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**PhD Thesis**

**ENHANCING QUALITY OF LIFE:  
CONSEQUENTIALISM, MEDICINE AND  
SUSTAINABLE DEVELOPMENT**

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**Summary:**

In this thesis a biocentric, consequentialist, cosmopolitan ethical theory is advanced as the best way of enhancing quality of life for those entities that possess moral standing and are morally considerable. It is maintained that quality of life revolves around the development and exercise of essential capacities. A notion of interests is used here which goes beyond consciousness and sentience to refer to the development and exercise of species-related essential capacities. Essential capacities are those facets of a species that enable it to flourish, that is, to lead a life worth living for that particular species. Any entity capable of flourishing is argued to have intrinsic value and will therefore be morally considerable. Clearly not all entities can have the same degree of moral standing; the moral significance, or 'weight', of an entity depends on its capacity to bear intrinsic value; more sophisticated essential capacities will denote greater capability for intrinsic value.

Various criticisms of consequentialism are considered and challenged. A normative theory of practice-consequentialism is advocated to address specific medical issues, including therapeutic and reproductive cloning. Related bioethical issues are also briefly examined, such as embryo research, 'designer' babies and xenotransplantation. Finally, the concept of sustainable development is discussed. It is maintained that a radical concept of sustainable development is the best way to tackle environmental degradation and global poverty, and is the best way of ensuring wellbeing for all bearers of moral standing, including future ones.

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# **ENHANCING QUALITY OF LIFE: CONSEQUENTIALISM, MEDICINE AND SUSTAINABLE DEVELOPMENT.**

## **ONE**

### **INTRODUCTION**

In this work a biocentric, consequentialist (therefore, cosmopolitan) ethical theory will be advanced as the best way of enhancing quality of life for those entities that possess moral standing. The efficacy of this theory with regard to medical technology and sustainable development will then be explored. The impact of therapeutic and reproductive cloning on quality of life will be examined, together with the related issues of 'designer babies' and xenotransplantation. The meta-ethical underpinning of the normative stance adopted in this work is also explored, albeit briefly. It will also be argued that any society that undermines its environment is morally negligent. It is asserted that a radical concept of sustainable development will best ensure ecological and social as well as economic sustainability. Thus a policy of sustainable development is regarded as the most likely to fulfil interspecies, intergenerational and international moral obligations.

Before considering some of the problems presented by biotechnology and sustainable development, the extent of moral standing needs to be addressed. What entities matter morally, or matter in their own right? Why do they matter morally? How far does wellbeing extend? Is it just humans that can be harmed or benefited, or do nonhuman creatures also merit moral consideration? Do future generations matter? Are all living organisms worthy of at least some degree of moral respect?

'Biocentrism', the term coined by Richard Sylvan (1985, cited in Attfield, 1995, p.23),



recognises the moral standing of all living entities. Any entity capable of well-being, that can be harmed or benefited in some way that significantly affects its quality of life, falls within the scope of 'moral considerability' (a term first used by Kenneth Goodpaster in, 'On Being Morally Considerable' p.311). It will be argued that being harmed or benefited in a morally important way essentially means to be deprived of, or provided with, what is of intrinsic value. Here intrinsic value is defined as whatever has value because of its own nature. For example, most people, dictators apart, would regard autonomy as an intrinsically valuable facet of human nature; whereas being able to fly unimpeded is an intrinsically valuable part of the nature of birds capable of flight. A life bereft of intrinsic value, or with very little intrinsic value, and lacking the means to achieve it, will be devoid of quality and may not be worth living. In the context of this work, intrinsic value is seen as present in the development or exercise of the essential capacities of a biological entity capable of expressing such capacities. What is meant by 'essential capacities' will be discussed presently.

At this point it is worth noting an important distinction, made by Goodpaster (1978), between moral considerability (or moral standing) and moral significance. Even though all living entities may be morally considerable to some extent, they do not all share the same level of moral significance. The moral significance, or 'weight', of an entity depends on its capacity to bear intrinsic value. Some entities will possess very little capacity for intrinsic value and so cannot be harmed or benefited in a morally important way. Also, there may be degrees of intrinsic value; some essential capacities may add more to quality of life than others and will therefore have greater moral significance. Moral consideration will also be argued to extend to future

generations, as future generations can conceivably also be harmed and benefited.

Development and environmental policies that are pursued now will affect the well-being of future generations, as will biotechnology.

The next question to be addressed is how to best ensure the well-being of those entities capable of well-being. It will be asserted that consequentialism most successfully accommodates the biocentric moral approach advocated here, and is well-placed to meet the claims of moral standing that have been credited to future generations. The commonly cited criticisms of consequentialism will be discussed, such as those to do with overdemandingness, justice and partiality. However, the contention of this work is that consequentialism, specifically practice-consequentialism, can overcome the criticisms levelled at consequentialism generally, and can be objectively validated. It will be maintained that intrinsic value is optimised by practices (or individual actions where no practices yet exist) that promote well-being and the conditions necessary for the exercise of essential capacities. Thus practices are justified by the balance of foreseeable consequences for all the parties affected, and single actions are justified on the same basis. Once practice-consequentialism has been shown to be the best method of enhancing quality of life, the business of applying it to contemporary medical and developmental issues can begin.

## **PART ONE: CONSEQUENTIALISM AND MORAL STANDING**

### **TWO**

#### **THE EXTENT OF MORAL STANDING**

Kenneth Goodpaster, in 'On Being Morally Considerable', writes that the criterion for morality should be very simple: being alive. Goodpaster believes that that the traditional concepts of the foundations of morality, such as rationality or sentience, should be replaced by the much broader criterion of being alive. Similarly, in their article 'Against the Inevitability of Human Chauvinism' Richard and Val Routley argue that morality should not be limited to humans, and that nonhuman creatures are also capable of possessing intrinsic value. They argue that a biological 'accident' of birth cannot give one species moral rights, whilst withholding it from another. People with physical disabilities may receive help with tasks they cannot perform because of their physical impairment, but they are not regarded as somehow morally inferior as a result. Different physical capabilities, or differences in physical appearance, are not regarded as justification for removal of moral respect and concern between humans. Thus there appears little reason for the physical differences between humans and animals to provide a reason for withholding moral consideration from them. Furthermore, there are no definitive moral characteristics which only humans possess, or which all humans possess. Autonomy and self-consciousness - or even the potential for these characteristics - are not possessed by all humans. Indeed, some higher order mammals can be argued to have greater awareness than human infants, or humans with severe mental impairments. To distinguish between humans and nonhumans on the basis of rationality, as Kant originally proposed, also poses problems about how rationality is defined. If rationality is measured by the ability to

make logical arguments, or engage in complex inductive and deductive tasks, then many humans - such as the very old, the very young, the mentally retarded and those in persistent vegetative states - will have to be excluded from moral consideration. If rationality is seen as the ability to solve problems and meet individual goals, then many nonhuman animals can also be seen as rational and therefore worthy of consideration.

It can be further argued that moral consideration extends beyond nonhuman animals to other life forms, such as plants and trees. Richard Routley (1973, cited in Attfield, 1995, p.33) describes a situation where the last human being on earth deliberately cuts down a tree for no reason. Even if there are no other creatures present that could have benefited from the tree's continued existence many people would regard this person's act as at the very least pointless, and probably morally wrong. This cannot be because of the instrumental or aesthetic value of trees and plants either. As Attfield in *The Ethics of Environmental Concern* points out, if the sole survivor of a nuclear holocaust cuts down the last remaining healthy elm tree in existence, this person may well be seen as doing wrong, even though he or she is the last person on earth. The moral standing of any entity capable of life is also shown by a thought experiment by Donald Scherer (1983). He maintains that where two separate planets exist, one which lacks all traces of life and is therefore called 'Lifeless', and one which he calls 'Flora', on which plant-like entities exist, the planet Flora would be intuitively felt by most people to contain at least some intrinsic value: the lifeless planet would not. Intrinsic value would still be ascribed to Planet Flora even though its inhabitants consisted of entities incapable of autonomy, rationality or sentience etc.

What exactly is the intrinsic value possessed by life-bearing entities? Goodpaster, along with Attfield, has argued that to have interests is to have important needs which can be met or frustrated. To have interests is to have a good of one's own, or to have intrinsic worth. Goodpaster's 'life principle', his doctrine that all entities capable of life have moral standing, but not necessarily the same degree of moral standing, maintains that it is against plants' interests to prevent them from pursuing their natural biological propensities. An entity with a good of its own (i.e., which possesses intrinsic value) has fundamental capacities which are constitutive of that entity; an organism can thus be benefited or harmed by having its essential capacities promoted or extinguished. Attfield (1995), expanding Aristotle's concept of eudamonia, writes that an organism 'flourishes' when it is allowed to fulfil its capacities; it flourishes as the capacities necessary for well-being are promoted and not hindered. However, this broadening of the scope of moral considerability is still not enough for Richard Sylvan.

Sylvan argues that drawing the line of moral standing at life is just as arbitrary as drawing it at humans or at sentient animals; for him biocentrism is only one step from anthropocentrism. However, as Attfield (1995) argues the line has to be drawn somewhere and drawing the line at biocentrism is supported by substantial reasons. As Goodpaster points out, beneficence plays a central part in morality, and whatever has a good of its own can be benefited or harmed; however, inanimate objects, such as rivers, rocks and mountains, cannot be said to have a good of their own, and cannot be advantaged or disadvantaged. Good reasons do exist for preserving many inanimate objects, but these are aesthetic or instrumental reasons. For example, the ozone layer itself is not harmed by developing bigger holes; however, very good reasons exist for

ensuring that holes in it do not get bigger. As Attfield (1995) points out, the fact that an ecosystem shares some common characteristics with life-bearing entities, such as being self-regulating, complex and diverse, does not mean that it is also intrinsically valuable. Political systems such as capitalism and communism could be described as existing, complex and diverse, but they cannot be said to have intrinsic value and therefore exhibit moral interests.

However, contrary to the beliefs of Sylvan, it could be argued that extending moral standing to all entities that have life stretches morality too far. If everything alive has interests how can people go about their ordinary lives? For example, O'Neill (1993) argues that if moral standing belongs to whatever has a good of its own, where does that leave the gardener who wishes to remove the greenfly from his or her garden? Greenfly can flourish and have their own goods; so too have viruses like the HIV virus. However, O'Neill argues that just because something has its own good it does not necessarily possess moral standing; indeed, one might have a moral duty to inhibit its development, as in the case of the HIV virus. Instead, O'Neill argues that care for the natural world for its own sake is part of the best life for humans, and is required for human flourishing. O'Neill maintains that in the same way that Aristotle argued friendship was a good in itself which is necessary for human flourishing, so concern for non-human goods enriches human life. However, in trying to remove some of the seemingly more problematic aspects of biocentrism, O'Neill seems to have reverted back to anthropocentrism, albeit a very benign form of it.

Attfield counters O'Neill's criticism by highlighting the distinction drawn by Goodpaster between moral standing and moral significance. Attfield (1999), also

refers to Aristotle, but to illustrate there is a commonly perceived hierarchy of capacities and goods; for example, plants have the capacity for growth, many animals also have the capacity for mobility, perception and sentience and humans additionally have the capacity for practical reason and autonomy (among other things). The well-being of all species should be promoted; thus it should be recognised that all species have moral standing; however, this does not imply that all species should be treated equally. As Attfield (1999) points out, the moral significance of many creatures and entities, such as greenfly and the HIV virus, could be so slight as to be insignificant (but still a conceptual possibility). Entities such as these have such limited capacity for intrinsic value their moral significance will be negligible or non-existent. It seems clear that the moral significance of humans will usually outweigh that of non-human animals and other living entities. However, this will not always be the case. The pursuit of bloodsports illustrates this. Although pleasure is regarded as intrinsically valuable, distinctions between morally acceptable and unacceptable pleasures need to be made. Once the capacity of an entity to bear intrinsic value has been established, the significance of competing intrinsically valuable states and capabilities should be evaluated. Even though pleasure is intrinsically valuable, in many cases, such as with bloodsports, the avoidance of cruelty outweighs any pleasure derived as a result of inflicting cruelty and suffering. Thus when considering well-being we need to consider the good of the bearer of moral standing, and promote that as far as is possible. This may seem overburdensome, but it does recognise that humans are not the only entities that can be harmed or benefited.

Peter Singer (1993) maintains that only those species capable of pleasure or pain have interests, those interests being to maximise pleasure and avoid pain, and in the case of

beings capable of preferences, for those preferences to be satisfied. Singer's Equality of Interests principle suggests that major interests should not be sacrificed for minor interests, and that where interests are equal, membership of a particular species does not give one moral priority over another species; this is simply speciesism and is no more justifiable than racism or sexism. For Singer, a preference to eat meat on the part of humans does not outweigh the interests animals have in not being 'intensively' raised and slaughtered to satisfy such preferences, as he argues that meat is not a necessary part of most people's diets. Conversely, the preferences humans have for an old age not characterised by dementia may outweigh the interests laboratory rats have not to be used in research to prevent dementia; rats cannot realistically be thought as having preferences for their own futures. In such a scenario, the principle of equal consideration of interests has been applied, and as a result priority has been given to relieving greater suffering. Singer, in *Practical Ethics*, writes that sentience is necessary for moral standing, and self-consciousness (a capacity humans share with whales, dolphins and gorillas) for a particular kind of moral significance. Indeed, creatures without self-consciousness are replaceable.

However, as Attfield writes in *The Ethics of Environmental Concern* death for creatures without self-consciousness or a concept of dying would still deprive them of their natural capacities to flourish. Thus to breed animals that cannot feel pain and lack significant interests relative to their species for the purposes of factory farming would be seen as wrong by most people, and this must be because they have been denied the opportunity of natural fulfilment. Instead, Attfield proposes that interests be separated into those that are basic, serious and merely peripheral. All entities possess these three levels of interests, but the extent to which they possess them



differs. A life proper to that of its species is a basic interest of all entities capable of having an interest; however, creatures with capacities for a more valuable existence take priority over those that do not, that is to say that although all entities with interests have moral standing, some have greater moral significance than others because of their greater capacities. Thus, the interests of sentient, conscious creatures normally take precedence over those that do not possess these qualities, unless the interests of those sentient creatures is of only a peripheral nature and large numbers of nonsentient entities will lose an essential capacity for their well-being.

Jonathan Glover, in *What Sort of People Should There Be?* maintains that only beings capable of consciousness possess moral standing. Glover's mind-centred theory states that intrinsic value belongs to activities or states that are associated with consciousness. However, as he illustrates in *Causing Death and Saving Lives* mere consciousness is not intrinsically valuable. A mind that never rose above mere consciousness, that was simply a series of visual experiences with no attitudes or emotional responses, would contain little value. Glover argues that all value derives from experiences and activities of minds, from being able to engage with the environment and members of that environment. Glover rejects an egoistic interpretation of the mind-centred theory, and rejects moral solipsism, arguing that other minds are valuable beyond their contribution to any one individual's experiences and activities (presumably this includes any creature able to experience a sophisticated form of consciousness, not just humans). Glover (1984) writes that as experiences, activities and relationships of all minds are considered intrinsically valuable, no one individual is singled out as being more important than another. For Glover (1977), autonomy plays a hugely significant part in intrinsic value. However, Glover's mind-

centred theory is about more than just autonomy and sentience. The moral importance attached to minds is because of the part the brain plays in sophisticated forms of consciousness that give life its quality and meaning, for example, the ability to form relationships, and engage in activities and experiences constitutive of particular species membership. Thus consciousness itself is not intrinsically valuable, neither is one conscious state of overriding value, such as pleasure or the absence of pain; rather, it is a whole set of conscious activities and experiences which together give life value. Being able to experience a diverse range of emotions and activities gives life quality and makes it more than mere existence, according to Glover. For Glover, to 'flourish' and experience quality of life requires the fulfilment of capacities linked with consciousness, requires a mind, thus Glover differs from the likes of Attfield and Goodpaster, who argue that flourishing extends beyond entities with minds.

Nevertheless, what the positions of Goodpaster, Attfield, Singer, Glover and others show is that moral standing extends beyond humans. Whether it extends simply to sentient creatures, or to any entity with a mind and therefore capable of consciousness, or indeed extends to any entity that can be said in one way or another to flourish, will be discussed shortly. However, what is clear is that accounts of moral standing based on rights and contract theories are unsatisfactory. Rights are often regarded as correlative with obligations, or are seen as various types of freedom which can only be overridden in exceptional circumstances, but it is unclear where rights originate, and what we should do when rights clash. If rights are founded on mutual obligations, what about those groups usually regarded as bearers of moral rights who could not possibly be regarded as bearers of moral obligation, such as young children, future generations and animals? Attfield (1995) points out that a rigid adherence to rights

and rules may prevent them from being properly scrutinised and challenged. Contract theories, as advocated by John Rawls and others, fare little better. Contract theories assume that whatever would be agreed to in a fair bargaining situation is just.

However, contract theories enter difficulties when bargaining between generations who are not contemporaries is considered. Further problems arise when animal and plant life is considered; how can such forms of life be realistically accounted for?

They cannot enter into contracts for themselves, so must rely on third parties (possibly with vested interests); furthermore, they must rely on these third parties to conduct imaginary contractual negotiations faithfully. If we are to extend moral standing beyond humans, as is advocated here, a theory has to be expounded which promotes what is intrinsically valuable, for all those entities capable of intrinsically valuable states.

If moral standing applies to all entities capable of intrinsic value, we need to be able to identify what is of intrinsic value, what is the good of various organisms which have moral standing. Without having some idea of what constitutes intrinsic value we cannot know if being deprived of something is a harm and if having it is a benefit. It has been argued that anything capable of 'flourishing', of exercising the essential capacities associated with membership of a particular species, has moral standing. Thus, a human being, a dog or a tree do not have moral standing because they are members of a particular species. The development of capacities, and being capable of exercising these capacities is what is intrinsically valuable - it enables a species capable of flourishing to flourish. For this reason being alive is not valuable in itself, as Glover (1977) has illustrated, but rather the type of life that is lived. It is important that life has some sort of positive quality; a life of unmitigated misery could not be

regarded as valuable simply because it was life (although being alive is obviously a prerequisite of flourishing: the dead cannot flourish).

However, intrinsically valuable states and capacities are about more than just experiencing pleasure and avoiding pain, another traditional formulation of moral value. Such a stance allows biological organisms such as plants and trees to be morally considerable, as well as humans and sentient creatures. The experience machine described by Robert Nozick (1974, pp.42-45) illustrates that pleasure alone is not sufficient for a good life. Most people would probably refuse to go on this machine for any substantial length of time, as pleasure, no matter how it is experienced, is not the only capacity most people want to engage. Glover (1984) points out that a machine of the type suggested by Nozick, or indeed various mood altering drugs, simply serve to blunt our emotional responses and prevent us from engaging fully with our environment and the people around us. We are left simply pursuing our own isolationist happiness and depriving ourselves of a whole host of other valuable experiences and activities. Richard and Val Routley (1985, cited in Attfield, p.38) argue that one of the disadvantages of a utilitarian approach to morality is that it advocates the maximisation of happiness. The implications of this are that social practices where a great many people derive pleasure from the suffering of a minority are apparently justified. However, if pleasure is viewed as one of many intrinsically valuable states, and if the satisfaction of basic needs is regarded as outweighing pleasure satisfaction, this criticism can be negated.

### THREE

#### ESSENTIAL CAPACITIES

Attfield (1995) equates flourishing with leading a life well worth living, but what constitutes flourishing will vary according to the nature of the species concerned. Any life well worth living is intrinsically valuable and, therefore, flourishing has intrinsic value; after all, what else could be more important than leading a worthwhile life and flourishing for any species capable of doing so? Any entity capable of flourishing, Attfield maintains, needs to develop most of its essential capacities to the point of being able to exercise them in order to flourish. Thus, Attfield argues, the development of essential capacities is intrinsically valuable because of their relationship to flourishing. However, flourishing and developing essential capacities are not identical, he acknowledges. Sometimes the development of essential capacities may strike a discordant note; for example, the capacity for emotion may sometimes clash with the capacity for reason. However, as Attfield points out, this dissonance does not entail absence of intrinsic value from the development of either clashing capacities. Even though intellect may sometimes jar with emotion, a life well worth living arguably comprises the ability to exercise both reason and emotion, among other things. Thus a very strong case can be made for arguing that for bearers of intrinsic value developing essential capacities (or at least many of them), in a way that enables their use, is intrinsically valuable. Anything which facilitates and is necessary for the development of such essential capacities has extrinsic value, as its value lies not in its own nature but in its contribution to what is of intrinsic value.

If flourishing is what is intrinsically valuable, what capacities are essential to

flourishing, and what capacities are necessary for wellbeing and thus intrinsically valuable? Obviously drawing up a specific list of capacities would be a foolish enterprise. Individuals and societies vary greatly in their moral outlooks and what they consider to be necessary for wellbeing; no such list could achieve universal consensus; indeed, one of the aspects of life that make it valuable is its diversity. However, flourishing could reasonably be argued to contain some generic features which allow a particular species the potential for well-being. Attfield (1995) acknowledges that such capacities are not always distinctive to a particular species; for instance, varying degrees of growth and motion are shared by plants, animals and humans; and some capacities can be distinctive without being essential. For example, being able to play a musical instrument, drive, or ski, or write poetry are distinctive human powers but are clearly not intrinsically valuable capacities. Of course, some members of a species may lack many of these essential capacities, but the vast majority of the species will possess these capacities, or will have the potential for them. This does not mean that a lack of such potentials removes membership of the species from the individual; it simply means that the particular species member is abnormal. Abnormality should not be seen to preclude respect for an individual, or be regarded as a reason not to accord that individual the same respect as other members of the species. Abnormality in its various forms permeates all species, but the use of the word itself suggests that we expect most members of a particular species to have certain capacities associated with species membership, or to fulfil relevant criteria. However, having the capacity or potential for language, for example, does not predict how this capacity will be used.

What capacities any species needs to develop or exercise in order to flourish is open to

debate. Some capacities will be intrinsically valuable, others instrumentally valuable and some will be both. However, most people, despite having many differences, will also probably have many areas of agreement about what is necessary for a person to enjoy a life characterised by its quality, i.e., what is vital or needed for a person to flourish. If this can be recognised with humans, then why not with other species? Admittedly we know more about our own capacities than other species, but we still recognise the capacities of other entities and can see the effects of denying these essential capacities or promoting them. Most people would agree that enslaving people robs them of the development of their essential capacities, and thus prevents their flourishing and accordingly denies their wellbeing; similarly keeping a roaming animal caged prevents it from flourishing, as does keeping green plants in dark conditions. The criteria for flourishing seem easily accessible to reasoned argument and are readily knowable.

Equating the development of essential capacities with flourishing is not a particularly fashionable concept in moral philosophy; however, the notion that individual living things possess characteristic capabilities that are indicative of their species is widely held. For example, Rosalind Hursthouse, in her book *On Virtue Ethics* (pp. 192-216), writes that even an individual plant can be said to flourish, that is, to be regarded as a good or bad specimen of its species, if it develops in a way that is characteristic of a member of such a species. She writes that in the case of individual plants we evaluate their existence as good or bad according to two characteristic aspects of their species: parts (things such as leaves, roots and petals) and operations or reactions (for example, photosynthesis if a plant needs to perform this operation to survive); and the relation of these two parts to realising two ends: the survival of each member of the species

and the continuance of the species.

In the case of more complex living entities the ways of realising these two ends become more sophisticated and elaborate. For example, mammals have to 'act' in far more complicated and involved ways to survive and reproduce than do plants.

Furthermore, Hursthouse writes, depending on the characteristic capacities of the animals being considered, several other aspects and ends also need to be evaluated.

With reference to aspects, not only will parts, operations, reactions and actions need to be considered, but also characteristic emotions and desires. As regards ends, as well as individual survival and continuation of the species, characteristic freedom from pain and characteristic pleasure for animals of this kind, and, where social animals are concerned, the good functioning of the group, should also be evaluated.

Thus, for example, a wolf that has been ostracised by the rest of the pack and has an impacted claw will be a 'defective' wolf because these aspects of its existence are preventing it from functioning in a characteristically wolf-like way. This particular wolf will not be able to flourish: it is in constant pain and is unable to function as part of a community, which is vital for any social animal. As Hursthouse points out, evaluations based on characteristic capacities of individual living things do not revolve around the interests, wants or values of unrelated others. Her position amounts to a defence of ethical naturalism and a rejection of communitarianism; a stance strongly supported in this thesis and which is discussed below (see chapter nine). Talk of characteristic capacities is, as illustrated by this synopsis of Hursthouse's standpoint, in essence, very similar to the essential capacities approach advocated in this work. As a result, the concept of essential capacities can be regarded as having more philosophical support than might have otherwise been



supposed.

Attfield (1995) writes that the development of the capacities for perception, cognition and emotion are intrinsically valuable because of their profound role in human flourishing. Such capacities, even though they might be lacking in some individuals, are present in the vast majority. Indeed, it is hard to imagine the term 'human' being applied to creatures where all but a small minority did not have these capacities. Any individual incapable of these capacities would generally be regarded as disadvantaged and no one would choose to improve the quality of their lives by having one or all of these capacities deliberately removed. Instead, people seek medical, psychiatric and psychological help to ensure these capacities are fully functioning; people do this because, seemingly, they believe these capacities are necessary for their well-being. Of course, people may engage in all sorts of trivial things believing them to be important for their quality of life; however, most of us would recognise that perception, the ability to think, reason and experience a variety of emotions are vital human capacities. Without these capacities we would be unable to flourish and we would be unable to engage in all sorts of other activities that add lustre and diversity to life. As social beings with lives bound up with contacts with other people, these capacities are essential.

Attfield (1995), echoing one of the central tenets of Marxist philosophy, writes that meaningful work is another essential human capacity. Marx believed that capitalism 'alienated' human beings because they were related to the means of production in a meaningless way. Attfield argues that free and productive activity is one of the constituents of flourishing and well-being and is an essential human capacity. He

acknowledges that individuals can flourish without engaging in meaningful work, as they could develop and exercise other meaningful capacities; and he recognises that not all humans will be able to engage in meaningful work, for example, infants and the elderly. Nevertheless, most people will be able to. The importance of meaningful work to human beings is most clearly illustrated by its absence. The long-term unemployed, or those forced into meaningless, repetitive tasks, such as the Sisyphus described by Glover (1984, pp.121-128), arguably have a large part of what gives life its quality removed. Meaningful activity is an essential capacity which enables us to flourish; communities without work often lack essential goods and services, as well as the things which make life easier, more interesting and more fun; consequently they do not flourish.

Attfield argues that meaningful work does not have to entail creativity or innovation to be meaningful; neither does it have to be paid work, as much paid work is not meaningful in the sense used here and other forms of work can have the requisite qualities; however, it would typically be freely entered into, its purpose and standards would usually be recognisable and endorsed by those undertaking it (such work would have to be autonomous), and the end result, be it a product or a service, would normally depend on the skill or judgement of those who produce it. Work is often saved from futility by the fact that we want to do it; however, as Glover's Sisyphus Mark Three illustrates, being perfectly happy doing something is not necessarily enough if this satisfaction is the result of some form of subtle propaganda, or brainwashing or is chemically induced (Glover, 1984, pp. 71-78).

John White, in *Education and the End of Work*, disagrees with Attfield's concept of

meaningful work. White argues that work is often meaningless, except where it relates to the achievement of the major life goals of an autonomous agent and consequently affords that agent the opportunity for self-respect. As a result he argues most people should be freed from the shackles of work. However, as Attfield (2001) points out, work can be meaningful in his sense (described above) without necessarily contributing to an agent's major life goals. For example, a music teacher may still find his or her work meaningful (in the above sense) even if it does not contribute to his or her major life goal, which might be to write a concerto. Many people find meaning in their work, feel fulfilled by it and gain self-respect as a result of it, even if it has no real relation to their life goals. White also criticises Attfield's argument that humans need to develop and exercise their essential capacities in order to flourish. He argues that if the capacity for meaningful work is an essential capacity, then so too is the capacity to read tabloid newspapers, eat 'junk' food and watch 'reality' television programmes. These examples are presumably meant to illustrate the fatuousness of following a capacities approach to its supposedly logical conclusion. However, as Attfield (2001) shows, an essential capacities approach refers to generic capacities, such as cognitive and linguistic abilities, not to specific activities in which these essential capacities should be exercised. Hopefully, essential capacities will be used wisely, but that is why we often have to make moral choices: to decide what is the best way in which to exercise essential capacities. Also the capacities White describes, as Attfield points out, are non-essential ones. Humans will not suddenly fail to flourish, or even fail to be human, if reality television programmes cease to exist; conversely, if the human race lost the ability to reason or communicate linguistically this would be the case.

White may not agree that meaningful work is a constituent element in human flourishing, but he cannot argue convincingly that the development and exercise of essential capacities is not required for human flourishing. Attfield argues that individual essential capacities, such as autonomy, self-creation and self-respect are found in both his and White's conception of meaningful work. If meaningful work does involve one or more of these essential capacities, as is arguably the case, this suggests that meaningful work is in itself an essential capacity necessary for human flourishing. Moreover, White's concentration on achievement of individual life goals, as Attfield illustrates, can actually be to the detriment of human flourishing.

Developing and exercising generic capacities facilitates human flourishing in ways agents may not have expected or thought possible. Simply focusing on meeting individual goals may result in reduced personal wellbeing, as individuals may set themselves very limited goals, or may set themselves goals which are impossible to achieve. People without meaningful work can be argued to lead lives that are in some ways impoverished; they are impoverished in a way that is far more serious than White implies. A failure to perform meaningful work is not comparable to not being able to eat junk food or watch exploitative television programmes. A lack of meaningful work, in the way Attfield describes it, i.e., irrespective of its contribution to major life goals, can often be soul destroying, undermine self-esteem and prevent the exercise of generic human capacities; all things detrimental to human flourishing.

Autonomy is a further essential capacity required for human beings to flourish.

Glover (1988) illustrates the importance of autonomy to human well-being.

Individuals cannot be said to flourish if their values, attitudes, opinions and desires are not respected. Most adults want to make their decisions and be responsible for their

own actions; a strongly paternalistic state, no matter how well intentioned, would be rejected by most people because of its infringements of autonomy. Nevertheless, as both Attfield and Glover point out, autonomy does not always trump other interests. For example, human interests in autonomy, for example, the freedom to participate in blood sports, cannot always take precedence over serious nonhuman interests, such as being free from unnecessary suffering. Glover's Sisyphus Mark Three might be perfectly willing to push stones up hills, after being conditioned to do futile and pointless things, but freely choosing an activity or way of life does not necessarily make it worthwhile or worth undertaking.

Attfield (1995), borrowing one of Rawls' 'primary goods', writes that self-respect is also an essential capacity necessary for human flourishing. For Rawls primary goods are 'things which it is supposed a rational man wants whatever else he wants' (Rawls, 1999, p.79). Rawls writes that primary goods can be split into two types: social primary goods and natural primary goods. Natural primary goods include such things as health, intelligence and imagination; the main social primary goods are rights, liberties, opportunities, self-respect, income and wealth. (It is worth noting that there is a problem with Rawls' position on rights, as their inclusion in his 'primary goods' suggests they are intrinsically valuable; however, it seems more plausible to argue that rights are derivative, hence their inclusion in primary goods appears ill-conceived.) The basic structure of society dictates how these primary goods, especially the social ones, are distributed. Rawls defines self-respect as the ability to carry out and fulfil one's intentions, to have a conception of what is worthwhile and good, basically to have a plan of life and the confidence and opportunity to carry out this plan.

However, as Attfield (1995) points out, many of us do not have a plan of life but are

still capable of self-respect. Attfield argues that self-respect is better thought of as involving personal standards related to activities, skills and judgements. It seems that even without any clear goals people can assess their actions in terms of whether they have acted in ways they can be pleased about. For Attfield and Rawls self-respect involves an awareness of being able to embody personal standards in action. Being able to act in ways which make one proud obviously generates self-respect and self-confidence, and thus facilitates flourishing.

Meaningful work, as Attfield (1995, 2001) writes, provides a basis for self-respect in most people's lives. Meaningful work often provides the ingredients, described above, that are necessary for self-respect. For this reason even if meaningful work per se is not regarded as an essential capacity, its relationship to self-respect provides a strong argument for its provision. Attfield (2001) rightly maintains that meaningful work, which can include study at school or university, care of the young, elderly and sick and subsistence farming, engenders self-respect and consequently promotes human wellbeing. Furthermore, paid employment, especially where the meaningfulness of this employment is enhanced, affords many people a good opportunity to achieve self-respect. Social policies need to recognise and promote meaningful work, both paid and voluntary, as its contribution to self-respect and human flourishing is profound.

Downie and Telfer, in *Respect for Persons*, discuss Mill's notion of a distinctive human endowment. In *On Liberty* Mill writes 'qualities which are the distinctive endowment of a human being' are those generic powers or qualities of humans beings which will, if developed and exercised, be of great value, such as the ability to reason.

Downie and Telfer attribute perception, judgement, the ability to discriminate in thinking, emotion and cognition to Mill's conception of the distinctive human endowment. Mill referred to the development of the distinctive human endowment as self-development, but it is more commonly thought of as self-realisation. For Mill, Downie and Telfer argue, self-realisation is exercised only when humans make choices. Self-realisation is not achieved by merely following social conventions blindly. How these distinctive endowments are used is a matter for the individual, they can be manifested in many ways, but what is important is that the individual is able to exercise them. Thus the activity itself is not necessarily important; rather what is important is the fact that the activity requires the exercise of the distinctive human endowment. Developing and exercising one's capacity for practical judgement, so that this capacity can be applied in any number of ways, seems far more important than developing and exercising this capacity in one narrow way, such as for stamp collecting or crossword solving. However, pursuing ends which are rich and complex - poetry as opposed to pushpin - might be more rewarding in terms of self-development than mundane pursuits and trivial uses of the distinctive human endowment, according to Mill. Trivial uses of the distinctive human endowment, Mill seems to argue, will not provide sufficient opportunity for the self-realisation. Despite the elitist appearance of this last assertion, it seems true enough that some things will afford greater opportunity for self-realisation than others, and that people will differ in their level of generic endowment. For Mill, self-realisation, utilising one's essential capacities - or endowments - freely and wisely is a key element of human flourishing.

However, regarding individual self-realisation of distinctive human endowments as intrinsically valuable *per se* is problematic. For instance, if the leader of an

impoverished country decided to spend vast sums of that nation's wealth on personal aggrandisement, few people would consider such vanity an intrinsically valuable example self-expression or self-realisation. As this example illustrates, even if an individual utilises his or her distinctive human endowment in a non-trivial way, giving his or her choices a lot of thought and being deeply committed to them, they may nevertheless be non-moral profoundly disturbing choices. However, Downie and Telfer argue that Mill's conception of self-realisation (as they perceive it) is not hedonistic or based on self-interest; rather, it is about using our distinctive human endowments in ways which enable us to 'flourish'. The precise nature of flourishing is not clear, but Downie and Telfer maintain that Mill is using it in a partly moral and partly aesthetic sense, to describe the 'heights' that human nature can reach. The individual described above could not be regarded as exercising his or her distinctive human endowment in a way that engenders flourishing; vanity and a selfish pursuit of trivial pleasure would seem to be far removed from Mill's (and most people's) idea of human flourishing.

The development and ability to exercise certain generic and essential human capacities, such as perception, judgement, cognition and emotion, in individuals, in ways that allow them to express these capacities in an autonomous and personal way is intrinsically valuable; this value lies in the contribution made to flourishing by the development and exercise of these generic capacities. Such capacities are not necessarily distinctive to human beings; for example, many animals are capable of perception, cognition and emotion, and plants are capable of growth and motion.

Glover (1984), after considering several thought experiments, writes that human



beings regard self-creation as immensely valuable and significant. Glover defines self-creation as the continuing control we have over the development of our own personalities and experiences. Glover points out that most people would reject the experience machine of Nozick because they wish to retain control over their own experiences. Similarly, if there was another machine that could remove unsuitable desires and ambitions from people and replace them with ones that are suitable for the individual concerned, would people agree to enter the machine? Although we may welcome waking up with some desirable quality or qualities, Glover argues that we value having continued control over our desires. Our desires and aspirations may change but we are aware of the change and have some control over it. Glover maintains that we care about the sort of people we are and how we become the people we are, hence we value continuous self-creation; we do not want to hand it over to a machine which can alter our characters (however benign the intention) at the switch of a button. We want the capacity to mould our own futures through our own choices, beliefs, attitudes and dispositions. Without self-creation we cannot express our individual characters and make autonomous decisions. Self-creation is accordingly an essential human capacity; without it we are unable to fully flourish as human beings. The development of any capacity that is an essential component of a life well worth living is intrinsically valuable. For this reason, Attfield (1995) seems right to regard Glover's notion of self-creation as denoting an essential capacity.

The development of the capacities outlined above, such as autonomy, meaningful work and self-creation, are of intrinsic value because they are necessary or 'basic needs' for living well, as well as being constituents of living well. As Attfield (1995) remarks, it is hard to image a high quality of life without perception, autonomy and

self-respect etc. However, what about survival-related needs; what is the nature of their value? Survival-related needs such as health, food and shelter are necessary for the development of the essential capacities already mentioned. This suggests that survival-related needs are of contingent and therefore extrinsic value. As Attfield (1995) points out, without them everything else is threatened; although he does acknowledge that health can also be regarded as being intrinsically valuable. Glover (1977) has also shown that being alive is not valuable in itself, rather it is the type of life that can be lived that is valuable. Would people still wish to have their survival needs met if there were no chance of them ever being able to exercise their other ‘basic needs’? If people are dying from malnutrition, disease and exposure, meeting these survival needs is more important than anything else; nevertheless, while the value of meeting survival needs cannot be denied, this value lies in being a necessary conditions of a worthwhile life. By themselves, without the possibility of being used in the pursuit of intrinsic goods, their value is limited. However, illness, exposure, starvation and lack of education can all have a huge impact on basic needs and therefore on flourishing and quality of life. Thus health and education etc. can be recognised as being both intrinsically and instrumentally valuable. Even when people have all or most of their basic needs satisfied, poor health and education can have a detrimental effect on their quality of life. This illustrates that some needs can have both contingent and intrinsic value, and that both types of needs are inextricably linked to well-being.

Of course, it can be argued that what are deemed essential capacities and what constitutes human flourishing (or any other kind of flourishing) differ between cultures. Agreement about survival needs seems fairly easy to come by. No matter

where you live in the world, the need for food, water, shelter and clothing etc. will always be present. The type of shelter required may vary due to climatic variations, but basic survival needs will diverge only marginally. For example, in highly modernised Western societies owning a car is often seen as a need, a necessary requirement for flourishing. However, Attfield (1995) points out that car ownership could only ever be a contingent need if cars were the only means a community had of accessing something essential; for example, they could be the only way to get to a hospital. Even then the contingent need for a car would only reflect a unique set of circumstances in a particular society, not a society with unique needs that made its needs markedly different from any other society. Despite existentialist claims to the contrary, Attfield (1995) maintains that a common human nature can be discerned and, therefore, agreement can be reached about how to ensure that this nature flourishes. Most societies would agree that their members require autonomy, self-respect and well-developed cognitive capabilities; indeed, any society that does not provide its members with opportunities to develop these capacities is generally regarded as failing its members and of being morally suspect. Such societies (unless they have very strong economic resources, such as oil) are encouraged by dialogue and sanctions to change their ways - an international 'moral crusade' is often launched against them. This suggests recognition of a shared humanity. There may be scope for different societies to differ in the way that they satisfy basic needs and ensure well-being; however, the actual needs themselves are consistent.

This account of capacities needs to be able to address the problem of undesirable capacities. Should all capacities be promoted, or should only some capacities be selected for promotion? If all capacities are selected, this means that even undesirable

capacities are being promoted; if only some capacities are selected, what is the basis for their selection? The capacities that should be promoted are those that are needed for flourishing; cognition is one of the constituents of flourishing, however, cognitive powers can be used for good and evil purposes. Attfield (1995) argues that in order to flourish people need, among other things, to exercise their capacities as moral agents: to flourish people must be capable of doing good or evil; the choice is down to the individual, but people should develop the capacities necessary to make this choice. To flourish as a human being a person arguably needs strength and presence of mind; however, these qualities can be used for good or evil purposes. David Brink (1991) asks why safe-cracking and ingenious sadism are not appropriate ways of exercising abstract capacities for practical reason. However, Attfield points out that the essential capacity in question, practical reason, can be expressed in a variety of ways which can be either socially desirable or undesirable. The skills necessary for safe-cracking could be used in a much more socially constructive way. Clearly wrongdoing is possible if armed with essential capacities, but so is the ability to perform good actions. The capacity for practical reasoning is necessary for flourishing, but it does not mean that an individual thus equipped will automatically flourish. Autonomy dictates that people should be able to choose how to live their lives, and practical reason facilitates this. Morality should inform people's lives, but moral philosophy would be relatively unproblematic if people had easy choices to make and always chose the morally right course of action.

Martha Nussbaum, in her article 'Non-Relative Virtues: An Aristotelian Approach' also suggests that human flourishing can be characterised by the possession of essential capacities. Nussbaum provides a set of universal experiences to which the

virtues can relate. Her account of virtue theory suggests that virtues can be regarded as non-relative, universal features of the human condition. She maintains that irrespective of what community or culture is being considered, human existence is such that common experiences - or 'grounding experiences' - can be identified, together with corresponding virtues to enable a good life. For example, mortality is a feature of every human life; furthermore, every human being also has certain physiological requirements, such as food, water and stimulation. Also every culture, no matter how it expresses it, has a conception of pleasure and pain. Similarly, every culture produces individuals with cognitive capabilities. Related to cognitive capabilities is practical reason. Planning and managing one's own life and living the life one chooses are features of human experience that are expressed in all societies, even the ones that try and repress it. Nussbaum also contends that early infant development is another example of universally shared grounding experiences. Nussbaum writes that all humans also share a desire for some kind of affiliation and all communities display some form of humour and recreation. Thus, mortality, the body, pleasure and pain, cognitive capabilities, practical reason, early infant development, affiliation and humour, are all examples of common human experiences and capacities. Nussbaum maintains that virtue theory, as she espouses it, ensures that human capabilities and capacities are respected and enhanced.

The notion that people have essential capacities that are morally important is something that is echoed in the work of Amartya Sen (2001). However, for Sen, quality of life is not just about achieving well-being but about having the freedom to choose how to achieve it, i.e., doing x is less valuable than choosing to do x. This seems to resonate with Mill's view, expressed in *On Liberty*, that an informed,

autonomous adult should be free to pursue their own version of the good life, as long as it does not cause harm to others. This emphasis on freedom also connects with Aristotle's argument that only activities that are freely chosen can be truly regarded as contributing to eudaimonia. However, G A Cohen, in his article 'Equality of What? On Welfare, Goods & Capabilities' writes that while Sen's capability approach contains much that is commendable, his focus on well-being freedom is flawed. Cohen argues that what is really important is that people have their deprivations removed, not that they choose to remove these deprivations. Being free from malaria is more important than choosing to be free from malaria; similarly, being housed is more important than choosing one's house and building it oneself.

Furthermore, although freedom is obviously hugely significant, its value is contingent and not intrinsic. The case for the intrinsic value of, for example, autonomy and rational decision-making, has already been made; the fact that freedom is needed to exercise these capacities simply means that freedom is contingently valuable. People need freedom to fully develop and express those capacities that are essential for flourishing; however, freedom by itself, that is the absence of external constraints and obstacles, without the development of some or all of the essential capacities for flourishing, would not be constitutive of a worthwhile life. The freedom to hop, crawl or walk backwards is surely not as important as the ability to move free from constraint. Similarly, having the freedom to ruin my health, or wreck my educational prospects is not as beneficial or indicative of a worthwhile life as being healthy and developing and exercising cognitive capacities. Sen is right to highlight the importance of freedom to quality of life, but he is wrong to ascribe it intrinsic value. Quality of life may be impossible without freedom, but this is because essential

capacities cannot be developed and exercised without certain freedoms, for example, political and social freedom.

However, Sen is correct when he argues that quality of life is better advanced by consideration of essential capacities, rather than in terms of meeting people's basic sustenance and economic needs. This 'crude' commodities approach simply proposes providing people with more goods or commodities. However, as Crocker (1991) summarising Sen's development ethic points out, commodities are only of instrumental value. As such they are a means to an end and not an end in themselves. If we lose sight of this, Sen argues, we are in danger of valuing goods and forgetting what they actually do for people. Having certain commodities, and having one's survival needs met, are really contingent - not intrinsic - goods. Crocker (1991) illustrates another criticism of the commodities approach, the 'interpersonal variability argument' (Crocker, 1991, p.112). It can be argued that the commodities approach does not take sufficient account of individual differences. For example, some goods may help some more than others, or some goods may help some people and harm or hinder others. Some people may need more goods and commodities than others to perform the same tasks and live the same kind of lifestyle. For instance, an infertile adult wishing to be a parent may require more health care provision than a fertile adult wishing to realise the same function. Should the infertile adult be given the same amount of health care 'goods' as the fertile adult, or be given more? Cultural variability is a related but broader problem for the commodities approach. Certain commodities may be valued more by one culture than another. Martha Nussbaum argues that the commodities approach can also lead to excessive competition and avarice in pursuit of certain goods.

Rawls, in *A Theory of Justice*, rejects the 'crude' commodities approach in favour of a more sophisticated version. Rawls begins his ethical approach by considering what sort of social contract a rational person would accept given that his or her contractual negotiations have taken place behind a veil of ignorance. Such hypothetical negotiations, Rawls asserts, would yield certain primary social goods, i.e., certain commodities that could be regarded by all concerned as valuable, even if their distribution is not on an equal basis; for example, Rawls does not believe that wealth has to be equally distributed. His list of primary social goods includes: rights, liberties, opportunities, powers, income, wealth and self-respect. These primary goods allow people to choose and pursue their own conception of the good life. For this reason, Rawls' ethical stance is characterised as a 'thin' concept of well-being. Unlike those philosophers who adopt a 'thick' approach, such as Nussbaum and Attfield, Rawls does not believe that there is an overarching or ultimate principle of well-being that can be applied to everyone and should be promoted by governments and development agencies. Instead, he argues that justice is prior to the good, as in a just world, one where the primary social goods he describes abound, people will be able to pursue - obviously within the parameters of justice - their own ends and versions of well-being. If good is prior to justice, as 'thick' conceptions of morality suggest, then - it could be argued - the state may justifiably use its power to coerce people into leading certain life-styles. (However, it could just as readily be argued that it should not; for example, if the thick theory recognises the intrinsic value of autonomy and choice this criticism is invalidated.). Rawls believes that this view violates people's basic freedom to choose their own ends and ultimate goals. For Rawls, his primary social goods theory allows people to exercise democratic ideals; it



gives them autonomous choice to pursue their own ends. People will want to ensure that their ability to pursue their own version of the good will be sustained, and a society which promotes primary social goods is the best way to ensure this.

However, Sen criticises Rawls' version of the commodity approach because, as with the crude commodity approach, it ignores individual differences and assumes people are quite similar in their aspirations and abilities to construct their own freedoms and pursue their own morally significant goals: this may not be the case even if people are given the same access to primary goods or the same level of primary goods. Another criticism levelled at Rawls' approach is that it takes little or only partial account of future generations and non-human animals. Future generations and non-human animals might in theory be represented by proxy at Rawls' hypothetical social contract negotiations; although there are problems in each case even at the theoretical level. It is hard to see how the rights and liberties of these groups can be adequately and genuinely represented by current generations. Nussbaum and Sen argue that what people can and cannot do is a much better indicator of quality of life than what commodities they possess (whatever the conception of commodities). Nussbaum also points out that a capabilities approach illustrates the tensions and debate regarding what is a good life better than the commodities approach. For instance, whether women should be given equal opportunities to work as men, or should stay at home and raise children, is a debate that can be explored more fully by considering what are valuable functionings for women (obviously raising children and being able to work are valuable functionings for both men and women). However, this debate would not be settled by more or less commodities. Primary social goods, such as the right to work or the right to raise children and not have to work, are only useful when the

question of what are valuable human functionings worthy of protection and promotion has been debated. This relates to another of Sen's and Nussbaum's criticisms of Rawls' approach. They argue that Rawls' position has, in essence, shifted to the capabilities approach. Primary goods allow people to do certain things and these goods are only valuable because they allow people to function in certain types of ways. They allow people to be free to achieve self-respect and self-creation etc. These goods are prior to justice and a fair social contract; the purpose of justice and fair social contracts is to facilitate these goods, suggesting that an idea of what the human good consists of exists anyway. What would justice relate to otherwise?

