of them might be rejected by the patient on grounds of conscience—for example, by a Jehovah's Witness who will not accept blood transfusions. Assuming that patients cannot justly be treated against their will, the physician must consider alternatives rejected by the patient differently than those the patient accepts.

Those rejected by the patient, while equally or even more conducive to health, are inconsistent with another principle of practical thinking: The liberty of patients must be respected. A consequentialist might argue that the greater benefit to health which is promised by the treatment involving transfusions outweighs the violation of the patient's liberty. We have shown, however, that consequentialism is not workable; a physician who reasoned in this way would merely be rationalizing the imposition of his own preferences on the patient. According to our view alternatives which are consistent with all the principles of practical reasoning will be morally acceptable; those incompatible with any principle of practical thinking will be morally wrong. Thus, if the liberty of others must be respected and if a certain treatment cannot be given without violating this principle, then the giving of such a treatment is morally excluded.

A morally evil proposed course of action is intelligible and interesting because of the good it promises. It can be adopted if one is prepared to regard the good with which it is inconsistent as a lesser good than the good it promises. It is possible to regard one basic human good as a lesser good than another precisely because the goods are incommensurable, and so any of them can appear to be lesser goods if they are judged by a standard of goodness specified by another mode of goodness.

However, it also is unreasonable to regard any basic human good as a lesser good than another simply because the goods are incommensurable. If one cares about all of them precisely insofar as they are goods, not insofar as they are particular modes of goodness toward which one has a special bias, then one will never judge any human good by a standard specified by one or more other human goods.

One who is about to choose in a morally right way respects equally all of the basic goods and listens equally to all of the appeals they make through the principles of practical thinking. Because of the incompatibility of practical alternatives—since one cannot do everything at once—choice is necessary. No single good, nothing promised by any one possible course of action, exhausts human possibilities and realizes the whole potentiality for human-

kind's flourishing. But just as two propositions having no common terms cannot be inconsistent with each other, so a proposed course of action is consistent with those principles of practical thinking to which it is merely irrelevant.

Thus, one can choose one possibility which promises certain goods and is irrelevant to other goods promised by an alternative without violating the practical principle which directs action to these other goods. In this case one remains open to these other goods. One does not adopt a restrictive standard of goodness. One's understanding of the various human goods, one's appreciation of their special potential contribution to the flourishing of persons, remains the same after the choice as before.

One who is about to choose in a morally wrong way does not respect equally all of the basic human goods and does not listen equally to all of the appeals they make through the principles of practical thinking. The proposal which one is about to adopt involves detriment to some human good. One is tempted to accept this detriment for the sake of the realization of another good which will thereby become possible. Such a proposed course of action is responsive to at least one principle of practical thinking, and it might be merely irrelevant to—and thus consistent with—some others, but it is both relevant to and inconsistent with the principle which directs one to promote and respect that good to which the action will be detrimental. Yet the principle which is to be violated is as basic as the one on which the proposed course of action is based; the good which is to be realized is no more an aspect of the flourishing of persons than the one which is going to be harmed.

A person in adopting such a proposal cannot remain open to the good promised by morally acceptable alternatives, for this good is going to be violated. In choosing to accept this violation one implicitly adopts a restrictive standard of human goodness. One's understanding of the various goods is affected by the choice. The good which is violated is no longer considered equally basic and incommensurable with the good to which it is sacrificed. The good which is violated now becomes a "lesser good," and the good for which it is violated becomes a "greater good." The choice, which is partially irrational insofar as it conflicts with some principle of practical thinking, is rationalized by reducing to the extent necessary a basic human good from its status as an intrinsic component of human flourishing to the status of a mere means.

If the preceding explanation of the relationship between the morality of acts and basic human goods is correct, still there remain two serious questions to be considered. First, is not moral good and evil something more personal and interpersonal than the relationship between human acts and their principles which we have been discussing? Does not moral evil involve a violation of the good of others? From a religious viewpoint must it not be seen as sin, as alienation from God and rejection of his love? Second, how does the basic

requirement of morality take shape in concrete moral obligations to do or to avoid specific acts?