Sen and Nussbaum demonstrate that a non-relativist conception of basic human capacities or capabilities is important for enhancing quality of life, and is a superior conceptualisation of well-being than that offered by commodities approaches, for example. Crocker (1991) summarises the key basic capabilities that have been outlined by both Sen and Nussbaum. These include: being able to live a complete human life; being healthy, adequately nourished and sheltered; freedom of movement; opportunities for sexual satisfaction; being able to avoid unnecessary pain and to have access to pleasurable experiences; being able to use the five senses; being able to think and reason, and plan the course of one's own life; to critically engage in various political processes, including analysing conceptions of well-being; being reasonably well-informed; and being able to engage in various forms of familial and social interaction. In addition to this list, Nussbaum also includes: being able to live with concern for and in relation to animals, plants, and the world of nature...being able to laugh, to play, to enjoy recreational activities...being able to live one's own life and nobody else's (Nussbaum, cited in Crocker, 1991, p.145). The development of the

capacities listed above would no doubt enhance quality of life for those capable of developing and exercising them. However, although the contribution made by Sen and Nussbaum to the argument for an essential capacities theory of well-being is important, some caveats need to be added. For instance, Sen is wrong to place so much emphasis on freedom and well-being. Also, as Nussbaum argues, capacities are not merely opportunities to function in various ways, as Sen maintains, but are also manifestations of human traits and powers.

Nussbaum writes that capabilities are not just the 'external' opportunities that may be presented to people and which may or may not then be exercised; capabilities are also 'internal'. External states are the prevailing material and social conditions that may or may not facilitate flourishing; internal states refer to the condition of the individual, for example, the mind, body and character of the individual. Thus, Nussbaum situates capacities in an internal as well as external context for the individual. Capabilities are not just options that are open to an individual, they are also potentials which reflect the powers and traits, limits and vulnerabilities of that individual; this seems perfectly reasonable. Nussbaum argues that governments should provide the correct external environment for its citizens, and should also nurture and facilitate - as far as possible - their internal capabilities. However, making such a distinction between internal and external capabilities seems irrelevant. What is important is the development and exercise of essential capacities and practices which promote this. Nussbaum, using Aristotle's notion of virtue, argues that internal dispositions are fundamental to well-being, i.e., being of 'good' character is an important part of living a 'good' life. Thus well-being is not simply about having a variety of possibilities open to one, but about having the power - both social and psychological - to exercise these possibilities.

Giving people possibilities is not enough; empowering them, externally and internally, to choose between and evaluate these possibilities is required for well-being. Of course, enabling people to develop and exercise their essential capacities is obviously a good thing; however, the relationship between virtue, essential capacities and well-being is vague and unproductive. Virtue is not an essential capacity and leading a life of virtue does not automatically mean that such an existence will be worthwhile. In linking essential capacities to virtue Nussbaum has 'overcooked' virtue theory. What is necessary for quality of life is the development and exercise of essential capacities; practices which do this are, as a result, morally valuable. Nussbaum's cosmopolitan capacities approach seems fundamentally correct; what is problematic is the relationship of virtue theory to an essential capacities philosophy. An essential capacities approach can be harnessed to consequentialism, whereas an Aristotelian virtue ethic cannot be.

## FOUR

### THE RELATIONSHIP BETWEEN CAPACITIES, FLOURISHING AND WORTHWHILE LIVES

The contention of this work is that moral standing extends to any entity that can conceivably be harmed or benefited. An entity flourishes when its essential capacities are promoted and not hindered. Essential capacities vary from species to species, but for humans essential capacities include: perception, autonomy, self-respect, self-creation and meaningful work. These essential capacities have been characterised by Attfield (1995) as 'basic needs'. They are necessary for a human being to flourish, i.e., to lead a life that has quality. The contribution made by essential capacities to well-being makes them intrinsically valuable; many other things will be contingently valuable because of the part they play in the development of essential capacities necessary for well-being. Contingent and intrinsic goods need to be fully integrated for a life to flourish. How these essential capacities are exercised is a matter for the individual; their value lies in allowing a person to enjoy a worthwhile life. Pleasure and happiness, are of intrinsic value because they enhance the quality and worthwhileness of life. (Pleasure and happiness are not exactly synonymous as happiness can go beyond satisfaction and pride.) However, a life can still be worthwhile without happiness or pleasure, as Attfield (1995) points out, but a life without these qualities and other intrinsically valuable capacities is probably of intrinsic disvalue. A life of unremitting suffering, boredom and misery lacks any semblance of being worth living.

The explanation of flourishing given here maintains that not only can humans flourish

but so can nonhuman creatures and non-sentient entities. However, nonbiological entities, such as rocks, rivers and ecosystems do not have intrinsic value. They cannot reasonably be said to flourish or suffer due to the fulfilment or prevention of their essential capacities; what is it about an ecosystem or rock etc. that can be described as intrinsically valuable? Similarly, the dead cannot flourish or suffer either. Do the dead really have interests? To have an interest surely one must be alive or have the potential for life to bear that interest. Having interests surely means being able to potentially see them realised. Can the dead can really be said to have any interests in their projects being continued, or in seeing their projects prosper, as both O'Neill (1993) and Attfield (1995) argue? The interests in seeing, for example, a construction project completed after the death of the architect lies with those who are alive and will be able to use and benefit from the project. Unless the dead do in some way exist after their lives have ended, and therefore can appreciate the completion of their plan (a position requiring a faith the writer does not have), the dead cannot be harmed or benefited by having their projects completed and plans executed.

However, defacing graves, necrophilia and lying about the dead all seem wrong. If the dead do not have interests, why is this the case? How we treat the dead says a lot about ourselves and how we should treat the living, and can also be said to harm the living. A dead person cannot object or be harmed or horrified by necrophilia; however, the family of the deceased can, as can society at large. The necrophiliac cannot form normal sexual relationships with another human being; therefore, their psychological development is dysfunctional. Consent cannot be obtained from the deceased, or was not obtained before their death; the family will be deeply hurt to think that their relative has been 'abused' in this way, and society will view such an

act as depraved and disrespectful. What this suggests is well-being and flourishing centres around the living and those who have the potential for life, not the dead.

Social practices such as respect, telling the truth, obtaining consent before undertaking actions that may affect others and consideration of the feelings of others, all enable society to function smoothly and ensure well-being. We abhor practices such as necrophilia because it is the antithesis of practices which we regard as vital for ensuring and promoting well-being. A society, or individual, that ignores practices that promote well-being undermines quality of life for others. However, dishonesty, disrespect and ignoring people's wishes are all things which affect the interests of the living - the dead do not have interests. However, practices which promote well-being are so important and deeply ingrained we tend to apply them retrospectively. The fundamental point is however that only present and future lives have interests; these interests being the enhancement of quality of life. Any obligations to the dead, such as a belief that promises made to them will be kept, is for the sake of the living.

Respecting the interests of present and future people has a strong and desirable side-effect of ensuring that the dead are also treated with respect, but this does not mean that the dead actually have interests which survive them.

The case for essential capacities as constitutive of flourishing and well-being is very strong. Sen, and virtue theorists such as Martha Nussbaum, have shown a capabilities approach is a far better way of elucidating and promoting quality of life than alternative approaches to wellbeing. Atfield, Glover and Singer, from a consequentialist point-of-view, have also illustrated the moral relevance and coherence of a capacities approach. (Arguments in favour of a consequentialist approach to well-being and enhancing quality of life will be presented subsequently.)

Attfield and Goodpaster have presented convincing arguments for extending the notion of essential capacities and flourishing to flora and fauna. While agreeing in large part with this, there are some reservations surrounding this approach. Drawing the line for moral considerability at sentience, as Singer does, seems to be drawing it too early. However, despite accepting that plants and trees do have very limited moral standing and that their moral significance will nearly always be negligible compared to conscious entities, this approach is still problematic. Having to concede that even a virus like the HIV virus conceivably has moral standing, even though its moral significance may be minute, seems a high price to pay. Also, the capacities of biological entities without brains seems so small as to be of only slight intrinsic value. The way that such entities can be harmed or benefited, i.e., the scope of their flourishing, is so slight as to be almost non-existent. There seems to be a qualitative difference between the capacities of conscious entities, entities with minds, and those entities that lack consciousness. Although flora may have some intrinsic value, the greatest reason for their flourishing is external not internal, i.e., it lies in their contribution to the quality of life of conscious entities. For this reason, Glover's mind-centred theory is appealing in some respects; nevertheless, the case for a biocentric approach remains strong (see chapter two and seventeen).



## FIVE

### PRIORITISING VALUES

The argument made so far is that all biological entities have essential capacities that if fulfilled allow such entities to 'flourish'. Other philosophers, such as Rosalind Hursthouse, maintain that species' characteristic capacities are morally valuable (see pp.16-17). However, the moral weight - or significance - of certain entities is minor, although still discernible. The eudaimonia of conscious entities has far greater moral significance than that of non-conscious entities. Having some conscious awareness of the environment connotes a qualitative difference in well-being potential. It is this qualitative difference in essential capacities that gives species characterised by their potential for some level of conscious at least some of the time, greater moral considerability. However, as has been previously illustrated, being conscious is about more than just sentience. A line marking a distinction at consciousness for moral considerability, traversable in exceptional circumstances, seems less problematic and has more intuitive appeal than arguing every biological entity has some kind of moral standing. Nevertheless, distinguishing between intrinsic value and essential capacities and extrinsic value and non-essential capacities needs to be elucidated. If moral consideration extends to such a multitude of conscious entities and, arguably, to non-conscious entities as well, what happens when there are interspecies conflicts of interests? How can intraspecies conflicts of interests be resolved?

One way of prioritising or ranking moral interests and value is to have what Attfield (1995) refers to as an oversimplified theory of value. Basic survival-related needs take priority over basic needs necessary for flourishing, such as autonomy and the

capacity for reason, which in turn take precedence over the satisfaction of wants and preferences. However, as Attfield points out, this theory has a serious flaw. It places the highest priority on saving life, regardless of the quality of that life. This is a problem, as Glover (1977) illustrates. Does saving just one life takes precedence over the quality of life subsequently experienced? The implication of this, Glover writes, is that one piece of life-saving equipment outweighs the value derived from wider access to education, a higher standard of education and better housing, for example. Thus, the implication of the oversimplified theory is that the quality of life of many people is less important than saving the life of one person; this is true even if that person were to lead a life of 'mere existence' without any semblance of quality. Obviously meeting survival needs is of huge contingent importance, but it is living a worthwhile life that is intrinsically valuable. A worthwhile life is not one of simply existing, but of flourishing, i.e., of exercising one's essential capacities and satisfying one's basic needs.

Derek Parfit, in *Reasons and Persons*, makes a broadly similar point when he writes about a fourteen-year-old prospective mother faced with the choice of giving birth to a child in the near future who will have a life that is worth living; or waiting several years and giving birth to a child that will have a life of much higher quality and thus lead a life well worth living. Most people would advise the young women to choose the second option. The value of meeting survival needs lies in the potential individuals then have to lead lives of intrinsic value. Where there are choices that can be made regarding the quality of life, the most reasonable choice, as Parfit illustrates, is the one that best promotes what is intrinsically valuable and thus maximises quality of life.

As a response to the oversimplified theory of value, Attfield (1995) proposes a less oversimplified version. Meeting survival-needs only takes priority over the satisfaction of other basic needs when doing so will, as a result, make a significant difference to the development of essential capacities (chapter three pp.26-28 alludes to this). Attfield (1995) points out that the suffering that results from poor health, pain and inadequate food, water and shelter are obviously intrinsically bad; such prolonged suffering may even outweigh the value attached to the development of essential capacities, such as autonomy. Consequently, although the development and exercise of essential capacities is constitutive of well-being, a life of intense and prolonged suffering, be it physical or emotional, may be enough to prevent life being worth living. Thus, there exists a basic need not to suffer intense and prolonged physical or emotional pain; a need which is as constitutive of well-being (for those creatures capable of sentience and emotions), as is the development of essential capacities. Furthermore, distress - of either an emotional or physical kind - often undermines the development and exercise of essential capacities, such as autonomy and rationality. This supplies another reason for the prevention and elimination of physical and emotional distress. As a result, the less oversimplified account of needs produced by Attfield provides a more satisfactory account of what sort of needs should take priority and why than the oversimplified theory.

For Attfield, basic needs can be defined as the need for the development and exercise of essential capacities and to be free from physical and emotional suffering. Perhaps substituting psychological for emotional suffering is preferable here, as emotional distress simply includes creatures capable of emotions; however, many creatures are

capable of psychological, if not emotional suffering, which will detrimentally affect their well-being. However, Attfield also suggests that some needs can be non-basic. 'Non-basic needs' refer to needs and preferences that are sufficient conditions of the development of essential capacities, such as autonomy or rationality. Attfield uses the examples of sporting or musical prowess and craftsmanship to illustrate his point. An individual with a flair for, or desire to express themselves through, for example, music may feel their individual psychological wellbeing has been severely impeded if they cannot develop and exercise their musical talents. Developing musical ability is not necessary for human wellbeing *per se*, but such an ability may be one of the numerous ways open to people to develop and express essential human capacities and to flourish. As Attfield concedes, such an account of non-basic needs may blur the distinction between needs and wants, with wants and preferences being 'upgraded' to needs (of the non-basic sort) if their satisfaction is an expression of the development of one or many essential capacities. However, Attfield argues that many wants and preferences do not involve the exercise or development of any essential capacities. For example, the desire to obtain a degree might be regarded as an expression and development of autonomy, practical reasoning and self-respect, and therefore is a non-basic need. Conversely, the desire to own a Porsche sports car does not facilitate the development of basic needs; thus wants and preferences like this are of the non-basic needs variety.

However, establishing what are genuine and relevant 'non-basic needs', i.e., what preferences and wants really do matter with regard to basic needs is not clear cut.

Despite the huge variety of desires and preferences people are capable of and actually have, many of them will not be related in a significant way to the fulfilment of

essential capacities. An individual does not need to go to university to exercise their capacities for autonomy, practical reasoning and self-respect; however, some form of education, for instance, can be viewed as crucial if autonomy, practical reasoning and self-respect are to be adequately experienced and expressed. Certain wants and preferences will genuinely foster the development and exercise of autonomy and self-determination etc., but many wants and preferences are usually only trivial expressions of them. However, although my desire for a degree in philosophy may well facilitate my essential capacities of autonomy, theoretical reasoning and self-respect, describing such a desire as a 'need' - albeit a non-basic need - seems to be stretching the concept of need, even if it does satisfy the criteria for needs outlined here. Education and work etc. are both instrumentally and intrinsically valuable and necessary to enhance flourishing, but wants and preferences, even if they do entail the exercise of essential capacities are not needs as such.

Some preferences and desires are more worthy than others; fatuous ones will not promote well-being, and may even hinder it, but even worthy desires are not needs. A desire for a child is not a need to have a child. Merely because a desire or preference will enable you to exercise your essential capacities does not mean you need to fulfil this desire; there are many other ways of exercising essential capacities. However, it is obviously still better to fulfil preferences than not to, and better to fulfil desires and preferences that allow the genuine exercise of essential capacities than to fulfil fatuous desires. The desire to perform an action 'A' as opposed to not perform 'A' does not mean that 'A' needs to be performed - even if the performing of 'A' exercises essential capacities. The fulfilment of some desires is better than the fulfilment of others (because of their link to essential capacities and enhancing well-being) but this

does not mean they are needs because they are more significant than other desires; it simply means their satisfaction is more worthwhile and therefore significant.

Significant desires should not be confused with needs.

In summary, Attfield writes that the satisfaction of basic needs takes priority over that of all other needs; except where the meeting of survival-needs will lead to the development of essential capacities. Basic needs include the needs for the development of essential capacities, as well as the need for physical and emotional well-being. Finally, the satisfaction of both basic and non-basic needs take precedence over that of wants and preferences. Such prioritising of value also extends to non-human animals and, in certain circumstances, non-conscious entities - for reasons discussed already. Thus the Sole Value Position, a term coined by Sylvan (1985, cited in Attfield, 1995, p.87) to describe the view that only human needs, interests and welfare have value and matter morally is rejected. An alternative assumption is the Greater Value Assumption, where it is argued that when all considerations are equal the value of human needs and interests surpasses those of other entities. However, this approach can be criticised because of its emphasis on species membership. Being a member of a particular species is not valuable *per se*; rather it is the capacities associated with species membership that are significant; to borrow from Aristotle, it is the *telos* of a species that is valuable, not the species itself. For example, Aristotle maintains that the *telos* of a human being does not refer to individual human wants, but to 'built-in' characteristic ends which explain the nature of humans; sometimes humans will not even be conscious of these inherent, essential ends. For instance, as Attfield (1995) writes, severely anencephalic babies, or people in a persistent vegetative state, have extremely limited capacities and virtually none of

the powers usually associated with being a human being are available to them. Consequently, flourishing, or meeting the *telos* of a human being, is not possible for these particular species members. Other species, such as dolphins and gorillas, may be able to exercise far greater capacities than either anencephalic babies or people in permanent comas, yet the greater value approach maintains that irrespective of the capacities of an individual person, being human supplies greater value than any other consideration. However, Attfield (1995) argues that capacities are a far better indicator of value than species membership.

Instead, Attfield proposes a principle which recognises greater intrinsic value where greater capacities and greater vulnerabilities are involved. This allows for only relevant differences between species to count, not simply species membership itself. Relevant differences relate to capacities and vulnerabilities. Thus, the greater the capacities and vulnerabilities of a species (or of a particular member of a species) the more value there is attached to recognising and responding positively to these capacities and vulnerabilities. The interests of sentient creatures generally outweigh the interests of non-sentient creatures, the reason for this being their sentience; sentient creatures have a lot more to gain or lose than non-sentient creatures. Such an approach maintains that different capacities and vulnerabilities provide different degrees of value in different forms of life. While this eliminates the species 'favouritism' of the greater value assumption, it could be argued to be too vague, for example, when do the needs and interests of one species outrank the needs and interests of another? Moral discourse does, however, allow for rational analysis of competing claims to value. Thus, where realistically possible, the trivial desires of a human should not outweigh the survival needs of another conscious creature.

Obviously, such an approach needs to be interpreted sensibly. For instance, some biological entities, despite being claimants of moral standing, have capacities that are so slight and so limited that their needs and interests will be of little consequence compared to the needs and interests of other more sophisticated entities. Some examples may serve to illustrate the point. The desire of humans for cosmetics does not outweigh the interests of sentient animals that may be used in cosmetics testing not to suffer pain and misery. Autonomy might be a more difficult issue to resolve. Autonomy is an essential capacity and a basic need the satisfaction of which is vital for human flourishing. People who support bloodsports argue that anti-bloodsports legislation interferes with their autonomy, their freedom to decide how to conduct themselves and what actions to pursue. Does the autonomy of the bloodsports' supporters outweigh the interests of hunted animals not to be killed or made to suffer? In this particular case it can reasonably be argued that the answer is no. In this scenario autonomy is not seriously at risk, and its expression not sufficiently important, to override the interests of the sentient creatures concerned not to suffer pain and death.

With an ethic that has flourishing at its core and which recognises the capability of flourishing in many different forms of biological existence, prioritising moral consideration is critical. Prioritising between species is not the only issue; the diversity of human experience means that intra-species prioritising is also required. The best way of prioritising value is to consider what best promotes flourishing in whatever entity is capable of flourishing. Hence basic needs, i.e., those needs that are necessary for the development of essential capacities, take precedence over other needs, desires and preferences because they are necessary for flourishing. Survival



needs take precedence over basic needs only if they will lead on to the development and satisfaction of basic needs. Being kept alive when there is no possibility of quality of life seems futile and even cruel - existence itself is not intrinsically valuable for the *telos* of man. Obviously the longer the period of well-being the better.

Creatures that are more complex will have more sophisticated essential capacities and basic needs. This means that they can be benefited or harmed to a far greater extent by their satisfaction or non-satisfaction than can creatures with less sophisticated essential capacities; therefore, complex creatures tend to carry with them greater moral weight than non-complex entities.

However, non-complex entities with little moral significance assume far greater moral weight if there is the possibility that the entire species may be destroyed, although still not necessarily enough to outweigh the basic needs of more complex creatures. This is because for the species in question the opportunity for flourishing has been denied forever. Even if this flourishing was at a very primitive level to have it removed forever seems deeply regrettable. There are also instrumental reasons for regretting the demise of even primitive life-forms; biological diversity adds colour and richness to the lives of more complex creatures. The ability to flourish in any meaningful sense obviously diminishes the further down the biological ladder one descends.

Hence biological entities such as single cell creatures and viruses cannot flourish. Simply multiplying or spreading does not constitute flourishing; an ink plot or ripples on a pond cannot be argued to flourish because they spread. Flourishing, when used in a moral context, surely amounts to more than movement or multiplication. For example, even stones can move, but a rolling stone could not be described as a flourishing stone. If flourishing cannot reasonably be described as a possibility for an

entity, no moral significance is due to that entity. More complex entities have greater scope for flourishing than less complex ones, therefore, have greater moral significance. Thus their quality of life has greater value. Where essential capacities of complex creatures (including humans) are not directly affected, and their trivial desires and preferences are pitted against the basic flourishing needs of less complex entities, the interests of these latter entities for flourishing takes priority. A creature's capacity for flourishing is far more significant than another creature's capacity to have non-essential wants and preferences satisfied. Wants and desires unconnected with flourishing always come second to the facilitation of well-being, that is, well-being defined in a moral not materialistic sense.

If flourishing is the criteria for moral consideration, then not only does this apply to existing species it also applies to future generations. The reasons for considering the flourishing of future species are outlined next. (The same principles of priority apply to future generations existing ones.)

## SIX

### **FUTURE GENERATIONS: Do intergenerational moral obligations exist?**

Many people intuitively believe that the avoidable extinction of future generations is a bad thing, and that future generations should not have to endure a life devoid of well-being. Thus moral consideration conceivably extends beyond existing generations to future ones as well. For example, medical technology offers the possibility of enhancing the quality of life not just for existing generations, but also for future ones. Continued environmental degradation and unscrutinised economic development damages quality of life for many existing species, as well as having the potential to impair the well-being of future generations. The contention of this work is that what is of intrinsic value, for whatever species, should be maximised wherever it is feasible and as far as is possible. (It is worth noting that the argument being espoused here is that maximising intrinsic value is not necessarily obligatory, although it is the best course of action to take.) Not only can existing people and nonhuman species be harmed or benefited, but so can future generations. The benefit or harm that can be done to existing and future generations depends to a great extent on whether what is necessary for an intrinsically valuable existence is promoted or prevented. The fact that existing and future generations can be thus benefited or harmed obviously indicates a moral obligation or duty towards them both.

Traditional formulations of deontological principles suggests that moral duties are owed only to existing - not possible - people. It can also be argued that future generations do not have rights because they do not yet exist to have them. Also, Kantian appeals that everyone be treated as ends and not means are difficult because

of the problem of what 'everyone' means in this case. Similarly, if consequentialism is taken to be about promoting the happiness of existing people, plus identifiable individuals likely to come into existence, then there exists no obligation to future generations. The assertion that possible people are not 'real' people and, therefore, do not count morally, has been christened by Derek Parfit the 'Person-affecting principle'. However, the Person-affecting principle has been widely criticised, not least by Parfit himself. In his book *Reasons and Persons* Parfit criticises the Person-affecting principle because of its failure to properly explain our intuitive feelings about future people.

In *Reasons and Persons* Parfit illustrates his case by asking the reader to consider the case of a fourteen-year-old girl: this girl chooses to have a child, despite the fact that she is made aware that she will be giving this child a poorer start in life than if she conceived several years later. This girl has her child, and sure enough this child has a poorer start in life; however, can we claim that the mother's decision was worse for her child? If she had waited she would have produced a child with a better start in life, but it would have been a different child (Parfit refers to this as 'the Non-Identity Problem'). Despite the fact that the child in the first instance had a poor start in life, he or she may be happy; therefore, the mother's decision to have this child when she was fourteen has not harmed this particular child. If we do not believe that being caused to exist can benefit, or even if we think that it can, the mother's decision cannot have been worse for the child, this child is happy. However, most people would still think that the mother should have waited and born a child with a better start in life. Why? Parfit argues that the reason is because our moral obligations are not solely directed towards particular people who are alive or can foreseeably come to

be alive. The Person-affecting principle suggests that there is nothing wrong with the mother's decision to have a child at such a young age, as no one has been affected for the worse, the child is happy and if she had waited several years before conception a different person would exist instead. The only criticism that can be levelled at the mother's decision stems from the effect it will have on her and people who already exist.

Parfit reinforces this point on a larger scale when he asks his readers to consider two rival social policies, one of extravagant consumption leading to irreversible depletion, the other of moderate conservation. The policy of extravagant consumption leads to a lowering of the quality of life for people living 100 years hence; however, despite their quality of life being lower than that of those who would have come into existence under the regime of conservation, their lives are still worth living. If the policy of consumption had not been adopted, those people with the lower quality of life would never have existed (different people would have existed in their place), and since their lives are worthwhile, the policy of consumption, in one sense, cannot be said to have harmed them. The Person-affecting principle provides no reason for choosing a policy of conservation as no one has been affected for the worse. Those people would not have existed otherwise, and as the lives lived in this condition are worthwhile, they might even be said to have benefited from the policy of consumption, this despite the fact that total and average happiness levels are lower than those of people who would live as a result of conservation policies. Thus we seemingly have no moral reason to adopt a policy of conservation as opposed to greedy, self-interested consumption - a grossly counter-intuitive conclusion. Parfit believes that it is the Person-affecting principle's failure to condemn the policy of

depletion that is one of its major flaws; it condones the lowering of the quality of life and thus forces adherents to accept a recognisable version of what he has christened 'the Repugnant Conclusion'. Parfit defines the repugnant conclusion in the following way:

For any possible population of at least ten billion people, all with a very high quality of life, there must be some much larger population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living. (Parfit, 1984, p.388.)

Parfit maintains that any conclusion which advocates an existence barely worth living is clearly repugnant.

Sikora (1978) also demonstrates that the Person-affecting principle can result either in extinction or an outcome similar to that of the repugnant conclusion. Sikora points out that an acceptance of the Person-affecting principle will allow an unhappy population to wallow in self-pity and become extinct, rather than make some sacrifices to ensure future generations will not only be created but will also flourish and prosper. Again, the result of giving priority to actual people is that in this scenario low levels of total and average happiness have to be endured by future generations (a situation that resembles the repugnant conclusion), even when the current population could have - with a little effort - increased it. (Notions of human nobility and the concept of stewardship also seem likely to make most people balk at such a self-interested approach to life.)

Kavka (1978) supplies further reasons for believing that we have obligations to future generations. One possible justification for discounting the interests of future generations is our ignorance of what will count as interests for them. However, Kavka quickly discredits this. He argues that this is analogous with a young adult's ignorance of the desires and interests he or she will have in later years. Although such a person may not know or even have thought about what they will be doing in forty years time, it is highly likely that they will want good health, financial, emotional and physical security to be prominent features of this period: it is therefore prudent to take steps now to ensure that this will be the case. Similarly, although we cannot know precisely what will be in the interests of future generations, we can be sure that they will have interests and that these will include an adequate supply of resources and a planet able to sustain life at a tolerable level.

Martin Golding, in 'Obligations to Future Generations', argues that obligations to future generations are in many ways analogous to the responsibilities a parent has towards a child. However, there are limits to this responsibility, for instance, just as parents will only assume responsibility for their own children, so our moral community cannot be expected to care for temporally distant communities. Golding stresses that this moral distancing is nothing to do with rights or claims; the fact that future generations cannot make claims on us does not mean that they have not got a right to; a person may have rights which they never exercise, but they are still conceivably there. Instead, Golding argues that a community in the future will be so remote from us now that we will have no shared 'common life' or goals, with the resulting effect that we could never know what would be the good life for them. For this reason our moral obligations cannot extend to future generations since we cannot

know what we can do now to benefit them. However, as Kavka (1978) and Attfield (1991) point out, the mere fact that we do not know what future generations will be like does not mean that we have not got obligations towards them. As Kavka points out, despite the cultural, political and religious differences that exist between people, not to mention all the other conceivable contrasts between individuals, we have enough common ground to recognise vulnerability and capacity for enjoyment. We know enough about even distant future generations to appreciate that they will be harmed by inhabiting an overcrowded, underresourced, ecologically ravaged planet, and conversely will be benefited by inheriting a sustainable, ecologically sound and diverse world.

If further evidence were needed of our obligations to future generations, it is provided by the Routleys 'Nuclear Energy and Obligations to the Future' (cited in Attfield, 1991). Their ingenious analogy deals specifically with the problem of nuclear waste, but can be seen as applicable to any form of current behaviour which discounts the potential harm to distant future generations merely because of their temporal location. If a person loaded a container full of highly toxic and explosive chemicals on to an overcrowded, poorly maintained bus which travelled along roads in desperate need of repair, this individual would be the recipient of considerable disapprobation, irrespective of their need to dispose of the substance. As Attfield (1991) points out, excuses such as that the bus passengers may be killed by a road accident first, or that the worst may not happen, are unlikely to prove very convincing. An attempted defence of the individual's actions could be that if the journey was sufficiently long, a means of making the chemical container harmless may be found. However, this seems a very weak mitigation; the bus journey may provide no method of making the



chemical substance innocuous, and, therefore, the bus passengers will be in grave danger for the entire journey. Endangering the passengers in this way seems morally wrong, especially if the individual who deposited the chemical on the bus did so to avoid a more costly option which required more effort. If the bus passengers are future generations, the fact that we have obligation not to endanger their well-being unnecessarily becomes obvious.

If we accept that some sort of obligation to future generations does exist, what is the extent of this duty? Jan Narveson (cited in Attfield, 1991) suggests that the only obligation to future generations is not to bring into existence lives which would be miserable. McMahan, in 'Problems of Population Theory', sums up Narveson's position as follows: if a person's life was not worth living, this would provide a strong moral reason for not bringing him or her into existence; however, the fact that a person's life would be worth living provides no moral reason at all for their existence. McMahan refers to Narveson's moral stance as the Asymmetrical position. Our obligation not to bring into existence possible unhappy people is because this unhappiness could be made real. However, as Attfield points out in *The Ethics of Environmental Concern*, this view can easily be criticised. If the misery of potential people should be avoided because it otherwise would become real, why does the potential happiness of future people not count? This happiness could also become real if such people were brought into existence.

Bennett, in his article 'On Maximising Happiness' (cited in Sikora and Barry, 1978), writes that possible happiness cannot give rise to any obligation because a possibility is just that, an event which may or may not happen, and as such is empty and valueless

- it is an unowned utility. However, he still believes that possible unhappiness counts; thus this supplies a reason against conception. In response to this argument, both McMahan and Leslie point out that Bennett is guilty of taking into account the negative utility of a merely possible person, without really explaining why the negative utility of a possible person counts for more than the positive utility of such a person. McMahan seems right in his assertion that to welcome a situation in which some misery lacks a person is in fact morally equivalent to welcoming a situation where some happiness is attached to an individual. Why should we take into account the negative utility of one possible person, but not the positive utility of another? If it is only the future misery of people that counts, not their future happiness, why do we deplore a policy of depletion? No one is being made miserable by either a policy of depletion or conservation; in both cases worthwhile lives are being lived. However, most people would object to the policy of depletion, yet Narveson's and Bennett's revised version of the Person-affecting principle provides no reason for this objection.

John Leslie (1996) provides an interesting account of why there is more to obligation than preventing misery. In his thought experiment he imagines a scenario where there are a large number of islands, each capable of being populated with 100,000 happy people. However, on each island there is a windowless, doorless hut, and if this hut is inhabited it is certain that the occupiers, one or two at most, will be extremely unhappy, irrespective of the fact that they will not be able to detect events outside the hut. Despite the fact that each island has one hut, possibly containing several unhappy people, most people would think that these islands should be populated (in Leslie's example this population process would have no adverse consequences for other species). If this situation could be replicated many times over, so that there were

millions of islands, this too would be a good thing, as despite the increased number of windowless huts, there would be an exponential rise in the number of happy people. Conversely, it would be tragic if the situation was reversed, so that there were far more miserable people living in windowless huts than there were happy people living outside. In this scenario we would think it right to try and reverse the situation so that a miserable condition could be replaced by a happy one.

To revert back to the original scene, it seems intuitively correct that the islands should be populated; bringing happy people into existence, Leslie insists, cannot be a bad thing. However, according to Narveson it is: consider this quote from him; new additions to the population, 'ought to be made if the benefit to all, excluding the newcomer, would exceed the cost to all, including him or her, as compared with the net benefit of any alternatives which don't add to population' (Narveson, 1978, p.55). In Leslie's hut example, the decision to populate each island with happy people would depend on whether or not the single hut on each island was inhabited or not, this despite the fact that the inhabitants had no awareness of what was going on outside the hut. The decision to populate the island would depend, according to Narveson, on whether the existing island dwellers, those living in the huts with no awareness of the outside world and no way of being either harmed or benefited, would be made happier by the inclusion of 100,000 happy neighbours. As Leslie asks, how could a duty to create happy people outside huts depend on what was inside, especially when those inside the hut and those outside could not influence each other? If the hut dwellers are the 'all' that Narveson refers to, and the 'newcomers' are the new island inhabitants, it is impossible to see why the hut dwellers take precedence over the newcomers. Seen in this light the Person-affecting principle, and variations of it, seem to collapse into

farce. Leaving the islands uninhabited, save for the hut dwellers, would not be bad, but this state of affairs could be made better by adding happy people.

John Passmore argues that our obligations to future generations are limited. *In Man's Responsibility for Nature* Passmore suggests that this obligation is confined to immediate posterity. Passmore writes that love sets the tone for obligation and this is why obligations are limited. We cannot love indefinitely; instead we have chains of love running through the generations, much like a relay race where each runner hands the baton on to the next one and presumably forgets about it (his job has been done, he has successfully handed over the baton). Passmore argues that our obligation is only to our immediate successors; the close nature of the relationship with these people is the only reason we have for believing that the future will contain what we love; in a sense we know that the future will contain what we love because we put it there. However, it is self-evident that obligation does not rest solely on what we love; even Golding made this point when he argued that some obligations are expected to operate even in the absence of love. Singer makes a similar point in *Practical Ethics*, when he argues that we would condemn a person who saved their cats from a fire before a fellow human being simply because they loved cats more than people. To return to the relay race analogy, each runner is surely concerned with more than just the performance of the next runner; the important thing is to complete (and win) the race; this is the case no matter how many runners there are. If one of the runners stumbles and falls, this is a disaster not simply because the baton is left at the point where it was dropped, but because it has not reached the final runner, and the runners before him, thus denying them all the opportunity of taking part in the race and completing it to their satisfaction.

Even though we cannot know what distant future generations will love, we can have a pretty shrewd idea about what they will need to avoid, for example, nuclear radiation, ecological disasters and uncontrollable pollution. Despite the fact that we will never know or love the people who will have these evils visited upon them, their suffering will be the same. Policies which promote practices that cause irreparable damage to the environment, or which cannot be sustained, will make one set of future creatures worse off than other sets that might otherwise have existed; as a result many people would regard such policies as morally wrong. This point is elucidated by Parfit's example of a pregnant fourteen-year-old girl who chooses to have a child, knowing she will be giving this child a poorer start in life than if she chooses to conceive several years later (see pp.53-54). Most people would argue the teenage mother should wait before giving birth, as waiting will probably result in greater levels of wellbeing than not waiting. Similarly, policies of sustainable development will result in greater levels of wellbeing than contrary policies.

The arguments presented so far have done little to disprove the widely held notion that there are obligations to future generations. Rawls, in *A Theory of Justice*, maintains that social contract theory can explain duties to future generations. The basic Rawlsian approach is to imagine morality being conducted by rational agents behind what Leslie refers to as a 'veil of ignorance' and 'not knowing which role you'd have to play in life' (Leslie, 1996, p.173). In these circumstances rationally self-interested agents would devise rules which were fair, simply because they would not know what lay on the other side of the veil. However, as Leslie points out, there may still be moral gamblers, people willing to take a chance on not being at the bottom of a moral

heap. Nevertheless, assuming that most people will not be prepared to gamble with regard to their own particular circumstances, Rawls' theory encounters difficulties with reference to future generations, as they cannot enter into current contractual arrangements. Rawls attempts to overcome this problem by changing the motivation of the contracting parties. Instead of being motivated only by their own interests, Rawls argues that these contracting agents also care about their immediate descendants. Thus a 'just savings' principle is generated: each agent now devises rules that not only benefit them, but will also enrich the lives of their children. In these circumstances each generation must provide for the following one with the resources equivalent to those they received. However, this amendment to his original contractual theory has been widely criticised as being *ad hoc*, a conceptual afterthought on Rawls' part to fit his theory and mesh with general moral intuitions. Besides, why should concerns about justice stop at the next generation? What about succeeding and distant generations? Rawls gets into these difficulties because he believes that it is inconceivable that contracting parties could be members of different generations which will spread out through history. However, why does justice and moral obligation apply only to contracting parties and their immediate descendants?

Rawls' position also faces further problems. If, for whatever reason, an agent had not entered into a contract, would this mean that they were bereft of all rights? Animals cannot enter into contractual arrangements but many people would argue that they still have rights and that we still have certain obligations towards them. Rawls suggests that compassion forms the basis of our concern for animals, but if we can have compassion for entities that cannot enter into contractual arrangements, should we not also have compassion, or concern, for future generations? Despite their inability to

enter into contractual arrangements at present, we cannot deny that they will have needs that will be affected either positively or adversely by our current policies.

A revised version of Rawlsian contractarianism suggests that representatives of future generations be included in contractual arrangements. Barry, in 'Circumstances of Justice and Future Generations', writes that Rawls' contractarian approach can be saved by assuming instead that all generations are represented, not just contemporaries as in the original position. Rawls, partly echoing the position of David Hume, suggests that justice arises when parties of roughly equal strength and vulnerability enter into negotiations with one another. In these circumstances justice can be seen as being advantageous to all parties. However, as Barry points out, this seems grossly counter-intuitive. Does justice really have no bearing when one agent is much stronger than the other? If another agent has no bargaining power, nothing to offer and is completely defenceless, does this really mean that any moral obligation to such a person completely disappears? If this were the case we would have no obligations to future generations, yet there seem to be very good arguments to suggest otherwise. As Attfield (1991) points out, asymmetrical power relationships do not usually imply that those who are weaker have no moral rights. It could be argued that, if anything, we have greater responsibility to use our power over those weaker than ourselves even more judiciously. The problem of asymmetrical power might seem to be overcome if we think future generations, not just contemporary generations, are represented in contractual arrangements. However, it should be noted, as Attfield (1991) does, that it cannot logically be suggested that all generations are represented, as the number of future generations may partly depend on the decisions taken by all the contracting parties. If some, but not all generations are represented - as suggested by the Routleys

in 'Nuclear Energy and Obligations to the Future' - then not only a just savings principle seems the likely outcome, but also a fairer and more equitable policy of resource use and distribution of wealth would emerge. However, it is worth noting that this approach does pose a risk of injustice to generations not represented. The generations not represented are likely to be those that may or may not exist, i.e., the generations of the further future. The revised Rawlsian contract seems to discriminate against these generations on a basis of temporal distance from the present. However, as discussed above, temporal distance does not seem an adequate reason for such discrimination.

The Routleys, however, argue that in a situation where contracting parties know only that some generations are represented, and do not know which ones, the decisions about moral obligations will be much broader and more inclusive. Yet it could be argued that such a meeting of contracting parties would be based on the interests of those assembled to negotiate contractual arrangements; this could discriminate against unrepresented groups. Nevertheless, the Routleys maintain this revision of Rawlsian contractarianism will mean that the interests and needs of future generations will have to be taken seriously. This will obviously have serious implications for current policies. For instance, nuclear power may provide a fairly cheap source of energy for the current generation; however, future generations will have to pay the price for this cheap energy; they will be the ones left with dangerous radioactive waste. The interests of future generations can also be affected by decisions we make now about resource consumption. A policy of unrestricted consumption could result in future generations being deprived of non-renewable resources. Even supposedly renewable resources, such as fish-stocks and forests, could become so depleted, as a result of



overconsumption, that they fall beneath a baseline level of renewability. Levels of pollution also need to be considered. If pollution reaches levels where the damage it inflicts to the ozone layer cannot be repaired, the polluting generations could be bequeathing a legacy of skin cancers and other assorted evils to succeeding generations. Any moral arrangement which tries to prevent this has to be commended, and a revised Rawlsian framework, where moral obligation and the pursuit of justice are seen to extend beyond contemporary generations and their immediate successors, must be a good thing.

However, there are problems with the concept of representing future generations.

Deriving intergenerational equity is difficult even if such future interests are represented; how can current representatives know what will be in the interests of future generations? Any assembly representing competing interests also runs the risk of becoming ineffectual. Decisions which are designed to suit everyone often end up pleasing no one. Also compensating future generations for resource depletion taking place now and into the future would be difficult as we do not know how many future generations there will be, or what degree of loss they will suffer as a result of our policies. As Parfit (1984) and McMahan (1981) point out, future generations may waive their rights as they are simply glad to be alive; however, waiving rights does not normally mean that, morally, anything goes, or that these people cannot be harmed or benefited. A revised version of Rawlsian contractarianism does suggest a method for taking into account the needs of future generations. We may not have empirical knowledge of what the future holds, but harms and benefits are global concepts and concerns, which should not be distinguished spatially or temporally.

Parfit and Leslie have demonstrated that possible people are morally significant to greater or lesser degrees. Therefore, if possible people and non-human species can be benefited, surely it is incumbent on us to benefit such possible people and non-human species as far as we are able. However, some consequentialist accounts of this obligation have been beset by conceptual difficulties as problematic as those faced by Rawlsian theory. For example, the average theory of consequentialism, as Attfield (1991) points out, suggests that where high levels of average happiness are enjoyed by a given population any addition to this population which lowers this average happiness, even if it lowers it by only a fraction, would be prohibited. Sikora (1978) makes a similar point. Also, if a population can only generate subsequent generations which have lower levels of average happiness, it is obliged not to reproduce them, even if ultimately one of these generations could restore and improve average levels of happiness; eventually such a policy would lead to extinction. The average theory could also call for desperately unhappy people to create other desperately unhappy people, if, even though they wish that they had never been brought into existence, their lives - however terrible - raised the average level of happiness. Those people fortunate enough to enjoy an average or above average level of happiness have no moral reason to suffer even the slightest diminution in their lifestyles for the sake of other lives, albeit ones less fortunate. An individual prepared to do so might even be morally wrong if their actions lowered the average.

The total theory of consequentialism seemingly fares little better. Parfit, in his article 'Overpopulation and the Quality of Life', suggests that a total theory of consequentialism will inevitably lead to the so-called 'repugnant conclusion'. Parfit's definition of the repugnant conclusion is given on page fifty-five above, but it is

basically that by comparison with any population with lives well worth living it would be preferable for there to be a larger population with lives only just worth living.

Parfit is not alone in finding this conclusion repugnant. For example, an unreconstructed Total view implies maximising happiness, so that no matter how many people there are, as long as each one has a tiny amount of happiness, we can add a further person to the pile, as even an infinitesimal amount of happiness will add to the total, and therefore be a good thing. Parfit memorably describes such a painless, but cheerless and lacklustre existence as a world of 'muzak and potatoes' (Parfit, 1986, p.148). Parfit elucidates this argument with the scenario described below.

Parfit begins his exposition of the Mere Addition argument by introducing two populations: A and B. The population of A enjoy a very high quality of life; the population of B is twice as large as that of A, and also enjoy lives worth living, but have a significantly reduced quality of life compared to those of A. It seems obvious that the population in B are worse off than those A; however, Parfit's mere addition argument attempts to show that B is in fact not worse than A. Parfit does this by presenting a new scenario where there are two groups of people: A+ is the result of the 'mere addition' of a new population cohort to A. In scenario A+ there are two populated continents, referred to here simply as one and two, separated by an ocean that has never been traversed. The people in continent two differ from those in continent one only because they all happen to be worse off than those in one; nevertheless, their lives are very worthwhile. Parfit asks his readers to note that the inequality between the continents in A+ occurs naturally and is not the result of any kind of social injustice or exploitation of some in A+ by others within their own group and continent. Parfit then asks if A+ is worse than A. As he points out, if we do not

accept that extra happy people are in themselves a good thing we cannot argue that A+ is better than A; however, we also cannot argue that they are a bad thing. It may be unfortunate that the extra group in A+ are not as well off as those people in A, but this inequality is in a sense natural and no one's fault, and it is still the case that despite this inequality the additional individuals in A+ are still leading worthwhile lives. Therefore, there seems to be no reason to believe that they should not have existed; their existence harms no one and contains much that is worthwhile and pleasant. Parfit counters the argument that A and A+ cannot be compared by putting forward a different scenario where the people in A+ lead horrific lives. In this case most people would believe that A+ is worse than A, therefore suggesting that states A and A+ can be compared. Parfit then asks us to consider a situation where A+ turns into divided B.

In this scenario divided B contains exactly the same number of people as A+. Again there are two groups of people; however, the distribution of levels of happiness or well-being has been altered. Whereas in A+ one group were considerably below the average level of happiness, and the other group well above it, in divided B both groups of people have the same level of well-being. In A+ the better off group were considerably more comfortable than the less fortunate group, but in divided B more people get to share in the rewards of life. This means that although the number of those who get to reap the most rewards from life is reduced, the distribution of well-being is more equitable. Costs and benefits are split more equally between the inhabitants of divided B, and the benefits to those who gain are greater than the losses incurred by the people who lose. The better off have to lose some of the benefits of their position, but as these benefits go to those who are worse off egalitarian principles

have been honoured. Also, utility in divided B is increased because the benefits to everyone of the well-favoured suffering a small reduction in their living standards outweighs the loss this privileged group experience. For this reason Parfit suggests that the situation in divided B is better than A+. To claim otherwise, Parfit maintains, is to hold that the loss to the best-off people in A+ matters more than the greater gain to the equally numerous worst-off people, i.e., it would be to assert an elitist position where what matters most was the condition of the best-off - a view that most people would reject. Therefore, Parfit argues that divided B is better than A+, a position which is in line with Rawls' assertion in *A Theory of Justice* that the condition of the worst-off is what matters most.