The answer to the first question is this: The central locus of the distinction between moral good and evil is in the relationship between choices and human goods, which we have been explaining. But the impact of morality and the reason for its importance is by no means limited to this relationship. It affects one's relationship to other persons, to God, and to one's own fulfillment.

If I choose with the attitude that my choices define and limit the good, I shall lack the detachment to appreciate the possibilities of others' lives, which would complement my own by realizing the values that I cannot. Their good, which I do not choose, will become for me at best a nongood, something to which I shall remain indifferent.

Egoism can decrease only to the extent that I remain open to the embrace of all the goods, those as well as these, yours as well as mine. The attitude of immorality is an unreasonable attempt to reorganize the personal and interpersonal universe, so that the center is not the whole range of possibilities in which humankind can share, but the goods I want and actually pursue through my actions. Instead of community immoral choices generate alienation. The conflict of competing immoralities is reflected by incompatible personal rationalizations and social ideologies, each of which seeks to remake the moral universe in accord with its own bias.

Those who understand immorality in religious terms cannot be expected to find any merely philosophical account completely satisfying. But the philosophical account we have proposed might coincide, so far as it goes, with a religious view. It certainly is impossible to maintain a fully open attitude toward all human goods, irreducibly diverse and incommensurable as they are, unless one accepts the reference of human conceptions of goodness to a real unifying source of goodness which is beyond human comprehension.

For if the goods which humans comprehend—which constitute a unified field for human choice and action—are not diverse participations in a unity beyond all of them, then they must be unified by reference to one another. In that case what one chooses will appropriate an absolute priority to which what one rejects must be subordinated—if it is to be regarded as good in any sense at all. However, if one accepts the reference of human conceptions of goodness to a reality beyond human comprehension, then openness to that goodness can count as love of it, although one does not make it by itself the objective of any particular action.

Such love of the good can be interpreted in a religious context as at least compatible with a response of human love to God's love. And if the goodness in question is identified with God, respect and openness to all human goods can be understood as human fulfillment by participation in a goodness which first of all is God's. An immoral attitude, by contrast, would exclude a real

goodness beyond the goods humans can know and choose; immorality would refuse to seek human fulfillment as a realization by participation in God's own goodness. From a religious point of view any morally evil act, in which the good chosen is made more absolute than it is, will be an instance of implicit idolatry.

The principle of morality which we have articulated also can be seen as a basis of a personalistic morality aimed at personal fulfillment. The basic human goods against which one ought not to act are not impersonal; the moral norms forbidding violation of these goods are not mere legalistic rules. These goods each make their intrinsic and irreducible contribution to the flourishing of human persons. They do not transcend persons by subordinating their good to some higher, nonhuman purpose. The various goods only transcend persons as they are by drawing them toward what they are not yet but still can come to be by their creative efforts.

G. How the Principle of Morality Shapes Obligations

As we have pointed out, the fundamental moral requirement is that one respect and remain open to all of the basic goods. To respect a good is to treat it always as a good. Even when one does not pursue a good, as we have explained, one can acknowledge its special contribution to human life. At the very minimum this acknowledgement requires that one not direct one's action *against* any of the basic goods. This ethical principle articulates the classical maxim that evil may not be done that good might follow therefrom. It also is expressed, more loosely, in the saying that the end does not justify the means.¹¹ Thus there are absolute prohibitions of certain types of choice—that is, those which are directed against one of the basic goods. For example, one may not choose to kill innocent persons as a means to overthrowing an unjust ruler, since this action would be directed against the good of life.

The absolute negative norms which demand unconditional respect for the basic human goods are, not restrictions imposed to limit the flourishing of persons, but rather exclusions of arbitrary limits which would be placed on the principles of human action by the adoption of a proposal to act against a basic human good. To diminish in no way the full scope of these basic principles is to maintain an indispensable condition for human flourishing, for it is to preserve the possibility of all actions which might promote this flourishing.

Beyond one's immediate objectives there always remains an unlimited and unforeseeable possibility of something more, of human goods to be realized in oneself and in other persons. This something more will unfold as it might only if people in choosing remain creatively faithful to it, and such faithfulness demands respect for the goods which ground its very possibility.

A consequentialist, observing that any choice is relevant to two or more human goods, proposes that morality be determined by reference to all of the goods involved. However, consequentialism focuses upon the goods only as they are concretized in limited, prospective good results and confines the person within the limits of measurable goods, reduced to unity by the standard arbitrarily adopted for the occasion. The consequentialist might assert that morality must be for human fulfillment, but this theory demands that human fulfillment be like the perfection of a product which at some point is completed and no longer open to being more abundantly. Consequentialism thus not only demotes the "lesser good" from its proper status as an intrinsic component of human flourishing to the status of a mere means; it also demotes the "greater good" from its proper status as an inexhaustible aspect of the potential flourishing of human persons in always new and richer ways to the status of an attainable goal, an objective to be reached and then replaced by some new objective.

The ethical theory which we have articulated, no less than consequentialism, holds that morality is determined by reference to all of the intrinsic aspects of human flourishing. But this ethical theory, unlike consequentialism, reflects the complexity and richness of human flourishing and maintains openness to personal fulfillments beyond any measure even conceivable at a given moment in a person's life or in the life of humankind. Moral norms are not restrictive of personal fulfillment, for they only limit persons from limiting themselves more narrowly than is inevitable for limited beings.

We have now indicated one way in which the basic requirement of morality takes shape in concrete moral obligations to avoid specific acts. Respect for all the basic human goods demands that one never act directly against any of them, that one never adopt a proposal to realize some good by acting in a way detrimental to one or more of these goods, which are aspects of potential human flourishing. It follows that every kind of action which could be justified only on the basis that if evil might be done that good would follow is morally excluded.

But the basic requirement of morality generates other forms of responsibility, many of them more affirmative than negative in the direction they give to one's action. Several of these forms of responsibility are especially important for the problems considered in this book. They are ones which bear upon one person's treatment of others.

First of all, human beings, if they respect all that contributes to human flourishing, will be ready to cooperate with other persons in the realization of human goods. A person who loves what is humanly good, and is not fixated upon his or her individual participation in and enjoyment of good, will not stand idle while others starve, suffer, and die. Such a person will find intolerable the exploitation of others and will do what is possible to help them.

This form of responsibility has important implications for the treatment of dying patients. Persons who are morally good not only will refuse to make choices directed against human life but also will extend themselves to care for a dying person and to protect what goods one who is dying still can enjoy, even if they happen to have no contractual or other well-defined duty to such a person.

Second, persons who respect all that is good will never make themselves a special case. Morally good persons will recognize as a form of responsibility which must shape every choice the golden rule or principle of universalizability. Such persons do not regard themselves and those with whom they have special, close ties as "more equal" or more worthy of respect than other persons. Persons who act in accord with this form of responsibility will try to identify with other persons' concerns and will not fail to ask what they would want if the roles were reversed.

Such attempts to put oneself or those for whom one especially cares in the positions of persons who will be affected by one's acts will be very important in dealing with the senile, the defective, the insane, the comatose. In such cases there is no more direct way to determine one's obligations, which in other cases would depend on the patient's consent. There is a temptation to separate oneself from those in so different a condition, to begin to think of them as mere objects or organisms, as vegetables or non-persons. This norm excludes all such ways of thinking about patients. It also excludes letting patients die of starvation and thirst. Who would wish themselves to be treated in such a way? Similarly, there are excesses of treatment which are excluded: those to which no one in the patient's place would consent.

Finally, all who respect all of the basic human goods recognize many specific duties to other persons. The readiness to promote and respect all the goods of persons leads to cooperative activity, to organized efforts by communities of people. The work is divided, the activity shared, and thus roles created and duties defined. Not everyone has the same obligations, since no two persons belong to all the same communities or have similar roles in the communities to which they do belong. But no one who is morally good can avoid making genuine commitments to many communities. These commitments are the proximate moral principle of the many specific moral obligations which are defined by one's duties. Thus, morally good persons regard their involvement in social roles not merely as a way of fulfilling themselves but as a way of responding to the appeal of human goods by working with others for common fulfillment, by serving others who cannot take care of themselves.