The implications of accepting that divided B is better than A+ are considerable. If the two groups in divided B are joined together (for example, they may have lived on separate islands which have now been linked by a bridge) the result is B. It was previously suggested that divided B was better than A+, and since B is merely the joining together of the two previously separated groups of divided B, then B must be better than A+, according to Parfit. If this is the case then B cannot be worse than A. The reason for this is because it was suggested that A+ is not worse than A, and that B was better than A+. However, as was previously stated, most people naturally think that B is worse than A because the increased numbers in B enjoy a lower quality of life. This is what Parfit refers to as 'The Mere Addition Paradox' (Parfit, 1986, p153.) The paradox arises because despite the fact that it intuitively seems correct that B is worse than A, we cannot logically maintain that at the same time A+ is not worse than A and that B is better than A+. B cannot simultaneously appear better than A+ (which is itself not worse than A) and also seem worse than A. Parfit argues that in order to

maintain our belief that the extra people in A+ are a good thing (they lead worthwhile lives), and that B is better than A+ (because we do not think that the state of the best-off is more important than that of the worst-off), we must conclude that B is not worse than A. Parfit argues that the only way to avoid the mere addition paradox is to think that A+ is worse than A. However, this would mean believing that the lives of the extra group in A+ should not have been lived, even though these lives were worthwhile and enjoyed. Should the group in A+ be denied existence merely because they were happy and not ecstatic? Parfit argues that ultimately the mere addition argument will lead to a population Z, where despite the very low levels of happiness experienced by this populace, Z is still better than A. Thus the mere addition paradox inevitably leads to the repugnant conclusion - a world where Z is better than A

However, a modified Total theory can overcome the problem of Mere Addition and take some of the sting out of the Repugnant Conclusion. Attfield, in *The Ethics of Environmental Concern*, suggests that what is wrong with the unreconstructed version of the Total theory is that it maximises the wrong thing. He advocates maximising the satisfaction of basic needs, since that does much more good than provision for what is less needed or not needed at all. At the moment there are millions of people in the world whose basic needs are not being met, so, he argues, a policy which maximises satisfaction of basic needs does not urge us to increase the population, in fact it might even advocate a reduction in world population, at least until everyone brought into the world can be assured that their basic needs would be met for a significant proportion of their lives. As Attfield (1991) points out, total happiness, or in this context 'well-being', does not have to be met in one time period. Concentrating total happiness in, for example, one year, decade or century will reduce the amount of happiness that

subsequent generations will be able to enjoy, therefore, reducing total happiness. Future generations would pay a high price in terms of resources and environmental damage for such an extravagant and profligate period. As discussed above, adding extra people to the current world population would not increase total happiness, as even if the interests of future generations were disregarded, extra lives would lead to lengthening food queues and increased environmental erosion for existing people. If basic needs are met and people lead worthwhile lives, this does not mean that it is obligatory to add 'trivial' happiness to their lives to increase the total amount of happiness in the world. Adding 'trivial' happiness to people's lives, for example, by increasing levels of material possession in the already affluent West, will more than likely lead to an increase in poverty and hunger for the less fortunate, as well as causing environmental degradation, resource depletion and extinction for many species.

Attfield's version of the Total theory, as expounded in *Value, Obligation and Meta-Ethics*, escapes the Repugnant conclusion as it requires the satisfaction of basic needs. The satisfaction of basic needs is necessary for living a worthwhile life. An increase in population is only advocated when basic needs have been met and when the basic needs of future generations will not be jeopardized. Furthermore, any increase in population must not be at the expense of the basic needs of nonhuman entities endowed with moral worth. Thus an increase in population is only required when both existing and extra people will be able to lead worthwhile lives and between them experience greater well-being than they would have if the increase had not occurred. Such an increase in well-being is hardly conceivable if an enlarged population would result in substantial environmental damage and degradation. Moreover, any increase

in the current world population could not possibly be justified, as there exist many millions of people who have not had their basic needs satisfied; for example, many people do not have enough to eat or drink, do not have adequate shelter and are not able to develop and exercise their capacities for autonomy and cognition. As a result a redistribution of resources, to enable everyone to develop and exercise their essential capacities, is required. Any such redistribution will bring obvious increases in well-being to the deprived, but may result in reductions of benefits for the well-off. Any diminution of happiness for some will need to be significantly off-set by overall increases in well-being for everyone. In the case of a sudden and dramatic increase in population this is hard to envisage. A total theory, modified as above, does not involve a sprint to create happiness, but rather it is a journey through the generations. This journey may sometimes be strenuous, but this does not mean halting it because it is difficult. If the destination is worthwhile, moderate sacrifices can be justified to reach it. Satisfying the basic needs of present and future generations will not be easy, but it is a project eminently worthwhile. It is worth pointing out that a world where everyone has their basic needs met, by the very nature of the definition of basic needs given in this work, is a world far removed from Parfit's one of 'muzak and potatoes'.

Of course, some doubts regarding this position remain. For example, Peter Singer, in *Practical Ethics*, writes that nonconception could be inferred as sometimes being wrong. If a life could reasonably be expected to be worth living it should be conceived. However, it could be argued that even when conception would result in a worthwhile life there is not necessarily a moral duty to conceive. Respecting the autonomy and life choices of individuals may be better way of promoting well-being than coercing conception of lives - even worthwhile lives. On a practical level, it



seems unlikely that individuals who feel morally obliged to have children will make good parents or provide an environment that will engender a high quality of life for such children. As has been previously stated, the modified total theory advocated here emphasises well-being across generations; it does not imply that wellbeing has to be met in 'one go'. As a result, the decision not to conceive by some members of one generation does not necessarily mean there will be less worthwhile lives lived overall (there will always be those that do wish to reproduce). Indeed, such a decision may mean that as a result of not placing such a strain on existing resources necessary for wellbeing, there are more for future generations; thus extending the potential for wellbeing for many more people. Nevertheless, if an entire generation decided not to conceive, even when their offspring would enjoy a good quality of life, this would seem wrong. Why eliminate a species that has the capacity to enjoy a worthwhile existence? Preventing or obstructing the leading of worthwhile lives, be they existing lives or future lives, seems wrong.

It has been asserted that a life worth living requires the satisfaction of basic needs; however, it could be argued that one of these basic needs is autonomy, and this autonomy surely extends to reproductive autonomy. This could be seen as a problem for those who argue that preventing the existence of worthwhile lives would sometimes be wrong. However, it seems highly unlikely that an entire generation, armed with the knowledge there was every chance that their offspring would have their basic needs satisfied and therefore have the potential for worthwhile existence, would then decide not to reproduce. Such a decision would strike many as either wrong, perverse or selfish. In such an unlikely scenario perhaps the wellbeing associated with respecting individuals' autonomy could be overridden by

considerations of overall wellbeing. Thus, in a situation as far removed from reality as the one described above, nonconception may well be wrong.

It is obvious that the basic needs of many members of the current population are not being met, a fact which clearly needs redressing; few people would disagree with the notion that benefiting others is better than harming them. In its modified form, the Total theory is not about maximising happiness *per se*, but instead is about maximising 'the value and quality of the lives of those who live' (Attfield, 1988, p.199); for this reason it seems to be eminently practical and clearly able to avoid the theoretical implications of the mere addition argument and the repugnant conclusion when applied to the actual world. This modified theory wants to maximise well-being across generations and species, and it is hard to visualise how this can feasibly be done if the planet is bursting at the seams with people and non-human creatures whose lives are only barely worthwhile. The approach advocated here suggests that well-being should be conceptualised in terms of flourishing, or maximising certain essential capacities that facilitate well-being; such capacities could not be exercised if there was standing room only on the planet, as in the Mere Addition paradox. It is hard to believe that the conditions envisaged in population Z, or in any population that came close to Z, would allow people to enjoy even a minimum level of well-being. Attfield (1999), adopts a slightly different approach, arguing that if population Z could still be argued to enjoy a certain quality of life, then they have not reached the conditions of overcrowding that would make their existence unbearable. Either way, the modified total theory advocated here promotes well-being and does not suggest an overpopulated world full of miserable people; how can overpopulation and well-being co-exist?

It has been argued that maximising capacities and flourishing is an intrinsic good and that anything that can be said to flourish should. Thus our obligations extend beyond existing humans to other biological entities, as well as future humans and future non-human species. Any practices which foreseeably enable flourishing for all those entities capable of flourishing should be promoted. Good practices, ones which should be promoted, are those that foreseeably promote well-being and reduce barriers to well-being and flourishing.

## SEVEN

### PRACTICE-CONSEQUENTIALISM

So far, the extent of moral standing and the nature of intrinsic value have been addressed. What now needs to be considered is what moral approach best meets the theory of moral standing and value outlined here. The answer to this is consequentialism; to be more precise, practice-consequentialism.

Practice-consequentialism is a form of consequentialism that refers to the consequences of practices, as opposed to individual actions taken in isolation, which is the approach of act consequentialism, for instance. Practices which most promote well-being and enable all entities capable of flourishing to flourish are advocated. What makes practices moral and therefore worthy of promoting and pursuing, is whether the outcome of the practice under consideration leads as much as or more than alternative possible practices to intrinsically valuable states and experiences; or if the practice is of instrumental value in helping to secure such intrinsically valuable states and experiences. Thus what makes practices and actions moral is the positive difference brought about as a result. As Attfield (1995) points out, moral 'rightness' resides in the balance brought about of nonmoral goods over evils. Nonmoral goods are those states or experiences which either facilitate or constitute wellbeing and have been alluded to already. Attfield's assertion seems correct, as claims about what makes certain actions moral must surely refer to something other than morality; an act cannot be moral because it is a moral act. The circularity of this suggests that moral actions are those that result in benefits or goods or reduced or annulled evils for entities with moral standing, i.e., those entities that are capable of being either harmed

or benefited in some way. Morality can pertain to things other than acts and practices, such as intentions, traits, motives and people, as they too are open to moral appraisal. The form of consequentialism adopted here maintains that optimising what is of value is the right course of action; however, it is not necessarily obligatory.

At this point it might be useful to clarify what is meant by 'practices'. Examples of practices are keeping promises, telling the truth, distinguishing between combatant and non-combatants in war and treating prisoners with respect. Obviously there are numerous other examples which cover all aspects of human experience; for example, practices can relate to schools, work places, and social and intimate relationships with other people, as well as there being practices related to the treatment of nonhuman species, future generations and the environment. Practices involve actions where there is shared understanding of what the practice involves and where this shared understanding translates into recognised and shared behaviour. For example, when driving, stopping at a pedestrian crossing is a shared practice, but stopping to allow a pedestrian to cross where there is no such designation is not. Where a shared set of rules and procedures regarding a situation have not yet been established, individual acts related to the situation apply. However, if some particular kind of behaviour becomes widespread enough, then practices related to these actions will almost inevitably emerge. For example, various sports may not have begun with a formalised set of procedures and rules; however, rules and procedures emerge to allow people to gain the most benefit from engaging in a particular sport. Where a practice is feasible but not yet in place, or could be a future possibility, the contribution the practice makes to optimising value supplies a reason for adopting it. For instance, replacing the organ donor system adopted in this country, so that instead of having to carry a

card to give permission for healthy organs to be removed shortly after death, a card had to be carried denying such practices, may result in more healthy organs being made available for transplant. An alternative example of a prospective practice concerns a corrupt state; individual eschewal of bribery in such a country may ultimately result in honest and reputable dealings between citizens and state institutions.

The practices that surround the various activities participated in by individuals may not be respected by everyone; for example, some people may cheat at sports, or may not keep their promises; however, such people usually illustrate the benefits of following the codes of related practices. Of course, where a particular practice is flawed, or at least some aspect of it is, then modifying the practice is always an option. For example, the rules and procedures surrounding politeness and courtesy may have changed somewhat; doffing one's hat as a mark of politeness and respect is rarely applicable nowadays, but other practices related to politeness are.

The social context of practice consequentialism elevates it above rule-consequentialism, although practices do often consist of rules. Practices interact with society and its organisation in a way that rules do not. Rules may clarify what particular practices involve, but the best practices are about more than just following rules. They are about a shared understanding, recognition and acceptance of a method of interacting with, or dealing with experiences and situations in such a way that is best for all those involved and acts as a social lubricant reducing friction. The practices that have the greatest moral worth are those which expedite what is intrinsically valuable and best promote well-being for all those entities capable of

wellbeing. Practices are open to reasonable and logical scrutiny. Rational analysis enables all those concerned, or responsible for practices which can have a significant moral impact, to ascertain how such practices will affect the well-being, or potential for wellbeing, of all affected entities endowed with moral standing.

The consequentialism suggested here involves comparing different courses of action to determine which produces a better balance of goods over harms. However, as has already been stated, this does not mean that a particular course of optimal action is always obligatory. Practice-consequentialism asserts that in most circumstances it is better to adhere to the rules of a practice; however, this does not preclude the review of practices in particular circumstances. For instance, it is better - generally - if promises are kept and people are completely honest; nevertheless, there may be certain special situations where what is of value is maximised by making an exception to a practice. Nevertheless, it is better to keep to the practices of promise-keeping or truth-telling than abandon them because of particular, special cases. Maintaining such practices seems far more likely to enhance well-being and quality of life than allowing individual actions to take precedence over what are usually beneficial practices. Of course, comparing courses of action to discover which ones will yield the best, most optimistic results, does not involve having to predict all possible outcomes now and forever; only the ones that can reasonably be predicted. When considering foreseeable consequences, omissions as well as actions count; polluting an ecosystem has the same effect on the moral entities therein as not preventing its pollution where this was possible.

## **EIGHT**

### **CRITICISMS OF CONSEQUENTIALISM**

#### **i. Incommensurability**

Perhaps the best way to endorse consequentialism, and practice-consequentialism in particular, is to consider and reply to some of the criticisms of it. For example, the role of rights, justice and punishment in moral discourse is often regarded as a problem for consequentialism, as is its apparent overdemandingness and failure to account for acts of supererogation and people's partiality towards their own family and friends. Furthermore, consequentialism, it has been argued, removes people's personal integrity as a result of its strict adherence to impartiality; the achievement of personal goals takes second place to the maximisation of overall utility. However, these criticisms, and others, can all be met and ultimately they serve to illustrate that far from being a flawed moral system, consequentialism is in fact best placed among normative theories to enhance quality of life for all entities with moral standing.

John Finnis (1983) argues that comparing different courses of actions to elicit their contribution to wellbeing cannot be done. He argues that goods and evils, benefits and harms are incommensurable; any claims to the contrary are simply arbitrary rationalisations. Furthermore, Finnis maintains that basic human goods are irreducible and equally basic, thus preventing the comparison and weighing of what is intrinsically valuable. However, Attfield (1995) replies that good grounds do exist for reasoned comparisons; they are the contributions made to the satisfaction of basic needs, flourishing and overall quality of life. Neither are basic human goods all



equally and irreducibly basic. Some values, such as autonomy, are of equal value no matter who you are, and therefore should receive equal weight; however, levels of autonomy can vary significantly in their importance. As Sen, in 'Capability and Well-Being', illustrates, being free to choose between five brands of washing powder does not compare in value to being able to choose how to be well-nourished and sheltered, or how to vote.

The contribution to quality of life is the yardstick by which things should be assessed; thus suggesting that moral value is not incommensurable or irreducible. If wellbeing is to be extended to all those beings capable of it, then interests do have to be weighed and compared, with interests of a greater moral significance taking precedence over lesser interests; this seems to be the best way to ensure that justice does prevail and that everyone gets to appreciate a life characterised by its basic quality. If basic wellbeing needs have been met, remembering that basic wellbeing needs of complex creatures always take precedence over the needs of less sophisticated entities, then other aspects of wellbeing can be addressed. This is because the satisfaction of the basic needs of complex creatures leads to more good overall - it makes more difference to levels of wellbeing . For instance, if a complex creature and a plant were both in need of the same limited supply of water to survive, this water should be given to the more complex creature. The reason for this is that the less complex a creature is, the less it is affected by loss, harm or benefit in relation to the satisfaction of its basic needs. Ensuring that a plant or fly can flourish may engender a certain level of wellbeing, but the wellbeing of a plant or fly cannot compare to the wellbeing generated by the satisfaction of the basic needs of complex, self-conscious creatures.

It is also worth refuting the argument Finnis (1983) presents, maintaining that consequentialism implies that choosing lesser goods is impossible or inconceivable. People, if being rational, only choose what appears to be the most beneficial outcome; wrong choices would clearly yield less benefit than correct ones and therefore would rarely, if ever, be chosen. Yet clearly incorrect moral choices are made, suggesting, according to Finnis, that the rightness of moral actions cannot be genuinely assessed but are instead the result of arbitrary, unfair or fanatical judgements. However, the fact that the correct moral choices are not always made, i.e., choices that yield the most beneficial outcomes for all concerned, does not mean that such choices cannot be made, or merely reflect an arbitrary criterion. The reason such choices are not always made, or perhaps not often made, can be explained in a number of ways. Firstly, moral choices often revolve around very complex and serious issues, where 'victories' in moral arguments are often seen as being of a pyrrhic nature. Also, the most optimistic moral choices involve future generations and other species; as a result, they may involve a certain amount of (minor) sacrifice, little short-term gain and some inconvenience. Many people, or indeed countries, are not prepared to take such long-term decisions, or are reluctant to pay heed to the well-being of other moral entities, or to acknowledge in any tangible way the moral claims of future generations. Distant relationships, be it a spatial or temporal distance, often (wrongly) reduce the moral weight given claims. However, the strength of consequentialism is that it does take into account goods and evils, harms and benefits that are often not heeded, but which nevertheless do matter.

## ii. Rights

Consequentialism has been criticised for failing to take account of people's widespread acceptance of moral rights and rules. Many people apparently assume moral rights exist independently of any assessment of consequences. While most people may assume that moral rights and rules mirror some kind of moral good, on deeper reflection this is not the case. Rights and rules are surely evaluated according to the consequences of their observation; a right to inflict pain and suffering on other sentient creatures is undoubtedly no right at all - despite the assertions of some. Also, as has already been mentioned, rights often conflict, for example, the right to life of a foetus often clashes with a woman's right to autonomy. Rights are also often dictated by the dominant groups in society, thus reflecting interests revolving around power rather than morality.

Richard Hare, in *Moral Thinking*, draws attention to the issue of rights, but maintains that consequentialism can accommodate it. Hare points out that the notion of rights is usually inextricably linked to obligations. However, as he illustrates, the word 'obligation' is ambiguous. 'Obligation' is sometimes used in the sense of having to do something, or not do something, i.e., 'I have an obligation' means 'I must'; or alternatively it can be used in the sense of 'I ought to act' or 'should act', but it is not an imperative. The example Hare uses is of a person stranded at the side of a road. Other drivers ought to stop and help, but the person concerned has no right to a lift to the nearest garage. In this sense, rights are connected to obligation in a narrow sense, i.e., that of having to act or not act. However, even then the issue of rights is not straightforward. Hare, acknowledging the work of Hohfeld, points out that in relation

to rights there are three distinct types of obligation. People have rights to act in certain ways where there is no obligation for them not to act in that particular way; used in this way, a right does not entail an obligation, but the absence of one. People have rights regarding certain acts if others have obligations not to stop them performing these actions. Finally, people have rights, if others, possibly governments etc., have obligations to ensure these rights. The problem with moral rights, as Hare notes, is that there appears to be no clear decision-making procedure for deciding when rights exist and what type of obligations result from these rights. As a result, disputes surrounding rights become intractable, as the only recourse left for conflicting parties is to fall back on their own moral intuitions. These moral intuitions are obviously at variance as there is a dispute, with conflicting parties trying to use the language of rights to justify their positions.

The problem seems to be that rights are often regarded as sacrosanct, when clearly they are not. Sometimes rights clash, and then certain rights can be overridden in favour of others. This happens all the time, but a straightforward appeal to rights cannot adequately account for this. Hare argues that his two-level structure of moral thinking (discussed more fully later) acknowledges that rights should be taken seriously, but is also able to deal with the problem of conflicting rights. He does this within a consequentialist framework, giving the lie to the notion that consequentialism pays insufficient regard to rights, or indeed, has no place for rights. In fact, consequentialism supplies a non-moral justification for adherence to certain rights and rejection of others.

Hare argues that rights belong to intuitive thinking and are governed by *prima facie*

principles. They are not concepts of critical thinking as they can be overridden in times of dispute. Nevertheless, prima facie principles are based on critical thinking. Critical thinking relates to the ability, after being armed with all the information available, to come up with an unprejudiced decision that will maximise utility for all parties concerned. Obviously critical thinking is very difficult and very time consuming, so we often have to rely on intuitive thinking. Intuitive thinking considers how we should act, or what rights we should have, if these actions or rights were selected by sound critical thinking. Such intuitive thinking supplies prima facie principles which we adopt in our everyday lives and which provide us with a good general moral principles. As these principles are ultimately based on critical thinking they are relatively 'low maintenance', and can be relied upon to supply the most beneficial outcome for all concerned. However, crucially, they can be overridden. They are only prima facie principles after all. If it becomes clear that another course of action will supply a better outcome, then they can be overruled or amended. The same principle applies to rights. Rights should only be adhered to as long as they are providing the most beneficial outcome. Thus, consequentialism does supply a reason for both respecting rights, and a procedure for resolving disputes between conflicting rights. Hare also points out that prima facie principles (or in terms of this work, practices) prevent constant appeals to immediate utility. Constantly evaluating every action, or the application of every right, may well prove counter-productive. Instead broad principles and a general acceptance of certain rights, when they can be challenged by rational argument, are often the best way to enhance wellbeing.

Thus, an impartial principle that advocates actions and practices which optimise value seems far preferable to any system of conventionally understood rights. It avoids

minority or special interest groups dictating what is and is not a right and it recognises the wellbeing of all entities capable of wellbeing. The focus on nonmoral goods, i.e., those things, such as autonomy, that are fundamental for well-being and generally intrinsically valuable, enables consequentialism to make a practical contribution to enhancing quality of life. Deontological moral principles assume moral correctness seemingly irrespective of whether their adherence has improved quality of life for all morally considerable entities; surely the fundamental precept of any moral principle is, or should be, whether complying with it does actually improve quality of life impartially and universally.

The fact that consequentialism enables choices to be made between outcomes that can be reasonably predicted or expected, and viable alternatives, illustrates its ability to deal with complex issues. The bearers of moral value obviously benefit when all foreseeable outcomes of any given action are considered, but are hindered if all possible effects are considered - no matter how remote or farfetched. Moral agents can only be expected to consider what is a realistic possibility, not every possibility, otherwise action of any sort would be subject to infinite examination, resulting in a state of vacillation and inertia that would benefit no one. Deontological theories generally lack the resources for resolving conflicts, whereas consequentialism supplies a rational framework for evaluating competing claims for moral consideration.

Practices that supply the best available balance of good over harm for all entities capable of being benefited or harmed are 'optimific', as Attfield (1995) puts it.

Simply put, practices which promote flourishing and quality of life will carry significant moral weight and should be adhered to wherever possible. For example, truth-telling and keeping promises are practices that enrich society and its members.

They allow mutually beneficial relationships to build up which are based on trust and reliability. Societies which do not have these qualities would be chaotic, lack cohesion and undermine the quality of life of their members. Thus, even when an isolated act of breaking a promise or not telling the truth might be more beneficial than behaving otherwise, the overall benefits of subscribing to these practices, together with the possibility of undermining them by admitting exceptions, means that optimistic practices override other considerations.

Richard Hare, in *Moral Thinking*, writes about intuitive and critical levels of moral thinking, which reflects a broadly similar idea although expressed somewhat differently. Intuitive moral thinking, which is informed by critical thinking, allows optimistic, heuristic moral criteria to be adopted. Hare, borrowing the expression from Sir David Ross but supplying his own meaning, refers to the product of intuitive thinking as 'Prima Facie Principles'. Act-consequentialism, with its attendant problems, such as having to perform one-off ludicrous or grotesque acts to seemingly maximise utility, is thus avoided by practice-consequentialism and Hare's two-level system of consequentialism.

### **iii. Overdemandingness**

The apparent overdemandingness of consequentialism is addressed adroitly by Singer (1993). Consequentialism, rightly, places omissions on a par with acts in terms of responsibility, and does not accept the doctrine of double-effect as a mitigation for unfortunate or unpleasant unintended outcomes; it focuses on the outcomes of actions. Failing to save the life of a person when it would have been very easy to do so and

involved little or no personal risk or inconvenience is surely no less excusable than actively killing someone. Similarly, as Singer (1993) illustrates, a factory that dumps toxic waste into a local river knowingly causing severe harm to the surrounding ecosystem is no less culpable for its actions irrespective of the fact that it was simply trying to save money and not to pollute the environment. If we can reasonably be expected to foresee the consequences of our actions, why should we not be held responsible for them?

Of course, as Singer points out, this may strike many people as being too harsh. Singer illustrates some of the differences often cited between deliberately killing someone and letting that person die. For instance, the motivation will normally be different. It is also by no means certain that my lack of action will result in people inevitably dying, even if there is a strong possibility that they will. As in the case of third world hunger, it can be argued that the plight of the hungry is not my fault and, therefore, it is not my responsibility. However, as Singer points out, these are extrinsic differences between acts and omissions; there is no intrinsic difference between the two. The fundamental moral premise remains: we ought to prevent what is bad and promote what is good. This means considering omissions as well as actions.

Peter Railton (1988), in his article 'Alienation, Consequentialism and the Demands of Morality', mounts an effective defence of consequentialism against the charge of overdemandingness. Railton begins by addressing the issue of alienation. He defines alienation as a kind of emotional distance or estrangement, the antithesis of which is 'authenticity'. The objective decision-making procedure of consequentialism



arguably alienates agents from their commitments, requiring them to adopt an impersonal approach to even personal matters. As a result, consequentialism appears to become overdemanding. Thus, for example, a husband may devote himself to his wife not because of their unique relationship, but because of the generally good outcomes that result from such bonds being formed. Railton writes that the wife in question would probably feel quite aggrieved that her husband's devotion was based on abstract consequentialist principles of optimising value, rather than any sense of personal loyalty. Consequentialism can account for the unique and special place family, friends and loved ones occupy in our lives, but apparently only by erecting a barrier which fails to let emotion and sentiment through. It is this emotional barrier between the agent and his or her loved ones that leads to the accusation that consequentialism is alienating and, as a result, overdemanding. As King Lear demonstrates, the price of distancing oneself emotionally from one's family and loved ones can be extremely high, and consequentialism seems to require such distancing and alienation.

Railton remarks that while morality requires us to take an impersonal point-of-view, it is not always appropriate or wise to ignore personal interests. For example, as he points out, loving relationships, friendships and group loyalties are important contributors to quality of life. However, consequentialism conceivably advocates downgrading the interests of one's family and friends if, as a result, an agent's resources and attention can be devoted to helping strangers who are more needy, as this will maximise utility or happiness. Placing the interests of strangers, even if only occasionally and in exceptional circumstances, above those of one's family and friends appears to highlight the overdemanding and alienating requirements of

consequentialism. Any moral principle that demands anything that is contrary to wellbeing is obviously deeply flawed. Nevertheless, Railton acknowledges that alienation may sometimes be necessary; for instance, a spouse may act in a grossly overprotective way, or a parent may favour one child over another. Hare (1981), in a similar vein, points to the problems of nepotism and partiality. Thus, as Railton points out, despite the concerns regarding alienation the quest for 'authenticity' should not be all encompassing.

Railton also draws attention to the argument made by Bernard Williams (1973), that consequentialism may require agents to alienate themselves from particular 'ground projects' which help them to define themselves; as a result personal integrity is stripped away. This argument will be considered in more detail presently; however, Railton deals with it by pointing out that unquestioning respect for such 'ground projects' can sometimes be extremely damaging. Although there might be a certain sense of alienation involved in questioning, and possibly abandoning certain 'ground projects', a failure to ask such questions can lead to a loss of autonomy. Railton argues that ground projects are often a reflection of an agent's socialisation, and can be prejudiced by family, class and cultural experiences and expectations. 'Blindly' accepting that certain 'ground projects' are an essential part of one's character is to ignore the importance of autonomy for quality of life. We cannot obviously examine every aspect of our lives, but to be autonomous requires us to question our values and commitments when apposite. Just because some ground projects are deeply ingrained in our psyches does not mean that they are morally sound. To be an autonomous individual may sometimes require a certain level of alienation and inauthenticity; the alternative is to be forever bound by sentiment and the weight of social and cultural

expectations. Thus, Railton illustrates that alienation is not automatically a problem for consequentialism. Indeed, a certain level of alienation can actually promote autonomy and fairness. Even so, alienation is still regarded as a problem for supporters of consequentialism, as it does not seem to suggest any means for balancing the demands of authenticity and partiality with the necessity of a certain level of alienation and impartiality.

However, Railton presents a consequentialist framework which reduces alienation in moral theory and practice, without denying its usefulness in promoting wellbeing: he supplies a way of replying to the overdemandingness objection and a way of balancing, in his own words, ‘alienation’ and ‘authenticity’. Railton argues that a ‘subjective consequentialist’ has to ‘determine which act of those available would most promote the good, and should then try to act accordingly’ (Railton, 1988, p.113). This mode of decision-making, ‘consciously aiming at the overall good and conscientiously using the best available information with the greatest possible rigour’ (*ibid*), when practised at all times, requires too much calculation and becomes alienating and too demanding. The solution Railton proposes is to adopt an ‘objectivist consequentialist’ approach. Objective consequentialism is the view that ‘the criterion of rightness of an act or course of action is whether it in fact would most promote the good of those acts available to the agent’ (*ibid*). This means that an agent does not have to constantly calculate whether each action will yield the greatest level of happiness or utility; rather, in a similar to way to the practice-consequentialism advocated here, the agent should consider whether an action would foreseeably promote the good, i.e., would it be objectively optimific if carried out. In fact, Railton wishes to adopt a ‘sophisticated consequentialist approach’ whereby an agent has a

‘standing commitment to leading an objectively consequentialist life, but who need not set special stock in any particular form of decision making and therefore does not necessarily seek to lead a subjectively consequentialist life.’ (*ibid*). Such an agent, according to Railton, would seek to act for the best by undertaking actions which clearly enhanced wellbeing, i.e., they would act in an objectively optimistic way; however, they would not necessarily feel it appropriate to deliberate and think in a consequentialist manner about every act.

The advantages of such an approach are several. Most importantly it ensures that agents are not constantly evaluating their decisions trying to effect the greatest overall good for every single act. As Railton points out, many decisions are too insignificant to warrant consequentialist deliberation, or too predictable in outcome to merit such consideration. Some decisions, such as those that have to be taken in an emergency situation, do not lend themselves to the luxury of consequentialist deliberation. For example, in a plane crash only the most pedantic and committed subjective consequentialist (possibly out to prove a point to Bernard Williams) would stop and consider whether to save a family member or a doctor from the wreckage. Also, if every aspect of one’s behaviour had to be analysed through the lens of subjective consequentialism the amount of time available for action would be dramatically diminished. Furthermore, Railton maintains that consequentialist deliberation can be, in certain circumstances, self-defeating. For example, if a self-conscious individual constantly evaluates his or her actions in terms of how others will perceive them, they will likely become even more self-conscious and will not achieve their ultimate goal of being less diffident and more self-assured.

Of course, as Railton acknowledges, it might strike some as contradictory to advocate consequentialism but yet maintain that an agent does not always have to adopt a consequentialist decision-making procedure. However, Railton argues that his objective consequentialism allows consequentialism to be the ultimate criterion of rightness without being reliant on consequentialism for every single decision that needs to be made. Railton suggests that objective consequentialism has the virtue of ensuring that ethical theory can be evaluated in terms of outcomes, i.e., whether or not they promote wellbeing, and is flexible enough to take into account the complexities of human life and the demands of human nature. Railton's approach takes consequences into account when considering certain methods of decision-making; for example, adopting a consequentialist approach may not be appropriate for a family dilemma, as an alternative mode of decision-making may enhance wellbeing significantly more; nevertheless, the reason for adopting another decision-making strategy is essentially consequentialist. Thus consequentialism does supply the ultimate basis for decision-making, even when a particular decision was arrived at by another route. The criticism that objective consequentialism is too vague to provide adequate guidance in practical situations is swept aside by Railton. He argues that although it is very difficult deciding what is the best course to take, objective consequentialism nevertheless does provide a framework for such decisions. For Railton, a pluralistic approach where actions which promote the exercise and development of intrinsically, non-morally valuable goods such as happiness, knowledge, purposeful activity, solidarity, respect and beauty, should be adopted. Although there is room for debate regarding the intrinsic value of some of these goods, the notion of using a consequentialist framework to promote essential capacities in order to enhance quality of life is eminently sound.

However, Railton's objective consequentialism is a revised form of act consequentialism. Act consequentialism has already been rejected in favour of practice consequentialism in this work, so Railton's position regarding this issue needs to be briefly considered before his defence of consequentialism can be entirely endorsed. Railton rejects rule consequentialism and, therefore, implicitly rejects practice-consequentialism, because he believes 'it could recommend acts that (subjectively or objectively) accord with the best set of rules even when these rules are not in fact generally accepted, and when as a result these acts would have devastatingly bad consequences' (Railton, 1988, p118). Conversely, practice-consequentialism - as Attfield (1995) writes - explicitly commends acting in accordance with practices (or in the Railton sense, rules) which are not yet in place. Railton's point seems to be that if a practice that promotes overall utility does not yet exist, practice (or rule) consequentialism commends an agent to act in accordance with the potentially beneficial practice, even when doing so may well result in significant harm to the agent. Therefore, for Railton, rule consequentialism places too high a burden on the individual to maximise utility. However, Attfield (1995) tackles this point by considering the example of corruption. He argues that in a time of corruption, an individual who refrains from dishonest actions may well come to a set a precedent for honest behaviour and transactions, a precedent that can be translated into a practice. The act consequentialism described by Railton has no such chance of establishing desirable practices as optimific acts, in the absence of existing optimific rules, would not be performed. The result would be that only existing optimific practices would exist, with seemingly little chance of generating new ones.



It could, nevertheless, be argued that practice consequentialism requires an agent to make enormous personal sacrifices to establish beneficial practices. The cost of such personal action may not be outweighed by the benefits rendered by the particular practice. However, Attfield (1995) deals with this issue by pointing out that a practice where the costs to the individual outweighed the benefits might not be optimific; as a result, the agent would not necessarily be expected to comply with such a practice. Nevertheless, releasing people from acts and omissions that are obligatory cannot be an option. As Attfield remarks, we require many individuals to undertake difficult and dangerous tasks; firemen and women are examples of such agents. However, obligatory acts and omissions are only those that make a significant difference to the satisfaction of basic needs. As obligatory acts have such an important impact on the balance of nonmoral good over evil, the possibility of risk or inconvenience is not enough to release agents from undertaking them. Otherwise, as Attfield points out, the basic needs of many would be neglected. However, agents are not obligated to perform tasks that simply satisfy desires or preferences (but not basic needs); moreover, they are not required to perform an obligatory act when someone else is understood to have a duty to perform it, or has greater experience or skills in its performance. (The issue of supererogation is dealt with in more detail below pp.107-112.)

If an act of compliance with an optimific, but unrecognised rule did have worse consequences for the individual, or if complying with a rule would have worse consequences than infringing it, then non-compliance with the rule (or possible rule) is entirely within the parameters of practice-consequentialism. Indeed, as has already been pointed out, a rule or practice could hardly be described as optimific if the costs

of adherence outweighed the benefits. Personal acts of sacrifice may be required in order to establish optimific rules or practices, but only where the benefits of establishing and adhering to a particular practice were genuinely optimific and the personal acts of sacrifice involved did not have a significantly detrimental effect on the agent's quality of life. Practice-consequentialism, unlike its deontological counterparts, is not bound by concrete, exceptionless rules and is flexible enough to accommodate mediating factors. Thus, there is no need to abandon practice-consequentialist principles in favour of act consequentialism. Indeed, the problems associated with act-consequentialism, alluded to already and widely acknowledged, make it a far less tenable theory than practice-consequentialism.

In fact Railton's version of objective act consequentialism is such a 'watered down' variant of act consequentialism one could be forgiven for sometimes failing to notice the boundary with rule consequentialism. Railton writes that a sophisticated act-consequentialist, in order to increase the likelihood of acting rightly, should possess 'certain enduring motivational patterns, character traits, or prima-facie commitments to rules in addition to whatever commitment they have to act for the best (Railton, 1988, p.120). Thus commitment to certain rules or traits seems to form a vital part of his objective act consequentialism. For example, Railton writes that if a loyal and loving husband, working away from home, has a choice between visiting his depressed wife for the weekend, or donating the train fare to a charity project to dig a well in a drought-stricken village in Africa, act consequentialism would suggest the latter course of action.

However, Railton argues that the husband would really do most good by visiting his



wife. The reason for this is that although donating the money for the train fare to charity might be the best single action to take to increase utility, when overall utility is considered this may well not be the case. This is because, according to Railton, the husband's charitable act, paradoxically, may actually make him a less pleasant character. He may become more cynical and self-centred and a less loving, supportive husband to his wife and less concerned about the plight of those in his immediate circle. In short, the ostensibly optimistic act of giving to the drought-stricken village will destabilise his relationships with those closest to him and undermine his other good traits, preventing him from performing the most beneficial overall sequence of acts. Ultimately, his charitable actions will result in less overall utility, as those he can most effectively be of benefit to will be ignored and their needs subsumed under some greater good. Whether this one act of charity would lead to such a calamitous outcome is debateable. An alternative to Railton's elaborate and convoluted form of act consequentialism, which nevertheless reaches the same conclusion, is to promote certain practices, such as loyalty to family and friends, as well as altruism and kindness to strangers, where such practices will be optimistic. Where practices conflict, the practice which is of most practical and realistic optimistic value should be followed.

Nevertheless, Railton presents a way forward for consequentialists against the claims of alienation and overdemandingness. Consequentialism need not force us to abandon or reduce our personal commitments for some impersonal greater good, as suggested by Bernard Williams. In fact, as both Atfield and Railton illustrate, individual acts to promote global wellbeing are often meaningless or counterproductive. As far as increasing global wellbeing is concerned, people do not have to sell their homes,

donate the proceeds to charity and become aid workers in Africa to enhance quality of life (although those willing to do so should be applauded). Instead, the re-ordering of social and political arrangements is a far more effective way of optimising value.

Consequentialism does not require that people lead intolerable lives for the sake of others, but it does require that those who do lead intolerable lives should be helped wherever possible. This may mean making sacrifices, in terms of consumption and consumer driven life-styles, but does not mean abandoning one's own quality of life.

As Railton points out, setting out to individually change the world will be far less effective than being prepared for social and political alterations that distribute wealth and care more evenly. A re-ordered system of global relations, while well out of the remit of the individual, should be the concern of governments the world over.

Change is not, of course, without pain, but enduring some pain - which a disruption to life-style might cause - is not the type of pain that Williams seems to be ascribing to consequentialism. The type of demands Williams associates with consequentialism are simply not compatible with the consequentialism advocated here.

Consequentialism clearly does not require action where the costs outweigh the foreseeable benefits. However, trade-offs are necessary. Railton makes this point well when he mentions the changes men had to cope with when women gained political freedoms and rights. This may have caused some men pain, but the overall benefits, to both men and women, more than outweighed the costs to some unenlightened men. Practice-consequentialism may require that we do more for each other and other moral entities than we presently do, but this is not overdemanding when one considers that what is being advocated is the provision and exercise of essential capacities for all those entities that possess them (or have the potential for

them). Meeting this goal enables what is of moral relevance to be realised and clearly enhances wellbeing. At no point are people required to lead intolerable lives to fulfil this goal.

#### **iv. Personal Integrity**

Attfield (1995) is also able to mount an effective defence against claims that consequentialism places excessive demands on agents to optimise value; demands which undermine personal integrity by requiring agents to abandon deeply held convictions, commitments and projects in order to maximise overall good. Apart from the obvious criticism that it places unreasonable expectations on the agent (as already discussed), Williams claims that such demands detach individuals from their own identity and amount to an attack on their integrity as people. He argues that people cannot be expected to give up their own personal integrity - even in the cause of maximising the overall good. Furthermore, the negative responsibility inherent in consequentialism exacerbates this problem.

However, Attfield (1995) contends that most optimific actions require nothing as dramatic as an abandonment of deeply held and long-standing personal projects and the resultant loss of personal identity. Attfield asserts that often conflicts arise from a clash between an agent's projects and the basic needs of other people. If the abandonment of my projects or commitments, no matter how important to me, does not violate my basic needs, but does have a significant impact on meeting the basic needs of others, then I should make this sacrifice. The less trivial the sacrifice, the more praiseworthy the action. Such a sliding scale of approbation goes to show that

sacrifices of trivial projects are to some extent expected, and major sacrifices are considered highly laudable. As Attfield (1995) points out, good reasons have to be given if we are to give more weight to some losses than others. A theory which promotes the development and exercise of basic needs and essential capacities, but recognises the need to prioritise value, seems unlikely to be guilty of robbing agents of their personal identity. Self-respect, autonomy and personal identity are capacities that practice-consequentialism strives to promote; it is not about asking agents to give up these capacities. However, if some projects and policies, even if deeply held, do not ultimately contribute to an agent's well-being - or alternatives exist - and where their abandonment would facilitate the well-being of another, serious consideration needs to be given to forsaking such projects.

The link between personal projects and convictions can also be overstated. If an agent is forced into a change of project or commitment, for whatever reason, this does not necessarily mean that they lose their personal identity. Attfield (1995) uses the example of a committed fur-trader, who is a dedicated consequentialist in all other respects, to illustrate how optimising value for all morally relevant entities does not have to involve the loss of personal identity for any. (The same argument could also be applied to those people in this country convinced a ban on foxhunting would endanger their whole way of life.) The adoption of a different way of life may involve loss of self-respect (people often gain self-respect through their occupations or life-styles); it may also involve a minor loss of autonomy and increased insecurity - as it may appear that traditional ways of life are disappearing. However, such losses need to be balanced against other important considerations. The changes in life-style and occupation suffered by the fur-trapper or foxhunter are surely offset by the benefits

experienced by foxes, bears and minks and the like. Such animals will no longer have to suffer cruelty and pain for trivial reasons, i.e., for entertainment or fashion. Also, fur-trappers and foxhunters do have the option of adopting alternative careers or pursuits: they can pursue activities which do not cause harm to entities with moral standing. Steelworkers, for instance, who lose their self-respect along with their jobs can regain their self-respect and sense of personal worth through alternative careers and recreational activities. Personal identity and worth is multi-faceted and flexible and does not have to rest on only one or two pillars. Self-respect that is derived from the harm or suffering endured by bearers of moral standing surely needs to be radically addressed anyway.

Where a change of life-style may result in a severe loss of self-worth and sense of self, i.e., the agent may experience severe depression and harbour thoughts of suicide, then the optimising effect of such changes will need to be re-appraised. However, even after such re-assessment the best way of optimising value may still be to promote a change of life-style with all that it entails, but to introduce such a change at a much slower pace, to allow the individuals concerned time to adapt to such changes. It is worth remembering that humans are eminently adaptable beings; this partly explains our evolutionary success and why we are able to carry such a burden of moral responsibility.

It could be argued that consequentialism would endorse mind-altering drugs being administered to unhappy, or moderately happy people, in order to increase levels of happiness or wellbeing. Such a policy could obviously be regarded as an attack on personal identity and something which undermines personal integrity. However,

practice-consequentialism advocates no such thing. The consequentialism argued for here acknowledges that personal integrity and enduring personal identity are necessary for the satisfaction of basic needs. Therefore, anything which undermines them, be it drugs or brain transplants (or whatever other implausible scenarios critics of consequentialism can come up with), cannot be justified along consequentialist lines as they cannot realistically be argued to increase wellbeing. For instance, the consequentialism advocated here does not imply, even if it were possible, that an agent undergo a brain transplant operation if, as a result of the operation, a happier individual will emerge. Would people, even unhappy people, be prepared to undergo such an operation, i.e., to have their life extinguished, in order for a happier, yet completely different, person to emerge? This seems highly unlikely. It is extremely doubtful that such a procedure would increase overall happiness, as individual happiness consists, among other things, of self-creation, personal memories and the enduring sense of personal identity they provide. Far from mounting an attack on personal integrity and identity, practice-consequentialism defends them, precisely because of the central role they play in wellbeing. Practice-consequentialism offers a richer, broader definition of wellbeing than merely happiness, so it can take on board the need to respect and promote personal identity and integrity. Practice-consequentialism recognises there is more to moral value than just happiness, which is obviously a strength of the theory, and it acknowledges that optimific practices will be those that are not excessively demanding nor overly disruptive of agents' lives; if they were such practices would ultimately be counter-productive and reduce wellbeing.

## v. Predicting Outcomes

Another criticism of consequentialism, and one broadly connected with the integrity objection, is that suggested by James Lenman in his article 'Consequentialism and Cluelessness'. In this article Lenman draws attention to what he calls the 'Epistemic argument' against consequentialism. Basically this suggests that as it is impossible to know the future, and virtually impossible to know all the ramifications of all one's actions, basing any moral theory on consequentialism is futile. We simply cannot know what the consequences of our actions will be. All we have at best, Lenman argues, is a very hazy idea of the overall consequences of many of our actions. Nevertheless, despite this lack of clarity consequentialism requires us to make decisions based on outcomes, outcomes we cannot possibly be sure about. At the end of the article Lenman develops an ingenious, but dubious analogy, to supposedly illustrate the problem with consequentialism.

In his scenario people occupy an area with two rooms: one room is small and has a control panel with a green button and a red button. An omnipotent figure has told the inhabitants that when they press the green button they set off a chain of events with at least some beneficial outcomes. Pressing the red button will have the opposite effect. However, next to this room is another, larger room with all the facilities necessary for the occupants to enjoy an enriched, high quality of life. For unknown reasons, the occupants have no contact with anyone outside their designated area, and cannot alternate their time between the two rooms; they apparently have to choose either control room, or its adjacent 'enriched' room. Furthermore, the omnipotent being has informed the inhabitants that they will generate a slightly higher level of wellbeing

staying in the control room and pressing the green button, than would be generated otherwise; although the precise nature of this wellbeing is unknown to the inhabitants. Lenman argues that consequentialism advocates staying in the small room pressing the green button, this despite the fact that the consequences of this action are not readily knowable and it requires sacrificing a stay in the larger, 'enriched' room. The reason for this is that staying in the control room pressing the green button is, very slightly, the optimal solution. The parallels with consequentialism are supposedly obvious and highlight its flaws. Having to include all possible outcomes in one's moral judgements, even though such knowledge is improbable, is practically impossible. Not only that; any attempt to adopt such an approach will undermine, if not destroy, one's personal integrity. Thus, for Lenman, the Epistemic argument is closely linked to the Integrity Objection. Lenman's solution to this problem appears to be to advocate a virtue theory approach to ethics.

However, Lenman's criticism of consequentialism can be countered easily enough. Firstly, the consequentialism that is promoted here only expects agents to consider foreseeable consequences of their actions, not all outcomes however unlikely. Also, to suggest that we cannot know all the ramifications of every action is somewhat disingenuous. For example, we can quite confidently predict that if existing levels of pollution continue, it will have a devastating effect on the quality of life of future generations. The criticisms Lenman levels at consequentialism also seem better directed at act consequentialism rather than the practice-consequentialism supported here. Practice-consequentialism, and the two-level approach of Hare, negates the criticism that consequentialism requires consideration of every single action, without robbing it of its ability to supply the criteria for decision-making. Both Railton and



Attfield - discussed above - illustrate how consequentialism can cope with the conflicting demands of partiality and impartiality apparently manifested by consequentialism.

Furthermore, the principle of optimisation inherent in consequentialism means that agents are not necessarily expected to make huge personal sacrifices for the sake of others. Rather, what is called for is the satisfaction of basic needs. These basic needs, with some thought and a little knowledge, can be identified - they are the essential capacities associated with the moral entities being considered. The development and exercise of these essential capacities enables the bearers of such capacities to flourish. As such basic needs can be identified, any theory which calls for practices which make their fulfilment possible or more likely cannot be futile. Neither can it be entirely 'clueless'. Virtue theory might have its merits; after all, it does consider what is necessary for flourishing; however, its ability to cope with complex moral dilemmas thrown up by environmental and medical ethics is limited. It lacks a coherent decision-making procedure and is far too anthropocentric in outlook. Practice-consequentialism suffers from no such handicaps, and does not require agents to be constantly pressing 'green buttons' for little or no apparent gain in wellbeing. The optimising nature of consequentialism places the satisfaction of basic needs at the top of a hierarchy of moral acts. As a result individual agents will not be expected to forego their own basic needs for the sake of those of others, especially where the loss to oneself is considerable, but the gain to others is dubious or unknowable. Consequentialism does not require a clueless leap into the unknown that strips away our integrity. The Epistemic and overdemanding arguments can be met as practice-consequentialism does not require an agent to press the green button after all.

## vi. Supererogation

Although many of the arguments for separating acts from omissions do not stand up to scrutiny, it is often argued that the notion of supererogation presents consequentialism with severe difficulties. Whereas it may be easy to obey a prohibition against killing someone, it is far more difficult to obey a rule that commands us to save as many people as we can. Indeed, such behaviour may require what would otherwise be regarded as 'supererogatory acts' beyond the scope or inclination of most individuals. As Singer points out, it is absurd to argue that we ought to do what we cannot do; therefore, consequentialism does not set targets that are impossible to reach.

However, it may well be the case that in doing what we can we make our own lives extremely miserable. For consequentialists this might not matter as long as the overall level of utility rose. However, many people would balk at the idea that they were morally obliged to make enormous personal sacrifices for the sake of others.

Psychological research by Kohlberg (1960) suggested that only a tiny percentage of people adopt such a self-sacrificing approach to life. Susan Wolf, in 'Moral Saints,' argues that a life spent focusing on raising the overall moral good may actually be counter-productive, as such an existence would result in less time and resources for the things which add diversity and, therefore, colour to life. Her examples of such non-moral goods include opera, gourmet cooking, professional sport and a robust sense of humour. It is also argued, by Brink (2001) among others, that consequentialism requires people to put the interests of strangers above those of family and friends - if this increases utility. Finally, Singer notes that consequentialism is often regarded as being counter-productive. It asks people to meet moral targets that are unrealistic; if targets are set too high people may not even

bother trying to reach rudimentary levels of moral commitment.

Such arguments against consequentialism are nonetheless inconclusive. As Singer points out, consequentialism does not require people sacrificing anything of comparable moral significance. Similarly, Attfield (1995) argues that an optimistic action is required only where it makes an important positive difference to quality of life. (In reality, governments, through taxation and economic policies are probably best placed to optimise value on a mass, global scale. Possibly the most effective way we as individuals can optimise value is by being prepared to pay higher taxes for famine and disease relief, and by curbing our own seemingly insatiable consumer appetites.) Sacrificing some trivial desires and preferences to enhance the balance of nonmoral good over evil is not a supererogatory act. In response to Wolf's arguments, Singer points out that being able to appreciate luxuries and the 'finer' things in life whilst others starve to death is a very weak argument against consequentialism. Diversity and richness of experience do improve quality of life, but they surely are not on a par with having enough to eat and being free from disease. Sacrificing the subsidy on my opera tickets for the benefit of aids victims in Africa is surely not asking too much? Furthermore, as Singer illustrates, asking people to sacrifice personal relationships for the sake of others would be asking them to sacrifice something of great moral significance, as arguably personal relationships are among the necessities for a flourishing life.

Critics of consequentialism argue that if optimising value is obligatory, then acts of supererogation also become obligatory, as they will optimise value, and the resultant demands placed on individuals will be too great. However, consequentialism can

quite easily accommodate acts of supererogation without requiring agents to be constantly performing them. For example, Sikora (1979, cited in Attfield, 1995, p.116) writes that where self-sacrifice is concerned, acts are only obligatory when the ratio of gain to others compared to the loss to oneself is sufficiently high. Scheffler (1982), also lowers the requirements for obligation. Despite being a critic of consequentialism he adopts a version of it to deal with the issue of supererogation. Scheffler argues that where optimific acts require an agent to forgo their own projects, and where the personal costs involved are too high, the individual is released from any obligation. Railton (1988) discussed above, writes that an agent is free from any optimising obligation where it would alienate him or her from relationships with family and friends. Attfield (1995) argues that once a distinction has been made between the morally ideal and the morally obligatory, then it becomes relatively straightforward for consequentialism to 'recognise' acts of supererogation.

Morally ideal acts or practices are the best or desirable courses of action to take and, therefore, are right. Morally obligatory acts or practices are those where neglect or non-compliance would actually be wrong. Where only unimportant goods result or only unimportant harms are avoided obligations to act will not necessarily exist. Exceptions to this rule might exist if the trivial good or harm was in some way connected to a non-trivial practice or problem. Obligations to act do exist where optimific actions or practices make a significant difference to the balance of nonmoral good over evil. However, actions, or practices already in existence or in prospect, which will do little harm or produce little overall value, are not obligatory. The alternative to this distinction between morally desirable and morally obligatory is for all potentially beneficial tasks to be undertaken, no matter what the personal costs

involved; or to release agents from any obligation the moment there is some element of cost or risk to them. Clearly, neither option is satisfactory. However, as Attfield illustrates, there is a way out of this problem. Where basic needs of those an agent can affect have not been satisfied, and where the basic needs of the agent concerned will not be adversely affected, optimistic actions and omissions are morally obligatory. However, where this is not the case, and actions or omissions, although desirable, are not essential, then action, although morally desirable and, therefore, morally right, is not obligatory. In these circumstances, acts and omissions are not obligatory but, if performed, are examples of supererogation; as such they should be applauded, but not regarded as mandatory. Self-flagellation will not be necessary for agents who fail to perform supererogatory acts! Thus, as Attfield demonstrates, consequentialism can make room for supererogation if a distinction is made between the morally desirable and the morally imperative.

It is also worth refuting the idea that consequentialism sets targets that are too high and therefore are not achievable. If targets are set that are impossible to achieve or are unrealistic then more appropriate goals should be set. Doing nothing to prevent suffering is not an option, neither is martyrdom; rather what is required is the balancing of costs and benefits. Where people can afford to make sacrifices which do not affect their basic needs and quality of life, but make a genuine difference to those whose basic needs are not being met, then they are morally obliged to do so. This is a considerable way from advocating acts of supererogation.

Attfield (1995) writes that the mere fact of risk or loss exists for an individual if he or she adopts a policy of optimising consequentialism is not enough to discharge them

from a moral obligation. If this were the case it may well lead to neglect by those best placed to help. If a doctor, working in a particular hospital, faced losing his or her job as a result of drawing attention to very poor standards which placed patients at unacceptable risk, most people would nevertheless expect that doctor to become a 'whistle-blower'. They may lose their job at that specific hospital, and it may be harder to get another similar job, but the loss they suffer will not be comparable to the benefits, in terms of patient care and survival, that result. As Attfield (1995) writes, in some cases meeting obligations in order to optimise value may be arduous, inconvenient, and require an individual to engage in potentially dangerous activities; however, the rewards of meeting such obligations are immense. It is also worth remembering that the position argued for in this work aims to satisfy basic needs and fulfil essential capacities; too much self-sacrifice hardly seems likely to optimise value and achieve these goals.

Practice-consequentialism calls for the development and maintenance of a system of practices that encourages the optimisation of value. Such practices can be reviewed and can even be supplanted in exceptional circumstances. However, the reason for a practice becoming a practice is because it fosters quality of life for all entities capable of well-being. The consequentialism advocated here recognises that self-respect and self-creation are essential human capacities; therefore, they are to be highly valued and cannot be disregarded as lightly as some critics of consequentialism seem to think. Where the needs of the agent have been met, and where realistically and foreseeably they can engage in optimific actions (or omissions) that will make an important positive difference to the lives of others, then they should behave accordingly. Where individuals can make a significant difference to the balance of nonmoral good over

harm, they are obliged to do so. This does not seem too harsh, as it is not being suggested that such actions or omissions have to be at the expense of the basic needs of any one person or group of people. As Attfield (1995) points out, consequentialism is not calling for the unacceptable sacrifice of agents' life projects to bring about the best outcome. Calling for such sacrifices will conceivably actually reduce well-being. However, trivial projects and non-essential projects should arguably be sacrificed to ensure that the basic needs of everyone are met. Regarding individual life-projects as being somehow more important than all other factors seems dangerously self-indulgent and egotistical.

#### **vii. A Response from Richard Hare to the Problems of Overdemandingness**

Hare, in *Moral Thinking*, makes a distinction between intuitive and critical thinking. Hare argues that most of the time we rely on prima facie moral principles; these are moral heuristics or 'rules-of-thumb' which allow us to fulfil our moral obligations and promote well-being in the world as it really is. Hare maintains that some principles have to apply to everyone for the common good and to maximise utility. Although there may be the remote possibility that deviating from these principles may maximise utility, it is better if these prima facie principles are inculcated into people and they accept the conclusions of intuitive thinking. For example, it is better if people always tell the truth, even if occasionally overall utility might be better served by lying, as generally truth-telling maximises well-being. Hare argues that such a two level system of moral thinking is necessary as one level moral thinking is too problematic. Hare writes that one level moral thinking is too complex, as there would exist no generalised rules which could be applied to situations, and there would be no

procedure for resolving moral disputes. Instead, Hare proposes a two level system comprising of intuitive thinking and critical thinking.

Intuitive thinking gives rise to *prima facie* principles, or general principles in morality which we rely on in our day-to-day lives. However, intuitive thinking is underpinned by critical thinking. Critical thinking is the type of analysis we would do if armed with all the facts about a moral dilemma and had enough time to evaluate all this information. Although critical thinking might be regarded as the best way to proceed with moral dilemmas, Hare points out that in the real world we rarely have enough time to consider all the relevant moral arguments, and do not have all the available information about moral issues at our disposal. As a result we rely on intuitive thinking, which generally enables us to deal with the day-to-day moral issues. However, when these *prima facie* principles prove to be inadequate for the challenges that face them, then critical thinking can be applied. Hare, drawing on Plato's *Republic*, makes a distinction between the thinking an archangel is capable of, and that of the prole. The prole relies on intuitive thinking and *prima facie* principles, whilst the archangel uses critical thinking. Hare argues that most of us share the characteristics of both the archangel and the prole, and that we use critical thinking in the development of our moral heuristics or *prima facie* principles.

Hare argues that both critical and intuitive moral thinking are universal and prescriptive in nature. (The universal part of this argument - judging like cases alike - is entirely supportable, but the prescriptive part of his theory will be challenged shortly.) However, the product of intuitive thinking is overridable by critical thinking, but the product of critical thinking is not overridable. Critical thinking is, therefore,



'stronger' than intuitive thinking and supplies a moral imperative, as opposed to a guideline that can be overridden in particular circumstances. As a result, critical thinking mirrors act consequentialism, where a specific rule is applied to a specific case and applied to all such similar cases; whereas intuitive thinking rather mirrors rule consequentialism, supplying general principles. Hare thus manages to generate a theory based on consequentialism and maximising well-being that has a procedure for resolving moral dilemmas, but does not require agents to be constantly analysing their every action. It can account for our moral intuitions but also supplies a consequentialist justification for these intuitions.

However, Hare writes that there will be principles which apply to some people but not others. Such differences will relate to situations and individual capacities. For instance, we expect certain groups of people to exhibit particular desirable characteristics, such as doctors, lawyers and teachers. These characteristics, or skills, may be job specific and relate to professional competency. In a similar vein, Hare argues that it is good for those with a 'saintly' disposition to become saints, that is to fulfil their capacity, but it is not a good idea for everybody to try and behave like saints, as it is not behaviour that is suitable for everyone. As Hare points out, people who exceed their capabilities often get into trouble; this may be analogous to weak swimmers or inexperienced mountaineers getting into difficulties. Nevertheless, Hare asserts that *prima facie* principles contain prescriptions which include the minimal requirements for well-being. Some people may be able to go beyond these requirements but they are not necessarily required to do so by consequentialism.

Hare's two level theory, whilst invoking consequentialist principles, is able to

challenge claims that consequentialism is overdemanding and therefore fatally flawed and impractical. Indeed, Hare, Railton and Attfield illustrate that the usual weapons of criticism used against consequentialism, such as the charges of being overdemanding and being unable to account for acts of supererogation, in reality, have little impact on a clearly thought-out and well-constructed consequentialist approach.

### **viii. Double-effects**

The doctrine of double-effects, as mentioned above, suggests that agents should only be held morally responsible for the consequences of their intended actions, not the unintended results, or 'side-effects' of their intended actions. Being held accountable for the unintended (although foreseeable) consequences of actions may strike many people as being too harsh; therefore, the doctrine of double-effects is designed to remove this burden from people. However, the result of exonerating people, or organisations, or governments from responsibility for unintended, but nevertheless obvious, consequences of their actions has terrible repercussions. As Singer illustrates above, it can condone extreme environmental damage and as Glover (1977) writes, it allows the indiscriminate bombing of densely populated areas if the argument is made that civilian deaths were the unintended consequence of the bombing campaign, and was not the primary aim. The result is to suggest that unintended deaths do not count morally, even where such deaths were the obvious side-effect of a given course of action.

Such a view is very dangerous; it enables people (both the well-intentioned and the unscrupulous) to make excuses for disregarding some of the consequences of their

actions, even when the results will be dire and the harm that ensues will outweigh any nonmoral good that was intended. Killing someone, as a result of actions motivated by self-defence, or the death of innocent people as a result of a bombing campaign, are actions that cannot be so summarily dismissed as 'side-effects' of an agent's beliefs or intentions and, therefore, not morally accountable. Sometimes such actions can be justified, if they can reasonably be regarded as optimising overall value. Nevertheless, consideration of the unintended, but foreseeable, actions of agents is necessary if the well-being of all entities with moral significance is to be taken into account.

Enhancing quality of life is a goal so important and worthwhile that limiting obligations to intended actions and not to foreseeable consequences of omissions, or unintended - but predictable - outcomes, is to set obligations too low, not too high. Afterall, the argument being made here is that obligations exist only where a non-trivial difference can be made to quality of life, and where making such a difference will not significantly undermine existing quality of life. A world of rapacious consumerism promotes a distorted sense of value and obligation; one that undermines the global importance of enhancing wellbeing.

#### **ix. Bernard Williams and Consequentialism**

Further criticism regarding negative responsibility and consequentialism is provided by Williams (1973). He supplies two scenarios which are supposed to prove the case against negative responsibility and thus undermine consequentialism still further. In the first scenario, a man on an expedition in a remote part of central America, through a series of extraordinary and highly unfortunate circumstances, is faced with a horrific dilemma. If he agrees to shoot one innocent Indian, nineteen other innocent Indians

will be spared the same fate; however, if he does not carry out this task, someone else will and all twenty innocent people will be killed. The second scenario involves an unemployed chemist with a young family to support being offered a job developing chemical and biological weapons. Although this man is strongly opposed to such research, he is in a difficult financial situation and knows a colleague will pursue the research with far greater vigour. Both cases are supposed to illustrate that consequentialism places too much of a burden on people and forces them to go against their deepest convictions. In the first scenario it appears that consequentialism advocates the killing of an innocent man by the agent concerned (and Williams favours this being done in this particular situation); in the second scenario, the chemist must apparently take the job and go against his principles to prevent the research being pursued more forcefully.

However, the case made against consequentialism by the two above examples does not bear closer scrutiny. There are very good reasons for not killing innocent people; however, in the exceptional case described above there is a very good reason for killing an innocent person: to save nineteen others. The fact that consequentialism does supply a reason for killing the innocent person does not mean that it condones or encourages the killing of innocent people as a rule or practice. Practice-consequentialism, for example, does allow for actions to be taken which will make the greatest contribution to optimising value. In this example, as counter-intuitive as it seems, killing the innocent man does this. However, this does not mean that in other circumstances practice-consequentialism advocates killing innocent people: killing innocent people will clearly not optimise value (see below). Hare argues that protecting the innocent is a feature of intuitive thinking, i.e., it is something that is so

well-grounded in our moral system that respecting it has become instinctive.

Similarly, the consequentialism favoured here advocates practices that promote well-being: in the real world killing innocent people will very rarely do this. This does not mean that exceptional circumstances may not arise where, under the closer scrutiny of critical thinking, the death of innocent people can be justified.

In the example supplied by Williams, saving nineteen lives does seem the best option to choose; this does not make a good option, it simply acknowledges the fact that it is the option which optimises value. Williams comes up with a truly horrific dilemma, but it does not necessitate abandoning the principle of optimising value; in fact the opposite is true, for it provides a rational way of solving the dilemma. As Hare writes, such an example may force us to reach counter-intuitive conclusions, but it does not make these conclusions wrong, or mean that such conclusions have to be applied to less extreme or far-fetched examples: killing innocent people is not advised by consequentialism in the world as we usually experience it. In the above scenario, deontological ethics may absolve the individual from having to pursue a terrible course of action, but it certainly does nothing to minimise the level of pain and misery in the world. The agent concerned has maintained his or her conviction against killing innocent people, but now twenty innocent people are dead instead of one. This is a very high price to pay for the rigid maintenance of a principle. Although, in this first scenario, the agent does not pull the trigger and shoot twenty innocent people, a strict adherence to deontological principles still results in the deaths of nineteen innocent people. The agent, admittedly through a highly unpalatable action, could have saved these lives. Where our actions will foreseeably make a significant difference to optimising value (and where alternatives courses of action do not exist),

it does not seem so controversial to argue that we should pursue such acts. The effect of killing one innocent person on the agent's psychological well-being will, no doubt, be hugely damaging, but the consequences of his not acting for the nineteen others will surely be worse. Protecting one's psychological health is obviously very important, but counselling and therapy may well be able to help the unfortunate person described above; nothing will help the twenty innocent people if the agent decides to protect his mental health and sense of self by doing nothing.

The killing of one innocent person in this scenario (where no alternatives exist) does not imply that the prohibition on killing innocent people is somehow removed in other circumstances as well, and Williams could not suggest otherwise. However, the 'relaxation' of such a prohibition in this particular case does result in the saving of nineteen innocent people. Although it could be argued that admitting one exception puts us on a slippery slope to moral turpitude, it is hard to imagine this actually being the case when the exception aims to optimise overall value, not undermine it.

As regards the second scenario, it is by no means clear what a consequentialist course of action would be. Unless more information is provided, it is not at all clear that the young chemist should take the job, go against his principles and participate in work involving chemical and biological weapons. Will value be optimised if the chemist takes the job and prevents a more enthusiastic person from taking the job; or will he, by taking the job, undermine the general prohibition against such research and so prevent the optimisation of value? Finally, how will either course of action affect the agent's sense of identity and self-respect - essential constituents of wellbeing?

Without more information it is disingenuous to suggest that consequentialism urges

the chemist to take the job and actively engage in developing horrific, combatant-indiscriminate weapons of mass destruction.

As a result, Williams' attempt to undermine consequentialism by maintaining that its acceptance of negative responsibility is overdemanding, goes against human nature and is, therefore, contrary to the human good, fails. Where an agent can produce goods and avert harms, even if these harms are not caused by, or the responsibility of the agent, surely they should not ignore the part they can play in reducing harm and promoting good? Sometimes, even when we are not responsible for events, where we have the power to do something about them, we are obliged to. Obligations are not just the result of occupations or family relationships etc.; surely they also arise when we have the power and ability to prevent harm and promote good - however this may arise. Mitigations for not exercising the power (where it exists) to promote a balance of nonmoral good over harm do exist, as discussed above, but the fact of the agent not being the cause of the problem, or having other (less morally significant) things to do are not factors which should significantly lessen moral obligations. Practice-consequentialism maintains that agents should adhere to optimific practices; being optimific they will not be excessively demanding because, as has already been pointed out, this would be counter-productive. However, being optimific does mean acceptance of negative responsibility, not in ways that are overdemanding, but in ways which will enhance quality of life for all entities capable of experiencing it. Acknowledging negative responsibility in this way must surely be regarded as a strength and not a flaw.

## **x. Associative Duties (The Problem of Partiality)**

One criticism of consequentialism, already discussed in part (see chapter eight, part iii), is that it fails to adequately account for what Brink (2001) refers to as 'associative duties'. Brink points out that while the impartiality aspect of consequentialism is laudable, it fails to account for associative duties, that is, the partiality we feel towards family and friends. He maintains that the relationships we have with family and friends help to shape our psychological identity; they give us a sense of who we are. This psychological connection with family and friends means, Brink suggests, that individual wellbeing is inextricably linked to the wellbeing of close associates. For this reason, the demands of partiality will naturally usurp those of impartiality. However, consequentialism does not appear able to explain why this should be the case. Brink acknowledges that impartial duties clearly do exist, but writes that the demands of partiality and impartiality should be balanced against each other to ensure that the moral thresholds of one do not outstrip the obligations of the other. Brink maintains that this can be done by recognising that partial and impartial duties operate within different spheres. On a macro level impartial obligations exist, for example, the provision of education and health care for all; however, contributions to impartial associates should be relatively limited and restricted to non-intrusive methods, such as community and international charitable organisations. Examples of such organisations include: The Red Cross, Oxfam, regional projects to support the homeless and community charities supporting local hospices.

Smith (2001), in a similar vein, argues that consequentialism cannot account for the widely held belief that partiality is a good thing: it is better to help friends more than



strangers. A consequentialist can maintain that such a belief helps to maximise moral value; as a result consequentialism ties in with our deep-seated moral convictions. However, such a belief can also sometimes be false, as partiality may not maximise value. Smith points out with the current level of poverty in the world greater benefit would be produced by concentrating on impartiality, remaining friendless and helping strangers. Such a conclusion would obviously strike most people as counter-intuitive, unreasonable and unworkable. Many people would also argue that the value of family and friendship lies in something other than the contribution such relationships make to maximising impartial, universal value: many people would still feel it is more appropriate to help their 'nearest and dearest', even if this did not maximise overall moral value. The significance of loyalty to family and friends seems to transcend almost any other consideration; after all, 'blood is thicker than water' and 'family comes first'. To illustrate this point, Bernard Williams (1973) asks his readers to consider a scenario where, after a plane crash, a male survivor has to decide which one of two people he should risk his life to save. One person happens to be his son, the other person is a brilliant surgeon. Williams argues that from a purely utilitarian perspective, the survivor should save the surgeon, as this person will probably go on to save many other lives. Thus consequentialism, it could be argued, advocates that individuals act in ways that are simply not credible given the nature of human beings: the vast majority of people would act in a partial way and save their offspring.

However, the partiality attack on consequentialism is not as damning as it seems.

With regard to the plane crash scenario, Hare (1981) argues that it is so extreme and unlikely that in reality it does not trouble consequentialism. The father concerned will almost certainly not have enough time to evaluate the situation critically (as an

omniscient archangel might), and it would be impossible to know for sure that saving the surgeon above the son would actually maximise moral value. The father will therefore have to rely on intuitive moral thinking. On ninety-nine percent of occasions these moral intuitions will be right, Hare asserts, but there may be an extremely unusual event which requires what seems like a counter-intuitive course of action. However, the reality is that such situations will be so rare that they will not justify a change in moral intuitions. Only an individual equipped with the powers of an archangel would know for sure that saving the surgeon really would maximise value. If it would then such a course of action may well be justified; a hard choice does not necessarily make it a wrong choice - even if it does go against our moral intuitions. However, as we are not archangels we have to rely on our intuitive moral thinking, underpinned by as high a level of critical thinking as possible. Such a level of thinking nearly always supplies the right course of action - hence it has become a moral intuition - but is nevertheless flexible enough to adapt to circumstances. It can also explain why the father concerned could save his son without fear of moral disapprobation. Julia Driver (2001) writes that in the circumstances described by Williams, and in less extreme examples of associative duties, it is better for parents to be obligated to offspring: not only is there a motivation to do so, but also a responsibility exists related to the parents' situation relative to the child. The child needs the parents to provide physical and psychological support; fulfilling such a responsibility has obvious benefits for society; this can clearly be seen when such parental responsibilities are not fulfilled. Driver maintains that making use of the naturally occurring motivation to partiality, by appealing to the good outcomes that result from such motivation, is effective and extremely beneficial - as long as the context is restricted.

Driver also criticises, with good reason, Brink's limitations on impartial duties. Downplaying impartial duties certainly does not serve to enhance quality of life, especially where trivial benefits to associates result in significant hardship for non-associates. Furthermore, Driver points out that a high level of psychological connectedness is not required for moral concern. As has been illustrated here, an obligation to future generations can be argued to exist; this despite the fact that our psychological connection to future generations may be slight or non-existent. Similarly, a concern for animals exists without there may being a high level of psychological connectedness. A high level of psychological connectedness is surely not required for people to be concerned about the welfare of others? The plight of others geographically and temporally separated from us should be of concern. The optimisation of value means that the demands of impartiality should extend further than Brink suggests. Obligation should not rest on familiarity, but on need, and ability to provide effective, meaningful assistance. This will normally mean considering family and friends first, but this may not always be the case. Basing obligation on familiarity suggests a form of prejudice which can only undermine wellbeing. While accepting that parents have a unique responsibility to their children, a responsibility which if fulfilled maximises value and which should be reciprocated, it is dangerous to justify limiting responsibility to those we know or feel in some way connected to.

Driver (2001), making a similar point to Singer (1994) and Nussbaum (2001), points out that partiality can be argued to optimise value. This is because, as Nussbaum maintains, familial and social relationships are fundamental human capabilities, vital for human flourishing. Partiality can be viewed as actually maximising universal

moral value, if, as Driver points out, associative duties are regarded as having normative implications, i.e., partiality applies to everyone, or in other words, associative duties are of universal benefit: partiality should be applied impartially. Driver writes that associative bonds, it could be argued, enable us to exercise one aspect of our *telos*. Facilitating the exercise of human *telos* would seemingly promote moral value. Furthermore, Driver points out that associative duties may serve a useful evolutionary purpose. They cement family relationships and promote a sense of responsibility for those we are immediately in contact with; these people may be particularly vulnerable, for instance, they may be very young or very old, and as a result may be unable to care for themselves. For this reason associative duties could be argued to maximise moral value; this despite the fact that maximising value is not generally regarded as the ultimate justification for partiality.

It is also worth pointing out that associative duties, if taken too far, can be extremely damaging. As Hare (1981) points out, loyalty can be a double-edged sword: we have to make sure that particular loyalties are a good thing. Loyalties can result in a perverse sense of duty and distorted values; allegiance to Hitler, for instance, or xenophobia generally are examples of loyalty taken too far. Even family loyalty can be counter-productive in terms of enhancing wellbeing. For instance, nepotism and forced marriages may spring from familial ties, but are practices which should not be encouraged or condoned. The system of private education in this country could be viewed as unfair; it discriminates against some and potentially gives its recipients an advantage in society that was not necessarily gained through merit. Arguably, a meritocratic society will enhance quality of life more than one based on privilege and economic status. Nevertheless, many people wish to maintain such a system precisely

because it gives their children a possible 'head-start' in life. The exercise of this example of partiality, while not malicious, could still be regarded as problematic as it results in a society based on elitism. However, blind acceptance of associative duties can be even more alarming. For instance, do associative duties mean that if a family member knows a relative has committed rape they should not bring this knowledge to the attention of the police? Similarly, if a close friend commits murder the duty to see justice done surely outweighs any associative duty.

In general associative duties bring positive results; therefore, practices that recognise associative duties do not present consequentialism with any significant problems.

However, specific associative practices may well have negative effects; for this reason it is important not to accept associative duties at face value on every occasion.

Impartiality may easily trump partiality; for example, when the benefits enjoyed by strangers of impartial actions make a significant difference to their quality of life, but where such actions only have a small and relatively trivial impact on one's associates. Practice-consequentialism recognises the benefits of partiality, but does not allow it to undermine the goal of enhancing quality of life. Such a goal requires the impartial, unprejudiced assessment of practices to ensure that they optimise value and enhance quality of life for everyone. Recognising this does not imply abandoning family and friends, or even reducing their importance, but it does require seeking to meet everyone's basic needs. This may well mean recognising the value of familial and social relationships, but it does not necessitate placing the non-basic needs of family and friends above the basic needs of strangers. Railton and Attfield (discussed earlier) have also both provided accounts of consequentialism which do not require an agent to be excessively and unreasonably impartial; they both supply consequentialist

theories which recognise the value of associative duties, but which also acknowledge the importance of impartiality in enhancing wellbeing.

### **xi. Justice and Punishment**

Another oft-cited criticism of consequentialism is that it is indifferent about the distribution of goods in society: it fails to prohibit unfair or unjust practices. As long as overall utility is increased unjust actions can be justified; thus the majority can benefit at the expense of the unfortunate minority. However, the response to such criticisms is now well-rehearsed. The consequentialism argued for here seeks to optimise moral value; it is hard to imagine how grossly unfair and unjust acts or practices could do this. Some inequality of distribution, for example, in terms of material goods, may be justifiable; Hare (1981) points out that in a capitalist society, even one which espouses equality of opportunity, some differentials will be needed to provide incentives; this despite the fact that such differentials will inevitably excite envy. Even though a more egalitarian world would maximise utility, Hare maintains that a sudden transition from the type of society we have now to a radically egalitarian one would probably cause a great deal of turmoil and do more harm than good. He argues that it would be better for there to be a more gradual, managed egalitarian redistribution of wealth, power and status, both nationally and globally. Thus, for example, progressive taxation would maximise utility, as the loss to the wealthy individual would more than be offset by the gain to the poor one. (There is no notion here of a 'trickle-down' effect.) If utility is defined as the development and exercise of basic needs, as it is in this work, then consequentialism positively advocates the redistribution of wealth and the development of a more egalitarian, impartial world.

However, justice and the redistribution of wealth are only valuable in so far as they promote the satisfaction of basic needs.

Both Hare (1981) and Attfield (1995) rightly point out that justice is not intrinsically good. Unlike Rawls, discussed above, who argues that justice is prior to the good, Hare and Attfield argue that the moral worth of justice comes from the contribution it makes to the good. Justice is valuable because of the contribution it makes to the quality of people's lives; injustice almost always diminishes quality of life and hinders or prevents the satisfaction of basic needs. As Attfield comments, to regard justice as intrinsically valuable would be to assume that justice is completely independent of the value located in individual's lives. This is hard to believe: would justice still be a good thing if people lived in absolute poverty with little or no quality of life? The fact that everyone was treated the same would be of little consolation. The theory of value favoured here promotes the satisfaction of basic needs; this may well necessitate a certain level of wealth redistribution. Thus practice-consequentialism actually accommodates distributive justice and is not threatened by it. For Hare similarly, the grounds for accepting justice and just legal principles are consequentialist. Hare writes that *prima facie* principles, such as not punishing the innocent, not condemning people unheard and trying to establish the truth, are based on the critical thinking of an archangel. The acceptance of these principles improves the quality of life of everyone. Deontological or intuitionist principles may seem to be at work as regards justice, but in reality just social practices derive their value from their contribution to the satisfaction of basic needs. If the satisfaction of everyone's basic needs morally counts then there is no justification for the sabotaging of a minority's basic needs for the non-basic needs, or lesser basic needs of a majority. (The avoidance of terrorist

violence and other forms of social evil provide other broadly consequentialist reasons for tackling injustice.) Finally, it is worth noting a point made by Hare. Even the critical thinking of an archangel may not supply a just solution to a dilemma. In difficult circumstances all that may be available is the best option, i.e., the one that goes furthest in satisfying basic needs. This may not be equally just to both sides, but this does not mean that we should reject this solution. Justice is, as a result, subordinate to the satisfaction of basic needs.

Consequentialism is also supposed to face difficulties with regard to punishment. For example, Williams (1973) writes that consequentialism advocates the execution of an innocent man if this will deter many others from committing serious crimes. A similar argument is made suggesting that consequentialism would favour the harvesting of organs from a healthy, but homeless, solitary individual, for the benefit of a number of others in need of these organs. However, such examples are spurious. As Hare (1981) comments, the above examples require credibility to be stretched beyond breaking point. In both scenarios could the innocence of the individuals concerned be kept from the wider population? Could the deterrence effect of executing an innocent man really be calculated? What would be the effect on the people involved in the death of the innocent individual? Would people really want to live in society that ensured order by occasionally executing innocent people, or that denied its citizens the truth about how it was organised? Treating people impartially and justly enables society to run smoothly by giving people confidence in their social institutions. When people know that they can expect to be treated impartially and fairly their quality of lives improve. An unjust society often fails to respect people's basic needs by denying their autonomy and other essential capacities. As a result,



allowing even a single exception will likely lead to the setting of an unallowable precedent. As Hare (1981) notes, once the exceptions to *prima facie* principles of justice (principles that have been established by critical thinking) have been examined more closely, they can be seen as purely theoretical and speculative, offering no real threat to consequentialism.

Another criticism of consequentialism relating to punishment, and noted by Attfield (1995), is that whereas consequentialism is forward looking, punishment is backward looking, only being administered when a crime is found to have been committed. The consequentialist justification of punishment is, nevertheless, quite straightforward.

All societies need a system of law to ensure quality of life (although, of course, not all laws relate to quality of life), and to enforce the law a series of punishments is often required. Punishment serves several useful consequentialist purposes: it often prevents the commission of crime, and together with its deterrence effect it expresses society's disapproval of certain acts. Punishment itself may be backward looking, but the practice of punishment is justified by consequentialism. The practice of punishment must obviously be unpleasant in some way, as there would be no deterrence effect or sense of disapproval otherwise; however, consequentialism does not condone draconian measures either. As Rawls points out in 'Two Concepts of Rules' punishment of the innocent is not punishment. The justification of punishment lies in its contribution to optimising beneficial outcomes. Punishment that is too severe will cause needless suffering, stress and resentment and will detract from its real purpose: to deter, protect and express disapproval. Draconian practices of punishment will be likely to have disastrous consequences; they will infringe people's basic needs, undermine quality of life by inducing fear and resentment and prevent

society from running smoothly.

## **xii. Virtue Ethics**

Langton (2001), arguing from a virtue ethics perspective, writes that consequentialism cannot deal adequately with resentment. She argues that consequentialism places too much emphasis on outcomes rather than intentions, and muddles the distinction between accuracy and usefulness. Langton uses the examples of two people, one who is malicious, the other clumsy, to illustrate her point. The intention of these two individuals is completely different, even if the final outcome is the same, i.e., one is motivated by malice, the other cannot help her actions, she is simply clumsy.

However, Langton argues that consequentialism cannot adequately separate the actions of these two people. The malicious individual obviously lacks virtue, therefore, resentment is an appropriate, accurate response. Conversely, the clumsy individual did not intend any harm so resentment would be an inaccurate response to her actions; nevertheless, it could be a useful response, if this resentment helps to prevent future acts of clumsiness or carelessness. It seems bizarre, Langton argues, to suggest that a response can be both inaccurate and useful: do we wish to sacrifice accuracy for efficacy? Furthermore, consequentialism may require us to resent the clumsy person even more than the malicious one, if the outcomes of the clumsy person's actions were worse than those of the malicious person's. This seems to go against our intuitions regarding intentions and actions and reduce the disapprobation of vice at the expense of virtue. In line with Langton, Hurka (2001) writes that we should reconsider our focus on results. He writes that virtue is about taking a positive attitude towards the good, loving the good per se; thus virtue is intrinsically good and

vice is intrinsically bad as it is a failure to love the good. This means that vice is bad even when there are no bad results; for example, ineffective malice is still a vice as it is an attitude that is intrinsically evil. Similarly, even where there are not beneficial outcomes, virtue will be good as it reflects a positive attitude towards the good.

However, the case against consequentialism made by virtue theory is not especially damaging. Outcomes, no matter what the intentions behind them, are important. An incompetent charity worker is obviously not vicious, but they could not be described as virtuous either. They may have virtuous intentions, but surely acts are more important than intentions. It is virtuous actions that are admired not virtuous intentions. A disposition to act well is nothing unless backed up with results. Even if their behaviour is virtuous, an incompetent employee would still normally be sacked and this is surely as it should be. A virtuous, but incompetent, doctor (and almost any job could be used here) does more harm than good irrespective of their intentions. Also, as Driver (2001) points out, the merits of focusing so heavily on intentions are not clear cut. If two people set out to hurt another person, but one is armed with a gun, the other with a wet fish, the intention they both have is the same, but the outcome for the individual concerned will be very different depending on which of the two would-be assailants he or she meets.

Driver also points out that an individual could resent the clumsiness or carelessness of one person more than the malicious intent of another. The reason for this apparent contradiction will depend on outcomes. If malice, for example, regarding the maintenance of a plane, results in long delays, people will be frustrated. However, if carelessness in the same situation results in the aircraft crashing and many deaths,

frustration would be replaced by far graver, deeper emotions. Resentment may be a more accurate response to malice than to clumsiness, but resentment can be useful in both cases by preventing the negative effects of them both. However, it can be argued that resentment, albeit to a lesser degree, is an accurate response to clumsiness or carelessness. Clumsiness or carelessness is often the result of a lack of thought or regard, whereas malice requires thought, but not thinking through the consequences of actions is surely not much of a mitigation when the results can potentially be extremely grave and are quite easily foreseeable. If we judge intentions to be more important than outcomes, people may no longer feel the need to think about the outcomes of their actions. However, quality of life will surely be improved if we think not only about intentions but also about outcomes, i.e., if we think our actions will cause distress we should refrain from them; similarly, if we think a lack of action or care will cause distress, then that supplies a reason for action.

The argument made against consequentialism by Langton is overstated. As Driver points out, malice usually results in worse outcomes than mere clumsiness. Therefore, there are good consequentialist reasons for regarding malice as worse than clumsiness. However, this does not mean that malice should always be thought of as worse than clumsiness; clumsiness can have catastrophic effects that far outweigh any effects of malice. Nevertheless, as a rule malice is usually worse than clumsiness, as a malicious person, by the very act of thinking about and planning malevolent acts, will generate worse outcomes than someone who is clumsy and not consciously aiming for unpleasant results. Thus outcomes still need to be the main focus of our moral attention. The response to Langton's other point, that consequentialism places a dichotomy between accuracy and usefulness, is straightforward. Consequentialism, of

the type advanced here, aims to promote well-being by focusing on practices that facilitate the development and exercise of essential capacities. To ensure that practices actually meet this aim will require an accurate assessment of the usefulness of particular practices. The simple point is that accuracy and usefulness generally go together. The more accurate a judgement is, the more likely it is to be useful. If our aim is to generate useful outcomes, it is hard to see how this can be done consistently if we base our assessments on inaccuracies. This is as true for philosophy as it is for medicine, politics, education and so on.

It is worth noting that a virtuous disposition is certainly conducive to wellbeing.

Hursthouse (1999) writes that a virtuous disposition is something so deeply entrenched in a person that it becomes more than just a tendency to act in a particular way. However, Hursthouse concedes that sometimes virtues can be thought of as misguided; for example, instead of having the virtue of generosity, a person may be regarded as having a corrupted or deluded version of it - they may be too trusting or naive. Despite the value in possessing a virtuous nature, it seems that virtuous actions are still to be judged according to outcomes. A person with the virtue of wisdom (possibly an archangel?) may be able to judge if a particular virtue is or was misguided or not, but this assessment surely still relies heavily on the consequences of the virtuous act. Upton, in his article 'On Applying Moral Theories,' makes the same point, arguing that the assessment of moral worth or a virtuous disposition can never be truly independent of actions. To assess the virtue of a particular disposition, the 'action-producing' occurrences or outcomes of its manifestation need to be evaluated. As Upton remarks, in the absence of these action-producing occurrences we would have no grounds for regarding the disposition as a good one or bad one. As Upton

comments, the case for basing moral worth on the goodness of agents rather than the consequences of actions has not been satisfactorily made. A disposition to act well - to be virtuous - is a good thing, but is not an intrinsically good thing. A disposition to act well increases the likelihood of acting well. Acting well, or in a good, virtuous way, increases the likelihood of beneficial consequences. Virtuous behaviour will usually increase quality of life for moral entities by ensuring that practices and acts that promote and safeguard the development and exercise of basic needs will be carried out. As a result, although the contribution of virtue ethics to quality of life is very significant, its value nevertheless remains in its contribution to outcomes: to enhancing quality of life.

### **xiii. Conclusion**

Many of the arguments against consequentialism have been rehearsed and tackled here; however, it is not the intention of this work to cover them all. Nevertheless, what should be apparent is that practice-consequentialism remains remarkable unscathed by many of the supposedly mortal assaults on it. Not only that; it emerges from these attacks as the theory best equipped to tackle the complex medical and environmental issues faced by the world today, some of which will be addressed in this work presently.

## CHAPTER NINE

### NATURALISM

The aim of this thesis is to develop a normative approach, based on consequentialist principles of optimising intrinsic value, which can be applied to some contemporary ethical issues. In doing so, it is appropriate, albeit briefly, to consider the meta-ethical debate surrounding naturalism. Ethical naturalism is defined by Hursthouse (1999) as, ‘the enterprise of basing ethics in some way on considerations of human nature,’ (p.192). G E Moore, and many other writers on this topic, have used a much broader definition. For instance, Moore uses the phrase ‘naturalism’ to describe an approach to ethics where an individual defines ‘good’ in terms of another object or quality. In addition, he believes anyone who adopts such an approach is committing an ethical fallacy. As Frankena, in *Theories of Ethics* notes, this fallacy, although referred to as the ‘naturalistic fallacy’, applies not only to cases where good is defined with reference to empirical, natural qualities, but also when good is defined in terms of metaphysical qualities, such as that of being desired by God. Unlike non-naturalists, who argue that moral knowledge is grounded in self-justifying principles based on irreducible, non-empirical, non-natural facts, ethical naturalists argue that moral truths are underlying truths based on facts about human nature and existence.

The position adopted in this work is that moral language is based on conceptual facts and, furthermore, ethical naturalism strengthens and supports the application of the normative ethic adopted here. An objective account of human nature and morality, when pluralism is widely accepted, may seem controversial; however, ethical naturalism is in no way undermined by respect for pluralism. The arguments against

naturalism and, in particular, moral cognitivism, are, I would suggest, ultimately fallacious.

The attempted refutation of ethical naturalism has a distinguished history. G E Moore is perhaps the most celebrated critic of ethical naturalism. Moore argued that any definition of good generates an open question: we can logically ask 'are things with the proposed defining property good?' because 'good' is an indefinable predicate. As Pigden (1991) notes, Moore does believe he can state what things are good (for example, he regarded friendship and the appreciation of beauty as good things), but for Moore, the indefinable and thus distinctive nature of goodness means that it can only be discerned by intuition. 'Good' does not refer to or have any natural, non-moral synonyms or paraphrases, cannot be further analysed or explained, and cannot be reduced to or identified with some other property. To think otherwise is to assume the 'naturalistic fallacy' according to Moore. Facts about an entity do not lead to moral prescriptions, or oughts regarding that entity. This is because moral language is 'special', it does not refer to natural, empirical evidence or non-moral facts. Just because something is the case, this does not mean that we ought to behave in any particular way towards it.

Frankena (1967) questions Moore's notion of a 'naturalistic fallacy'. He argues that Moore is really accusing naturalists of making a 'definist fallacy' rather than a naturalistic one. The ethical naturalist, in attempting to define goodness in terms of another property or quality, is actually attempting to define the indefinable. As Frankena points out, the ethical naturalist is equating goodness with some other quality or property; furthermore, their claims that ethical terms are tautologous and



have obvious synonyms contradict the intuitionists' claims that 'goodness' both describes a quality and is a separate, distinctive property in its own right. Frankena writes that intuitionists claim to have at least a dim awareness of the unique quality of goodness which is over and above all other properties, and is markedly different from what our ethical terms roughly indicate. Ethical naturalists have no such awareness; instead they assert that 'good' can be described by reference to other qualities and is, therefore, definable and capable of empirical, rational examination. Frankena argues that what intuitionist critics of naturalism really mean when they maintain that naturalists commit an ethical fallacy is that they lack moral insight and suffer from a particular type of moral blindness. For intuitionists, the failure of ethical naturalists to descry the special qualities of 'goodness' and its unique relationship to our understanding of morality constitutes an ethical fallacy. However, Frankena points out that to describe this failure as a fallacy is inaccurate and seriously overstates the case against naturalism.

This notion that moral language is special in some way, that it differs from other forms of language as it does not refer to empirical facts capable of analysis, is held by a number of other leading philosophers. Jenny Teichman (2003), in her article 'Good For and Good About,' summarises the arguments of some of the other chief opponents of naturalism.

Wittgenstein, in *Tractatus Logico-philosophicus*, writes that whereas science describes the world, the language of morality describes nothing at all. A J Ayer, in *Language, Truth and Logic*, writes that moral language does nothing more than express emotion. As a result, the emotivist theory of Ayer massively underrates the

scope for moral reasoning. J L Mackie, in *Inventing Right and Wrong*, argues that belief that moral language describes features of the real world is erroneous. Mackie maintains that 'good' and 'bad' do not state discoverable facts, but are invented terms. Finally, Teichman notes those opposed to the concept of ethical objectivism frequently point to anthropology and cultural variations to illustrate that different human groups often have divergent moral codes. Relativism highlights the point that many cultures vary with regard to their moral outlooks, something which objectivism apparently struggles to account for. However, Teichman points to the seminal work of Philippa Foot to mount a convincing defence of naturalism.

Teichman's article, 'Good For and Good About', places strong emphasis on the expressions 'good for' and 'good about'. 'Good for' refers to the things and circumstances an individual animal and its species require to stay alive and healthy. Conversely, what is bad for an individual animal and its species are those things or circumstances that hinder healthy existence. 'Good about' refers to whatever makes an individual creature a good example or specimen of its particular species. What is bad about an individual creature are those things which make it a poor specimen of its species. Defects, illnesses, weaknesses or disabilities, depending on their nature and severity, and the animal concerned, would constitute what is bad about a particular creature. Teichman shows that despite not making the distinction between good for and good about explicit, Foot, in her book *Natural Goodness*, describes many things and states of affairs which are good for and good about various moral entities, including human beings. The result, as Teichman points out, is that Philippa Foot demonstrates that description and evaluation are not essentially different linguistic activities. For example, to maintain that quick reflexes are good for a deer conveys a

fact, but is it not similarly a fact that the possession of quick reflexes is a good thing about a deer? The evaluation of the deer cannot so easily be separated from facts about the deer. Teichman writes that Alistair MacIntyre in *Dependent Rational Animals* (cited in Teichman, 2003), makes similar claims to those of Foot. MacIntyre writes that empirical information can be gathered concerning human and non-human animal behaviour that does shed light on what is good for and good about the members of particular species. For example, MacIntyre writes that unpolluted seas, plenty of fish to eat and family life are good for the individual dolphin, good for its school and good for the species. Thus, moral language can relate to facts about the well-being of particular species, including the human species.

Teichman writes that the criticisms of naturalism outlined above rely on the assumption that the rationality of humans somehow ‘cordons’ them off from non-natural evaluation and facts. Teichman makes the point that after the factual goods and bads of natural history have been removed the class of special, ‘moral’ goods and bads will be so small as to be non-existent. Teichman argues that contrary to Wittgenstein’s assertion, morality actually does contain information about what is good and bad, and that what is good and bad is more than just an expression of emotion or an invention. She argues there is enough evidence from natural science and from cross-cultural studies to show that there are common, universal goods which relate to humans, as well as other species. These goods refer to innate capacities, the lack of which from an individual member of a species can be harmful to that member’s proper development, and the provision of which allow that individual to survive and flourish. Furthermore, Teichman argues that assuming the possession of rationality makes humans a special case is to adopt an ethical relativist position and

deny the evidence of evolution. Being human does not make us subject to special rules, as some forms of fundamentalist religion might suggest. Having certain qualities that are possibly unique to our species does not mean that analytic, conceptual truths do not apply to moral judgements regarding humans. Humans, just like other species, have, to employ the phrase used by this work, 'essential capacities' the development and exercise of which are necessary for well-being: they are good for and good about being human.

This sense of certain states of affairs and capacities being good for and good about an individual species, including humans, has already been mentioned in connection with essential capacities (see pp.16-17). The discussion of essential capacities drew attention to the work of Rosalind Hursthouse, and in particular, her book *On Virtue Ethics*. Hursthouse, heavily influenced by the work of Philippa Foot, writes that in order to be considered a good - or flourishing - member of any species, the individual must have certain characteristic capacities. The presence or absence of these characteristics will go a long way in determining how well that individual lives. Hursthouse cites examples used by Foot of defective wolves or bees. These animals have a strong social component to their behaviour. This social behaviour has a significant positive impact on both the quality of the individual's life, but also on that of the species. So a 'free-riding' wolf, or a 'selfish' honey bee, i.e., individuals who do not play their full part in the social life of their species, will not be good examples of their species. These individuals are bad examples of their species as they have defects or problems that impair their own wellbeing, and their individual behaviour may well have an impact, if repeated by enough other individuals, on the wellbeing of the entire species. Selfish, non-social behaviour (of social animals) may even result in

the extinction of the species in the long-term. These facts of existence apply to humans beings as well, after all, humans are another species of animal.