Moral obligations which stem directly from the requirement to respect and promote basic human goods do not depend upon common commitments.

They hold regardless of any special relationships among persons. For example, if human life must be respected, then possible courses of action which involve killing people for the sake of ulterior goods are morally excluded, regardless of who these people are and how one is related to them. And if one has a strict moral obligation not to kill someone, that person's life is morally protected; he or she might be said to have an unalienable right to life.

By contrast, moral obligations which stem from common commitments make special demands on members of the community toward one another. Those to whose role it pertains to do or to refrain from doing something have duties to fulfill which their roles require. Other members of the society, who would be affected in one way or another by nonfulfillment of the requirements of a role, have rights or entitlements that the role be fulfilled. Rights and duties of this sort are moral responsibilities, yet they are not absolute, for changes in the community and its definition of roles can alter one's duties or rights. Thus a patient whose right not to be killed is unalienable has only a conditional and perhaps alterable right to the care of a particular physician or hospital.

Still, it is very important to keep in mind that rights and duties which arise from community are not mere social conventions. They are mediated by a common commitment but are ultimately grounded in the normativity of the human goods which are the principles of morality. Hence, most of the moral requirements of a person's daily life are located in the claims which other members of the community have upon one's responsible service.

Thus, parents, having undertaken to generate children, have a duty to provide and to care for them, even if they are defective. Physicians have a duty to care for their patients, even if the patients in many cases are not pleasant, interesting, and rewarding.

In sum, we have articulated four forms of responsibility or modes of moral obligation by which the basic requirement of morality begins to take shape in specific moral judgments. The four are: never to act directly against any basic human good, to help others when possible, to consider impartially actions which will affect others, and to respect the rights of those to whom one has duties. These four modes of obligation are normative principles for the more specific moral norms concerning various kinds of action. Using these modes of obligation, we shall argue in chapter twelve for certain moral positions relevant to the problems considered in this book.

Before proceeding to this matter, however, we must keep a promise made earlier: to reply more carefully to the objection of those who hold that human life is not one of the intrinsic aspects of human flourishing but is only a means, of great but merely instrumental value, to the properly personal goods of human individuals.

H. Human Life an Intrinsic Personal Good

Those who claim that human life itself does not have the status of a constitutive aspect of human flourishing do not deny that life is very valuable to persons. Not only those who consider life an integral part of the well-being of persons but also those who consider it a merely instrumental value think that respect for life and protection of it are very important functions of law and morality. Those who deny that life is of itself a basic human good can explain the importance life has in law and in morality by pointing to a fact which everyone admits: Life is a necessary condition or essential means for the attainment of any other human good. The point of disagreement is whether life is only a necessary condition for realizing other human goods or is also an integral component of human flourishing, which should be protected and promoted on its own account.

Those who consider life only a necessary condition for the realization of other, specifically personal goods often suggest that to consider it inherently good would be to absolutize it and thus to distort its proper role in one's hierarchy of values. According to this view ethical theories which insist upon the sanctity of life defer too much to this value, so that instead of life serving the person and personal flourishing, it becomes a dominant consideration and claims an unwarranted mastery which is offensive to personal dignity. There are a number of arguments which render this view plausible.

First, those goods which are worthwhile in themselves are not merely given facts. Rather, they are presented in one's deliberations as goods which can be realized through one's actions. Life, however, is a given. It is presupposed by every deliberation. Hence, it does not seem to be an end to be pursued.

Second, most reflective persons regard life as subordinate to other, higher values. Among those who so regard it are those such as Socrates and Thomas More whom almost everyone would consider morally perceptive and unquestionably upright. Martyrs, whether religiously motivated or not, willingly die for truth, friendship, justice, and so on.

Third, life is not unique to persons. Animals have life and so do plants, including cabbages and carrots. Thus, life is not properly personal, and so it seems to constitute no part of what makes up the flourishing of persons as such.

Fourth, people do commit suicide, and suicides are not necessarily insane. Thus, it is quite possible for rational agents to treat their own lives as if they were not good at all. If life were an intrinsic good of persons, it seems that this would be impossible.

Plausible as these objections are, however, they are not compelling. Before proceeding to a constructive argument in favor of our own position, we answer these objections as follows.