Foot, in her seminal book *Virtues and Vices*, writes persuasively in favour of ethical naturalism. She maintains that what constitutes evidence cannot logically be disputed as evidence; for example, if one person argues that the world is flat, the other that it is round, and both see pictures of the earth taken from space, the person arguing that the world was flat would clearly be wrong in the light of the evidence that had been presented. Foot argues that evaluative statements, statements concerning the good, are similarly based on evidence and natural facts. Of course, an individual may base their beliefs about matters of moral value (what is good or bad) on premises where the evidence was extremely dubious, for example, religion; or an individual may not count a particular piece of evidence as proof of anything. However, Foot argues that language, including moral language, must be grounded in analytic and conceptual truths if it is to make sense and be widely understood. As language, including moral language, makes sense and is as a result widely understood, it must be supported by some logical truths. For example, Foot argues that danger and pride cannot be used to refer to just anything. For something to count as dangerous, or as an example of pride, it must have certain fundamental characteristics. Something cannot logically be referred to as dangerous if it does not place people in some sort of physical or psychological danger, or raise the possibility of some sort of distress. Similarly, 'pride' - if it is used correctly - must refer to some sort of achievement or advantage gained. Others may regard the nature of an individual's pride as perverse, but it can still be pride. However, one cannot logically be said to be proud that it is raining, for example.

In much the same way, Foot argues, moral language is based on public evidence. It is not the case that just about anything can count as commendable or good. For an action to count as morally good there must be some sort of evidence for it being a good action, some sort of public criteria against which it can be measured. For example, as Foot points out, clasping and unclasping one's hands cannot be considered a good action, unless there were some very special circumstances surrounding such action. For Foot, a good action is one performed for the sake of some real or supposed good. She maintains that virtue theory is the best way of ensuring that many of the things and states of affairs that are good for and good about various animals, including humans, are realised. The position advocated in this work is that what is good for and good about various animals is the promotion and satisfaction of their basic needs; nevertheless, the point remains that moral evaluations can be made and are based on moral truths. Foot makes the point that in order to be regarded as a moral truth, the action or state must be connected with human, animal or plant good in some way; not just any moral statement will count as a statement of moral truth, or indeed as an account of morality. People may not accept the moral evidence placed before them, but this does not mean that they can logically reject it and proceed along a different course and call it a moral one. Refusal to accept evidence does not mean that evidence does not exist. It is also worth pointing out, as Foot does, that being presented with evidence and evaluating a certain course of action as morally good does not mean that it will be performed. The evaluation of the moral evidence supplies a *bona fide* reason for action, but does not mean the action is actually performed. This overcomes the problem of weakness of will.

Foot acknowledges that disagreements often emerge regarding moral evaluations, but to argue that moral language does not have the resources to cope with such disagreements is wrong. In other areas of life, after being presented with all the evidence, to argue to the contrary would be perverse and illogical. Moral evaluations can emerge from factual descriptions of entities and their states, as evidence is evidence no matter what the sphere. Individuals, countries and cultures may have different codes of behaviour but they cannot and should not decide what is and is not evidence of well-being. Evidence of well-being should transcend social and cultural norms and individual preferences. In a court of law a jury could not dismiss evidence simply because it challenged their preconceived ideas; why should this be the case in the moral domain? Foot illustrates the objective nature of evidence by drawing a distinction between rules of etiquette and rules of evidence. Rules of etiquette are made up by individuals or cultures and cannot be applied to another individual or culture with different rules. Consider the etiquette surrounding making tea: does the milk go in before the hot water is poured in or after it? Such rules of etiquette are unlikely to be troubled by evidence of any description. However, rules of evidence are not based on arbitrary whims or beliefs of individuals or countries; they are universal, offer reasons for action and can withstand rigorous scrutiny and analysis. Moral arguments may break down, but this is primarily due to lack of evidence, or more precisely, a lack of thorough contemplation of the evidence, according to Foot. As Foot remarks, harm, benefit, advantage and disadvantage etc. are all topics where evidence can be supplied and evaluated.

Dorothy Mitchell, in her articles ‘Must we talk about “Is” and “Ought”?’ and ‘The Truth or Falsity of Value Judgements’, provides further ammunition for naturalists

against the claims of non-naturalists. Mitchell's two-pronged definition of 'good' allows her to challenge the assertion made by Hare in *The Language of Morals* that ethical naturalism lacks credibility because it leaves out the prescriptive or commendatory element in value-judgements. Hare claims that naturalistic theories cannot prescribe or commend certain actions because no definition of good can cover all the possible applications of 'good', i.e., what might plausibly be considered to supply the distinctive reasons for the goodness of things of one kind is very unlikely to apply to different objects or properties. However, as Mitchell (1968) demonstrates, a successful and broad definition of 'good' can be readily established. As she points out, we can know what makes a good stethoscope, good headache remedies and good pillows if our definition of good is broad enough to satisfy the universal understanding of 'good' (or the 'universal good-making property'); and is also capable of taking into account the particular, limited 'good-making properties' without which a particular entity or particular kind of thing could not be realistically regarded as a good example of its kind.

Mitchell (1968) uses Hare's example of the definition of 'good strawberry' to illustrate the distinction between the universal good-making property and limited good-making properties. Hare asserts that if a strawberry is defined as good because it is sweet we are essentially making 'goodness' synonymous with 'sweetness'. This means that, in effect, the statement 'this strawberry is good because it is sweet' means the same thing as 'this strawberry is sweet because it is sweet'. Obviously this is not what ethical naturalists want to claim. However, Mitchell points out claiming a good strawberry is a sweet strawberry is not making any claim about what is the universal good-making property; rather it is simply to point out one of the limited good-making



properties of a strawberry: sweetness is only a limited, not a universal good-making property. Thus, 'this strawberry is good because it is sweet' does not mean 'this strawberry is sweet because it is sweet'. Mitchell argues limited good-making properties, be they related to strawberries or pillows, can be ascertained by examining relevant empirical information. Clearly, as has been demonstrated above, no particular or limited good-making property is the universal good-making property; however, this does not mean that a general definition of good-making properties is inconceivable. Mitchell's definition of the good, 'being such as to satisfy the most usual interest in things of that kind' (Mitchell, 1968, p.548), illustrates that a credible definition of the 'good' is far from being impossible.

Generally speaking, the good-making properties of a particular kind of thing are those properties, qualities or capacities that enable it to function well and appropriately as a thing of that kind. What these particular properties or capacities are will obviously depend on what kind of thing it is. Thus, what makes a good headache remedy will be completely different from what makes a good pillow; nevertheless, a definition of what makes these divergent things good, one which accommodates the diverse nature of these things, can be supplied. In this work the development and exercise of essential capacities of living entities (and future living entities) are held to constitute the 'good-making properties' of such entities. Hare shows that the good-making properties of one kind of thing cannot be applied to other kinds of things, but to argue that this shows that there can be no general definition of good-making properties is misguided, as Mitchell shows.

Hare's prescriptivism can also be criticised. He argues that the primary meaning of

moral language is prescriptive; thus despite their secondary descriptive meaning, moral judgements are never entailed by facts. Hare argues that there is a 'gap' between the description of a situation or event and the moral evaluation of that situation or event; however, there should be no gap after the moral evaluation, i.e., between moral evaluation and moral action. For naturalists the opposite is the case; there is no gap between the description and the evaluation of the event; instead, the gap is between the evaluation of the situation and the related behaviour. Hare's preference-utilitarianism involves an individual putting themselves in the position of another so that they can ascertain what preferences that person would have in that situation, or what preferences you would have if you were that person in that situation. Putting oneself into the position of another to establish their preferences requires sincerity, commitment and empathetic understanding. Hare maintains that if this process is done sincerely, then the knowledge of the moral preferences of the other person will supply prescriptions about what actions you should take. For Hare, once this process of preference assessment is completed, if it is done properly and without bias, then moral action must logically flow from it: the moral preferences dictate or prescribe the consequent action.

However, there are a number of problems with Hare's approach. As Attfield (1995) remarks, Hare places too much emphasis on preferences and gives them too much prescriptive power. Moral judgements do supply reasons for action, but they do not prescribe actions in the way Hare assumes. Moral judgements can still be made by a person without that person necessarily acting on them, or being committed to act on them. Furthermore, resting a theory of value on preference-based interests also fails to take into account the interests of plants and many animals which may lack

preferences. Besides, the preferences of future generations are also difficult to know, but this does not mean that they have no moral value. Also, how far can we really know the preferences of another? It is surely very difficult to disregard our own identity and immerse ourselves in the position of another. Hare maintains that the preferences of a fanatic do not count, as a fanatic often does not give the preferences of another as much strength as their own (which is what universalising requires); however, although this deals with the problem of fanatics, it assumes that we can only understand the preferences of another if we have the same strength of preference, but surely we can understand someone else's preferences about a situation without feeling as strongly as them about the same situation. Hare argues that only amoralists cannot logically be guided by preferences, as they do not even consider what facts and preferences might be involved, hence they avoid making moral judgements. However, as Attfield (1995) points out, this suggests that the correct conclusion can be drawn if an individual is prepared to make universal moral judgements. This implies that correct moral judgements can be known, contrary to the views of noncognitivists. If correct moral judgements can be known, then surely it is better to base these judgements on facts, rather than supposed preferences? As has been illustrated, there are facts from which we can reason and make moral judgements, for example, the benefits of the development of essential capacities and the harm associated with their lack of development.

Adopting an ethical naturalist approach recognises the existence of certain objective basic facts about what constitutes human good. This means that communitarian and relativist notions of morality can be dismissed. Relativism has no basis for commending tolerance to intolerant cultures and cannot maintain that tyranny or

slavery imposed by one country on its citizens is objectively wrong. This despite the fact that most people would think morality should be well-placed to object to such practices. Communitarians, such as MacIntyre, also place too much emphasis on the part played by communities and culture in determining moral judgements (MacIntyre, 1985). Communitarianism implies that ethics does not traverse community or national boundaries and that there are no obligations to total strangers; this is an incorrect and undesirable way to think about ethics. Socially constructed practices, traditions and narratives may be extremely influential, but this does not mean that moral values cannot exist independently of the society you are part of. A society that did not value the autonomy of its citizens, or punished the innocent, or treated women as morally inferior to men, could not be excused simply because it has different cultural traditions, practices and narratives. Nussbaum (2001) discusses many globally shared capacities or experiences that are necessary for quality of life, these include: sufficient food and water for dietary requirements; autonomy; and conceptions of pleasure and pain. Such experiences and capacities may be expressed differently in different cultures, but they are nevertheless universal experiences and capacities.

The significance of a cosmopolitan approach to morality is illustrated by Mary Midgley (1977), who points out that societies are constantly ‘rubbing up’ against each other, and with ever improving communication links and strengthening economic ties, societies are becoming increasingly interconnected. As Midgley rightly reminds us, we should not ignore, prejudge, seek to alter or condone behaviour simply because it is practised by a different culture. Rather we should look at whether such behaviour allows people and all morally significant entities to enjoy a good quality of life. We

are not being dogmatic by highlighting the existence of objective, morally knowable facts. Of course, there may be disagreement about how to implement these facts and meet these objective requirements but they nevertheless can inform moral judgements. The reason, or justification, of moral judgements lies in their relation to conceptual truths about the nature of wellbeing. Sound moral evaluations will be based on the optimising of what is morally valuable: what is morally valuable is the development and exercise of essential capacities, as this facilitates wellbeing.

**PART TWO: MEDICINE: APPLYING PRACTICE-CONSEQUENTIALISM  
TO MEDICAL ETHICS**

**TEN**

**INTRODUCTION: CONSEQUENTIALISM AND BIOETHICS**

This work maintains that practice-consequentialism provides the best way of elucidating and resolving ethical problems relating to medical issues. A strong case for consequentialism generally, and practice-consequentialism in particular, has already been put forward; however, before moving onto specific bioethical topics it will be useful to consider some criticisms of consequentialism relating to its application to biomedical ethics.

Grant Gillett, in his article 'Reasoning in Bioethics', writes that some ethical theories can appear implausible and counter-intuitive to many rational moral agents; Gillett goes so far as to argue that these theories, when examined closely, have striking similarities with the discourse and distorted thinking of people with serious mental health problems. This is especially true of consequentialism, apparently. Gillett maintains that consequentialists, among others, are guilty of what he refers to as 'four kinds of unreason' (Gillett, 2003, p.244). They are: moral blindness, wilful ignorance, unbalanced regard for selective moral facts and vicious re-framing. Paranoid schizophrenics, psychopaths, and people suffering from autism and obsessive compulsive disorders all demonstrate in one way or another the characteristics listed above, according to Gillett. People suffering from these types of serious mental illnesses, he writes, are often unable to appreciate the immorality of their actions and

the impact such behaviour has on other people; they may persist in maintaining irrational beliefs despite the evidence contradicting these beliefs (although people suffering from the disorders listed above will probably be unable to distinguish between rational and irrational beliefs no matter what the weight of evidence). Also they can sometimes focus on certain facts at the expense of others, with the result that a more balanced, lucid and realistic mindset becomes impossible to achieve. Of course, even the most rational person can sometimes be guilty of some, if not all, of these 'kinds of unreason' from time-to-time. However, people with serious mental disorders suffer from prolonged, very serious and complex 'kinds of unreason' which can be very distressing and debilitating and often prevent the person concerned leading any semblance of a normal life. However, the contention that being a consequentialist is somehow akin to any of these states of 'unreason', or that being a consequentialist is somehow synonymous with having a distorted sense of reality, is easy to refute.

The subtleties and complexities of both consequentialism and mental illness have been conveniently swept aside by Gillett. Consequentialism, like some paranoid schizophrenics, he writes, appears to have cut itself off from the reality that surrounds it and has adopted its own form of twisted reason that only makes sense when viewed from its own distorting lens. An example of this twisted reason relates to the accusation that consequentialism requires moral agents to alienate themselves from personal projects and commitments, and to treat family ties as being on a par with responsibilities to complete strangers; however, this accusation is well wide of the mark. As has been illustrated previously (see chapter eight, parts iii and iv), consequentialism can accommodate people's strong and often overarching

commitment to their families; not only that, it can supply reasons why this is often a good thing. Psychopaths and severely autistic people may be harmed by their inability to form and sustain close, meaningful relationships, but the consequentialist's ability to scrutinise such relationships rationally and explain their value without relying on intuition (as Gillett seems to) does not mean that this individual lacks warmth and the ability to give and receive love. Consequentialists are not emotionally retarded because they consider harms and benefits even with regard to intimate relationships; besides, such consideration does not have to be explicit, for some purposes it can be done on what Hare calls the 'intuitive' level, i.e., a level that does not always require close scrutiny but does bear such examination. However, to rely on intuition and some form of collective moral consciousness to explain and justify behaviour seems far more indicative of moral blindness than consequentialism. What constitutes wellbeing and will enhance quality of life should not be assumed, nor left to chance or intuition, and should not necessarily be dictated by current social values or the majority view, but should be rationally considered. The debates surrounding embryo research and human cloning, to be considered shortly, illustrate the problems and contradictions that can arise when a clear ethical framework with secure consequentialist foundations is not applied.

Gillett maintains that the arguments put forward by advocates of consequentialism, such as Michael Tooley, Peter Singer and Jonathan Glover, concerning infanticide demonstrate a moral blindness regarding some of our most profound moral convictions. He argues that any moral system that could possibly undermine the widely held convictions that infants are vulnerable and deserve special regard is essentially 'insane'. Gillett holds that Singer and co., in their rational justification of



some forms of infanticide are blind to, and are undermining, the fundamental tenets of our moral life. Their conclusions may follow from their premises in a manner that is logically impeccable but, Gillett argues, Singer and co. have allowed rational arguments to blind them to deep-seated moral intuitions which are widely held; they may be rational but they are morally impoverished. However, Gillett's contention is misguided. Singer and co. are not promoting infanticide; rather they are asking us to consider what is morally valuable about human life. Being human and being alive are not themselves intrinsically valuable, unless one believes in the doctrine of the sanctity of life; however, quality of life is intrinsically valuable. Thus infanticide can be justified where no quality of life exists and there is no prospect of quality of life. For an infant to have to endure a miserable existence with no prospect of any quality of life or shred of happiness, for the sake of an intuition or gut reaction, is surely an expression of moral myopia of the worst kind on the part of the ethicist concerned, and is unreasonable and cruel.

Gillett also accuses consequentialists, and consequentialist sympathizers, in particular Derek Parfit, of wilful ignorance. (It is worth noting that in *Reasons and Persons* although Parfit supports many aspects of consequentialism, he ultimately rejects it because he maintains that it cannot overcome the repugnancy of the 'repugnant conclusion'; for a more detailed discussion of this see p.55 and pp.67-71.) The accusation of wilful ignorance stems from the rejection of the 'Person-affecting principle' by Parfit, and others (see p.29-30). Gillett claims that Parfit is being wilfully ignorant of the fact that identifiable people are generally regarded as having greater moral value than possible people, as these identifiable people live among us and engage our moral sensibilities and interact with us in a way that possible but non-

identifiable people cannot. Gillett argues that possible future people do not really figure in most rational people's moral reasoning. For most people, he argues, what is important is when someone is born, because at that point they are amongst us and in our moral community as it were. Possible people are not 'real' people and, therefore, they should not be part of our moral landscape. However, Parfit rightly contests the notion that future people are not worthy of moral consideration (see pp.53-54). We clearly can have an affect on the quality of life of future possible people, therefore, we have some obligations towards them. The obligations we have towards possible people are the same as they are towards existing people. If I have a genetic condition that will result in me siring a child with no quality of life, most people would think I should not have that child. If it were the case that if I wait five years my genetic condition can be treated and will enable me to sire a child without any quality of life-reducing conditions, waiting five years would seem the right thing to do. If I already have a child and this child has inherited my rare genetic condition which affects his or her quality of life, if this condition can be treated by an effective and completely safe form of gene therapy, then I should consent to this treatment. The point is surely that quality of life is what matters, whether it be for an identifiable child I have, or the non-identifiable future child I may have in five years time. The dilemma regarding gene therapy is more-or-less the same for both my identifiable child and my possible child, except in one case the child does not yet exist; however, the decision for both the identifiable and the possible child is identical: to have the gene therapy. To maintain that identifiable persons somehow should matter more to us than non-identifiable, possible people is to wilfully ignore the importance of quality of life for all those capable of it.

Gillett also criticises consequentialists like Singer for their rejection of the acts and omissions doctrine. This results, according to Gillett, in an unbalanced regard for certain rationally conceivable possibilities. For Gillett, the consequentialist ignores the realities of human life and the moral demands that are placed on individuals by proximity and attachment. Essentially Gillett asserts that consequentialism is overdemanding. He argues that like an obsessive-compulsive who focuses on one aspect of behaviour at the expense of other more pressing things, or the paranoid schizophrenic who attaches immense personal significance to every act, the consequentialist similarly attaches too much importance to weighing up benefits and harms for every action and every situation. This results in too much attention being paid by consequentialists to the moral minutiae of life, and not enough to the everyday facts of human life, such as family, friends and personal wellbeing. Such charges may have some force against act-consequentialism, although Railton maintains that a form of objective consequentialism (discussed on pages 89-100) can deal with such criticisms; however, they have no impact on the practice-consequentialism promoted here. Practices which are not optimistic are not advocated; nevertheless, where practices can enhance quality of life, and where the costs to the individual will not be overburdensome, they should be adopted, i.e., where basic needs are currently not being met every effort should be made to meet them, so long as this can be achieved without comparable adverse effects of the basic needs of other agents. Putting one's own or one's family's often minor needs or preferences above the major needs of others seems far more characteristic of an unbalanced regard than any form of consequentialism.

Finally, Gillett argues that consequentialists are guilty of 'vicious re-framing'. He

defines this as the omission of central features of a situation. Gillett writes that a psychopath may omit feelings of compassion and sympathy from his or her dealings with other human beings; similarly, a consequentialist disregards our moral sensibilities surrounding issues such as the significance of human embryos. Gillett writes that consequentialists like Singer and Glover reduce the status of human embryos to little more than pieces of biological tissue. This is an example of vicious re-framing as this cold, rational analysis of the human embryo disregards our common moral intuitions regarding the value of human life, and undermines sympathy and compassion towards our fellow human beings. Reducing human life to pieces of biological tissue, according to Gillett, is a vicious corruption and pollution of our moral intuitions regarding human life. Of course, if the acceptance of practices such as abortion and embryo research resulted in the devaluing of all human life, there would be good consequentialist reasons for being opposed to them. However, Glover and Singer are concerned with enhancing what is valuable about life: what is valuable about life is not necessarily being a human embryo, but being a flourishing person leading a 'rich' life. Recognising the distinction between being a person and being a human embryo is surely not vicious re-framing and corrupting of moral value, but the recognition that enhancing quality of life requires careful analysis of our intuitions, values and capabilities. Gillett writes, '...there are some things that are not susceptible to argument in the way supposed because reason can fail to express one's intuitions...' (Gillett, 2003, p. 258 ): this is, in essence, his case against consequentialism: it is too rational. This seems less a criticism and more a commendation.

Basing moral principles on intuition seems very dangerous. There are burgeoning medical technologies that confront us with difficult moral dilemmas, to say nothing of

the old medical dilemmas that are ever present. To try and resolve these dilemmas using intuition seems very foolish. Intuitions may be based on outdated values, arcane religious doctrines and sentiment, but not reason, and this must surely count against basing morality on them. Intuition may be suitable for choosing lottery numbers but it is not suitable for truly important decisions. A surgeon would not operate on a patient based on his or her intuitive feelings regarding that person, a government would not base its decision to go to war with another country on intuition (hopefully), and a teacher would not rely on intuition to grade a person's exam paper. There are many other areas of life that we would not leave to intuition, but where we would rely on rational analysis: matters of life and death, benefit and harm are too important to leave to intuition and the vagaries of human sentiment.

Beauchamp and Childress, in *Principles of Biomedical Ethics*, also reject consequentialism. They favour an approach based on four principles that derive from what they regard as considered judgements in common morality. These four prescriptive principles are: respect for autonomy, nonmaleficence, beneficence and justice. These four principles are meant to act as general guides that leave considerable room for moral manoeuvre in specific cases: for example, they can be elucidated by detailed rules and policies. The 'principlism' advocated by Beauchamp and Childress can also incorporate individual rights and can be enhanced by virtue ethics, they argue. Nevertheless, they maintain that their four moral principles are central to bioethics.

Beauchamp and Childress adopt Rawls' concept of 'reflective equilibrium', the notion advanced in *A Theory of Justice* that by examining our intuitions and any conflicting

intuitions in the light of our considered principles we can harmonise the two sorts of things and so achieve reflective equilibrium. Beauchamp and Childress argue that their theory of normative ethics (their four principles), based on the social consensus that they argue exists about moral principles and rules, serves bioethics better than its rival moral theories precisely because it is based on a shared common morality. They argue that such a social consensus does not apply to alternative ethical approaches, such as consequentialism, virtue theory or Kantian ethics. These theories may embrace some or all of the four principles, but the same level of social consensus that exists regarding the four principles does not surround consequentialism or Kantianism, according to Beauchamp and Childress. The relative merits and ethical underpinnings of consequentialism, Kantianism and virtue theory generate plenty of disagreement; however, the adoption of the principles of autonomy, non-maleficence, beneficence and justice engenders reflective equilibrium. Beauchamp and Childress write that their four principles do not constitute an ethical theory as such; rather it is the relationship these principles enjoy with other aspects of morality, such as moral emotions, virtues and rights that comprise their ethical theory. Thus, there is no unifying principle or concept, no higher good or categorical imperative. Beauchamp and Childress write that their four principles are *prima facie* guidelines to moral behaviour: as a result there is room for negotiation and compromise with regard to their implementation in exceptional circumstances. Their approach, they argue, is not simply four principles, but the interaction of commonly held moral intuitions, negotiation in the light of individual cases and consideration of other moral factors, such as emotions, personality and rights.

Part of the justification of Beauchamp and Childress' principle based theory stems

from the supposed problems and inadequacies of consequentialism. For instance, they argue that consequentialism might advocate performing a seemingly immoral act in order to maximise the overall good. An oft-cited example of this is that of killing an innocent man in order to reduce the overall murder rate; any theory which could seemingly support such a policy seems highly counter-intuitive. Consequentialism has also been accused of being overdemanding and unfair. The unfairness arises from the principle of aggregationism that is associated with consequentialism. For instance, if one policy will produce more benefit, but distribute it unequally, whereas another policy will produce less, but spread it more equally, aggregationism supports the first policy. Again, this seems counter-intuitive to many people. These criticisms have already been largely answered in the previous section of this work. The consequentialism advocated in this thesis promotes the development and exercise of essential capacities of all entities capable of moral standing. The satisfaction of basic needs does not seem an overly burdensome practice, especially when the benefits of it to those whose basic needs have not been met are balanced against the potential losses to those whose basic needs have been met. The discussion of what might constitute essential capacities and basic needs bears out the argument that practice-consequentialism is not overdemanding in the way implied by critics of consequentialism. The optimisation of value inherent in practice-consequentialism also negates the criticism that the aggregationism inherent in consequentialism makes it unjust. Finally, consequentialism does not necessitate committing morally counter-intuitive acts in order to maximise overall utility. As Hare (1981) points out, deviating from accepted general moral convictions and intuitions will often ultimately bring worse consequences than abiding by them. However, this does not mean that 'intuitive' moral principles should not sometimes be overruled - often only in truly

exceptional circumstances which in every day life would be very unlikely to occur. Nevertheless, in such circumstances it might well be the case that following the dictates of intuitive moral thinking is not conducive to the maximisation of well-being; the rareness of such cases does not mean that we should be blind to their possibility.

The case against consequentialism clearly does not bear close scrutiny; this removes one of the reasons for supporting principlism, but there are other reasons for rejecting it too. The principlism of Beauchamp and Childress is committed to prescriptivism, but as has already been noted, prescriptivism is problematic. Prescriptivism maintains that a judgement is moral only if acceptance of that moral principle entails that a moral agent performs the act advocated by a particular judgement when there is an opportunity for him or her to do so. This makes the criteria for moral judgements too unrealistic. A moral agent can surely hold a sincere moral belief without necessarily acting on that belief. As Attfield (1995) points out, prescriptivity is thus not a necessary condition of moral judgements. Neither is it a sufficient condition; if it were moral judgements could have any content whatsoever, so long as the agent concerned acted at all appropriate times in accordance with their particular moral judgements. The intuitionism that underpins principlism is also extremely problematic, Childress (1998) admits as much, but he argues that the necessity of balancing principles in actual situations need not be excessively reliant on intuition. For example, infringements of particular principles and rules can be justified if there is a realistic prospect of achieving a specific moral objective; the negative effects of the infringement can be minimised; and it is necessary in the circumstances.

Nevertheless, this still does not really remove the problem of the so-called 'tyranny of



principles'; instead it simply justifies one tyrant or principle having temporary dominance over another one with no clear reason for this other than an intuition it is the right thing to do. As O'Hear (1985) points out, arriving at a state of reflective equilibrium for one concept or situation does not necessarily mean this it is the only state of reflective equilibrium applicable for a particular concept or situation.

Beauchamp and Childress argue that their four clusters of moral principles and their related rights and virtues are a significant improvement on more traditional moral approaches, such as consequentialism. The defence of consequentialism laid out in this work clearly disputes this. With reference to specific bioethical issues, Hare (1992) argues that a major flaw of the Warnock report into *In Vitro* Fertilisation was that it relied too heavily on supposed common moral intuitions and not enough on utilitarian principles. Hare argues that an intuitionist is unable or unwilling to give any cogent reasons for his or her convictions; the only justification they can give is that it is an intuition commonly shared. The problem with this is that there are many conflicting commonly-shared intuitions, so an appeal to such intuitions cannot help us to decide what course of action is the best one to take. Intuitionist arguments are like houses built on sand; they have very poor foundations. Similarly, Hare (1993) argues that the issues surrounding abortion can only be properly discussed if such debates are based on the study of moral concepts and their logical properties, rather than intuition. (It is worth noting that while Hare's consequentialist approach is a useful addition to the arguments in favour of consequentialism, in this work his prescriptivism has been explicitly rejected in favour of ethical naturalism - as has been explained above). John Harris (1985), also criticising the Warnock report, writes that its biggest flaw was to treat people's emotional responses as moral, irrespective of the type of world these

emotional expressions will produce. Sacrificing moral reason to emotion and intuition, no matter how widely held that intuition might be, is surely a morally myopic practice. As Sen (1987) writes, ignoring consequences is leaving half an ethical story untold, and as Upton (1993) argues, ‘action-producing’ outcomes are an essential part of any moral evaluation. An approach to medical ethics based on principles may furnish positive outcomes and promote wellbeing, but surely this is the reason for adopting such principles. It is the consequences of adopting these principles that supply the reason for their endorsement, not the fact that they are commonly-held intuitions. Indeed, the reason they are widely held intuitions is precisely because they are recognised as ensuring good outcomes, and the reason they can be overridden on rare occasions is because it is regarded as necessary to ensure good consequences.

The contention of this work is that consequentialism is the best way to promote and sustain wellbeing for all entities capable of wellbeing. The development and exercise of essential capacities is a necessary requirement of wellbeing. As has been illustrated by Teichman (2003) and discussed above (pp.139-141), facts about the wellbeing of particular species, including species with very complex central nervous systems, can be known. A theory which recognises this and uses the notion of essential capacities as an objective basis for ethical judgements is far more likely to enhance quality of life than a theory which is based on the shifting sands of subjectivity and moral intuition, or deontological dogma. Flexibility and consistency are features of practice-consequentialism, as practices are evaluated in terms of their contribution to wellbeing. Principlism seems to be primarily concerned with what corresponds to moral opinion. However, moral intuition is sometimes based on raw, uninformed and

occasionally irrational and inconsistent emotion; clearly this is not a good foundation for resolving any kind of ethical dilemma.

## ELEVEN

### **PRACTICE-CONSEQUENTIALISM AND CLONING: OLD ISSUES AND NEW TECHNOLOGY. WHAT IS A MORALLY APPROPRIATE RESPONSE?**

Advances in medical technology offer huge benefits to humankind, but they also pose considerable moral challenges. To what extent is manipulation of life morally acceptable in order to enhance human wellbeing? Often the moral controversy that surrounds bioethics centres on two fundamental questions: when does human life begin, or perhaps more accurately, at what point does human existence become morally important, and what constitutes humanity. Recent advances in reproductive technology make these questions more pertinent than ever. The answers to these questions are obviously interlinked as one's beliefs about what constitutes humanity will clearly affect one's views about when human life becomes morally important.

The issue of cloning, both therapeutic and reproductive, brings these moral issues into sharp focus. The contention of this work is that therapeutic cloning is a morally acceptable practice, but that reproductive cloning, except in exceptional circumstances, is not. The explanation of this position will touch upon arguments involving gene therapy, xenotransplantation and embryo research. These topics not only force us to confront the key questions outlined above, they also shed light on the controversial issue of cloning and what should be the logical moral response to it. A reasoned response based on the principles of practice-consequentialism outlined earlier will help to answer the central question posed above: 'To what extent is manipulation of life acceptable in order to enhance human well-being?'

Despite appearing to be a relatively new moral dilemma, cloning raises many of the same issues that encompass the debate surrounding abortion and embryo research. A brief examination of several of these arguments will therefore go some way in establishing the case for therapeutic cloning.

One of the arguments used against abortion, as Glover (1977) notes, is that the foetus is a potential person, that is, it has the potential to become something that is really valued. However, contraception also prevents a potential person from existing, yet even those people who are against contraception and abortion normally regard the latter as morally worse. It seems that if potentiality is a morally relevant factor, then it does not matter when a potential person is prevented from existing. Furthermore, as Glover points out, trying to establish sharp boundaries to denote when a foetus becomes a person is extremely problematic. Conception, viability and birth have all been suggested, but they all suffer from the problem of arbitrariness. If conception is used then this would rule out the use of certain types of contraception such as the 'morning after' pill, which can prevent pregnancy up to seventy-two hours after sexual intercourse. However, most people would not regard the destruction of a fertilised egg at such an early stage of development as hugely tragic, and certainly not as tragic as the death of a child or adult. Also, as Kuhse and Singer (1990) point out, early embryonic cells are 'totipotent'; an early human embryo is not one particular individual, but has the potential to become one or more different individuals. Up to the eight cell stage each single embryonic cell is a distinct entity which, from as early as the four cell stage (and possibly earlier), is capable of producing at least one foetus. At the eight cell stage these group of cells combine to form either one manifest group

of cells that will give rise to a baby if nothing happens to prevent this; or at this stage will divide into two different cell groups, resulting in the birth of identical twins if nothing disrupts the process. Thus to argue that conception forms some sort of definite point at which a specific identity or identities begin is inaccurate.

With regard to viability, advances in medical technology mean that the point at which a baby could survive independently gets earlier and earlier. It seems strange that in one location or point in time a foetus will not be viable, and so is not morally valuable, with the result that aborting it will be acceptable, but that in different circumstances the same foetus will be viable so aborting it will not be acceptable. Even drawing a sharp line at birth presents problems; the similarity between later foetuses and premature babies is such that to argue that being inside and not outside the mother is very significant seems highly dubious. (Nevertheless, reasons for adopting such an approach will be argued for presently.)

The arguments against abortion seem to rely on giving the embryo or foetus the same status as a fully developed human being; potentiality becomes just as important as actuality. However, this is clearly an erroneous claim. As Glover notes, an acorn is not the same as an oak, and as Singer (1993) writes, dropping a live chicken into a pot of boiling water would be much worse than doing the same to an egg. A potential X does not have the same value, characteristics or rights as an actual X. Also, Singer questions the significance of the fact that the fusion of sperm and egg creates a unique genetic piece of information capable of becoming a unique individual. The genetic uniqueness of a fertilised egg is not a strong argument against abortion. As Singer points out, the fact that the fusion of egg and sperm creates genetic material that can

never be repeated would imply that the abortion of one of a pair of monozygotic twins would be permissible, as in this case the genetic material had been repeated. This is clearly not acceptable to opponents of abortion. Some forms of contraception also destroy unique genetic material, but this is not regarded by the majority of people as a reason to outlaw these forms of birth control. Finally, as Singer recognises, reproductive cloning offers the possibility of reproducing a genetic replica of an aborted foetus; however, for those opposed to abortion such a procedure would probably not cancel out the initial moral wrong of the abortion. Hence arguing that the embryo or foetus is a piece of unique genetic material and therefore in some way morally important does not entirely serve the anti-abortion cause.

The case for abortion, and supported by this work, is best summed up by Glover (1977). Glover argues that abortion differs morally from deliberate non-conception only in its side-effects. Deliberate non-conception is not regarded as morally evil by most people (which is surely correct) and so there is no direct reason to think of abortion as morally evil. Of course, there are harmful side-effects of abortion, and it is generally far more distressing to all parties concerned than contraception; nevertheless, Glover argues that these harmful side-effects do not outweigh the objections to bringing unwanted children into the world. To prevent the practice of abortion, even late abortions, would generate socially disastrous consequences. A commitment to a 'Sanctity of Life' policy will lead to numerous unwanted pregnancies and unloved children. To think that all such children could be adopted by loving but childless couples is very doubtful; even if such couples were readily available, preventing the practice of abortion would be worse than the act itself - for reasons which shall be outlined shortly. A society that promotes and upholds

autonomy, and facilitates the creation of desired children, is surely morally superior and enhances well-being more than a society that denies its citizens control over their own reproduction and forces them to give birth to unwanted children. Seen from this perspective the practice of abortion serves a very useful social and moral purpose.

The consequences of banning abortion would be very grave, especially when the arguments for such a ban are so weak. Moral value is about more than just being a member of a particular species or having the potential to become a fully developed member of a particular species.

The wrongness of abortion and of destructive embryo research is based on vulnerable deductive reasoning, according to Kuhse and Singer (1990). They summarise the premise and conclusion of those opposed to abortion and embryo research as follows:

Every human being has a right to life

A human embryo is a human being

Therefore the human embryo has a right to life. (Singer & Kuhse, 1990, p.69)

However, Kuhse and Singer attack this reasoning. They maintain that what makes killing a human being more objectionable than killing any other type of living entity, be it a sentient animal or even a tree or a vegetable, are the morally relevant differences between humans and these types of living entities. Kuhse and Singer write that unlike other living entities most humans enjoy a very sophisticated and complex network of social relationships, have autonomy, are able to consider the future and make decisions concerning that future. Michael Tooley, in 'Abortion and Infanticide', sums this up as the idea of oneself being a continuing subject of experiences. In



*Practical Ethics*, Singer writes that ‘personhood’ is what is morally important, not being a member of the human race *per se*. In Singer’s parlance ‘personhood’ refers to the mental qualities possessed by most human beings, and arguably some primates, that the majority of other living beings do not possess. The implication of this for the first premise stated above is that our understanding of what being human is needs to be re-considered. Simply being a member of the human race is not sufficient grounds for moral consideration; if it were then the accusation of ‘speciesism’ would not be applicable; rather it is the characteristic qualities or essential capacities that facilitate personhood that are morally valuable. This means that while it cannot be denied that a human embryo is a member of the human race, it is not a member in a morally important way, that is, it does not have the characteristics or capacities associated with ‘personhood’. Singer does, of course, recognise the moral standing of the foetus, as illustrated by the fact that he thinks they should be terminated painlessly; however, the capacity for sentience and preference to avoid pain does not in itself make humans more morally considerable than other sentient beings. For Singer, morally speaking, the foetus at this stage of development is on a par with other sentient beings, and is not somehow morally ‘special’ simply because it is human.

As Singer and Kuhse point out, simply being a member of a particular species is not morally relevant; killing sensitive, autonomous, thinking, social beings from another planet for no good reason could not be morally defended on the basis that they were not members of the human species. The consternation and disgust that would result from the action of killing such self-conscious thinking and aware aliens would not be generated by the fact that they were living, breathing entities (after all, vegetables and goldfish are living things), but the fact that they were living, breathing entities with

sophisticated characteristics able to interact with each other and their environment in a profound and thoughtful way. To sum up, not every human being has a right to life; rather this should be restricted to human beings capable of the characteristics of personhood. If such a restriction were not placed on the right to life then some forms of contraception, all abortions and infanticide would be morally unacceptable. However, this would consign many human beings to a life of abject misery and would reduce rather than enhance quality of life. A human embryo is a human being but it does not possess the qualities of personhood and so cannot be regarded as morally important in the same way that a person can; therefore, the human embryo does not have a right to life.

Clearly, arguing that a human embryo is not a person and is therefore devoid of the moral consideration due to a person treats as unimportant the potential of an embryo to achieve personhood. It has been suggested above that the potential to become X is not the same as being X; a child may have the potential to become a racing driver, but only the most irresponsible of parents would allow the child to drive the family car on the motorway. However, even though I may not yet be a concert pianist, despite having the potential to be one ( I may even have started to show signs of musical talent), cutting off my hands before I can become one is arguably doing me a grave harm. R M Hare (1993) argues that potentiality is important because although it is true a person who does not exist cannot suffer, this potential person can be harmed by being denied the goods that were possible once he or she existed and was in a position to enjoy them. Hare applies the Golden Rule to abortion (and by extension to embryo research); we should do to others what we are glad was done to us. In the current context, universalising the Golden Rule suggests that we should not destroy human

embryos because we would be denying them a happy existence like ours, where we are glad that we are alive and were not destroyed when we were embryos. However, Hare still manages to support abortion and embryo research.

Hare argues that although it is sometimes wrong to stop a person coming into existence, this is not because of any direct harm to the foetus. The wrongness consists in preventing a person from coming into existence; it is not the act of destroying a particular foetus that is intrinsically wrong. In fact, Hare writes that there are many reasons why it might actually be right not to bring someone into existence and so disregard such a *prima facie* principle; the interests of the mother will provide the primary, although not the only basis for such a decision. Hare writes that where the termination of a pregnancy results in the possibility of another happier, more promising existence, then the arguments against abortion become very weak indeed.

The extension of this argument to embryo research is clear to see. Although embryo research may destroy a potential human life it enables another potential life to come into existence; since the embryo being used for research purposes was never intended to be brought into existence its use for research could be considered morally similar to the use of contraception and to deliberate non-conception. This embryo, although not being treated as an end in itself, is being used to help produce another valuable life, and so human life is still being valued; it is simply that not all human life from the moment of conception is being given the same value. Since most people accept the use of contraception and would think very early abortions are better than late abortions, this point seems to be widely accepted already. For instance, the death of a newly born infant, or the miscarriage of a foetus in the latter stages of pregnancy,

generally causes more distress to those concerned than does the miscarriage of an embryo.

Nevertheless, Hare, as mentioned already, acknowledges that being denied existence is a conceivable harm, as one is prevented from experiencing the pleasures and goods that are possible from life. However, acknowledging an embryo or foetus has the potential to enjoy a worthwhile life is, Hare argues, not the same as maintaining that the foetus has a right to life or that abortion and embryo research are morally wrong. As the foetus is only a potential person and not an actual person, its interests will very often, although not necessarily always, be outweighed by other interests. If the abortion (and by extension embryo research) results in the possible or likely existence of another more favourable life then Hare thinks further justification for such acts is basically superfluous (Hare, 1993, p.166).

Hare's position with regard to abortion and embryo research is broadly supported in this thesis; nevertheless, there are some important caveats. Although Hare's normative approach is a useful buttress to the consequentialist stance adopted in this work (see pp.84-88 and 112-115), his meta-ethical position is not supported. Hare's prescriptivism and its related preference-utilitarianism (discussed on pages 145-148) are at odds with the practice-consequentialism advocated here. In this work a normative approach based on practices which best promote wellbeing and enable all entities capable of flourishing to flourish is favoured over a system that contends that moral preferences supply the necessary ethical criteria for actions.

The weakness of Hare's position has been outlined above; with regard to the issues

being raised here, it is hard to conceive how an embryo or foetus could have preferences, or how future preferences could be known, and indeed why these preferences would prescribe any particular course of action, as opposed to simply supplying reasons for this action. Furthermore, Hare's position might be regarded as rather too conservative compared to the one argued for here. For instance, in this work potentiality assumes significant moral weight at birth; for Hare, the importance of potentiality occurs much earlier, even if it can be overridden by other important moral considerations. Hare is right to note that the potential of an embryo or foetus is to some extent important, and that an embryo or foetus has a degree of moral significance because of this potentiality; for instance, if a foetus is harmed through some form of medical error, or through the irresponsible actions of the mother, or by some accident, then it is clearly natural and right to feel sadness at that foetus's loss of potential. However, this potential, or lack of it, can only begin to be truly expressed or exercised after birth. For this reason there is arguably a qualitative difference between the potential of a neonate, and that of an embryo or foetus. The potential a foetus is said to have really relates to how it can be cultivated and expressed by the person the foetus becomes; the potential a foetus has is useless to it unless it is born and becomes a person. If the foetus does not enter the world, and there was never any intention of it entering the world, then its potential - or lack of it - becomes irrelevant. The potential of a neonate is far more concrete and definite and far less theoretical and conceptual than is the case with an embryo or foetus. Most people believe that it is morally unacceptable to end the life of a neonate (with the possible exception of when an infant has no potential or ability to experience any quality of life); however, even Hare thinks that the potential of a embryo or foetus can be disregarded if there are other more critical moral considerations. This clearly suggests that potentiality at

birth carries more moral weight than it does prior to birth. Moreover, admitting greater moral weight to potentiality at birth means that little or no moral significance has to be given to human sperm or eggs and their inherent potentiality, and that contraception, early abortions and later abortions ought not to be regarded as inappropriate or immoral acts.

In addition, Hare suggests in *Essays on Bioethics* that abortion can be justified if the mother will, at some point in the future, 'replace' the potential person to be terminated with another foetus that will become a person. This implies that in the case of embryo research the mother giving up the embryo for research will be expected to 'replace' this embryo herself at some point in the future with a life that will stand a good chance of being happy and fulfilled. Although Hare admits this stance merely reflects his initial thoughts on the issue, it is, nevertheless, flawed. If quality of life and wellbeing are what we are aiming for, does it really matter who brings these lives into existence (or indeed when they are brought into existence), just so long as they do come about, at no cost to the bearers of such lives, and the decision to give birth is made voluntarily and without coercion?

It is worth pointing out that the only justification for embryo research supported in this work would be for methods of overcoming problems in successful conception, and ways to improve quality of life; for example, research into debilitating and degenerative cognitive and motor conditions, such as Alzheimer's disease, Parkinson's disease and arthritis. Thus, although one potential life has been prevented, one that was never intended to exist anyway, it has facilitated the existence of another potential life that will have, as far as it is possible to predict, a more

favourable quality of life, i.e. this life will be more likely to be brought up in a loving environment free from degenerative conditions that may significantly reduce well-being. As Kuhse and Singer point out, when life is deemed to have begun is of no particular importance as far as an individual is concerned; rather what is important is that the life one leads is fulfilling. It is argued here that a fulfilling life is one that is characterised by the development and exercise of certain essential capacities that enable a good quality of life to be experienced.

Of course, arguing that an embryo or foetus is not a person and does not have the same moral value as a person is all very well, but at what point in development does human life become morally important? Singer (1993) writes that birth arguably provides a suitably clear boundary at which to mark the start of moral value, or to put it another way, birth is a good place to recognise that a human being is a person with all that it entails. However, he argues that in certain exceptional circumstances, for example, where tests may need to be carried out to assess the neonate's capacity for any sort of wellbeing and future quality of life, a full legal and moral right to life should not come into force until shortly after birth, possibly up to a month afterwards. Singer writes that there are no indirect, classical utilitarian arguments against infanticide (one reason for this being that people old enough to comprehend such a policy would not be affected by it). He also acknowledges that at birth, or even a month after birth, an infant does not suddenly acquire a preference to live. However, unless all embryos are going to be given the same moral consideration as adults, thus ruling out all abortions and even some forms of contraception, or embryos and foetuses are to be regarded as devoid of any moral standing, then a line has to be drawn somewhere.

Singer's position clearly puts infanticide (up to the first month at least) on a par with abortion: in the case of both the foetus and the neonate the characteristics of personhood have not yet emerged. (Singer's position here mirrors that of Michael Tooley.) However, as Singer points out, infanticide and abortion can only be equated when those most affected - the parents, or at the very least the mother - do not want the foetus or neonate to live; killing a foetus or neonate in any other circumstances is morally unacceptable. Any potential the foetus or neonate has is just that, potential and not actuality; neither will the foetus or neonate have any preferences, nor will they have personhood, as they lack self-awareness. Not acquiring the type of moral standing associated with 'personhood' until one month after birth may strike many people as morally repugnant, but Singer maintains it is perfectly reasonable. After all, the foetus and neonate are still being accorded moral standing, but just not the same level of moral standing as a person, as clearly they are not persons. Singer's position regarding this issue is broadly supported here, but with some reservations to be discussed shortly. In essence the view adopted in this work (and to be expounded presently) is that birth marks a qualitative difference in moral considerability; however, as with Singer's position, this does not rule out infanticide, where the infant will have no possibility of a worthwhile life, but does mark a point where it is clearly wrong to prevent a healthy life from continuing.

As far as embryo research is concerned, Kuhse and Singer believe the capacity to feel pleasure or pain marks the point from which a foetus has interests. Having such interests does not give the foetus the status of personhood, as many non-human sentient creatures have a similar capacity; it simply marks the point at which any



creature can be harmed by certain types of research. Singer and Kuhse acknowledge that expert opinion is divided on the matter of when an embryo is capable of feeling pain, but report that such a capacity is not thought possible before six weeks. As a result, they argue that the current fourteen day limit on embryo research imposed by the Warnock report (1984) is far too conservative, and even the most cautious approach to such an issue, one they support, would regard a twenty-eight day limit on research as sufficiently safe, and would allow significant beneficial advances to be made in embryo research. As Singer (1993) writes, although the drawing of boundaries is obviously very difficult and controversial, not drawing them, or drawing them in the wrong place, is worse; it is better to establish such boundaries where they will do the least harm and produce the most good.