In answer to the first objection, one must notice that although life indeed is a given—a fact presupposed by the activities of deliberating and choosing by which one pursues what is good—human life, even the life of the agent deliberating, is not merely a given. The reflexivity of human awareness makes it possible for a human agent to deliberate and choose about the very presuppositions of choice. One can consider killing oneself; one can consider doing things which will protect or destroy, lengthen or prolong, one's own life.

Also, choices which are morally significant bear not only upon the basic human goods realized in the agent but also upon their possible realization or protection in other persons. One clearly can make choices which affect the lives of others. One also may choose to hand on human life by having children or to prevent the beginning of new lives. So life is not merely a given. This fact also is recognized, at least implicitly, by those who consider human life a merely instrumental good of persons. Nothing is a means or instrument unless choices can be made so to use it.

In answer to the second objection, we concede that many good and heroic persons refuse to cling to their own lives as if the absolute good were in life itself. For such persons there are other goods which they consider far more important. But this hierarchy of values does not imply that life is not of itself an aspect of human, personal flourishing. To say that life is intrinsically, not merely instrumentally, good is not to say that life is the *only* intrinsic good of persons or that it is the good to which upright persons will normally direct much of their thought and effort.

According to the ethical theory we have outlined one can hold that life is inherently good and yet make morally good choices which one foresees will jeopardize one's life provided that these choices do not amount to an act directed against life as a means of promoting some other good. (We shall explain this point more fully in the next chapter.) A final point must be made in answer to this objection. A person who is good and upright can nevertheless be mistaken. It might be that Socrates, for instance, did not consider human life an intrinsic good of persons. If this was his view and it was sincere, then even if it is a mistake, this takes nothing away from his heroism.

In response to the third objection, we point out that biological life is specifically different in humans, in other animals, and in plants. This is not a matter of philosophical speculation but a matter of fact which any biologist knows well.

Although animals can perform many of the kinds of functions performed by plants, animals perform their functions in a way proper to themselves. Animals assimilate food, grow, and reproduce, but they do these so-called vegetative functions in an animal way. To be able to do some of the things a plant can do is not to be a plant; to be partly perfected by activities common to animals and plants is not to be partly a plant.

The same is true for human beings. Persons can do many of the things other animals can do and many of the things plants can do. But this does not imply that persons are nonhuman animals or plants or that any part of the kinds of functions persons can perform are a consequence of a nonhuman animal or plant portion of the human individual. It is obvious from a biological point of view that a human being is a certain, specific kind of organism. To be one kind of organism, by definition, is not to be any other kind. Also, any individual of a certain kind is through and through an individual of that kind.

Human life, then, is properly human, precisely because every aspect of it is specific to human individuals. There is no such thing as common life—this is a mere abstract concept—which becomes this or that kind of life by some added qualification. Similarities or analogies between various forms of life presuppose, rather than negate, their specific, real differences. Thus even a comatose person is no vegetable; biologically the remaining functions, however minimal, are such as no cabbage or carrot does, for they are still specifically human processes of specifically human organs.

In answer to the fourth objection, we notice that the intrinsic goodness of the basic human goods does not prevent people from treating them as if they were mere means or obstacles. For the ethical theory we articulated above the possibility of denying in practice the true status of any of the intrinsic aspects of human flourishing is tied to the possibility of acting immorally, and immoral acts are not completely irrational. Thus, selfish persons can treat justice and friendship as if these human goods were merely convenient devices to facilitate their systematic exploitation of others or mere practical obstacles to pushing systematic exploitation as far as they would like. This does not mean that justice is nothing more than the interest of the stronger and cleverer or that friendship is merely a sentimental idea in which weaklings indulge.

No doubt there must be some degree of rationalization or self-deception for a person to treat what is an inherent aspect of personal flourishing as if it were merely instrumental. But such self-deception obviously is possible. If human life is, as we hold, an intrinsic good of persons, those who consider it otherwise in practice also quite naturally convince themselves that life is merely an instrumental good, expendable for the sake of higher personal interests.

None of the arguments intended to show that human life is merely instrumental is successful. Nevertheless, the evidence which shows that human life is an intrinsic aspect of personal flourishing is not unambiguous. Whenever life is the object of choice, goods besides life could always affect one's consideration, for even in the worst situations one who can deliberate can be anxious to preserve life at least partly insofar as it is a necessary condition for

the pursuit of other goods. A person who fights the onslaught of a fatal disease not only wants to survive but also wants to watch television, to visit with loved ones, to pray, and so on. Persons who willingly undertake to hand on human life to children not only desire that their children live but also that they enjoy many other human goods.

According to our own view it is good to be alive not only because life enables one to do other good things, but also because human life itself is good. Still, the data need not be interpreted in this way. Those who maintain that life is only an instrumental good for persons interpret the data otherwise.

Hence, a less direct argument is needed to establish the thesis that human life is an intrinsic personal good, a constitutive aspect of human flourishing. The form of the argument we are about to propose is to show that the position we reject has implications which are simply untenable. The proposition that life is only instrumentally good implies that the human person or some parts of the human person are one thing and that a person's living body is quite another thing. This implied position is dualism, and dualism is false.

Some who hold that life is only instrumentally good explicitly embrace dualism. We saw in chapter three, section E, that Joseph Fletcher sharply divides the person and personal goods from the body and physical nature, which he considers to be "out there" and "over against us." In another work Fletcher asserts his dualistic view again:

The right of spiritual beings to use intelligent control over physical nature, rather than submit beastlike to its blind workings, is the heart of many crucial questions. . . . To perceive this is to grasp the error lurking in the notion—widespread in medical circles—that life as such is the highest good. This kind of vitalism seduces its victims into being more loyal to the physical spark of mere biological life than to the personality values of self-possession and human integrity. The beauty and spiritual depths of human stature are what should be conserved in our value system, with the flesh as the means rather than the end.¹²

Although, as we have argued already, Fletcher is mistaken in thinking that one who does not treat life as a merely instrumental value must regard it as the highest good, we think he is quite right in holding that dualism and the thesis that human life is only an instrumental good of persons are necessarily connected. In fact, the view that life is a merely instrumental good implies dualism, as we shall now demonstrate.

As we explained already, the goods which constitute human flourishing are not entities apart from human persons. The basic human goods are not ideals beyond humankind nor are they states of affairs to be reached in the future nor are they objects to be acquired and possessed. Rather, these goods are the realization in human persons of their potentialities to be and be more

fully. These potentialities are realized by actions in which persons participate in these goods. Thus, human flourishing is at least a part of the person; it is that part of the person which the person realizes by his or her own choices and actions. More adequately, human flourishing is the part of persons which individually and communally is realized by their own choices and actions, including their care for one another and cooperation with one another.

This conception, as we have seen, gives a precise meaning to the dictum that persons are ends in themselves. Human flourishing is the principle toward which human action is rightly directed, and human flourishing is not extrinsic to persons but is at least one part of them.

Now, if the instrumental view of human life is correct, then human life cannot be identified with the human person insofar as the person is the end of human activity. Life is instrumental by hypothesis on this theory and so cannot be part of the person as end in himself or herself. The human person, thus, must be divided into the part which is end and the part which is not end. According to Fletcher's concept in human individuals there is a personal component, but there is also a distinct, bodily component, which is part of physical nature "out there."

The distinction between these two parts or components must be a distinction between two entities. Clearly, the living organism is an entity. If the person as end is to be distinct from the entity which is the living organism, then the person also must be an entity—for example, as Fletcher suggests, a spirit. If the person is not also an entity, what else could it be? Clearly, the person cannot be merely the activity of the living organism. For if it were, the living organism would be that which is acting, and that which is acting is no mere instrument of its own activity. Nor can the person as end merely be activity which is not the activity of the living organism or of anything else, for then there would be nothing to have the potentiality of which this activity is the fulfillment.

The proponent of the instrumentalist view of human life might try to argue that although the living human organism is one entity and the person is another entity, still these two entities together constitute one something—one human individual or one complete self. But the suggestion that one something is made up of two quite distinct entities seems hardly intelligible.