The distinction between tolerating very late abortions and only allowing embryo research up until twenty-eight days may seem odd. Although a foetus may not have the characteristics and obligations owing to it that are associated with personhood, it still has some moral significance. This significance increases as its capacities and potential to exercise them increases. Thus the capacity to feel pain and pleasure is a morally important one, and one that affects many different kinds of species. Any action, such as invasive, experimental research, which causes pain can only be condoned in the most exceptional circumstances. Research on embryos once they have reached the capacity to feel pain (and allowing for a sufficiently wide margin of error), is unlikely to be so important that it would merit abandoning such a principle. Abortions up to six weeks are unlikely to result in any pain being suffered by the foetus. However, if the point at which a foetus acquires personhood and its related moral value is birth, as long as the foetus is properly anaesthetised before the abortion

procedure and so does not suffer, even late abortions can seemingly be justified. Does this imply that a fully anaesthetised embryo or foetus can be experimented upon?

After all, it cannot feel any pain, so surely the criterion of being sentient has lost some of its moral power.

Donating cells for research is one thing, but donating a fully formed human foetus for research, i.e. one with a fully functioning central nervous system, is different. Gaining consent from the parents to experiment on their eight month old foetus is also unlikely, no matter how de-sensitised it is, and the prospect of doing such research without the consent of the parents would be even more morally repugnant. However, Harris (1985) writes that embryo research should be allowed on aborted foetuses, even if the mother does not necessarily wish this to happen. He argues that the mother has abdicated any responsibility towards the foetus, and so she should not be able to deny other embryos that will be brought into existence the benefits that may emerge from research on her embryo. Respecting the (reasonable) wishes of the bereaved is generally a morally good practice, and well-being is usually enhanced by knowing that your wishes will be respected after your death; however, an aborted embryo cannot express any wishes and as the embryo concerned was never intended to exist as a sentient, conscious, self-aware individual and has not had such existence, the affected mother cannot be regarded as being truly bereaved. This embryo will not live and if the research is carried out before the development of its central nervous system it will not suffer any pain, and so cannot be harmed. This may seem quite harsh, but Harris writes that post-mortems may be carried out against a family's wishes and since the embryo is going to suffer the same fate as the deceased, there is very little moral difference between the two. Harris, like Singer, does not believe that the potential of

the embryo for life, a potential the deceased clearly do not have, makes a significant moral difference. (NB. In this thesis it is argued that in cases of abortion an embryo or foetus should be terminated in the womb to prevent any possibility of a live birth, or the foetus suffering any pain as a result of the abortion procedure. This is discussed in more detail presently - see pages 183-186.)

There are clearly some thorny issues for the committed consequentialist to deal with surrounding abortion and embryo research. The arguments for permitting late abortions, I believe, outweigh the ones for prohibiting it. An embryo or foetus does not possess personhood, that is, the qualities that make life morally valuable; although clearly they have the potential for these. Singer can readily be accused by some consequentialists of paying too little attention to potentiality, paying too much attention to the satisfaction of preferences and of not giving enough consideration to other morally important interests; after all, the satisfaction of preferences is not the only thing of intrinsic value. As a foetus nears birth its capacities become more developed and its potential to exercise these capacities increases. If, as is argued here, the development and exercise of essential capacities are important, then as the likelihood of an agent developing and exercising them increases, so does its moral significance.

Hare (1990) writes that what is important about the potentiality of the embryo is that if it is not realised there will not be a grown person. The embryo, despite its potential to develop into an autonomous, self-conscious individual, does not possess and cannot yet express the characteristic qualities of 'personhood': it is not a person. The embryo, especially as it continues its development, gains greater moral significance

(or a greater degree of moral value or worth); for instance, its capacity to feel pain militates against it having to suffer any unnecessary distress; however, it lacks the moral standing of a mature moral agent. Treating an embryo as a potential person when it is never going to become a person does not make sense. In the cases being examined here, where an embryo or late stage foetus is to be terminated, there will not be a grown person anyway; there is no intention of bringing the particular embryo or foetus into the world and allowing it to exercise its potential. As has already been stated, potentiality is important but it only assumes critical moral importance at birth. Potentiality cannot begin to be realised until birth. Potential implies choice, i.e., we may have potential in several different career areas, and it is surely a good thing to keep one's options open. For this reason, potential can still be important even if it is not actually realised. However, the opportunity to exercise one's potential and make choices can only occur after birth; it is for this reason that birth carries such critical moral weight in this thesis. If an embryo or foetus is not going to exist as a person then its potential is really only academic and should have limited bearing on issues such as abortion and embryo research.

The fact that birth is argued to mark a qualitative difference in moral significance does not mean that future generations are devoid of moral value simply because they do not yet exist. Arguments for the extension of moral consideration beyond existing generations to future ones have already been made at some length (see chapter six). Even though future people have not yet been born, it is almost certain that they will be born, and just like people who exist now, future generations will want to live in a world with sustainable resources, an acceptable level of pollution, and one where their quality of life will be assured and their basic needs met (basic needs are defined and

discussed in chapter five). The satisfaction of basic needs is vital to ensure quality of life for existing people, and there is no reason to think that this will not be the case for future generations. Even if potential and choices cannot be truly exercised until an agent is born, ensuring that a foetus - or indeed future generations - will have the opportunity to exercise choices, develop and practise essential capacities and have a good quality of life once they are born is obviously hugely important. This is not to say that the basic needs of existing people should be subordinated to those of future or possible people (including embryos and foetuses); the case for possible people is not that strong. Nevertheless, we can reasonably assume that future people will be born, and denying their basic needs simply to fulfil the non-basic needs, or trivial desires of existing people is obviously wrong. An embryo or foetus that is not going to be born, for whatever reasons, is not going to have potentiality in any meaningful way; however, this is not a reason for disregarding the quality of life of future generations. Clearly future generations will be born (barring any extraordinary, catastrophic events) and so they are worthy of moral consideration.

A healthy foetus, undeniably, has the potential that a dying or severely afflicted one lacks; nevertheless, the potential that the healthy foetus enjoys is still of limited value. For this potential to stand any chance of turning into something tangible the foetus has to be born; it has to exist independently of the mother's body. In the case of termination, i.e., the type of termination that is argued for in this work, this is not going to happen. Hare argues that the word 'possibility' is to be preferred to 'potential' in these contexts. As there is no possibility of the embryos and foetuses under discussion here becoming grown persons, their potential was only 'academic' and not 'real'. This theoretical potential only becomes real at birth. The following

analogy may help. My potential to play the piano exists, but if I have no intention of ever learning to play, then it remains a theoretical possibility only, along with many others, and I cannot be expected to entertain people by playing the piano when this skill is entirely speculative. Of course, once I start taking steps to learn to play the piano my musical potential increases greatly, but this potential surely depends on the size of the steps I take. Attending piano lessons, as opposed to merely booking them, is indicative of sizeable steps taken along the road towards musical competence; in a similar way, being born is when the potential to develop into a grown person really matters, i.e. sizeable and significant steps have been taken towards being an actual person and away from being a potential person.

The position taken in this work is that arguments from potentiality only gain critical moral momentum at birth; this is when the potential capacities of the foetus actually exist independently of the mother. Birth, as opposed to conception or viability etc., really does mark a point where potential can develop into actuality. A living, breathing neonate is an independent entity in a way that a foetus or embryo is not; for this reason a mother's desire to kill a healthy neonate should not be respected. Peter Singer (1993) suggests that even a short time after birth (possibly up to twenty-eight days) there may be some exceptional circumstances that call for the denial of a full right to life for a neonate. The position adopted here is that while the mother's desire to terminate her pregnancy may be sufficient grounds on its own to end the life of a foetus, this is not the case with a neonate. As stated above, the only time a neonate should be denied the moral consideration due to a person, despite the fact that a neonate clearly has not yet acquired the characteristics of personhood, is when there is no possibility of it ever achieving personhood. Where such a neonate has no

possibility of ever exercising its essential capacities, death may be preferable to a miserable existence. Essential capacities vary from species to species, but are broadly speaking those characteristics that facilitate and promote wellbeing; for humans such essential capacities include: perception, autonomy, self-respect, self-creation, self-awareness and meaningful work (for a more detailed discussion of this see chapter three). Establishing whether or not such a neonate will have any possibility of wellbeing and a worthwhile life may take some time to determine; for this reason infanticide should not be ruled out. However, in all other respects the moral consideration associated with personhood should begin at birth.

Early abortions are obviously to be preferred to late abortions, primarily because of the reduced emotional and psychological impact they have on those involved. In such circumstances the difference between abortion and contraception is very slight. Late abortions are far more traumatic for those concerned; the foetus is no longer simply a cluster of indistinguishable cells. However, the fact that it is a foetus with the potential to become a person still should not give it the rights of a person. The mother's capacity to make an autonomous decision should outweigh the foetus's potential right (if there is any) to be an autonomous individual. One may disagree with a mother's decision to have a late abortion, but allowing her to have one is surely better than forcing her to bring an unwanted child into the world. Of course, drawing a line at birth with regard to moral significance is quite arbitrary and is clearly not ideal; however, it seems in the circumstances the best place. The viability of the foetus is only important in so much as if, for whatever reason, the foetus is born before the normal full term and survives, it should be accorded the same moral status as any other infant. At birth the potential of the baby to develop and exercise its

essential capacities is very concrete, far more so than when it is in the womb. Humans are social creatures and need social contact to flourish; such social contact, the type of interaction with others that facilitates wellbeing, can only really happen after birth. The fact that the baby has been born means that the possibility of its existence has now become a reality. It can no longer be argued that there was never any intention of it developing into a grown person, or that the foetus cannot exist independently, or that the mother's physical autonomy is affected by it.

Women should be allowed to exercise their autonomy, and this includes autonomy over their bodies. Once the foetus has been born it is no longer inside the mother, so she cannot claim it is affecting her physical integrity and so she should not be allowed to destroy it. This is not simply a matter of being inside or outside the womb; rather it reflects the qualitative difference to the exercise of potential capacities that being born makes, as well as the psychological and bodily integrity that should be allowed to a woman. A foetus may not be part of the mother's body as such, but it certainly affects her physically and psychologically in a way not necessarily matched after its birth; furthermore, women should be allowed to exercise control over their own bodies and what happens inside them. The mental trauma caused to a mother by forcing her to bring her unwanted foetus to its full term would be immense. Should the psychological damage caused to the mother by such an action be overridden by consideration of the potential of the unborn foetus? The contention of this work is that the answer to this question is no.

To be able to exercise autonomy over one's body is obviously very important, for both men and women. Unfortunately for women this bodily autonomy and respect for



physical, as well as psychological integrity, places them in an invidious position. If a woman feels something threatens this integrity surely she should be allowed to do something about it. Regrettably this may mean destroying a potential life, but better this than denying actual people such integrity; and better to destroy the potential life inside the womb, where its potential is limited, than outside when its potential to become a person is so much greater. If, for whatever reason, an aborted foetus survived the procedure and was still alive outside the womb, then - for the reasons outlined above - the mother's desire to destroy it should be overridden. The neonate is now existing independently, it is no longer affecting the mother's physical autonomy and its potential is now far less abstract and much more substantial and definite: personhood is now significantly closer. However, this simply means that when an abortion procedure is carried out every step should be taken to ensure that the foetus will be terminated in the womb, so respecting the wishes of the mother. This will also ensure that the foetus does not suffer either inside the womb or outside as a result of the procedure, thus extending the same moral consideration to the foetus that is given to all sentient entities. Birth may seem like a very arbitrary line, but has the advantage of being a very clear line; it is a fact that until the foetus is outside the mother it really is not independent of her and any potential it does have largely depends on her and the choices she makes regarding how to live her life.

After birth the baby really does have the potential to exist independently and develop and exercise its essential capacities. The only time a life may then be ended is either when the individual concerned feels that their life lacks any quality, and they can reasonably be assumed to have reached this decision based on a rational assessment of their life; or when it can be reasonably be assumed that an individual has lost all

quality of life and they will never be able to regain it (people in persistent vegetative states may fall into this category); finally, in the case of a baby, when it has no chance of developing and exercising these capacities, i.e., if it is so severely brain damaged it can have no quality of life whatsoever. Ultimately, the practice of late abortions, whilst not being ideal, will probably produce better outcomes than denying them. Forcing women to give birth and so bring unwanted children into the world is a worse outcome than allowing even very late abortions. The goal of everyone should be to ensure that from the outset everyone that exists and will exist has the opportunity to live a fulfilling life that is characterised by a high level of wellbeing, and at least a certain minimum level of quality. Will preventing abortions, even late ones, do this? In reality the number of such late abortions will be very low; few women would leave such a painful decision until the last possible moment, and the women that do are probably not well-equipped to deal with the demands and responsibilities of motherhood in the first place.

It has been argued in this work that women's psychological and physical integrity should be respected, and for this reason abortions - even late abortions - are permissible. It has also been suggested that allowing abortions prevents unwanted children from existing, and so is a practice that ultimately produces greater benefits than harms. However, some people dispute this, pointing to the large supply of potential adopters who could provide unwanted neonates with a loving, stable family environment. This may be true but it still does not provide a sufficient justification for preventing late abortions. While there may currently be a large supply of potential adopters, probably from couples who cannot have children themselves, what will happen to this supply when reproductive technology improves and even childless

couples can have their own children? People generally want children with whom they have a genetic connection. Under such circumstances, if late abortions were banned, the number of unwanted children will presumably increase. Of course, if reproductive technology were to bring about such a change, then perhaps, in this new situation, late abortions would have to be tolerated again, as there would no longer be a supply of people willing to adopt unwanted neonates. However, permitting late abortions because the supply of adoptive parents has dried up seems unfair on those mothers forced to give birth when there were plenty of such willing couples. Morality would not have been universalised in these particular circumstances. Besides, whether or not there are plenty of adopters is not the vital factor; rather, it is the trauma caused to the mother of being forced to give birth that is most salient. The mother is being forced to subordinate some of her basic needs for the sake of a possible or potential person: this is morally objectionable.

In addition, reproductive choices should be extended to everyone; however, the effect of banning late abortions would most likely adversely impact the poorest members of society while benefiting the well-off members. Couples wishing to adopt would have to be vetted, and one of the criteria for adopting would presumably be having financial security. Women opting to have a late abortion are likely to come from the most marginalised sections of the community, where money, opportunities and optimism are in short supply (hence the decision to have a late abortion); making them give birth so that middle-class couples could adopt their infants seems to be compounding their misfortune. Forcing women to give birth undermines their autonomy, is arguably exploitative and will leave the biological mother psychologically scarred. Also, the child that results from such a policy of forced births presumably should be

told of his or her biological identity; should they be given details about their biological mothers, and what emotional difficulties for all parties concerned would result? The best way to prevent unwanted children from existing is surely not to force women to give birth and have their babies adopted, but to try and eliminate the reasons for choosing to have a late abortion, such as poverty and feelings of helplessness and hopelessness. Is there a case, albeit very slight, for thinking that a prohibition on late abortions is simply one method whereby a patriarchal and class-conscious society tries to exert some control over women? Certainly, banning late abortions is a draconian measure and a more sophisticated and complex approach is needed to ensure all children are cared for and raised in a secure, loving and stimulating environment.

However, as mentioned earlier, allowing late abortions does raise the question of whether this implies that research on embryos can be extended to an equally late period of gestation. If late abortions are morally permissible, would it be equally permissible to keep an embryo *in vivo* and experiment on it up until the same point we allow abortions, assuming this was possible? Consent will not be an issue as it has already been argued that where a mother has aborted an embryo she has given up any rights over what happens to it after that. If the foetus will not feel any pain, as it has been completely anaesthetised, any moral arguments based on sentience have also been negated. The potential of the foetus will not be a morally significant factor as it was never going to have the opportunity to exercise this potential anyway. Obviously the prospect of research on a highly developed foetus would fill the vast majority of people with horror. Research on aborted foetuses that are dead raises few moral difficulties. The dead cannot be harmed and the mothers concerned have given up any obligations towards these foetuses and also any rights over them. It has been argued

earlier that the dead cannot reasonably be regarded as having rights or to be the subject of obligations. However, allowing an embryo that has been aborted, is the 'spare' product of IVF treatment, or has been donated specifically to be experimented upon, to continue developing (*in vitro*) into a foetus for the purposes of research seems morally abhorrent. Such experimentation on highly developed foetuses might be regarded by some as a denial of the respect that is due to human life. Nevertheless, not experimenting on any human life simply because it is human ignores the criticisms of 'speciesism' made by Singer (1993), and does not address what is morally valuable about existence.

Alan Holland, in his article 'A Fortnight of My Life is Missing', argues that while experimentation on early human embryos might well be justifiable, the resultant deaths are nevertheless the deaths of human beings. The Warnock Report recommended that research on embryos up to fourteen days should be allowed, and this has since been enshrined in British law. However, Holland argues that the concept of 'pre-embryo', the term used to describe embryos in the first fourteen days after conception and before the primitive streak develops, is simply a verbal manoeuvre to enable researchers and some ethicists to avoid moral responsibility for a human death. In essence, Holland is arguing that from the moment of conception a human embryo is a human being and so is an important moral entity whose death should not be taken as lightly as it often is. Holland writes that just as we say a human adolescent is an adolescent human being, so a human embryo is an embryonic human being. This embryo may not yet be a fully-formed human being, but then neither is a human infant, but the infant is still regarded as 'proper' human being. Holland also maintains that being a human is about more than possessing a number of

characteristics. He argues that an alien with the same capacities as a human would still not be a human being; it is, as he puts it, 'lineage' that counts, not capacities.

Furthermore, he sees no reason why the embryo should be expected to have the same characteristics as an adult to be considered a human being; the likeness of the human embryo and the human adult may be limited, but this is irrelevant as the embryo will become the adult, barring any catastrophic intervention. The fact that the cells of a pre-embryo are indeterminate, that is we cannot know if the cells will form the cells that make up the eyes, or brain etc., does not, for Holland, make any difference to the fact an individual is contained somewhere inside the pre-embryo, or at least the component parts that will form a recognisable human being lie therein.

Of course, it can be argued that at least in the first fourteen days of existence, up until the primitive streak emerges, it is impossible to determine whether one or two individuals will exist. Establishing a 'lineage' and pointing to a time when a human being comes into existence is very difficult if one is not sure if one or two human beings exist. However, Holland writes that the best way to resolve this problem is not to argue that a pre-embryo is not a human being, but rather to regard it in all cases as a single human being. For the first fortnight of their existence identical twins might be regarded as existing, but not as separately identifiable individuals as they share a common life for this first fortnight. Holland makes an analogy with a bisected worm. When a worm is cut in two it can become two separate worms; one entity has given rise to two entities of the same kind. The parallel between the division of earthworms and that of the pre-embryo is not as much as a conceptual stretch as one might think within the context of developmental biology, according to Holland. An entity, be it a human or an earthworm, is still an individual of the same kind or species as the two

individuals that emerge as a result of bifurcation. To argue otherwise is, Holland believes, mistaken and unwise. Human beings, Holland maintains, exist from conception, and any attempt to argue otherwise is disingenuous. To regard the loss of pre-embryos with the same sadness as the loss of a fully developed human being might be misguided, but it is also wrong to argue that when experiments are carried out on pre-embryos we are not experimenting on human beings; we are instead experimenting on human beings at a very early stage of development and any experimentation carried out on human beings needs to be very carefully considered.

Whilst Holland might be right in arguing that it is disingenuous to maintain that a 'pre-embryo' is not a human being, it would nevertheless be wrong to exaggerate the moral significance of the 'pre-embryo'. Surely what is important about being human, or being a member of any other species, is being able to exercise the essential capacities of that species. What these essential capacities are may be contentious, but it is wrong to argue that no such defining characteristics exist. (Essential capacities are more fully discussed in chapter three.) Quality of life is surely about being able to exercise certain characteristics; when these cannot or can no longer be exercised, then most people would believe that what is valuable about existence has gone and that such a life would not be worth living. Given the choice, parents want their children to grow up to be autonomous individuals with all their intellectual and perceptual faculties intact. The reason for this is surely that they recognise that these abilities or characteristics contribute to human wellbeing. The 'pre-embryo' has the potential to develop and exercise these defining characteristics, or essential capacities; nevertheless, the potential for them is not the same as having them. The blueprint for a building is still not a building, just as the ingredients for a cake are still not a cake.

The plans for a building are important, it could not be constructed otherwise, but these plans only assume true significance when planning permission has been obtained and the construction process is underway. Until then the plans are just pieces of paper and are not bricks and mortar. Similarly, a pre-embryo or foetus may have the 'ingredients' for the essential capacities necessary for wellbeing; however, these ingredients only come together in a morally significant way, it is argued here, at birth. Although a suitably developed embryo or foetus may satisfy a sufficient condition for moral considerability, i.e., sentience, it is only at birth that essential capacities can begin to be exercised in a way that will facilitate personhood. (The criteria for moral considerability or moral standing is outlined in chapter two.)

It is true that flawed ingredients or defective architectural plans can have a serious effect on the finished product, so the very early stages of any development process are important. However, it is the effect on the finished product that causes concern and not the plans or ingredients themselves. A damaged pre-embryo or foetus elicits sympathy because it will not become a fully functioning person; this sympathy does not relate to the foetus or pre-embryo itself (a point which will be expanded shortly). Some of the essential capacities and characteristics of personhood develop before birth, but it is the continued development and, crucially, the exercise and realisation of these essential capacities that is most critical: this cannot happen until birth. To suggest otherwise is arguably misguided and possibly dangerous. Giving excessive or undue weight or salience to a stage or period of existence that does not merit it is to lose sight of what is morally important: personhood. The moral 'weight' required for personhood occurs from birth onwards. (Arguments for establishing personhood from birth have been discussed earlier - see pp.182-184 for instance.)



Of course, infants do not have the defining characteristics, or essential capacities associated with personhood either; however, they are in a much stronger position to exercise them than an embryo or foetus. Essential capacities cannot be exercised from inside the womb. As has already been pointed out, the blueprint for a building is still not a building. A parliament building only becomes a legislative assembly and fulfils its role when elected members start debating and making laws inside it; until then it is merely a building and its political significance is slight, and is even smaller when it is merely a plan or design. Similarly, an embryo or foetus, despite being morally considerable, does not have the same level of moral significance of a person, at least not until birth. To argue that my personal identity is somehow contained in any meaningful way in the pre-embryo stage is flawed. Personal identity can only be meaningfully established when one starts interacting with others and with one's environment. For instance, the genes that I have inherited and the congenital defects I may succumb to in the womb can only really affect my personality and development once I have been born and there is interaction between these genetic, congenital factors and environmental influences.

Although a foetus can be harmed in the womb, this harm relates to the damage done to a person and truly manifests itself at birth and afterwards. A foetus cannot exercise essential capacities, a person can, and it is development and exercise of these essential capacities that arguably ensure and enhance quality of life. For this reason the harm or damage done to a foetus only matters because the individual that foetus will become will not enjoy the full, normal quality of life that is associated with personhood and its requisite exercise and realisation of essential capacities. It is personhood that is

morally valuable for a human being, not simply species membership. For instance, any compensation that is given for medical mistakes that profoundly affect a developing foetus are based on the reduced quality of life and diminution of wellbeing that the individual concerned can expect to experience after birth and during their lifetime. Thus, even though a foetus can be harmed, this harm relates to the impact it has on the wellbeing of a person and its significance is due to the damage it does to, or may do to the individual that foetus becomes. I could not have any personal identity if I remained in the womb, so the 'I'm in there somewhere' argument, used by Holland to explain the importance of the pre-embryo, seems unconvincing.

The importance of lineage is also overstated. Simply being a member of a species is of little value if one does not possess the important characteristics of that species; these important characteristics are the things that make life for that species meaningful. An alien from another planet, with the same capacities as a fully functioning adult human being, is obviously still not a human being, but this is morally irrelevant: capacities outweigh lineage. The death of such an alien, with all its human-like capacities for autonomy, meaningful relationships, self-creation and self-expression, would strike most people as far sadder than the death of a human pre-embryo, despite the latter's lineage. Most people would recognise the importance of the alien's actual and functioning capacities, and appreciate the benefits such an entity would experience by exercising these capacities, and the harm that it would endure if deprived of these capacities. The same harms and benefits surely do not apply to the human pre-embryo; it is still a long way from being able to exercise these life-enhancing capacities. Anyone who would place the existence of a pre-embryo above that of a benevolent, high-functioning alien is ignoring the moral significance

of life-enhancing capacities and is guilty of a dangerous form of speciesism. The development of a sophisticated central nervous system is what gives humans their distinctive capacities; however, where these characteristic capacities do not yet exist, or will never exist (for reasons related to the normal development of the central nervous system), it is surely wrong to deny greater moral consideration to those entities that do have sophisticated cognitive capabilities. Lineage may carry some sentimental weight, but it should not be significant moral weight. Lineage seems comparable to nationality, and the dangers of excessive appeals to nationality are all too apparent in our world.

The approach adopted in this work is that moral consideration extends to any entity that can conceivably be harmed or benefited. Humans and non-human sentient creatures can be harmed by causing them pain, and so this should be avoided wherever possible. (Of course, not being brought into existence might be considered by some as a kind of harm, or at least a denial of a potential benefit, but accepting such an argument suggests no form of contraception should be practised; this would surely have dire consequences for the world. It also does not acknowledge the benefits of respecting the autonomy of women and bringing people into existence who are wanted by their biological mothers.) However, sentience is just one of the conditions of moral standing (although it is a sufficient condition); the ability to flourish is another quality of an entity that makes it worthy of moral consideration. A being can be said to flourish when its essential capacities are promoted and exercised.

The contention here is that denying abortion and embryo research makes it harder to facilitate and promote the essential capacities that are necessary for the general

wellbeing of present and future people. Whilst it is true that embryos and foetuses do have the potential to develop and exercise these essential capacities, they are not yet capable of exercising them, and so treating them as if they are is unwarranted and may actually reduce overall wellbeing. For instance, the autonomy and self-creation of pregnant women is obviously undermined when they are prevented from having abortions and are forced to give birth; in addition, if embryo research is prohibited many existing and future people will continue to suffer with degenerative conditions that rob them of their quality of life. Embryo research is an effective way of ensuring that present and future people stand a greater chance of developing and exercising their essential capacities.

Hare's distinction between critical and intuitive moral thinking helps to clarify some of these issues. From a critical thinking perspective, it could well be the case that research on highly developed foetuses might be acceptable, as long as the benefits would be such that they outweighed the moral problems that resulted. It is possible to imagine scenarios where this might be the case. However, in reality such scenarios are highly unlikely to occur, and as things currently stand, the potential benefits of research on late stage foetuses that may exist are more than outweighed by the concerns that surround such experimentation. For instance, women might be very reluctant to have abortions if they thought that there was the possibility that their foetuses would be kept alive, even if anaesthetised, for experimental purposes, no matter how beneficial the research would be. Research on a dead foetus is acceptable, for the reasons discussed above; the foetus cannot be harmed and as the mother does not wish to take any responsibility for it so she cannot object to the foetus being used for certain types of experimentation; however, research on a foetus that is alive is

different. Although it is still the case that a mother who wishes to terminate her foetus cannot expect to have very much say over what happens to it, she nevertheless has the same moral obligations to sentient creatures that we all have. It is morally unacceptable to inflict pain on sentient creatures when this is not absolutely necessary and where it is not for some greater good. Research on late foetuses is arguably not absolutely necessary and will not serve any greater good. Many people feel that research on embryos is morally acceptable (the findings of the Warnock report seem to reflect this), but that research on later foetuses is not.

The arguments put forward here reflect such intuitive moral thinking, but nevertheless allow scope for greater critical analysis. The only reason for embryo research supported here is when it facilitates the development and exercise of essential capacities, and where there is no possibility of the embryo experiencing any pain. Such research is most likely to result from experiments that are performed on stem cells, and these can be 'harvested' from very early embryos, so allowing embryos to continue their development for research purposes would be unlikely to serve any morally justifiable purpose. This is not to preclude research on later embryos; it is simply to point out that the reason for such research has to be very compelling, which currently it is not.

It is also worth noting that knowledge of the sentience of an embryo is quite limited, and very difficult to evaluate. Researchers are unlikely to be able to know for sure that even an anaesthetised foetus cannot feel some pain; for instance, how much anaesthetic would be needed for a twenty-four week foetus to ensure that it could feel no pain? In the absence of absolute certainty regarding what a foetus is capable of

feeling and experiencing it is best, as Singer and Kuhse write, to be cautious. Thus, although an embryo or foetus has only the potential to develop and exercise all the essential capacities necessary for wellbeing, and needs to be born to express them, it nevertheless still satisfies a sufficient condition for moral standing: sentience (although sentience may not develop for some weeks, and so embryos at least in the very early stages of development arguably lack moral considerability altogether). Certainly any experimentation after the development of a fully functioning central nervous system would admit the possibility of pain being experienced by the foetus, and for this reason should not be tolerated. A society that permits the practice of embryo research, but imposes appropriate constraints on such research, is one where what is valuable about existence is respected.

In this work 'appropriate constraints' are taken to mean ensuring that there is no possibility that the embryo can experience any pain; in effect this means no experimentation can be carried out after the development of a functioning central nervous system. This would preclude experimentation on foetuses. Research should only take place on embryos that are the result of early abortions, or 'spare' embryos from IVF programmes, or embryos that have been donated specially for research purposes. Researching on embryos gained in any other way would clearly have dire consequences, such as undermining confidence in the medical profession and denying the reproductive autonomy of women who wish to become mothers. In all cases the embryo being experimented on should be destroyed before the development of a functioning central nervous system. In addition, the research must have a significant moral and medical justification; for instance, it must be to do with the development and exercise of essential capacities and so enhance quality of life for existing and

future people; research into conditions such as Alzheimer's disease clearly merits such experimentation. Finally, the aims, objectives and methodology of such research must be completely transparent and open to critical medical and moral appraisal. In these circumstances abuses of experimental procedures should not occur; no sentient beings will suffer and many existing and potential people will benefit from research on human beings who were never going to achieve the moral standing of persons, but whose moral standing is nevertheless still recognised.

In cases of embryo research the consent of the donors involved should be sought.

Obviously people who donate their eggs or sperm specifically for research purposes are consenting to their reproductive material being used in such a way. Nevertheless it has been argued that embryo research involves the exploitation of women. Women may feel pressurised into donating eggs and if payment is involved, may donate eggs for financial reward. As the procedure to remove eggs is obviously invasive there is a small amount of risk and it can be an unpleasant experience. However, the charge of exploitation seems very weak. As Harris (1985) points out, exploitation involves coercive pressure being applied to someone who feels unable, or ill-equipped, to resist. This seems unlikely to be the case as regards egg donation, whether for the purposes of research, artificial insemination, or therapeutic cloning (to be discussed shortly). Codes of practice and legislation can go a long way to prevent coercive practices, and it is patronising in the extreme to assume that fully informed, rational adults cannot make autonomous decisions in these particular situations. Furthermore, even if payment was involved, Harris argues, this still does not justify the charge of exploitation. Why should altruistic acts never involve payment? Harris contends that members of the fire service get paid for running potentially much greater personal

risks; however, we do not tend to regard these workers as exploited. If a certain section of society were in some way forced into joining the fire service and their remuneration was not commensurate with the risks they ran, this could be regarded as exploitation; however, there are ways of overcoming the problem without resorting to banning the fire service. Harris's analogy seems appropriate here; being paid for doing something with minimal risk or hardship that is very useful or beneficial does not seem exploitative. People get paid for doing much less morally beneficial things, so why not get paid for egg donation? Moreover the embryo cannot be treated unfairly or immorally if the arguments put forward in this work regarding the moral status of embryos and fetuses are accepted. If consent is involved and the research will enhance wellbeing, egg donation for the purposes of experimentation and therapeutic cloning seems unproblematic.

However, it might be argued women who choose to abort their embryos, as well as the recipients of IVF treatment, are exceptions to the general principle of consent. Just as a woman who opts for an abortion cannot expect any say as to the fate of her aborted foetus, so the recipients of IVF treatment can expect no influence over the fate of their spare eggs or embryos. In cases of abortion and IVF treatment respectively, the aborted embryos, spare eggs or embryos are not desired by the parties most directly connected with them - they have abdicated responsibility for them. The eggs and embryos under discussion are going to be destroyed anyway, and they will be incapable of feeling any pain even if they are the subjects of research (this assumes the embryos concerned are at a sufficiently early stage of development - if they have reached a stage where they can experience pain the arguments for research almost disappear, see above). Nevertheless, the case for obtaining consent for embryo



research is strong and persuasive.

If consent is sought for medical research, even when it does not seem strictly necessary, the reasons for the research have to be clearly explained. This makes for a more open, transparent society where people feel they are participants in medical developments and not just powerless bystanders. There seem to be no rational or reasonable grounds for not permitting research on aborted embryos, spare eggs or embryos (especially for stem cell research, for reasons that will be addressed presently); therefore, most people - if the research were fully explained to them - would surely consent to their reproductive material being used in this way. Where a woman still feels unhappy about the possibility of her aborted embryo, or her spare eggs or embryos being experimented on, instead of refusing to undergo the abortion procedure, or receive IVF treatment, she can simply refuse to give consent for her embryo or eggs to be used in this way. Nevertheless, as a result of such consultation and the promotion of the practice of informed consent, there are likely to be a number of significant benefits. For instance, it should engender trust in the medical profession, respect among the wider community, more openness in society and greater understanding in the population about the purposes and benefits of certain types of medical research. Clearly, an open society with well-informed citizens will be conducive to wellbeing and will reduce dogmatism, intolerance, narrow-mindedness and, hopefully, cultural puerility. Only if the requirement of such informed consent, even after the reasons for the research have been fully and lucidly explained, prevents sufficient studies being conducted on human eggs and embryos, may it then be necessary to forego such approval. Nonetheless, in the circumstances described above, not seeking consent should only be contemplated where the benefits of the

research are clear and really will enhance quality of life. However, where the benefits of the research are so great, the harm to the participants (i.e., the embryos or eggs) non-existent and the people being appealed to are well-informed, rational agents, it seems unlikely that consent would not usually be given.

Strictly controlled embryo research is unlikely to undermine respect for human life; after all, such research is designed to improve quality of life, not undermine it.

Furthermore, there is a vast difference between experimenting on an agent with essential capacities and the resultant 'personhood' they engender, and experimenting on an entity that has not got these capacities and will never have them. Arguments against embryo research based on respecting the dignity of human life seem to ignore the loss of dignity for actual persons brought about by debilitating conditions that can conceivably be cured or eased by embryo experimentation. The practice of embryo research should only be accepted where there is no possibility of the embryo suffering, or of it having otherwise in the absence of experimentation had the opportunity of existence, and where the research will facilitate the development and exercise of essential capacities in individuals who will exist. These caveats will ensure that the practice of embryo research enhances quality of life and does not lead to a slippery slope that actually undermines wellbeing.

## TWELVE

### ETHICAL ISSUES SURROUNDING CLONING: A SUMMARY OF THE SALIENT ISSUES SO FAR

The question posed at the beginning of this section on medical ethics was: ‘To what extent is manipulation of life acceptable in order to enhance wellbeing?’ It was suggested that the ethical issues thrown up by cloning are very similar to those surrounding abortion and embryo research. The moral rights and wrongs of abortion and embryo research generally focus on two inextricable linked fundamental questions: when does human life begin, or more precisely, at what point does human existence become morally important, and what constitutes humanity. The problems and arguments that surround the issues of abortion and embryo research have been discussed at some length already, together with the fundamental moral questions that they give rise to.

To summarise, it was argued (from a practice-consequentialist stance) that although a suitably developed embryo or foetus may satisfy one or some of the conditions for moral consideration, it is only at birth that essential capacities can begin to be exercised in a way that will facilitate full personhood. It was maintained that it was personhood that constituted humanity, and that personhood was morally far more important than being a human being. Simply being human should not be the arbiter of moral worth; hence a human embryo should not carry significant moral weight. The development and exercise of essential capacities associated with the flourishing and the wellbeing of a species are what really matters morally. Consequently, being human was not regarded as sufficient moral grounds for any prohibition on abortion or

embryo research. Clearly, potential is important, but the position argued for in this work is that potential should only really matter at birth; giving too much weight to potentiality at an earlier stage of development is ill-founded, for the reasons outlined above. However, sentience is regarded as a sufficient condition for moral considerability; this suggests that where there is a possibility that an embryo will feel pain all necessary steps to prevent this from happening should be taken; nevertheless, this does not automatically preclude late abortions or embryo research. Only those embryos that are not going to exist as persons, i.e., in this context be born, should be used for research purposes. Furthermore, consent should be sought from the biological parents of the embryos that are used for such research. Only research that will facilitate human wellbeing merits experimentation on human embryos. In conclusion, the availability of abortion on demand, embryo research, and fully informed consent for embryo experimentation are practices that are most likely to promote human wellbeing.

The possibility, and perhaps already the actuality, of human cloning has generated a great deal of debate and some considerable moral panic. Human cloning is an extremely emotive topic and one that needs to be rationally analysed if the ethical implications are to be realistically assessed, and an appropriate moral response arrived at. In light of the ethical arguments that have been put forward in this work, it can be deduced what moral position will be advocated here towards cloning. Nevertheless, it will be useful to focus directly on the issue of cloning as it has generated a high degree of moral alarm, confusion and, in some quarters, outrage.

Any debate regarding human cloning needs to distinguish between therapeutic and

reproductive cloning. The implications of each type of cloning are different, and pose subtle, yet profound challenges to our views regarding what are appropriate ethical attitudes and actions. Should we allow therapeutic cloning but ban reproductive cloning; or allow both; or ban both; or accept reproductive cloning, but ban therapeutic cloning? How do we manifest our desire to promote human wellbeing? What moral practices will best ensure quality of life and which ethical approach is best equipped to fulfil this end? Does all human life merit equal moral consideration, should we treat all human life as morally sacrosanct, or should we be more selective with regard to the moral value we place on life? The issue of therapeutic cloning draws these questions into sharp focus and will be discussed first.

## THIRTEEN

### THERAPEUTIC CLONING: DEFINITION AND APPLICATIONS

In this thesis the main focus of ethical debate will be on therapeutic cloning; in order to understand the ethical issues involving therapeutic cloning it is important to appreciate what stem cell technology entails and what clinical possibilities it offers. In June 2000, the Department of Health produced a report from the Chief Medical Officer's Expert Group reviewing the potential of developments in stem cell research and cell nuclear replacement (The Donaldson Report). This report defines a stem cell as an unspecialised cell at an early stage of development; it is a cell that has not yet differentiated into any specific type of tissue. The report notes that under certain conditions stem cells can divide and differentiate into a large number of cell types that make up the tissues and organs of the body. Furthermore, these unspecialised stem cells can undergo a process of self-renewal, where they divide to produce further unspecialised cells. The ability of stem cells to self-renew means that a relatively small number of such cells can be grown in the laboratory to produce the large number of stem cells that would be necessary for clinical purposes. These undifferentiated stem cells can be harvested from a variety of sources, including: some adult tissues, some fetal tissues, umbilical cord blood, early embryos (either created specifically for research purposes, or 'spare' embryos as the result of IVF treatment), and, theoretically, reprogrammed adult cells.

The possible uses of tissue derived from stem cells is enormous and this technology has the potential to vastly improve the quality of life of millions of people. The Chief Medical Officer's Report into stem cell research suggests that stem cell tissue could

be used to treat damage to or degradation of neural cells; thus tissues derived from stem cells could be used to treat, for example, Parkinson's disease, Alzheimers's disease, strokes and spinal cord injuries. Undifferentiated stem cell tissue could also be manipulated to produce, in theory at least, heart muscle cells, insulin cells, cartilage cells, skeletal muscle cells, blood, skin, liver, bone and retinal cells. The implications of this technology for the treatment of heart disease, diabetes, osteoarthritis, cancer, burns, osteoporosis and leukaemia etc are clearly far-reaching and hugely important. All the conditions listed are extremely serious and either life-threatening or severely impair essential human capacities and degrade quality of life.

The significance of stem cell technology is all the more apparent when one considers the fall in mortality and increased longevity that has resulted from increased living standards in the West; a trend that will presumably spread across the world if living standards rise globally, which is clearly a highly desirable objective. However, this rise in living standards does not come without its costs, one of which is a dramatic increase in chronic illnesses. The Department of Health's report into stem cell technology points out in 1900 life expectancy was 45, in 1999 it had risen to 75. Unfortunately this increase in life expectancy has not been without its problems. Chronic diseases, such as heart disease, stroke, cancer, diabetes, arthritis and Alzheimer's disease have blighted many lives, not just those directly affected, but also the families and friends of sufferers, as well as placing the wider community under greater pressure, i.e., there have been increased strains on finite medical resources. The Department of Health's report states that in 1999 men can expect to spend an average of fifteen years in ill health, whilst women can expect to spend an average of seventeen years in poor health. Clearly medical intervention that can help to alleviate

these problems merits serious consideration.

Most adult tissue does not contain stem cells; however, adult cells of certain tissue types, such as bone marrow, brain, skin and blood, have been shown to yield stem cells. (Department of Health, 2000; Reiss, 2002). However, these multipotent stem cells have been of limited value to date in treating the various clinical conditions mentioned here. The main reasons for this are the apparent problems in isolating and maintaining such stem cells in the laboratory, and the seeming inability of stem cells derived in this way to develop into anything other than the type of tissue they were isolated from. However, recent research has suggested that stem cells derived from adult tissue do indeed have the potential to differentiate into a wide variety of tissue; furthermore, isolating and maintaining stem cells in the laboratory has proved to be possible (DofH, 2000). The benefits of using adult stem cell technology are enormous; it would eliminate many of the ethical problems associated with other types of stem cell research, and it would have the advantage of providing an individual requiring treatment with tissue that was self-derived, therefore eliminating the problem of tissue rejection and the necessity of drugs to prevent rejection, drugs which often have serious side-effects. Nevertheless, in order to fully exploit the opportunities offered by adult stem cell technology the Donaldson Report concedes that much research into how to 're-program' adult stem cells so that they do differentiate into the required tissue types, i.e., they revert back to their unspecialised state, is required. This research will inevitably involve experimentation on embryonic stem cells, and this will involve the destruction of countless thousands of human embryos.



Stem cells gained from fetal tissue, derived from aborted fetuses, and from umbilical cord blood, pose problems because their ability to develop into tissues other than what they are associated is, as yet, undemonstrated. Furthermore, unlike adult stem cells, there would still be the problem of rejection of the received tissue, as these stem cells would not have been derived from the recipient of the tissue. Cord blood could be stored and used later in that individual's life (such a service is being offered by some laboratories in America). This source of stem cells is readily available and seemingly presents no major ethical problems; it would also avoid problems of incompatibility. However, stem cells derived in such a way would only be compatible with their donors. This would limit the use of such cells to those who have had their cord blood stored for later use. Also, stem cells obtained from cord blood seem to have only a limited capacity to develop into other types of tissue. Although there is increasing evidence that it may be possible to reprogramme adult stem cells, and stem cells derived from fetal tissue and cord blood, so that they develop into specific tissues, this potential is still only theoretical and requires far more extensive research, which could take many years (DofH, 2000).

Stem cells derived from very early embryos, on the other hand, retain the potential to develop into a wide range of tissues. These stem cells are referred to as 'pluripotent'. Very early embryos, for instance, embryos created in the laboratory during fertility treatment and which are not required for conception, i.e., 'spare' embryos, could be used to harvest pluripotent cells. (The Donaldson Report notes that the Human Fertilisation and Embryology Authority reported that between 1991 and 1998 only 118 embryos had been created specifically for research; 237,603 were 'spare' embryos, the result of IVF treatment, not used for any purpose and destroyed.) The blastocyst

begins to form as a 15-20 cell cluster. The outer blastocyst cells go on to form the placenta; the inner cells - pluripotent embryonic stem cells - go on to form the tissues of the developing embryo (Reiss, 2002). Five to six days after fertilisation the blastocyst will have reached the 150-200 cell stage, and it is envisaged that the isolation of stem cells from the embryo would occur at this point. This is because after this stage stem cells become increasingly specialised and lose their ability to differentiate into all types of tissue (DofH, 2000; Reiss, 2002). Clearly then if the benefits of stem cell technology are to be fully realised research on very early embryos will have to be conducted. The ability to 'reprogramme' adult stem cells will necessitate a lot of research on very early embryos to establish the mechanisms of stem cell specialisation and differentiation.

The issue of cloning causes ethical concern over and above that related to embryo and stem cell research, because of cell nuclear replacement technology. In 1997 Ian Wilmut and his colleagues at the Roslin Institute in Scotland successfully cloned a sheep, and named her Dolly. Basically, this process involved inserting the nucleus from the tissue of one animal into the unfertilised egg (oocyte) of another; the resultant egg cell is stimulated to divide by electrical impulses and mitosis occurs (the nucleus divides into two nuclei each containing the same number of chromosomes as the original nucleus). It was this process that gave rise to Dolly the sheep, a cloned copy of another sheep produced without the use of sperm (Reiss, 2002). Therapeutic human cloning would involve the same process; however, after five to six days of development, i.e., once the egg had reached the blastocyst stage and contained roughly 150-200 cells, the inner fifty cells - pluripotent embryonic stem cells - could be removed. It is hypothesised that these stem cells would have the same potential to

form a variety of cell types as embryos created 'normally', i.e., by a fusion of the egg and sperm. The advantage therapeutic cloning would have over stem cells from the other sources outlined is that they would be genetically compatible with the person being treated, as a nucleus from their tissues would be inserted into an unfertilised egg and grown to the blastocyst stage before removal of the stem cells. Obviously, removal of the stem cells from the embryo would result in its destruction; the embryo would live for no longer than five or six days, i.e., not past the 200 cell stage, for the reasons already mentioned to do with the increasing specialisation of these cells.

It is worth noting that the embryo produced as a result of cell nuclear replacement is not entirely identical to the person or animal it has been cloned from. This is because the outer layer of the unfertilised egg contains mitochondrial DNA; this means that although the bulk of the genetic inheritance of the resultant embryo will be from one source, the nucleus donor, there will be some small genetic component from the egg donor. The full implications of this are not fully understood; how this will affect tissue compatibility is also not yet known. The Donaldson Report recognises other safety issues concerning cell nuclear replacement too. For instance, the reprogramming of early embryo stem cells may result in these cells aging differently to normal cells. The Donaldson report notes that Dolly the sheep was shown to have cells that appeared 'older' than her age; however, data from cloned cows has shown that their cells have characteristics of cells younger than their age. Clearly a lot more research regarding the safety of tissues used from cell nuclear replacement needs to be carried out. A practical problem also arises; there would probably not be enough eggs available for cell nuclear replacement technology to be an option for everybody that could benefit from it. As the Donaldson Report admits, in reality the ability to

reprogramme adult stem cells offers humankind the best prospect for treating serious chronic and acute clinical problems, but a lot of technical issues still need to be investigated and overcome - a process which could take years, if it happens at all.

The type of cloning described above - therapeutic cloning - involves the destruction of the cloned embryo after a maximum of six days. However, reproductive cloning involves giving birth to a genetic clone, a person with the same genetic material, the same DNA (except for mitochondrial DNA) as only one 'parent'. This person would not have a combination of the DNA from two people and would not have been produced through the fusion of egg and sperm. The ethical issues raised by this type of cloning will be examined shortly. However, there is another form of reproductive cloning that creates a child with more than one set of DNA. Oocyte Nuclear transfer for mitochondrial disease has the potential to prevent children from being born with inherited disease caused by defects in mitochondrial DNA. Mitochondrial DNA comes only from the mother; a very small number of women have the potential, because of a genetic defect, to pass on mitochondrial disease to their children. There are over fifty known diseases of metabolism that are caused by defects in mitochondrial DNA (Dof H, 2000). Overcoming this problem involves the type of nuclear cell replacement technology described above, but would produce a child who had the shared genetic material of both the mother and father and whose conception did involve the fusion of egg and sperm. In this scenario, the nucleus of the mother's egg would be inserted into a donor egg (one free from mitochondrial disease) and which has had its own nucleus removed; this new egg would then be fertilised by the mother's partner using IVF techniques. The child that was born would have its nuclear DNA from both its mother and father, but would have healthy mitochondrial

DNA from the donor egg. This technique, still highly speculative, would allow a woman with mitochondrial disease to have a healthy child that did have both her and her partner's DNA. The alternative would be for IVF to take place using a donor egg complete with the donor's nucleus; the child that was born would then have half the DNA of the donor, as opposed to just the donor's mitochondrial DNA, and the mother would have no genetic connection to the child.