Furthermore, this attempted escape invites one to stress either the unity or the duality of this odd "self." If one stresses its duality, then all the difficulties to be evaded recur. If one stresses its unity, then the merely instrumental reality of life once again merges into the reality of person as end.

A very philosophical attempt to escape from the dilemma takes the following form. Perhaps the human self is in theoretical truth only one entity but for practical purposes has to be regarded as two entities—a living organism and a person, the former merely instrumental and the latter an end in itself.

The difficulty with this attempt is that if one treats as two in practice what one maintains to be one in theory, there seems to be no single perspective to use in distinguishing and relating the theoretical and the practical perspectives. If one says that what is existentially many is *really* one, then moral life seems to rest upon a false assumption, a kind of fiction at odds with reality. If one says that the two perspectives are *equally valid* and merely distinct, the question arises how they can be distinct enough to avoid being incompatible while being unified enough to allow oneself or any self to think of and talk about "my life" and "my dignity."¹³

We conclude that those who hold that human life is merely an instrumental good of the person must accept some form of dualism. Either one distinguishes two entities within the self, one personal and the other merely organic, or one distinguishes life in some other way from what fulfills the person as end of activity. But any distinction will raise the difficulty of unity and duality, either by being insufficient to separate merely instrumental life from personal flourishing or by being all too sufficient—that is, sufficient to destroy the unity of the human person.

Our next point is that the dualism to which an instrumentalist view of life inevitably leads is false. Many have tried to hold some version of dualism, but it is an untenable position.

Both classical and contemporary authors—and among the latter philosophers from both the analytic and phenomenological schools—have pointed out the many problems of dualism.¹⁴ If one thinks of the human individual as made up of a duality, how are the two parts to be distinguished? Where is one to draw the line between the person as end and the person as mere means? A reader who is impatient with philosophical speculation is likely to suspect that any question about line drawing is merely an academic distraction. But in the present case we ask where the line is to be drawn as a way of leading to the clearer understanding that no line can be drawn.

Life is not merely one process among others, which might be distinguished from breathing, feeling pain, choosing, talking, and administering treatments. The life of a living entity is indistinguishable from the very reality of the entity—a reality which pervades and includes all that the entity does. Breathing, feeling pain, choosing, talking, and administering treatments can all be enlivened and real by one and the same life of one single individual, and all these activities are parts of the individual's whole life process. For any organism to exist is for it to live, and all of its activities are part of its life. The same is true for human individuals.

Thus, human activities, including those which seem most distinctively personal, those which no one denies to be intrinsic constituents of human flourishing, are not separate from a person's life. Life is not a characteristic of one part of a whole, and these activities properties of some other part of it.

Rather, life pervades these activities or they lack reality—unless one supposes them to have reality altogether apart from the living body one also calls “mine.” And one’s human life includes one’s activities. They perfect oneself, but they are not distinct from one’s life as an end is distinct from an instrument used to realize it.

Thus, the underlying, pervasive, and inclusive character of life with respect to all of a person’s activities is a fact, and this fact is inconsistent with any form of dualism which would try to separate life as merely instrumental from persons as ends in themselves. There are other data which also tell against dualism.

First, there is the experienced unity of oneself. Human persons are aware of themselves as unified wholes; they are not conscious of being aggregates of entities organized into some sort of system. This awareness is especially clear in carrying on purposeful human acts. Lawyers examine cases, engaging hands and eyes, memory and thought; they plan and prepare briefs, engaging all aspects of themselves in the work. When the trial comes, perhaps a lawyer feels slightly hung over but pulls himself or herself together to do the best for the client, fulfilling a lawyer’s duty by thinking, remembering, talking, and so on. Lawyers experience all of these activities as their own; they are directly aware of what they are doing as integrated action, as part of their single and only life.

In general, the constituting of oneself through one’s human acts is a realization of the potentialities which belong to and are characteristic of one’s given self. The given self is oneself; its flourishing in activity is not a different thing from the unfolding of oneself. If the person as already given, as a basis for morally significant acts, were something distinct from the person as end, then this conception of human activity would be false. What, then, would unite these two principles? Are we to say that there is a third something—the real self—which unites the given self with the person? This proposal only complicates matters, for now it is necessary to ask what this third something has to do with the other two, how it unites them while remaining distinct from them, and so on.

The point we are making about the unity of the human individual can be illustrated precisely with reference to the problems considered in this book. An argument for voluntary euthanasia is that persons would be able to dispose of their lives autonomously, to avoid unnecessary pain and suffering and the indignity of slow deterioration, loss of control of themselves, and so on. But pain and loss of control befall the organism, which on a dualistic account is quite distinct from the person as end. How, then, can what befalls the organism detract from personal dignity? Consistent dualists should say that their own living bodies simply have nothing to do with personal dignity. Pain and suffering, deterioration and loss of control, machinery and probings,

discussions by those who find one "a good case"—these are indignities to the dying. But why would they be indignities if they bore not upon what has dignity—the agent and action—but only upon something instrumental: a living and dying organism which has somehow been once connected with the flourishing of a human person?

The dualist wants a distinction between person and life in order to treat life as merely instrumental, wants to treat life as merely instrumental to justify subordinating it as mere means to "higher" and "personal" values, wants to subordinate life to protect the person's dignity, but conceives of the person in a fashion that makes what befalls the organism irrelevant to dignity.

We conclude, therefore, that dualism is indefensible. It is a theory which is at war with the experience all persons have of themselves as unified wholes, as unified self-actualizing entities, whose potentialities are given but whose flourishing is a unique challenge, and whose life pervades and includes both. And since dualism is false, so is the instrumentalist conception of human life which implies dualism.

The argument we have presented regarding the view that human life is only an instrumental good of persons is very important for the light it throws on the issues discussed in this book. Like consequentialism, this dualistic view underlies most of the positions we reject. If consequentialism and the theory that human life is only an instrumental good are both admitted to be false, then the rationale of the proponents of euthanasia is almost wholly destroyed.

For example, Robert M. Veatch obviously presupposed that human life as such is only instrumental to the being and well-being of persons when he argued that "consciousness or the capacity for embodied social interaction" is needed to qualify a human body as living. He rejects a more traditional criterion of death as too animalistic. He does not see life as a direct aspect of personal flourishing.

Likewise, in chapter eight we reviewed the views of several authors who deny personhood to living human individuals who fail to meet additional conditions. Here, too, the life of a human individual is not considered a personal good, for if it were, the mere fact that a human being still lives would be enough to assure anyone that this individual is a person.

Similarly, we reviewed a number of arguments in favor of suicide and euthanasia which propose that life becomes a disvalue when one in certain respects undergoes more disvalue than enjoyment. These arguments would not make sense if life itself were not assumed to be a mere condition, which does not count as intrinsically good regardless of what else one can do or enjoy.

If life indeed is, as we have argued, an intrinsic aspect of the flourishing of persons, then all of these arguments are unsound. The ethics we are proposing is based upon the contrary view of human life. Life is not only a condition

which is necessary if a person is to achieve higher values. It is an intrinsic aspect of human flourishing; it directly contributes to the full dignity of the human person. Hence, although human life is not an absolute, superior to all other personal goods, neither is it merely instrumental.

The view that human life is merely an instrumental good, while it might seem to be based upon a higher, more spiritual view of the human person, in reality undermines all respect for human persons as they in fact are. For to be a person is to be a living body, with potentialities for self-determination and participation in a multitude of goods which no other living body can share in and enjoy. Still, the most spiritual activities of human persons are pervaded by and included in the one life, which is the reality of the person and every personal activity.

As we pointed out in the introduction to this book, lack of respect for human life has had and continues to have terrible effects in the contemporary world. The lives of human persons are treated as if they were something apart from truly personal goods, are regarded as expendable in the interests of greater liberty, an ideally just society of the future, or other goods. Thus abortion, wars of mass destruction, terrorism, and finally nuclear deterrence have been rationalized. The theory that human life is merely an instrumental good has in practice borne fruit in treating millions of persons as expendable for nationalistic objectives. Contemporary men and women are learning well that if human life is not an intrinsic aspect of human flourishing, if it is merely instrumental, then it has a price. And if human life has a price, it is remarkably cheap.