## FOURTEEN

### ETHICAL ISSUES SURROUNDING THERAPEUTIC CLONING

The moral problems surrounding therapeutic cloning have been brought into sharp focus by the announcement that the world's first cloned human embryo had been developed at the Seoul National University in South Korea (*The Independent*, February 13, 2004); and that researchers at Newcastle University have been granted a licence by The Human Fertilisation and Embryology Authority (HFEA) to clone human embryos for medical research (*The Times*, August 12, 2004). The type of cloning to be carried out at Newcastle University is cell nuclear replacement cloning, or therapeutic cloning (discussed above). The research being conducted at Newcastle University focuses on stem cell therapy for diabetes. In diabetes insulin-producing cells in the pancreas are faulty; it is hoped that stem cells programmed to act as insulin-producing cells can be used to replace the dysfunctional cells of the patient, thus allowing him or her to lead a normal life. This research is in its infancy and may take many years to come to fruition, if it ever does, but the potential benefits of therapeutic cloning for the treatment of many chronic and acute debilitating conditions are enormous. However, Britain is the first Western country to allow such research and there is considerable resistance to this type of experimentation. The HFEA have also granted Professor Ian Wilmut, of the Roslin Institute in Edinburgh, permission to clone embryos of up to fourteen days from patients who have motor neurone disease (MND), to investigate the development of MND in greater detail (BBC News, 2.8.2005). This is a different form of therapeutic cloning from that to be discussed in more detail shortly (it does not involve creating cloned embryos to provide tissue material); this form of embryo research may be novel but does not raise issues that are

any different from those surrounding embryo research (discussed above) and therapeutic cloning. In this work it is maintained that both embryo research and therapeutic cloning can be morally justified. The United States is currently lobbying the United Nations for a worldwide ban all types of embryo research, including therapeutic cloning. Some religious groups maintain that this use of human embryos undermines respect for the sanctity of human life, while others feel that it places mankind on a slippery slope towards reproductive cloning, that is, the creation of a full human clone.

Clearly therapeutic and reproductive cloning involve complex moral issues regarding the moral status of human life and human embryos. Lots of questions are raised by cloning technology, such as: When does human life begin to matter morally? Are there reproductive 'rights'? What type of relationships and connections should we have with the children we sire and raise? What type of society do we wish to live in and what slippery slopes might we be placing ourselves on if we persist with such technologies? The application of the ethical position adopted in this work, whilst being controversial for some, does offer a clear, reasonable and morally efficacious way out of the moral maze that surrounds the issue of cloning.

The Donaldson Report (2000) argues that therapeutic cloning, cloning by cell nuclear replacement technology to harvest stem cells for clinical research and use, should be allowed to take place, as it does not cross any particular moral boundaries. The report (see also Nippert, 2002) recognises three broad ethical views with regard to therapeutic cloning: firstly, it is unethical and unacceptable for embryos to be used for any kind of research purposes because embryos are potential human beings and

therefore should be accorded full human status. At the other end of the spectrum it is argued that an early human embryo is simply a collection of cells, and its moral status is equivalent to that of any other cell in the human body. Finally, somewhere in the middle, is the view that although the early human embryo is a potential human being, the respect it is due increases as it develops; in the early stages at least, the respect due to a human embryo can be balanced against the potential benefits from research conducted on it. Other arguments against therapeutic cloning refer to the slippery slope towards reproductive cloning and a general undermining of respect for human status, for example, Jones (2001).

The Donaldson Report basically supports the findings of the Committee of Inquiry into Human Fertilisation and Embryology (the Warnock Report), published in 1984. The Warnock Report considered legal and ethical issues surrounding infertility treatment and related questions in human reproduction. The recommendations of the Warnock Report formed the basis of the Human Fertilisation and Embryology Act of 1990. The Warnock Report advanced the case for *In vitro*-Fertilisation Treatment, and sperm, egg and embryo donation (provided, in all cases, that the woman giving birth be regarded in law as the mother of the resulting child); however, it objected to surrogacy, including full surrogacy (sometimes referred to as ‘womb leasing’). With regard to embryo research, the Warnock Report argued that research should be allowed up to 14 days after fertilisation, i.e., the point at which the primitive streak emerges. The primitive streak was chosen as a boundary for moral respect because it is at this point that if the embryo is going to divide into other embryos, it does; before this point the embryo may be one human entity, or it may divide and so give rise to identical twins. After fourteen days it becomes clear that the number of potential



babies likely to be born is either one or more than one. Also Mary Warnock writes that the embryo up until fourteen days, 'has no pattern of human identity, any more than human tissue has' (Warnock, 1998). As well as allowing embryo research up to fourteen days after fertilisation, the Human Fertilisation and Embryology Act states that the research must be for one of five stated purposes: promoting advances in infertility treatment; investigating congenital diseases; increasing knowledge of the causes of miscarriages; developing more effective contraception techniques; and to develop techniques for detecting gene or chromosome abnormalities in embryos. Additional research purposes can be added to by 'Affirmative Regulations' (Regulations that are debated in the House of Commons before they can come into force). Such regulations must further knowledge about the creation and development of embryos, or increase understanding about disease. Furthermore, the Act states that embryos utilised for research purposes can only be used with the consent of the individuals whose sexual material has led to the creation of such embryos.

In 2001 Parliament voted to allow therapeutic cloning for medical research under conditions laid down by the Human Fertilisation and Embryology Authority (HFEA). One licence has already been granted by the HFEA for research involving extraction of stem cells from embryos, and, as mentioned above, scientists at Newcastle University and the Roslin Institute have recently been allowed to clone human embryos for the first time.

In supporting the current legislation, as advocated by the Warnock committee, the Donaldson report takes a very pragmatic approach to the issue of cloning. It goes along with the notion of 'respecting' embryos, because of their human endowment,

but argues for 'balancing' the respect that is due an early embryo against the benefits offered by embryo research and cell nuclear replacement. Respect for humanity is supposedly ensured because such research is carried out when the embryo is at a very primitive stage of development, and with the consent of those donating reproductive material. The Donaldson Report ultimately rejects the criticism that creating embryos for research purposes, or using embryos for the harvesting of stem cells, treats them as a means rather than as ends. Neither does it accept that therapeutic cloning is a slippery slope to reproductive cloning, as the two plainly have very different outcomes and are conducted for very different reasons; also it sees no particular problems with the minor change to the human genome that may occur as a result of oocyte nucleus transfer for treatment of mitochondrial disease. The Donaldson Report, like the Warnock Committee, treads a studious middle path between either end of the moral spectrum regarding human cloning.

However, as a result, the moral underpinning of the Donaldson report seems very dubious, as one would expect when it is so heavily influenced by the Warnock Committee. Adopting an approach that suggests that a human embryo is worthy of partial respect because it is human, but is not worthy of all the respect that is due to humanity because it is an early form of human life is an attempt to stick avidly to the middle ground, offer something to both ends of the moral spectrum and please the greatest number of people. The problem with adopting this position is that it often results in confused reasoning that does not bear the weight of its own conclusions. Consensus should be achieved by rational argument, not by appeasing every type of opinion and appealing to the lowest common denominator. Essentially, by applying diametrically opposed moral arguments to its ethical conclusions, i.e., appealing to

both consequentialism and deontological principles revolving around 'respect', the Donaldson Report fatally compromises its own moral validity. What constitutes humanity, when and why a human being merits moral consideration, how and why we should respect humanity and how we can best balance competing claims, are all questions that need detailed and exhaustive analysis, rather than vague, nebulous and banal responses. Providing such analysis is obviously difficult and will not be definitive, but is superior to relying on tired and trite patterns of thinking.

Placing so much reliance on the Warnock Committee's findings, as the Donaldson Report does, is misguided. As Hare (1992) and Harris (1985) both point out, the findings of the Warnock Committee are based on moral intuitions and the search for a consensus based on these intuitions. The stance adopted in this work is one of ethical naturalism (see chapter nine) so clearly basing moral approaches on intuitions is going to be unacceptable here for reasons already alluded to. However, it is worth re-iterating some arguments at this point. In the forward to the Warnock Report it notes that moral questions should not only involve calculation of consequences, but should also consider the strong sentiments that are produced as a result of the moral issues being studied. The problem with relying on intuitions to form moral judgements is that they are often little more than prejudices and are not backed up by sustained moral reasoning. This moral reasoning, as Harris (1985) points out, should be founded on our moral objectives, which really ought to be enhancing quality of life and improving wellbeing for all those entities capable of wellbeing. However, as Harris remarks, all too often people allow their intuitions to dictate their moral objectives: the tail wags the dog.

Simply having strong feelings about an issue does not make these feelings moral, no matter how sincerely they are held or expressed. Whilst it might be true, as Harris concedes, that morality depends on barriers, to assume that barriers make for morality is clearly wrong. Simply because there is a consensus regarding a particular issue and many people have strong feelings regarding this matter, erecting a barrier or placing a prohibition on an act still does not morally justify the restriction. Many people have strong feelings about abortion, homosexuality and capital punishment; however, the fact that an issue elicits strong feelings tells us nothing about whether such emotions have any moral foundation. For example, the age of consent for practising homosexuals has been reduced from twenty-one to eighteen, although it is still not in line with that for heterosexual intercourse; nevertheless, the lowering of the age of consent for homosexuals filled many people with horror; was this because such a policy is immoral, or - more likely - is it because many people have strong intuitions (i.e., prejudices) about homosexuality? Without supplying a reason why such a policy is morally wrong, the arguments against it, based as they are on intuition, are very flimsy. Intuitions by their very nature are not based on evidence, and the fact that an intuition exists about a particular topic does not establish that the intuition is justified or reasonable.

Hare (1992) notes that sometimes intuitions are supported by good utilitarian reasoning; for instance, an individual may intuitively feel televising executions of criminals sentenced to death is wrong. This intuitive notion may well be supported by the fact that such a policy leads to people becoming desensitised to brutality; life is cheapened and levels of violence in society increase. Nevertheless, what gives such an intuition its moral force is the fact that the outcomes of televising executions has

such a pernicious effect on society: consequentialist considerations have rightly provided the basis for a moral decision. There may be agreement between intuitionists and utilitarians in some areas; nevertheless consequentialism is a far better approach to adopt because it relies on compelling reasons for any particular course of action or practice. In moral dilemmas we should be guided by cogent reasoning rather than visceral thinking; we need to look beyond our raw emotions if we are to reach well-founded, rational and efficacious moral conclusions.

Relying on intuition and consensus robs the Warnock Report of much of its credibility in the eyes of many people who read it. As Richard Hare illustrates, the report does rely on consequentialism in some of what it writes, but it unfortunately also relies on intuitions, and this undermines much of what is written, as good philosophical reasons for its conclusions cannot be supplied. The Report discusses the problem of treating embryos as merely a means and not an ends, and points out the widespread intuitive feelings people have about 'means and ends'. However, Hare points out that Kant does not mean that people may not be used as means, but that they should not be used merely as a means. In reality people are used as a means all the time, but hopefully they are not treated as solely a means, their own ends are also respected. Unless one actually examines the moral issues underlying cloning and reproductive technology, objections based on treating people as ends and not means become empty and meaningless. Can an entity without moral status be regarded as having 'ends'? What about the 'ends' of those individuals who will benefit from treating embryos as simply 'means', how are they to be 'balanced'?

Warnock argues that potentiality is very important, but that it only becomes important

after fourteen days, because of the emergence of the primitive streak. However, as Harris, Hare and Singer, among others, point out, and as has been argued in this work, arguments from potentiality have to be considered very carefully. Harris (1985) writes that if we are to focus on potentiality as being of central moral importance why think that potentiality arrives fourteen days after conception? If the potentiality argument is a good one, it is surely good that all attempts to prevent non-actualisation of human potential are stopped, including contraception. If potential is morally important why not be upset when eggs and sperm are prevented from forming potential human embryos, and why not worry about the plight of the embryo prior to the primitive streak (as many people do)? Hare's opinions regarding the importance of potentiality have been outlined previously, together with the view advocated here that potentiality should only count at birth (see pages 182-184). Singer and Wells (1984) rightly highlight the fact that if potentiality is morally relevant then uncombined gametes are important because of the potential human being that can arise as a result of their fusion. Most people would think this too extreme, as does the Warnock Committee; as they argue potentiality should not be considered prior to the primitive streak. However, the Warnock Committee's arguments concerning potentiality are unsound, as are so many appeals to potentiality.

Clearly, potential is important, but if an embryo is not going to be implanted it is not going to become a person. If some embryos are never implanted but are used for research, is their loss more important than the wellbeing of existing people; is their loss more important than the potential people who may exist and benefit from research carried out on these 'non-implanted' embryos? Hare (1992) writes that even non-implanted embryos have the potential to become persons if they are implanted;

however, the fact remains acknowledging that an embryo or foetus has the potential to become a person is not the same as maintaining that it has a right to life or that abortion and embryo research are morally wrong. We do not have a duty to produce a person from any particular pair of gametes or any specific embryo. Where there is the possibility or likelihood of another more favourable life, the justification for abortion or embryo research exists, and the potential of the embryo concerned is overtaken by the potentiality of other possible people. As Hare, Harris and Singer illustrate, there seems no credible reason why one set of possible people are more important than another set. Even after fourteen days embryos are still not people, they are still potential people. Relying on the primitive streak argument is flawed because whether or not one or more individuals emerge still does not detract from the fact that one or more potential people exist prior to the primitive streak. Why give more weight to some potential people than others?

The Warnock Committee does not consider the above questions satisfactorily because they allow their intuitions to colour their analysis; intuition reigns supreme over rationality, so unsurprisingly difficult questions do not get answered adequately and are left languishing in the dust left by the rapid march along the middle, 'consensus' way. This is surely an unsatisfactory state of affairs. Many people's intuitions would prevent them considering whether birth marks a good cut-off point for moral consideration (as argued here), or whether cloning might be a good thing, or if reproductive 'rights' are really desirable. People's intuitions often blind them to what is really important: What are the consequences of controversial practices? Will these practices enhance quality of life for those capable of it? What goods or harms may emerge as a result of certain practices? Relying on intuitions to dictate our moral

actions is dangerous because it blinds us to the possibilities offered by different courses of action. It may well be that new technology does offer excellent opportunities to increase wellbeing, and the *prima facie* reasons for not adopting new practices do not stand up to scrutiny; that is, the new course of action does not actually undermine well-being and is analogous to, or an extension of, existing codes of conduct that have proved to be largely satisfactory. Intuition often conjures up the dangers of 'slippery slopes'. However, slippery slopes are only really dangerous if one actually begins to descend one; in reality they seldom give rise to the dangers they evoke.

Opponents of therapeutic cloning assume that it will lead to reproductive cloning, and that this is automatically a bad thing. However, new technological practices, such as therapeutic cloning, generally provide more benefits than harms and are not usually any more threatening than existing technologies. Moreover therapeutic cloning is entirely different from reproductive cloning; the intentions and outcomes completely differ, making comparisons between the two spurious. Adopting one type of cloning does not mean that moral discourse and legal restraints will be utterly ineffective in preventing the other type; this assumes humankind is woefully irresolute and ineffectual. The likelihood of actually descending a slippery slope, for instance, new technological advances leading to a diminution of human respect and experience, together with what the new technology offers and replaces, need to be carefully considered before any judgements are made. All too often it seems that slippery slope arguments are evoked as if the mere notion itself is enough to justify a negative conclusion about a moral issue; however, the claims made on their behalf are generally baseless and often exaggerated.



Once we recognise what is morally important, and why it is morally important, we can start to examine whether or not particular practices enhance or undermine our moral goals. The Warnock Report does not really seem to have done this adequately; it suggests ‘respect’ for human life and ‘consensus’ regarding matters of human life are important, but it does not suggest why they are, and despite her disregard for consequentialism, Mary Warnock uses utilitarian principles to justify some of her conclusions, i.e., insisting that the benefits of embryo research prior to fourteen days outweigh the imagined harms. As a result of the report’s lack of moral precision, its conclusions lack moral substance and fail to properly address the central questions: why is human life morally important (simply replying because it is human is tautologous and so entirely unhelpful). If one does not know, or state, what makes human life morally important, one cannot address what practices enhance human wellbeing, simply because we do not know what is important about being human. Clearly, for the Warnock Committee, it is not simply ‘humanness’ that is important about human beings, even though it often seems that this is the case, because the Committee accepts the value of limited embryo research on humans. The Donaldson Report accepts the findings of the Warnock Committee and relies on these findings to furnish its own ethical response to the issue of cloning. Unfortunately, relying on such flawed work means that the Donaldson Report stumbles to its conclusions, rather than reaching them by a process of lucid, dispassionate rational moral analysis, which is what the topic obviously merits.

If appeals to moral intuitionism are seriously flawed, perhaps appealing to rights and the sanctity of life might prove more productive, but this is not the case. The Reverend David Jones, in his submission to the House of Lords Select Committee on

Stem Cell Research, argues that there is a minimum level of respect which is due to all human beings by virtue of their being human. Furthermore, this 'owed' respect forms the basis of the concept of human rights. It seems appropriate to treat Jones' submission as fairly representative of a particular strand of opposition to therapeutic cloning, and so it is worth discussing his views in some detail. He maintains that the notion of human rights is something that is universally accepted and unimpeachable. Jones argues that just as rights now extend to women, children, the disabled, workers and even offenders, basically to all types of humanity, so they should be extended to human embryos. Jones asserts that all humans are members of the human community, irrespective of their level of maturity, status, mental faculties etc. and therefore deserving of respect and the rights associated with being human. Nevertheless, defining human rights is problematic, but Jones writes that the human rights of the embryo include, 'the right not to be attacked, used or commercialised, and the right to a certain care from the genetic parents' (Jones, 2001, Sect.4). This assertion is supposed to be entirely self-evident and almost completely self-justifying (the reason being the humanness of the human embryo).

For Jones, conception marks the point at which the full status of being human comes into force. Jones does not make any distinctions between being a human being and 'personhood', as have been made by the likes of Singer and Harris, and broadly supported in this work; instead, the conceptus is given the same moral standing as an adult human - obviously different rights apply and have significance, but nevertheless, the conceptus has indisputable rights because of its humanity. Jones' position does provide a very clear and distinct marker for the establishment of moral consideration; unfortunately this line is drawn in the wrong place and for the completely wrong

reasons. Jones sweeps aside arguments that human life 'proper', i.e., a human being, does not exist until fourteen days after fertilisation. The development of the primitive streak as been mentioned above, is regarded by some as the point where the human embryo should acquire human status. Jones argues that the fact one embryo sometimes produces two does not detract from the fact that it was a single entity before and has given rise to two after the primitive streak. Alan Holland makes a similar point in his article 'A Fortnight of My Life is Missing' (discussed above). However, unlike Jones, Holland does not regard the argument that a human embryo is an embryonic human being as sufficient in itself to justify banning embryo research.

Jones writes that, 'Human beings are revealed to be moral subjects by their thoughts and their mature free decisions, but those who are too immature or incapacitated to exercise these capacities are not to be discriminated against on the basis of what they cannot do. Human dignity resides in what human beings are rather than what they can or cannot do...' (Jones, 2001, 3.3a2). This statement reflects the view that human life is special, sacred and superior to other forms of life simply because it is human; the special status of human life is usually assumed to be because it is 'God-given'. As discussed earlier, the likes of Singer and Harris point out that arguments which suggest human life is 'special' but give no reasons, or reasons based on appeals to faith, are 'speciesist'; putting one's own species above all others simply because it is one's own is as morally empty and vacuous as other 'isms', such as racism and sexism. Reasons have to be supplied for acting in one way rather than another; reasoning based on speciesism misses what is important about being human, which is not being human *per se*, but quality of life, that is being a 'flourishing' or 'thriving' human being. To flourish as a species is to be able to develop and exercise those

capacities that are essential for the well-being of the member of the species concerned; arguably any species capable of flourishing should be enabled to flourish. (A mechanism for dealing with competing claims for moral consideration has already been discussed - see chapter five). Jones seriously underestimates the moral significance of essential capacities. Most parents want their children to have a good quality of life. The development and exercise of essential capacities is necessary for wellbeing: simply being born human is not enough to assure quality of life.

Furthermore, basing arguments on religious conviction alone subjugates rationality to faith (or superstition); surely rationality should take account of the objective reasons for our moral actions and beliefs, after all, there are few other important areas of life that we allow to be dictated by faith or superstition. Secular policies can be rationally examined, religious policies and beliefs that do not permit such analysis, and are weaker as a result. There seem to be good reasons for preferring a system of democratic secularisation as opposed to theocratic governance. Richard Dawkins (1998) notes that religious views are often given automatic respect, simply because they are religious; whereas views on politics, science, sport or art have to 'earn' respect by argument, reason, and relevant knowledge, and this generally ensures better quality of debate and better outcomes. Of course, it is not necessarily the case that moral assertions based on religion do not take account of objective reasoning in their ethical conclusions and do not recognise rational argument. Where they do they can provide valuable insight into moral dilemmas and extend moral debates in a useful way; for this reason they should be taken as seriously as any other moral approach that is based on objective reasoning and argument.

Wertz (2002) notes that some of the major religious traditions of the world have very different attitudes towards embryo research which are based on divergent arguments. For instance, Roman Catholic doctrine holds that embryos have intrinsic value, but other Catholic theologians do not regard human embryos before the appearance of the primitive streak as individual human entities (until fourteen days the embryo can divide into two or more individuals), and so would allow research for these reasons. Protestants often support science, believing that God intends us to discover the inner workings of humankind. Others adopt an intrinsic value position and so oppose embryo research. Judaism maintains that the foetus outside the mother's body does not have the same value as a foetus within her body, and is devoid of any significant moral value until forty days after conception. Jewish religious tradition suggests stem cell research to treat disease has the potential to do significant good and therefore should be pursued and provided for all who need it. Islamic views generally maintain that the human embryo has no moral value until the 120th day after conception. These disparate views about embryo research, and the reasoning that lies behind them, clearly illustrate the need for moral conclusions to recognise objective reasons and reasoning if ethical deadlock is to be avoided. Obviously religious ethics and objective reasoning are not mutually exclusive; nevertheless, where the moral rightness of an action or policy is premised solely on assumptions about God's will, the resultant conclusions and contentions are seriously flawed and intellectually suspect. Unfortunately Jones does not seem to support his moral intuitions and assertions with credible objective reasons; instead he is reliant on Divine Command Theory and Sanctity of Life principles for his intuitions regarding human 'rights' and moral respect. Rooting moral discourse in Divine Command Theory alone is highly questionable.

Jones states that, 'The 'basis of the concept of human rights is that there is a minimum respect which is due to all human beings simply in virtue of their being human... The humanity of embryonic human beings entitles them also to a minimum human respect despite the evident differences between human embryos and older human beings' (Jones, 2001, Sect.3). The problem with this is that it assumes some rights are natural, or self-evident: this is highly contentious. What strikes many people as entirely obvious and self-evident appears to others as far more debateable and unclear. As has been discussed already (for example, chapter eight, ii), basing morality on rights is problematic. Using rights as the starting point for resolving moral dilemmas is fraught with difficulties. As with the definition and practice of respect (discussed below), there are problems when rights clash; there appears to be no concrete way of settling disputes between conflicting rights. In reality it seems the only way to resolve disputes between the demands to respect conflicting rights is to consider which actions or practices are most likely to or best-placed to promote wellbeing. As Chadwick (1992) notes, both positive and negative rights can easily be assigned on the basis of utilitarian arguments. Thus rights, of whatever type and regardless of their application, can be overridden by other considerations which would better promote utility. In this work practices which can reasonably be expected to enhance quality of life supersede rights. Respecting some rights might be useful, but not as the starting point for moral thinking, and only where adhering to them can be expected to promote wellbeing. Promoting well-being and the ingredients necessary for it, should always be the primary consideration in moral thinking and practices.

Jones asserts that all members of the human community, infants, children, the

disabled, the elderly and mentally incapacitated, merit respect: this seems indisputable. What is debateable is why all humans deserve respect and what level of respect is due. To argue that all humans merit respect because they are human misses what is important about being human. What is important about being human is quality of life, not life *per se*. Furthermore, what human beings can and cannot do is important because being able to develop and exercise certain essential capacities enables and enhances quality of life. Surely it does not undermine respect for humanity if we recognise that a flourishing life (one where essential capacities develop and are realised) is better than one characterised by misery, sustained suffering or limited or no self-awareness, i.e., one where essential capacities are largely unrealised. Most people would recognise this straightforward fact and appreciate that quality of life is more important than just life - mere existence. The reason we should respect all members of the moral community is ultimately because this enhances quality of life. How we treat members of our community, for instance, embryos or people in persistent vegetative states, may well have implications for society as a whole, that is, wellbeing at a macro level, but these implications are not necessarily bad, they might easily be very positive. Wellbeing is plausibly enhanced by allowing some forms of euthanasia in specific circumstances, and by permitting embryo research and abortion (providing the embryo or foetus does not suffer as a result of the procedures used and existing and possible people benefit from better quality of life as a result). Denying an embryo its existence might be argued by some to be a harm; however, where this action may result in a another happier life, the harm is plausibly outweighed by the benefits. (Derek Parfit's discussion of the 'Person-Affecting Principle' using an analogy of a pregnant fourteen-year-old girl illustrates this well, see pages 53-54).

The notion of respect, as used by Jones, is vague. There are numerous different notions of respect. Does respect for an embryo mean that it has to be born no matter what; or does respect for an embryo necessitate considering its potential quality of life, for instance, whether it will be born unwanted, unloved, severely disabled? What about respect for the life and wishes of the mother who does not want to give birth, or to have her 'spare' embryos develop? What about respect for the countless other lives that could be generated, and saved from suffering and discomfort, by embryo research? Respect should play an important part in morality, but respect for quality of life, not life itself. To genuinely respect human life, and not just a dogmatic, empty form of life, is to consider how our actions might be harmful or beneficial, that is, how we can enhance quality of life. We encourage moral respect not by maintaining that all life is valuable - no matter what state or condition it is lived - but by considering quality of life issues, and how we can best promote the essential capacities and fulfil the basic needs necessary for human flourishing and wellbeing.

Of course, it could be argued that all human embryos are worthy of significant moral consideration because of the potential that exists for them to develop into fully-fledged moral subjects able to exercise their essential capacities. Arguments surrounding the moral significance that should be attached to potentiality have been discussed at some length already (the position adopted in this work is that potentiality assumes validity at birth); to assume that a human embryo should be treated as a full human being, because of its potential to become one, draws the boundary for moral consideration far too early. This does not mean that a human embryo lacks any moral consideration - some later embryos may have a sufficient condition for moral



standing, that is, sentience. Respect for such embryos and foetuses will be demonstrated by ensuring that whatever procedures are carried out on them they will not suffer as a result. However, to treat an embryo as if it will develop and exercise its essential capacities is to ignore the essential capacities and basic needs of existing and potential people who may benefit from embryo research (not to mention those of the mother in the case of abortions). Surely we should focus on promoting and enhancing the quality of life of people who already exist or who will exist because they are intended to develop from embryos into adults. Respecting the presumed rights of embryos who, for whatever reasons, are not going to develop further, at the expense of those who have and who will, seems completely unreasonable and short-sighted.

Furthermore, if human life *per se* is so important then why draw the line for moral consideration at fertilisation? If destruction of the embryo any moment after fertilisation is morally abhorrent - because of its human status and potential - what about the morality of preventing the fusion of human reproductive material to form an embryo? Contraception prevents a potential human life from existing and if potential is so significant at such an early stage of development as fertilisation, why is it any less so just prior to fertilisation, when a potential human being could be created? Fertilisation may mark the point when a human entity could conceivably be argued to exist, but the sperm and egg are equally human material, necessary to create life; why not give human sperm and eggs special moral status because of the potential they have to create a human life? The potentiality argument is fraught with difficulties, especially when inadequate and unsatisfactory deontological reasons, ones not based on promoting wellbeing, are given for its deployment.

Jones writes that it is immoral to treat human life instrumentally, to treat a human embryo as merely the source of 'spare parts'. Of course, treating a person - an agent with full moral status - solely as a means would not be to respect their quality of life, would undermine wellbeing and be morally wrong as a result. However, an embryo should not be regarded in the same light as a person - not even a potential person (for reasons discussed already, e.g., see pages 171-185). Assigning full moral status to 'persons', rather than all examples of human life, enhances quality of life and wellbeing. Experimenting on embryos, whilst not treating particular embryos as ends, does respect the ends of other (non-specific) embryos, i.e., those embryos that will develop into people and may benefit from the research that is carried out. If a deontological approach is adopted and we consider the ends of every entity that could conceivably have its own ends at some stage in its development, we are left in a very difficult, invidious and unreasonable moral position that can undermine wellbeing. Preventing embryo research and abortion because every embryo has to be treated as an end in itself will disregard the quality of life of those who could be conceivably affected by such a policy, such as women forced to give birth, infants who are unwanted and unloved, infants with severe disabilities, and those suffering from a variety of seriously debilitating conditions that could have benefited from embryo research. The ends of these existing and possible people have not been considered. When considering the 'means and ends' debate we need to think about the ends of everyone who could be affected by our decisions, if we are to avoid the accusation of arbitrariness. What reasons do we have for treating some human ends as more worthy of consideration than others? Jones, for one, does not provide satisfactory, plausible reasons. He writes of the right of embryos to be treated as ends, but ignores the ends of other moral agents, such as those who will benefit from embryo research.

Deontological considerations to do with rights, and in this case Kantian appeals to ends, may serve a purpose; nevertheless, that purpose ultimately stands or falls by the presence or absence of a consequentialist justification.

Sometimes it may be appropriate to treat some entities as a means, provided the practice is sufficiently justified and the harm done to the agent or entity concerned is not great. In the case of embryo research conducted on very early embryos, ones that were never going to be born, the case for treating them as means and not ends seems overwhelming when one considers the possible benefits of such experimentation to agents who ought to have their ends respected, that is, persons whose birth is intended and desired by those most intimately connected with them. The deontological argument from ends is useful, as often respecting this principle promotes wellbeing; however, as has been illustrated above, it becomes fraught with difficulties if regarded as a moral absolute, especially if we have to consider the ends of embryos as well as adults; what happens when these apparently clash? Respecting ends is a very blunt instrument; after all the moral significance of an embryo is surely less than that of a 'person', be it an adult, child or newborn infant. Deontological arguments based on means and ends are ill-equipped to deal with such salient distinctions. As has been discussed earlier, Hare makes a distinction between two types of moral reasoning: intuitive thinking and critical thinking. On an intuitive level respecting rights and treating people as ends seems a perfectly legitimate way to approach moral dilemmas; however, there are some issues which require analysis that goes beyond the intuitive level, which requires critical thinking. Any absolutist moral approach cannot accommodate this fact.

The case of therapeutic cloning is a prime example of this. Generally, respecting people as ends is a good thing, because it enhances wellbeing; however, there are occasions when this is not necessarily the case. Treating an embryo as an end, and so preventing embryo research, does not enhance well-being; it means existing and future people will have to continue suffering from debilitating conditions which make their lives, and those of their family and friends, miserable and sometimes unbearable. To have to treat all embryos as ends will actually do something morally reprehensible: it will plausibly lower quality of life. This is why ultimately deontological considerations have to give way to consequentialist ones; far from guaranteeing wellbeing, principles of moral absolutism actually can undermine it. What enhances quality of life should always be the moral philosopher's prime consideration and objective, even when this initially seems controversial. As Hare points out, acknowledging that an embryo or foetus has potential ends and the potential to enjoy a worthwhile life is not the same as maintaining that a right to life exists. As the embryo or foetus is only a potential person and not an actual person, its interests can be outweighed by other interests, especially when such considerations are likely ultimately to enhance well-being. In the final analysis, only consequentialism can provide the flexibility, consistency and rationality necessary to resolve modern bioethical problems.

Jones writes that asking doctors and researchers to participate in embryo research puts them in an invidious position; for the sake of scientific advancement they are being asked to perform immoral acts which contravene human rights. Similarly, people who benefit from research carried out on embryos are guilty of moral wrongdoing because of their exploitation of such embryos and the lack of respect this exemplifies.

Furthermore, people who donate their genetic material for research, including parents who have children using IVF techniques but allow their spare embryos to be destroyed, are complicit in grave moral wrongdoing. Jones writes that it is, 'irresponsible to allow one's genetic material to be used to create an embryo who has no chance of implantation' (Jones, 2001, Sect.4). The implication of this statement is that even if IVF parents do not wish to have their spare embryos implanted themselves, they should allow other couples to have them. This of course conveniently ignores the problems of whether or not children should have a strong genetic connection with those who beget, bear and rear them, and whether they should be allowed knowledge of their genetic parents, even if these parents wish to absolve themselves of all responsibilities towards them. It also implies that couples who intend undergoing IVF treatment should take responsibility for all the embryos that are produced, not just one or two, or alternatively, they should ensure that the spare embryos will be implanted in someone.

The complicity argument put forward by Jones is also unconvincing and flawed. He writes that doctors who engage in embryo experimentation and donors of genetic material are complicit in the moral 'evil' that is embryo research. Jones maintains that embryo research is morally wrong because it disregards the 'rights' of the embryo. Clearly, doctors should not be forced to take part in research they are opposed to; similarly, parents should not be coerced into donating their genetic material, or their 'spare' embryos. This is a policy that should be adhered to; however, assigning rights to embryos, rights which undermine the wellbeing of existing and future possible people, is a mistake. As has been illustrated above (see chapter eight, ii), using rights as a moral justification for action is ill-advised if the appeal to rights is of a

deontological nature; the moral importance of rights comes from beyond rights themselves, it comes from the contribution they make to enhancing wellbeing, that is, it comes from consequentialist principles. Assuming that an embryo has rights means that what is actually important about life - quality of life and the capacities necessary to ensure well-being - get disregarded. Instead it is assumed by Jones, and those who share similar moral convictions, that all human life should be realised, irrespective of other considerations which could significantly affect wellbeing. Human life, it is argued, automatically merits certain rights, even if these rights do not actually enhance well-being. This uncritical approach to human life and the notion of rights and respect is an absurd position to adopt.

Moreover, Jones seems to want to place an onerous amount of moral responsibility on the shoulders of parents, patients and doctors alike. These people have to consider the future of embryos who were never intended to have a future. Researchers and prospective patients alike will have to ignore the benefits that might arise for humanity as a result of embryo research and disregard the harms that will occur through not doing such research. Couples undergoing IVF treatment will have to take responsibility for all the embryos that are produced, or be prepared to let other couples have the reproductive material they never intended donating (at the last count this would amount to 237,603 embryos in Britain, making this a very difficult proposition). They will also have to cope with the knowledge that they have offspring they never intended or desired. As has been asked earlier, why give so much status to one set of possible people and not another set? Jones struggles to answer this because the principles on which he bases his moral position are so weak. It is surely best to consider what the outcomes of practices will be, and whether or not they will produce

beneficial results by enhancing quality of life, rather than to assume that all forms of human life should be respected simply because they are human.

Jones' final argument is that allowing therapeutic cloning will place us on a slippery slope to reproductive cloning, which he is also opposed to. The slippery slope argument of itself is not an especially strong argument against any particular course of action. There are risks in many areas of life, but this does not mean that we should not pursue these activities; it simply means we have to be careful and guard against these risks. Moreover, the dangers of slippery slopes are greatly exaggerated; they often turn out not to be slippery, or merely have the appearance of a slope but lack the actual slippery, perilous gradient. As Hare (1981) points out, if we are considering the slippery slope argument, we must reflect on how likely it is in practice that our policies will lead there. Slippery slopes are by no means inevitable. In addition, therapeutic cloning does not involve the creation of a cloned person, for the cloned embryo is destroyed after six days; the science may be the same but the ends are completely different. As therapeutic cloning has such completely different outcomes from reproductive cloning, the inevitability of pursuing the former type of cloning and inexorably and unavoidably sliding towards the latter type seems highly doubtful. Besides, there are arguments that suggest reproductive cloning is not the moral evil many automatically assume it to be (see below). However, leaving aside extrinsic concerns over safety, Jones' moral position means that he is forced to concede that in at least one respect reproductive cloning is better than therapeutic cloning, as it does not involve the intention to destroy an embryo. Jones bases his opposition to therapeutic cloning on moral intuitionism; however, his intuitions about the moral rights of the embryo do not supply sufficient grounds for his intuitive reaction to

reproductive cloning. Instead, Jones - without intending to - has to rely on consequentialist arguments for his opposition to reproductive cloning.

This illustrates a fundamental problem with moral intuitionism; without anything to appeal to beyond the intuitive feeling itself, intuition becomes a very weak foundation for moral conclusions. Intuitive moral feelings are essentially based on visceral rather than rational reactions, and often on prejudice rather than logic. This is clearly an unsatisfactory way to consider morality. Jones applies moral intuitionism to justify his position with regard to therapeutic cloning, yet because his intuitions concerning the right to life conflict (there is a right to life in one set of circumstances, but not in another, because of the way that life is created) he effectively has to switch to consequentialism to justify his opposition to reproductive cloning. However, from a deontological perspective there either is a right to life or there is not; other considerations do not have to be balanced and should not figure in any moral evaluations. Jones is forced to rely on two different moral frameworks to justify his views regarding cloning. With regard to therapeutic cloning he relies on moral intuitionism, but when he cannot rely on this to justify his views on reproductive cloning, he resorts to consequentialism. Obviously this is an entirely inconsistent approach and lacks credibility as a result. As Jones cannot rely on intuitionism to adequately account for his objection to reproductive cloning he turns to consequentialism; he may maintain that reproductive cloning undermines respect for humanity, and that respect is a right every entity is entitled to, but the fact remains that his notions of respect for cloned offspring actually involve consequentialist considerations.



Jones writes that reproductive cloning is morally objectionable because even though the cloned offspring will not be identical to their genetic original, the intention to create what seems like a 'replacement' will be psychologically profoundly damaging for the cloned child. In endeavouring to create what seems like a 'copy' of an existing adult, the child's interests in establishing an entirely separate identity for themselves will be damaged; furthermore, the creation of a cloned copy of oneself might be seen as an attempt to exert excessive control over another human being. These assertions seem quite convincing, but they are arguably not based on deontological principles of rights, implying an inconsistency in Jones' moral position. If there is a 'right to life', as Jones asserts, is there a right to be created only in a certain way? If there is a right not to be treated solely as a means, and not to be exploited for the benefit of another, then this still might allow for reproductive cloning. To what extent would a cloned child be treated solely as a means and never an end; what level of exploitation might they suffer? The answer to this is arguably: no more nor less than other children. People have children for all sorts of reasons, not all of them laudable ones, but if it is life that matters should we concern ourselves with how it is created? Possibly we should, but the reasons for this are utilitarian ones based on concerns about the quality of life that will be experienced by the children affected. Jones' concerns about the possible excessive levels of parental control that a cloned child may experience, together with concerns about the clone's psychological health, seem to suggest that life itself is not the crucially important moral factor; rather it is quality of life. The 'rights' of a cloned child are ones associated with potential wellbeing, or lack of it. Jones' concerns about the consequences of reproductive cloning on the psychological health and, therefore, the wellbeing of the clone, indicate a change in moral direction; it is unfortunate that this type of moral thinking, one that is founded on cogent

reasoning, was not applied earlier to therapeutic cloning.

This lack of genuine coherence in Jones' position reinforces the need for one effective moral approach to be taken in bioethical matters. Consequentialism is a position that can accommodate the moral problems raised by both therapeutic and reproductive cloning without any inconsistency; furthermore it is a stance that recognises objective reasons for its conclusions and is flexible without being inconsistent; for these, and other reasons, consequentialism is best equipped to deal with the ethical dilemmas that emerge as a result of technological advances in medicine.

Reiss (2002), examining the issues surrounding therapeutic cloning, notes that for moral discourse to be useful and valid it must critically analyse the rationale that has been used to reach and justify our moral choices and actions in particular situations. It is this critical analysis that makes some moral conclusions more valid than others. Reiss contends that for a moral argument to be valid three criteria must be satisfied. Firstly, the arguments being deployed must be convincingly supported by reason. They should be conducted within a well-established ethical framework, such as utilitarianism or deontological principles. Finally, a reasonable degree of consensus is indicative of a genuine, rational and valid moral debate. Reiss notes that as both types of moral framework strive to argue from reason, and given the pluralistic, yet interconnected nature of the world and its divergent moral traditions, moral philosophers should endeavour to satisfy all three criteria. For Reiss, applying all three criteria is the only way to ensure genuine, reasonable and rational debate takes place. Unfortunately this prescription is ineffective. Reiss argues that when considering the two main ethical frameworks, as they both have strengths and

weaknesses, the best thing to do is to reflect on both approaches, utilitarian and deontological, before reaching an ethical conclusion (Reiss, 2002, p.65).

Nevertheless, even then reaching a satisfactory conclusion on therapeutic cloning is doubtful, according to Reiss, because consensus is unlikely in today's ever more pluralistic societies.

The importance of gaining agreement with regard to important moral decisions and actions seems obvious. However, there are problems in trying to gain consensus, in all areas of life - including bioethical ones. Trying to placate, appease and win over both sides of an argument often results in weak conclusions which satisfy neither side, and merely 'paper over' the fundamental differences between them, leaving crucial questions about the moral value that should be attached to life unanswered. Certainly this is the criticism that is often levelled at the Warnock Report. Reiss's views about the route that should be taken towards moral decision-making are similar and, therefore, similarly flawed. It is important not to make the same mistakes twice, and so with regard to therapeutic cloning the moral initiative should be firmly, rather than tentatively grasped.

For instance, why should a moral conclusion be based on both utilitarian and deontological principles? Of course, it is plausible that at least some of the time followers of utilitarian and deontological principles will reach similar conclusions; however, it is inevitable that advocates of each principle would disagree at some point over some issues; furthermore, one cannot predict with any certainty when these differences will occur and what issues will cause divergence. Reiss illustrates some of the most widely perceived problems with consequentialism, for instance: the supposed

overdemandingness of it; the problem of quantifying happiness and comparing different types of pleasure; and the problem of maximising happiness by ensuring that billions of people exist whose quality of life is just about tolerable, the 'mere addition' problem, leading to a world of 'muzak and potatoes' (see pp.67-71). These criticisms of consequentialism - and others - have been addressed at some length earlier in this work; suffice to note that an approach based on practice-consequentialism was found to be best equipped to deal with all these issues and, therefore, most able to provide an appropriate moral framework in which to consider moral and bioethical dilemmas. Other ethical frameworks have been considered in the course of this work, including virtue theory, which - because of its emphasis on fundamental capacities - was regarded positively; however, arguments based on moral rights, intuition and sanctity of life were found to be lacking in credibility (see earlier sections). Reiss notes that one underlying criticism of utilitarianism is that it only takes into account consequences; it does not consider whether certain actions are required no matter what the consequences. However, as has been argued earlier, the fundamental starting point of any moral question must be how can we best ensure well-being and how are we most likely to enhance quality of life.

If rights and intuitions can be overridden in favour of such considerations, as argued here, then rights cannot be regarded as absolute. Glover (1977) remarks that if rights are not absolute they do no useful work. This may be a little harsh, but it certainly illustrates that rights cannot be regarded as anything other than of instrumental value, and if this is the case there seems no reason to give moral arguments based on rights the same moral force as those based on consequentialism. The same is true of moral intuitionism and sanctity of life arguments. It also seems paradoxical that those

opposed to therapeutic cloning often cite the slippery slope argument, maintaining that it is only a small step away from reproductive cloning. The intuition many people have against reproductive cloning may well be correct, although it has to be based on more than just a feeling; however, the arguments many use against therapeutic cloning, such as respect for potential human life, actually do little to undermine the case for reproductive cloning, yet many people intuitively feel that reproductive cloning is unacceptable. This illustrates one of the problems for basing moral decisions on intuitions and notions of rights and respect for life; it often results in confused and inconsistent moral thinking.

Reiss notes that the main ethical argument in favour of therapeutic cloning is a consequentialist one; it concerns the potential benefits for mankind of such experimentation. The principal argument against it centres on rights and whether the human embryo can be argued to have rights. Most consequentialists would assert that the status of an embryo should have no bearing on moral decisions, rather it is outcomes that matter: does a policy or action promote happiness. Deontological theorists would argue that certain actions or states of being are morally important no matter what the outcomes, such as being human. Clearly the human embryo contains human material and is a potential human being. However, if being human is not important *per se*, then the fact that a human embryo is a member of the human species and a potential human being should not be regarded as a definitive statement about ethical dilemmas. Instead we should concern ourselves with the capacities that are necessary for wellbeing, and how to promote and enhance these. Most people would regard a life characterised by wellbeing as infinitely better than one lacking quality; there is surely consensus here no matter what ethical framework one uses.

The potentiality argument is difficult and problematic. Reiss points out that having the potential to become a great violinist does not necessarily mean that there is a corresponding right to be provided with violin lessons by an experienced music teacher, or indeed that such a potential will actually be realised anyway. Nonetheless, as he notes, playing the violin is not 'constitutive of what it is to be human' (Reiss, 2001, p.67). However, it could be argued that we have rights to those things which are needed to keep us alive, such as nourishment, shelter and oxygen - and others have a duty to provide us with these. Human embryos have the potential to become adults if these rights are respected and, even though there may not be a right to have one's potential to be a musician respected, a right to have one's potential humanity respected does exist. Hence rights and potential combine to supply an ethical objection to therapeutic cloning.

However, rights are not self-justifying; actions and policies should be morally defined by their contribution to wellbeing. Does a right to shelter, nourishment and oxygen, i.e., some of the things that are 'constitutive of what it is to be human', still exist if one's existence is utterly miserable and without any joy, value or quality? Is there not a right to death in certain circumstances when an individual has no quality of life? The notion of absolute rights is clearly flawed, and as Glover has remarked, if rights are not absolute then their contribution to moral discourse is severely reduced. For this reason the potential to 'inherit' the rights associated with being human is unconvincing. However, the potential for wellbeing still exists. Nevertheless, the importance of potential in moral considerations can be overrated. As has already been mentioned, potential should only matter if it is going to be realised. In the case of

'spare', donated and aborted embryos there is no intention of a life coming to fruition. Moreover, if potential really does matter why assume the potential adults one set of embryos will give rise to are more important than any other set of potential people. Should we not also think about the quality of life for unwanted infants and children, not just the right to life of an embryo. In addition, why not consider the potential people that might exist were it not for contraceptive practices - should these be stopped because of the potential people that could emerge?

Reiss's insistence on reaching moral conclusions using his three criteria is misguided. There seems no reason not to adopt a strongly consequentialist approach to the issue of therapeutic cloning, and his requirement that ethical decisions be made using both utilitarian and deontological perspectives means that agreement is very unlikely to be reached. With reference to therapeutic cloning Reiss writes that, 'In today's increasingly plural society, it is difficult to see specific answers to such questions attaining widespread acceptance' (Reiss, 2002, p.69); however, his proposals for reaching ethical conclusions actually make reaching them more difficult. His proposals contribute very little to the process of reaching a sound moral conclusion. Furthermore, his emphasis on consensus, achieved by considering two conflicting moral frameworks, seems unachievable, and with it any sensible, far-sighted ethical proposal concerning therapeutic cloning. Reiss's recipe for achieving moral conclusions, with its emphasis on consensus, mirrors the thinking behind the Warnock Report - a report that is viewed by some prominent moral philosophers as fatally flawed. Achieving consensus often involves appealing to the lowest common denominator and people's unsubstantiated intuitions, visceral responses and baseless prejudices. This is surely not the best way to reach a sound ethical conclusion about a

complex and controversial issue such as therapeutic cloning.

Reiss does - rightly - reject the slippery slope argument against therapeutic cloning, noting that the differences between therapeutic and reproductive cloning mean that like is not being compared with like; thus it cannot realistically be suggested that adopting one will inevitably lead to the other. Nevertheless, the contribution Reiss makes to the debate on therapeutic cloning is extremely limited. Ethical conclusions based on a combination of both consequential and intrinsic considerations are clearly destined for failure and discord. Rational arguments and reasoning eventually establish consensus; it should not be the case that consensus is the goal and the arguments are shaped to achieve consensus. Such a position manifests extremely restricted scope, imagination and optimism about human ability to listen to and be guided by rational argument. It is imperative that rational argument based on objective reasoning shapes our moral policies and practices. Reiss does nothing to further this end; indeed his insistence on consensus clouds the issue and makes it harder to resolve in a rational way. Being brave enough to reject perfunctory compromise and tackle issues through a critical application of rational argument is the best way to maximise wellbeing.

The approach adopted to therapeutic cloning in this work, one of practice-consequentialism, elucidates the issues involved and provides an effective means of enhancing well-being for all moral agents. It is acknowledged that rights and respect for human dignity are important, but this value is rooted in consequentialism and the promotion of well-being. In many circumstances there may be little to distinguish between some types of consequentialism and some deontological theories in terms of



outcomes; however, crucially, consequentialist considerations can overrule deontological principles in certain circumstances where it will enhance quality of life. Respect for all examples of human life, like keeping promises, are maxims that ought to be maintained, as a rule; nevertheless, there may be circumstances when breaking a promise and not respecting certain manifestations of human life are acceptable because they enhance wellbeing. Therapeutic cloning is an example of balancing competing interests in order to best serve the wellbeing of humankind.

It is plausible to maintain that therapeutic cloning does not undermine respect for humanity, because the purpose of this type of research is to enhance human wellbeing. The notion of therapeutic cloning does question the validity of respecting human life simply because it is human, but this is not the same thing as undermining respect for humanity. Human embryos, especially at the six day stage (when therapeutic cloning research takes place), can exercise none of their essential capacities; however, animals with far greater capacities and self-consciousness are experimented on and suffer greatly as a result. To allow research on higher order mammals, but not on six day old embryos, reeks of 'speciesism' and is difficult to assert unless it is assumed that simply being human is intrinsically valuable. However, this is an untenable position. It seems strange to assume that all human life is intrinsically valuable no matter what state it is lived in and what quality of life is experienced. In addition, it seems that a human blastocyst - an embryo at the 200 cell stage - has greater moral significance than any other moral entity, whatever its level of consciousness and self-awareness, simply because it is human and has human potential (a non-existent potential in the case of embryos used for research, as they are not going to be implanted and were never intended to be implanted). The assumption that human life is somehow sacred

and intrinsically valuable takes no account of what is really valuable about life; that is quality of life. For those forms of life capable of wellbeing, to be able to flourish and exercise the essential capacities necessary for wellbeing is morally important. The level of moral significance may vary between species, according to the species' capacity to bear intrinsic value, i.e., to develop and exercise essential capacities; nevertheless, the fact remains that many species have moral standing - it is not something which is exclusively human. Moral standing is not based on species membership *per se*, but the ability to flourish as a member of that species.

The arguments against therapeutic cloning have been comprehensively examined and shown to be inadequate and untenable. Therapeutic cloning will not disrupt the moral interests of those concerned if informed consent is made a vital part of the process, and there is no reason to assume that this would not be the case. It is reasonable to suppose very early embryos have little or no interests, and at least until the development of the central nervous system, the embryo's ability to feel pain - a sufficient condition for moral considerability - is not present. Even then other considerations may outweigh the interests of the sentient embryo; sentience only suggests that all steps possible to avoid pain should be taken. The potential of the embryo to become a person is also not a credible argument against therapeutic cloning; if potential is so important why is contraception so widely accepted? Why are some potential people more valuable than other potential people, especially when an almost infinite number of possible people can be created? Why are the 'rights' or interests of embryos that may be used for research purposes more significant than the 'rights' or interests of those embryos that may develop and benefit from such research? The potential interests of the embryo can be outweighed by other interests, as it is

quality of life and not a right to life that is morally important and desirable.

Boundaries regarding potentiality do have to be drawn, but they have to be drawn at the right place and for the right reasons: consequentialism supplies these reasons.

Potential should only become morally important at birth, when essential capacities can begin to develop and be expressed in a sufficiently concrete way. It is clear that the potential benefits of therapeutic cloning more than off-set the possible harms.

Therapeutic cloning has the potential to enormously enhance quality of life and does not pose any serious or credible threat to the moral status of humankind. It is difficult to envisage how anything that promotes wellbeing, as therapeutic cloning does, can undermine humanity and respect for humanity, especially when the issues are clearly and rationally examined free from ill-informed, misguided and unreasonable intuitions and prejudices. It is quality of life that matters about being human, not being human *per se*, and consequentialism - unlike deontological theories - recognises this.

## FIFTEEN

### ETHICAL ISSUES SURROUNDING REPRODUCTIVE CLONING

As mentioned already the main focus in this work are the ethical arguments surrounding therapeutic cloning; nevertheless, it is worth considering some of the issues involved with reproductive cloning - as both types of cloning involve the same technology. The case for therapeutic cloning is compelling, and can be judged entirely separately from reproductive cloning. Moreover, the case for allowing oocyte nucleus transfer (discussed above) is also very strong; the resulting child would not be genetically identical to anyone else, so this process would not constitute reproductive cloning, and the alteration to the human genome would be very slight and involve the elimination of defective mitochondrial DNA. The intentions and outcomes of therapeutic and reproductive cloning are completely different and attempts to relate the two, for example, via the slippery slope argument, are fallacious. The moral arguments that surround reproductive cloning are, if anything, more problematic than those surrounding therapeutic cloning; however, they do illustrate the problem of relying on deontological moral principles and demonstrate why consequentialism and the wellbeing of the moral agents primarily affected should always inform our moral decisions.

Having children is regarded as one of the most important things a person can do. In fact it is so important that many regard it as a right; reproductive rights are often regarded as fundamental as other human rights, such as the right to vote and right to life. In some circles not being able to have children is seen as a tragedy and a 'condition' that warrants sustained and profound medical intervention, as in the case of

IVF treatment, Artificial Insemination by Donor (AID), egg donation and embryo donation. (IVF treatment involves a woman's egg being fertilised by a man's sperm - usually the woman's partner - in the laboratory; egg donation involves a fertile woman donating one of eggs, which is then fertilised *in vitro* by the semen of the partner of the infertile woman; embryo donation occurs when a donated egg is fertilised by donated sperm, given to a couple who are both infertile and implanted in the infertile woman's womb.) Even if arguments about rights and reproductive rights are rejected, as is the case in this work, it can still be asserted that having children, by whatever means, is a good thing because it increases happiness; parents get their desires fulfilled, and children are brought into the world and thus have the potential to enjoy a happy and worthwhile life.

However, the assumption that having children, no matter what the circumstances, is a good thing is clearly misguided. Arguments from rights have been discussed and rejected already; it is sufficient to note that for rights to be in any way effective there has to be an appeal to something beyond them, such as enhancing wellbeing. To assume that some rights are somehow self-evident, or can be intuitively known, is unreasonable; what happens when people have conflicting intuitions about an issue? How do we resolve the frequently occurring incidents of conflicting rights? For instance, if there is a right to have children, does that extend to all types of people, single people, people with criminal convictions, homosexual couples? Many people who argue for a right to have children actually mean it is a right for certain types of people only. Reproductive rights might be viewed as an extension of the right to privacy; people should be allowed to have and raise children as they see fit; however, children have rights, and the state is often criticised for not doing enough to protect

children from abusive parents and carers.

It could be argued that satisfying preferences is a good thing; hence having children could be viewed in terms of preference-utilitarianism. (Some of the prevailing arguments against preference-utilitarianism have been discussed above - see pp.146-148). However, satisfying the desire for a child is problematic because it assumes that satisfying desires is always a good thing; clearly this depends on the desire and the ramifications of its satisfaction for those concerned. Some argue that the desire to have a child is actually a need, and so should be met for this reason. As childlessness is not fatal, and does not shorten life, it is difficult to see how having a child is a need. Millions of childless couples do not 'suffer' as a result and live very worthwhile, happy lives. Nevertheless, the psychological impact of wanting children and not being able to produce them can be profound, and irrespective of whether this desire - felt so strongly it seems like a need - is a biological, psychological or social phenomenon, its effects on the individuals concerned cannot be dismissed lightly. Medical intervention does not solely concern itself with needs and physical suffering; people's desires play a key part in health care provision as well. However, the fact remains, as Chadwick (1992) points out, there is more than one possible response to desires. For people unable to have children of their own options include adoption and counselling to come to terms with their inability to have children. Expensive, prolonged and problematic infertility treatment is not the only option available for a desire that is difficult to realise.

Chadwick notes that many of our desires arise because we think we can achieve them; after all it is pointless desiring something that you cannot have. Infertility treatments

create the impression that what was once impossible can now be easily achieved, so creating a desire that was previously dormant. Conversely our desires could be the result of social pressure, social stereotyping and the wish to fulfil social expectations. Either way the implication is that some desires are not worth fulfilling, for a variety of reasons, for example, they may be too hard to fulfil, too problematic, or too fatuous. Maximising some preferences may not actually increase wellbeing. This highlights a problem with preference-utilitarianism, as noted by Glover (1984); if a preference has been created, no matter what the merit of it, we maximise preference-satisfaction by meeting it. Chadwick also notes that satisfying a person's desires often leads to new desires; we are never satisfied with what we have.

It may seem unduly harsh that we scrutinize a childless couple's desires for children, as we seem to have few restrictions or concerns about couples who can have children 'naturally'. Having children undoubtedly enhances quality of life for the vast majority of people concerned; parents and their children often enjoy mutual wellbeing as a result of the decision to beget and rear children. Why should childless people be denied this benefit? Why should their potential offspring be similarly denied? Unfortunately reproductive technology is not the panacea to fertility problems that is sometimes assumed. There are substantial moral issues to be dealt with once we stray from the path of conventional reproduction; these problems do not necessarily make infertility treatment immoral, but they do raise serious questions about the process. The intention of this work is not to consider reproductive ethics in any great detail; however, some of the issues involved have a direct effect on our understanding of the morality of reproductive cloning.

Chadwick (1992) argues that some forms of infertility treatment, those involving donation of genetic material, should not be endorsed by society and the medical establishment. AID and egg donation, for example, will inevitably mean that the couple who benefit from donations of these kinds do not both have a genetic connection with the resultant offspring. Only one parent will be biologically connected to the child, but does this matter? Chadwick argues it does. Whilst donating one's genetic material can easily be viewed as an altruistic act, there are problems associated with it. In one sense one of the parents concerned will be an adoptive parent, as he or she will not be genetically connected to the offspring. This may not seem much of an issue, but as Chadwick points out, we generally regard adoption as second best, despite recognising that adopted children can lead very happy and worthwhile lives, so to set out deliberately to create an adoptive child seems bizarre. Of course oddness does not make something morally questionable in itself, but Chadwick notes that many infertile couples view AID and egg donation as better options than adoption, because at least one of the parents will have a genetic connection with the offspring. However, if a genetic connection is so important for the parents, why would it not be equally so for the offspring? If adults have reproductive rights, are there not children's rights, one of which might conceivably be full knowledge and disclosure of their genetic heritage?

Since the 1st April 2005 people who donate their reproductive material no longer have their anonymity protected; at eighteen children created using AID and egg donation techniques can legally access information regarding the individuals who have donated their genetic material to help create them. However, egg and sperm donors will have no legal or financial responsibilities for the children they have helped to create.



Chadwick (1992) argues that the removal of anonymity from donors of reproductive material is a good thing. It allows the child full knowledge of its genetic history, and even though children might not have rights as such, just as adults do not have rights (at least not in the conventional self-justifying, inalienable sense), from a utilitarian perspective their wellbeing could be seriously undermined by not knowing at least half of their genetic heritage. Chadwick acknowledges that sometimes children might not know one of their parents, due to death or divorce when the child was very young, but the difference with donation of reproductive material is that this state of affairs has been deliberately created. Chadwick asks the reader to consider the effect of not knowing their own children, and to bear in mind the fact that many infertile couples want at least some genetic connection with their offspring, suggesting that genetic heritage is very important. Unfortunately it appears that where anonymity is not guaranteed the number of people who are willing to act as donors drops dramatically (this appears to be the case in Denmark where anonymity for donors is not permitted). Chadwick writes that allowing anonymous donation of genetic material, whilst starting out as a desirable example of altruism for childless couples, may lead to an undermining of our sense of responsibility to our genetic offspring. Slippery slope arguments have been discussed already and should only be considered where the danger is realistic. Chadwick maintains that in this particular case the danger is credible, as the gametes being donated will turn into living examples of the break between begetting and rearing. Kin altruism is, many believe, very powerful and any undermining of this could plausibly have serious detrimental effects on society and our attitudes towards begetting and rearing children. Knowledge of one's full genetic history is clearly very beneficial and enhances wellbeing; conversely not knowing it can be psychologically damaging.

It may be hard to know the psychological effects of not being aware of one's full genetic history, but many people do feel a profound sense of loss, uncertainty, sadness and resentment at not knowing their family history. It therefore seems appropriate that children created by AID and egg donation techniques should be aware of their full genetic history, even if this does mean that there is a significant decline in the number of people prepared to donate their genetic material. It is also worth noting that alternatives to gamete donation exist, alternatives that can enhance wellbeing considerably. Being adopted into a loving environment can enormously enrich the lives of both the adopters and 'adoptees', and this can be achieved without any of the serious moral complications associated with genetic donation. Rights can be superseded easily by other considerations, such as maximising wellbeing; arguably genetic donation does not do this as effectively as the alternatives available.

Chadwick highlights an analogy with unrequited love, that - like childlessness - is a painful experience, but as a society we do not feel obliged to take steps to provide the individual concerned with a suitable partner. The object of the affection is not forced to live with their admirer. Instead the lonely lover has to consider alternatives, and more suitable ways of achieving wellbeing and happiness.

Full surrogacy, the term coined by Singer and Wells (1984) to describe the process where a woman 'leases' her womb, allowing an egg from an infertile woman - which has been fertilised by her partner - to be implanted in her for the period of gestation, may seem an acceptable solution to the problem of donation; certainly Chadwick thinks so. In the case of full surrogacy the 'commissioning' parents are both genetically linked to their offspring; the surrogate has simply provided a gestation

'service'. The intention of this work is not to debate the moral issues involved with surrogacy; it is sufficient to note the views of Andrea Dworkin (1998). She notes that the surrogate may be reluctant to give up the infant she has given birth to for a variety of reasons, despite her contractual obligation to do so. It may mark the end of the care and attention she has been feeling; or she may feel love for the foetus her body has fed and she has carried inside herself. Either way she is supposed to move on, childless from the pregnancy. Dworkin notes that this is very hard on the surrogate. It could be argued that this is simply her duty under the terms of the contract, but the scope for exploitation, on both sides, is large and potentially hugely damaging for those concerned. As having children is not a right (as argued above), and as involving third parties is so fraught with difficulties and as alternatives exist, should not this method of begetting children also be severely circumscribed? The full surrogate may not have a genetic connection with the embryo inside her, but she nevertheless has a very strong connection with it, a biological bond of sorts that lasts for up to nine months. Admittedly gamete donors supply a genetic connection that lasts a lifetime, unlike the full surrogate; nevertheless, her part in the creation process is plausibly more serious, dangerous and committed. The role she plays in the creation of a child means that she should surely be treated as more than simply a bit part actor in the drama of conception, if she wants this. The problems of involving third parties in the begetting process seem no less problematic with full surrogacy than with genetic donation; the potential for unhappiness, resentment and psychological harm for all concerned seems enormous and undermines any benefits that can be arguably delivered. Complete transparency, openness and access to salient information, contact and details for all concerned parties may alleviate some of the problems mentioned above; however, the reality of the situation is that this is unlikely, and the majority of donors will want

anonymity. Full surrogacy, which strikes some as a solution to the problem of reproductive donation, is also fraught with moral and practical pitfalls.

Reproductive cloning offers a way around the problem of involving third parties in infertility treatment. The same process that is used with therapeutic cloning can be applied to reproductive cloning; the difference is that instead of destroying the embryo after a short period of time, it will be implanted, will develop into a foetus and be born. This process does not involve any third parties in the gestation and genetic make-up of the infant, and sustains the connection between begetting and rearing. If it really is in the interests of all concerned to ensure that a genetic connection between offspring and parents exists and is maintained, then reproductive cloning seems to provide a way of helping infertile people who wish to have children, and ensures that they are genetically connected to their offspring. However, reproductive cloning is extremely controversial and rejected by many, despite the solution that it offers to the issues discussed above.

One of the main criticisms of reproductive cloning is that the clone is a 'copy', a genetic replica of the parent and, therefore, somehow less valued because they are a 'copy' and will struggle to establish their own personal identity and sense of individuality. Gould (1998) and Dawkins (1998) both point out that identical twins are closer copies of one another than a clone is of its parent. Gould explains that identical twins share the same mitochondrial DNA, and share the same egg, which contains the protein products of the maternal genes; these proteins play an important role in the early development of the embryo. Generally reproductive cloning involves the implanting of a person's nucleus into a surrogate's egg after the surrogate's own

nucleus has been removed. This results in different mitochondrial DNA and so an exact genetic 'copy' of one individual will not be produced. Furthermore, identical twins share the same biological environment, and pre-natal factors can play a significant part in an embryo's development. Finally, both Gould and Dawkins note that whereas identical twins usually share the same social and domestic environment, clones will have a completely different and unique set of environmental experiences to their parent. Zaner (2003) argues that genetic determinism is often overstated; he writes, '...our human genes have the capability of indicating only the rough outlines of neural wiring. Random mutation and environment influence neural connections and all aspects of the organism' (Zaner, 2003, p.17). Doubtless the nature verses nurture debate will rage on indefinitely, but it seems clear that the more we understand about genes the more we realise that genetic influence is complex and mediated by a vast variety of environmental factors. To reinforce this point, Gould cites research that suggests birth order has a profound effect on personality development, emphasising the power of nurture.

Brock (1998) discusses some of the main arguments for and against reproductive cloning quite succinctly. Firstly, reproductive cloning offers infertile couples, and those with partners who have a serious hereditary condition, the chance to have offspring that are biologically related to one partner. This process would also not involve third parties and the problems associated with this and discussed above. Reproductive cloning offers people the chance to produce children who are an exact genetic match to themselves, and who could conceivably provide tissues of an exact match for the parent, or sibling. This process could also enable individuals to clone someone they were particularly close to; for example, parents could clone a dying

child. Finally, talented and gifted individuals could be cloned and society could reap the rewards of having large numbers of such individuals around. The last couple of reasons are clearly nonsensical. If we accept that nurture does profoundly affect an individual's development, cloning a deceased loved one would be pointless, as the clone would only have the same genes, and they would not be the same person with the same person with the same personality traits; besides it would be wrong to treat the cloned person as a copy and not an individual in their own right, especially as they would not be an exact duplicate and would have different experiences to cope with. Reproductive cloning to ensure a genetic match for tissue donation purposes is also senseless as therapeutic cloning serves this purpose without any of the complications of having a child and arguably treating the child solely as a means. Even if the child was loved in its own right, the physical and psychological discomfort of serious tissue donation would militate against 'using' a child in this way.

Brock also summarises some of the main arguments against reproductive cloning. The most significant one concerns the potential psychological distress and harm that the cloned possible child may suffer as a result of being the genetic 'copy' of another person. Brock refers to Parfit's 'non-identity problem' to ask whether such conceivable harms are grounds for opposing reproductive cloning. As the non-identity problem illustrates, even if the possible child does suffer psychological harm as a result of being cloned, as long as this child still is able to have a worthwhile life, this is presumably better than the alternative of never existing at all. Of course, as both Parfit and Brock point out, where there is the opportunity to have a child without psychological problems and with a greater chance of wellbeing and leading a worthwhile life, there is a strong moral reason for doing so, even if the former child

would nevertheless be happy. Choosing to create a person with impaired wellbeing, or even the likelihood or possibility of this, for whatever reason, is possible to justify but is harder to defend when there are alternative options available which are more likely to result in wellbeing and enhanced quality of life. Brock also notes that there are important safety issues concerning reproductive cloning, and many scientists regard the risks of the procedure to the clones as too great at this time. Over time the safety concerns may diminish, but this is still some way off.

Brock notes that some have argued that reproductive cloning would lessen the worth of individuals and diminish respect for human life. Presumably this is because the cloned individuals might be regarded as somehow 'manufactured to order' and lacking in human uniqueness because they are a genetic replica of another person. People might no longer be valued for themselves but become highly regarded because they possess the exact same genes as another noteworthy, highly esteemed person.

Nevertheless, identical twins, for example, are not de-valued or treated disrespectfully because they have a genetic double; furthermore, most parents love their children regardless of their instrumental worth and talents; this suggests that genuine love and respect is not generally based on instrumental qualities. However, if infertility is not the reason for having a clone, why 'copy' yourself (at least in terms of genes) if you wanted to create an entirely unique individual? If a person does not wish to create a unique individual but instead wants a genetic copy of themselves, their motivations to beget a child must be seriously questioned, for the sake of the resultant child. As mentioned before, people have children for a variety of reasons, not all of them laudable, but this does not mean that we should condone having children for fatuous, possibly disturbing reasons, where we can help it. Moreover, how many clones

should a person be allowed to beget, just the one, or two, or three, or sixty-three?

Identical twins and identical sextuplets are genetically the same, yet they are respected and treated as individuals; why should reproductive clones be any different?

Finally, some have suggested that reproductive cloning might be used by unscrupulous governments, terrorists, and fanatics etc. to create specific types of people with particular desired characteristics. In addition the biotechnology industry may exploit the process and charge people for cloned embryos with purportedly desirable characteristics. In a free market economy we have to decide what commodities can be bought and sold; are human genes such a commodity? If certain capacities really are highly desirable should they not be made available to everyone, not just to those who can pay? Similarly, undesirable genes should be eradicated for everyone, not just those who can afford to eliminate them. Perhaps trivial genes, such as those for hair colour, could be traded, but allowing the human gene pool - even for trivial genes - to be dictated by the whims of fashion and market forces seems a very dangerous precedent to set, especially in terms of encouraging respect for diversity and individuality. A strictly regulated and transparent process of reproductive cloning should prevent misuse and abuse of the technology; besides, the limits of genetic determinism, and the power of nurture, surely mean that there are far easier ways to create the social traits desired by unscrupulous and evil organisations; social psychology gives us plenty of evidence for this, as the classic and infamous experiments of Milgram (1963) and Zimbardo (1973) illustrate.

It seems that the case against reproductive cloning is so far quite weak and despite people's intuitive reactions to the concept, the reality of reproductive cloning is such



that this emotional response is unfounded. If having children is a good thing, and if it is better to ensure that one's offspring are genetically connected to oneself, then reproductive cloning should be accepted. The case against reproductive cloning is further undermined if we accept that reproductive rights exist, and that infertility is a medical condition that should be treated medically, using biotechnology. The rights of the children concerned do not seem to have been adversely affected; after all, no one talks of a right not to be a clone; if they did the outlook for identical twins would be bleak; furthermore, the clones can be argued to have benefited from being brought into existence, despite the unusual method of conception, because the alternative was non-existence.

However, there are some important caveats that need to be taken into consideration. Firstly, arguing from rights is misconceived (for reasons discussed already). What really matters morally is wellbeing and how to best enhance it. The notion of reproductive rights is fallacious; nevertheless, it could be argued that reproductive cloning would allow infertile individuals to be happy and bring about extra wellbeing through the children they beget. However, having children is arguably not a need, many people lead extremely worthwhile lives in the absence of children, and there are alternative options available to infertile individuals which do not necessitate the involvement of third parties or reproductive cloning. Perhaps the most compelling argument against reproductive cloning, however, is the well-being of the children who would be produced in such a way. Whilst it is true that such children may well be grateful for being brought into the world, other happier people could exist, people without any issues related to individuality and identity. Jones (2001) is correct when he argues that deliberately producing people to resemble an existing person would

make them seem like replacements; thereby undermining their quest for individuality and making them seem like replaceable copies. Identical twins are not deliberately produced to resemble each other and have two genetically parents, and so differ from reproductive clones in these respects. However, it could be argued that identical twins still have a sense of unique personal identity, despite having a genetically identical sibling; however, they do not have a genetic blueprint or map already laid out in front of them in the form of their parents. They have a genetically identical parallel, not a genetically identical predecessor. Having a genetic parallel as opposed to predecessor may make establishing a unique personal identity easier. Having a genetic predecessor gives some expectations of traits and predispositions; whether or not these expectations are well-founded, they may be enough to undermine personal uniqueness and the ability to follow one's own path and devise one's own blueprint for life. This may well reduce psychological wellbeing and the potential for quality of life.

Of course, as has been argued, a cloned person would not be identical in every sense to their parent; they would have different environmental experiences affecting their development; nevertheless, the psychological impact of not being genetically as well as psychologically unique might be extremely damaging. The cloned child might well feel that their sense of uniqueness and individuality has nevertheless been undermined by the cloning process, possibly to an extent that significantly impairs his or her wellbeing.

Commentators who have argued for a lucid and rational analysis of reproductive cloning, such as Richard Dawkins and Stephen Jay Gould, have pointed out that the

clone would not be identical to the parent, mainly because of the different environmental factors they would experience. However, if one aspect of uniqueness is important, and if it is so important to stress the actual differences between the clone and the parent, why deny a child genetic uniqueness also? To deliberately create a person so they are very similar to someone else is morally wrong; it could have a profound effect on the psychological wellbeing of the clone; their own identity and autonomy will not be valued, and there will be an unfair and unbearable amount of expectation placed on them to live up to 'cloned' expectations. Besides if a clone could never be a genuine copy of a living or past individual why pursue this process?

The only legitimate use of reproductive cloning is clearly for infertile couples; although as only one person is needed to beget a child in this way, the notion that children are best created and raised by a mother and a father is questioned. Whether or not fertility treatment should be offered only to couples is not a subject that needs to be addressed here; it is clear that many children are raised very successfully by only one parent; nevertheless, wellbeing is arguably enhanced by having loving examples of both sexes involved in a child's development. Any practice which may undermine this would need to be considered very carefully for this reason alone. More important is the effect on the clone of the knowledge that it is a deliberately created genetic copy. One can merely speculate on how a child will feel knowing that it is a genetic copy of only one parent. If children should be given access to information about their genetic parents, as Chadwick maintains - and which seems perfectly reasonable - how would a child react to the knowledge that it only had one genetic parent? This is obviously a question for psychologists, but as our concern here is with enhancing well-being for all those agents capable of it, anything which does not plausibly do this

cannot be accepted. Furthermore, our goal should be to create worthwhile lives, not just tolerable lives. The psychological impact of being a genetic clone, of being deliberately created like that, even for the best of reasons, may have a profound effect on that person's psychological wellbeing. When one considers that more favourable lives can be created, or could conceivably be brought about through, for example, adoption, should we still contemplate reproductive cloning, even for those who are unfortunately infertile but desire children?

Earlier in this work arguments concerning potentiality were discussed. In this work it was maintained that potentiality should only really start to carry serious moral weight at birth. Others have argued that potentiality should count from the moment of conception, or from the third trimester when the central nervous system is fairly well-established. Those opposed to counting potentiality from birth onwards and wishing to consider it earlier, because they believe even the embryo ought to be treated as a full moral agent, should consider the implications of this for reproductive cloning. If a cloned embryo is regarded as a complete moral agent, because it has the potential to be a 'full' human being, then this implies it should be brought into existence no matter how it was created. However, the approach adopted in this work suggests that as potential should only matter seriously at birth, and that wellbeing should outweigh any other consideration. Arguably an infant created via reproductive cloning will be less psychologically well-balanced than one created 'normally', i.e., with two genetic parents. Where we can foreseeably enhance wellbeing, and reduce harm (be it physical or psychological), it is incumbent on society to pursue these goals. Given this moral framework, the case for therapeutic cloning is incontrovertible; however, the case for reproductive cloning, other than in exceptional circumstances, is

essentially non-existent.

Even though infertility is a condition that does merit treatment, there are other important interests that should be considered: those of the children affected. It is very difficult to be sure how knowledge of the fact that he or she is a genetic copy of only one parent, and not genetically unique would affect the clone. Certainly if we restrict this reproductive cloning to infertile couples (there is virtually no justification for this treatment in other circumstances) the children so created would form only a tiny minority of people. Zaner (2003) notes that ten to fifteen percent of the population are unable to have children; a percentage of these will be unable to have children other than by reproductive cloning. The fact that the potential number of children created by reproductive cloning is so small therefore negates fears that reproductive cloning might become the reproductive norm, replacing the begetting of children by men and women who love each other and are committed to providing a stable, loving and supportive environment for their children. However, because the children created in this way would be so small in number, this fact alone may lead to feelings of 'unnaturalness' and separation from the rest of society, causing an even greater psychological burden. This has not been an issue for children created using IVF techniques (also a small minority), but these children are genetically unique individuals created from two people.

Deontological arguments cannot help resolve the issue of reproductive cloning; conversely consequentialism focuses on the essential matters: what practices are most likely to produce the best results, that is, enhancing quality of life for those agents capable of it. The psychological impact on the clone of the knowledge that it is a

clone is contentious at best, and when we are considering the wellbeing of a child it is surely best to be cautious. Risking the psychological wellbeing of one person for the benefit of another is wrong. The wellbeing of the clone is being sacrificed for the lesser interests of the parent. Moreover, it is plausible to argue that more favourable lives can be created by methods other than reproductive cloning. Reproductive cloning (like AID and egg donation) places the desires of one set of people - the prospective parents - above the intrinsic interests of another set - the resultant children. Furthermore these desires can be accommodated in other ways, and in ways which will enhance wellbeing, such as adoption and working with children in capacities other than being a biological parent. As Elshtain (1998) remarks, there are many other ways of experiencing meaningful relationships with children other than biological parenting. Elshtain notes that rather than accept certain biological realities we rail against them despite the cost to ourselves and to others, and we deny the other possibilities that are available. Psychological counselling to help childless people come to terms with their fate is an alternative to infertility treatment, and where demands for medical resources are enormous, it seems a better option, sometimes. However, biological 'fixes' are often preferred despite the problems and distress they can cause. Alain de Botton, writing in *The Independent* (September, 2002), remarks that stoicism in twenty-first century life is deeply unfashionable. He comments that whereas stoicism advocates working out what you can realistically do, and accepting what you cannot, and looking for compromises when desires outstrip what is possible, we expect to have all our desires satisfied. Clearly we are right to expect that our intrinsic interests are satisfied, although for many people this still is not the case, but should we expect all our desires to be met, no matter what the cost to others and what problems might arise as a result? Would it not be better for our own wellbeing if we

learned to accept that some desires, such as having our own biological children when this is not physically possible without extreme medical intervention, are best left unfulfilled?

Zaner (2003) notes that in a world of increasing biotechnology and environmental pollution natural methods of conception could easily be replaced by technological ones, with an ever increasing emphasis on the economic 'marketization' of reproduction, and the exploitation that often results from such a process. This may be an overly dramatic and frightening interpretation of events and technology, but it should act as a warning to consider what is morally important. Technology is best used when it serves essential moral interests. Rights and moral intuitions often cloud our moral vision. What is important is enhancing and promoting the quality of life of human beings (and other living entities capable of wellbeing); this is done by ensuring that essential capacities can be developed and exercised. Desires should take second place to what is of intrinsic value; in a world where many people do not have their basic needs met, fulfilling the desires of an ever increasingly self-indulgent, affluent West, whilst doing little to meet the basic needs of others seems almost offensive. In an overcrowded world rife with debilitating and life-destroying conditions, therapeutic cloning is not only morally justifiable, it is essential for wellbeing. This is not the case with reproductive cloning, and arguably it may even undermine wellbeing for those created using this technology. The case for therapeutic cloning is clearly well-established; the same cannot be said for reproductive cloning.

## SIXTEEN

### **RELATED ETHICAL ISSUES: 'Designer Babies' & Xenotransplantation.**

#### **i. 'Designer Babies'**

Therapeutic and reproductive cloning also conjures up notions of 'designer babies', with all the ensuing moral panic and nightmare scenarios. The reality is clearly somewhat different. Whilst it is not the objective of this work to consider the issue of designer babies and genetic therapy, it is worth briefly noting how these topics could be addressed from a consequentialist perspective.

Pre-implantation genetic diagnosis (PGD) on embryos is allowed by the HFEA for screening to detect serious genetic disease. However, in 2002 the Hashmi family was allowed to use PGD to create a donor sibling for their son who suffered from the inherited blood disease thalassaemia. Currently the HFEA is considering a test case licence application for the procedure submitted by Dr. Taranissi, a leading infertility specialist. If Dr Taranissi's application is successful other families with children suffering from serious genetic conditions will be able to use the PGD technique to create a donor sibling (*The Daily Telegraph*, July 17, 2004).

Predictably enough conservative, anti-abortion groups have responded with outrage to this news. They argue that such a procedure discriminates against human life and treats life not as intrinsically valuable but merely instrumentally useful for other people. As has been discussed earlier, the validity of slippery slope arguments is highly suspect and, more importantly, regarding life itself as intrinsically valuable is flawed. Instead what is intrinsically valuable is quality of life and being able to lead a



worthwhile life. Of course, procedures such as PGD may reduce wellbeing, and if people are created to be used merely as 'spare parts' for other human beings, this clearly would have serious implications for the wellbeing of the individuals concerned, and society generally. Living in a world which does not endeavour to value the intrinsic interests of all its agents, wherever possible, is manifestly detrimental to quality of life. However, this is not the case with PGD. PGD involves the screening of embryos created during IVF to create a suitable donor for the seriously ill sibling; an embryo with the suitable matching characteristics is then implanted in the womb of the mother. The umbilical cord blood of the 'designer baby' can then be used to treat the sick sibling.

This technique does not involve creating an identical clone and does not involve any painful invasive procedures. The child has not been deliberately engineered to be a clone of its sibling, and so should feel no disquiet about not having its own unique identity. As has been mentioned before, people have children for a variety of reasons, having a child so that one's other child stands a better chance of enjoying a worthwhile life seems as good as any other. This is especially so if it is remembered that the child that has been created has not been genetically engineered in any way for the benefit of another, and its own unique psychological and physical identity cannot be even remotely questioned. The resultant child could not possibly be viewed as simply a copy, replica or identical source of spare parts for the sick sibling, as it is not a genetic copy. The value of a child created using the PGD technique cannot be undermined by the process as it is unique in its own right; it is not genetically identical to anyone else, even if it has elements of compatibility with others. Indeed the uniqueness of the child, together with the joy it will bring the parents and the benefits to the sick sibling,

will surely mean that it will be very much loved, completely contradicting the view that it will be somehow de-valued as an individual. Overall the wellbeing to everyone concerned is such that PGD should be accessible to those minority of parents and children it will benefit.

Screening for tissue donors, be they related or not, is a well-established part of medical interventions. It is not suggested that such donors are exploited or de-valued as a result. Obviously, unlike embryos, adult donors can give their consent, but where the benefits to all concerned are so great, and the harms so minimal, it is hard to see the case against PGD. The child created using the PGD technique will presumably have a worthwhile life; there is no reason to think that it will not; and the sick sibling will also be able to lead a worthwhile life as a result of PGD. The discarded embryos will not live but does the potential harm they suffer from not being brought into existence really outweigh the benefits of bringing the suitable embryo donor into existence. Surely more favourable lives will be a result of PGD procedures and if quality of life is what concerns us, as it should, as opposed to life *per se*, then PGD should be sanctioned. Giving full moral status to embryonic life means that only embryos that are going to be born should be created. In the scenario discussed above this means either not attempting to create a suitable donor for the sick sibling; or implanting every embryo that is created in the hope that one of them will provide a match. It is hard to see how either option is a morally satisfactory one, at least not in terms of enhancing quality of life.

Combining IVF and genetic screening techniques avoids the problems associated with reproductive cloning, whilst ensuring that wellbeing is promoted and enhanced.

Although the PGD procedure involves searching for desirable characteristics, i.e., those that match the sick sibling, as opposed to screening for serious genetic defects, it is nevertheless morally justified. Screening for serious genetic defects clearly benefits the agents who may have been otherwise affected, and unless we think all forms of life are equally worthwhile it is clear that some people can lead more favourable lives than others. The concept of a worthwhile life is not one based on fatuous or spurious claims regarding merit, desert or contributions to society, but rather it is based on well-being; having one's basic needs fulfilled, being able to develop and exercise one's essential capacities, in order to flourish and enjoy as opposed to endure life. It takes a serious type of moral myopia not to see that some lives are not, or cannot be worthwhile, and are impossible to make worthwhile. Where genetic screening can prevent this from being the case, it is surely a good thing. Genetic screening and engineering for desirable characteristics may seem appealing, but need closer examination.

Characteristics, such as intelligence, may seem worthy of genetic engineering; however, unless everyone was given the opportunity to genetically modify their offspring in this way, it would be unfair, divisive and potentially exploitative. This would clearly not facilitate wellbeing. Characteristics such as tolerance and kindness might be very useful to any society, and perhaps worthy of genetically engineering into the world's population. The problem is that a gene for kindness probably does not exist, and if it did it would be too difficult to isolate and engineer. Genetic diversity is obviously important, and a world full of clones would make the world a very dull place, and one that ran terrible risks in terms of combating disease. However, as genes manifest themselves in different ways according to various environmental

factors. perhaps diversity and sameness would not be a problem. The fact is genetic determinism is a myth and instead of trying to finesse nature we should focus on social engineering or therapy; we should focus on social issues such as poverty and inequality if we really want to improve wellbeing. If genetic therapy does not concern itself with wellbeing, but rather concentrates on things like biological sex or eye colour, it may still reduce wellbeing. A world full of blue-eyed boys is obviously unsustainable (without reproductive cloning), and implies that being female, or male with green, grey or brown eyes, is undesirable and less valuable. Devaluing fellow human beings because they do not have certain traits, regarding them as less desirable because they are not male or blue-eyed, will clearly be detrimental for many and will reduce wellbeing for many who are capable of it.

Ensuring that people have their basic needs met, and can develop and exercise their essential capacities unimpeded is the best way to ensure and enhance well-being. Anything which can plausibly be expected to facilitate these goals should be pursued. Therapeutic cloning and PGD do enhance wellbeing and so are morally acceptable; similarly, genetic screening and therapy to eliminate serious conditions which rob individuals of their essential capacities are also justifiable. However, the case for reproductive cloning is much more dubious, and so this process is best not pursued until the psychological and physical effects on the clone can be better understood and appreciated. If this proves impossible then it may be best if reproductive cloning is permanently prohibited. Genetic screening and therapy for anything other than conditions which prevent the development and exercise of essential capacities are ill-conceived and potentially detrimental to wellbeing.

## ii. Xenotransplantation.

Bach and Ivinson (2002) define xenotransplantation as the transplantation of organs, tissues or cells from another species to humans. *The Bulletin of Medical Ethics* (April, 2003) points out that many non-living animal products are used to treat human maladies; for example, porcine heart valves and insulin and various types of vaccines derived from animals are used to treat some chronic human conditions. Murphy (1990) notes that some sheep have been genetically engineered to secrete human pharmaceuticals in their milk; these Factor IX sheep are fit and healthy but the genetic modification they have experienced is of enormous benefit to human sufferers of haemophilia (Factor IX is a human blood-clotting factor missing in some haemophiliacs). There may be few ethical problems with using non-living animal products, or only slight genetic modification of animals, for human benefit; however, there are considerable concerns when this genetic modification is considerable and has a significant effect on the nature of the animal concerned. Advances in genetic engineering, combined with a shortage of human donors, raises the possibility of breeding some animals (probably pigs) which have been genetically modified to enable them to produce organs which - because of substantial genetic manipulation of the 'host' animal - make them suitable for human transplantation.

Whilst the aim of this work is not to consider this issue specifically, it is worth briefly noting how the approach adopted here can relate to this subject. Any entity capable of wellbeing and flourishing has some capacity for intrinsic value; although the degree of intrinsic value an entity is capable of bearing will vary between individual entities and species. Since morality, it is argued here, should concern itself with enhancing the

wellbeing of all entities capable of experiencing it, acting morally means concerning ourselves with the essential capacities and basic needs necessary for a member of any species capable of flourishing to flourish. Genetically modifying animals to enable the production of suitable organs for human transplantation may not necessarily be morally wrong; the wrongness depends on how this genetic modification impacts on the particular animal's essential capacities and ability to flourish as a member of its species. Concentrating on essential capacities is, Attfield (1990) notes, far better than considering sentience alone, as animals could be bred so that they did not experience pain or distress whatever was done to them. Making sentience alone morally considerable ignores the other harms and benefits that can be experienced by entities capable of wellbeing, such as being able to interact with their environment in a meaningful way for a member of that species. Lobotomising a person with a serious psychological disorder may treat the immediate problem - the disorder, but it does not enhance wellbeing for the individual concerned, for obvious reasons. Removing the ability to care about one's conditions and environment, for any species capable of having such responses, does not enhance wellbeing and, arguably, harms the entity concerned.

Parfit (1984), discussed earlier, points out that people can be harmed or benefited by coming into existence; if some qualities of life are worse than being dead, clearly a person brought into existence under such conditions has been harmed; the reverse is true for someone brought into existence with very good qualities of life. Thus it is not true to maintain that no creature can be harmed or benefited from being brought into existence. Furthermore, Parfit's reaction to the 'non-identity problem' (see pp.53-54) shows that it is not just identifiable individuals that can be harmed or benefited; future

possible people also matter. Thus bringing animals into the world that are insentient is plausibly immoral; we can harm or benefit both existing and possible creatures, and simply removing the ability to be sentient does not automatically make xenotransplantation morally acceptable.

Xenotransplantation is not necessarily wrong *per se*, and it may be the case that in order to avoid terrible human suffering extensive recourse to this form of biotechnology is required. However, it is important not to ignore the moral implications of this practice for all those moral entities concerned. We genetically modify animals, alter their *telos* and frequently treat them accordingly, but this does not necessarily become an important moral concern as long as their moral ends are respected; as long as they still flourish as members of their particular species. Any creature capable of wellbeing should not be prevented from flourishing wherever possible. It should, in most cases, be possible to facilitate the essential capacities of many members of various species without making significant sacrifices to our own human intrinsic values. As Attfield (1990) writes, where there are, or might have been, creatures with a high level of capacities and the ability to exercise them, deliberately reducing the ability of such creatures to develop and exercise these capacities, without sufficiently strong benefits to other agents, is wrong. Reducing a species' range of capacities, especially the diminution of sophisticated cognitive and affective ones, restricts quality of life, and this is morally unacceptable.

Holland (1990) supplies a further reason why genetically modifying flora and fauna in a substantial way is wrong: it reduces genetic diversity. Holland writes that genetic diversity renders a life-form or group of life-forms more resilient and better able to

cope with the vicissitudes of existence. In addition a reduction in genetic diversity, be it genetically altering the human gene pool in a critical way, or creating genetically manipulated (or mutilated) animals, for example, goes against the general trend of evolution. Holland acknowledges that there is nothing inherently inviolable about evolutionary trends, but deliberately reversing the trend that has created biotic diversity seems foolhardy and reckless. The effects of reducing genetic diversity are not fully understood, but diversity offers opportunities for advancement, continued individuality, health and study, i.e., for well-being generally, that sameness and reduced diversity do not.

The costs to transgenically manipulated animals seem clear enough; however, the benefits to humankind of xenotransplantation are less so. Obviously recipients of transgenic organs will gain extra years of life, but do these extra years of existence for the few who are affected outweigh the suffering that many millions of animals are likely to endure as a result of xenotransplantation technology? Moreover, the suffering of animals is not the only consideration, what about the risks involved in reducing genetic diversity? Of course, it may well be the case that the benefits to humankind outweigh the distress caused to animals, and where the impact on the capacities of the animals concerned is slight arguments against xenotransplantation lose their force. However, are the benefits to mankind as substantial as assumed? Crossing the species barrier is inherently dangerous, as the example of 'mad cow disease' illustrates. Does xenotransplantation run the risk of introducing many new and deadly viruses to human physiological functioning? How many extra years of worthwhile life can be gained from xenotransplantation; how many transplants will be needed across a patient's life-time? Finally, there are alternatives to



xenotransplantation; for example, more money could be allocated to preventing disease. Therapeutic cloning offers a far more appropriate way of dealing with transplantation issues than xenotransplantation. For instance, it does not involve the possible degradation and exploitation of other moral entities with high levels of capacity, and tissues and organs created in this way remove the problem of organ rejection. A human blastocyst - at the 150 to 200 cell stage, i.e., the stage at which therapeutic cloning would take place - cannot be regarded as a moral entity, unlike a fully-developed higher order mammal.

Reproductive cloning, genetic engineering and xenotransplantation all have the potential to reduce genetic diversity and diminish quality of life. Conversely therapeutic cloning, despite the moral panic and calls for a worldwide ban, does not have implications for genetic diversity and can actually enhance quality of life; furthermore, it does not involve exploiting other moral agents, or reducing the capacities of other morally relevant entities. Therapeutic cloning respects what is important about existence; it ignores species membership as criteria for moral consideration but highlights the need to focus on the essential capacities necessary for wellbeing. The potential to develop and exercise essential capacities is obviously important; however, this potential should not outweigh other significant interests, or be given importance too early: birth, for reasons stated above, is plausibly the best place to consider potentiality. Adopting a consequentialist approach that focuses on the development and exercise of essential capacities provides a secure basis for enhancing quality of life for all those entities capable of it.

## **PART THREE: THE CONCEPT OF SUSTAINABLE DEVELOPMENT**

### **SEVENTEEN**

#### **INTRODUCTION: THE RATIONALE FOR A THEORY OF SUSTAINABLE DEVELOPMENT AND ITS EXTENT**

Our environment, the natural world that surrounds us, is clearly not a static entity. Evolution has resulted in change and has been a response to change. However, the ability of the natural world to cope with current and future levels of human interaction is giving increasing and unparalleled cause for concern. Can the environment as we know it be sustained in the face of current and future levels of pollution? Why should we be concerned about environmental damage? Why do changes to our natural world matter? If the natural world does matter, what is the best way to protect it and promote the interests that are encompassed therein?

It is now generally accepted that the world faces some very serious environmental issues. For instance, the production of chloro-fluoro-carbons has resulted in significant damage to the ozone layer, reducing the earth's natural protection from the effects of the sun's ultra-violet rays. In addition, the destruction of large tracts of rainforest that absorb carbon dioxide, plus the burning of carbon-based fuels, has resulted in unprecedented climate change with potentially disastrous consequences for future generations. Many areas of the world are at risk from either desertification or flooding. Recently, Tony Blair argued that climate change was the single biggest problem facing mankind and made dealing with it a top priority for Britain's presidency of the G8 nations. Nigel Dower (2003) notes that although the world

population is predicted to stabilise towards the middle of this century, the ability of the biosphere to continue to supply renewable resources, such as food and timber, is under threat. Furthermore, the continued pollution of the environment and destruction of natural habitats is having a profoundly detrimental effect on the earth's finite resources. resources which are biological as well as mineral and material.

Concern about the state of the world does not centre exclusively on environmental issues. Another burgeoning area of moral unease is global poverty. Indeed, world poverty and environmental destruction are possibly the two biggest challenges to quality of life facing the world today, and are likely to continue being deleterious well into the future. Quality of life will be extremely difficult to enhance unless serious remedial action is taken and alternative international practices and policies implemented with regard to the environment and world poverty. Dower (2003) notes that in the mid-1970s it was estimated that 800 million people lived in 'absolute poverty' a state characterised by Robert Macnamara (1980) as a condition of life 'so limited by malnutrition, illiteracy, disease, high infant mortality and low expectancy as to be beneath any rational definition of human decency'. Dower (2003) points out that estimates by the World Bank put the number of people living in absolute poverty in 1993 at 1.3 billion and still rising. Twenty percent of the world's population still live in dire poverty, i.e.. lack access to safe water and sanitation, basic education and health care provision, according to The Commission on Global Governance (1995:139, cited in Dower, 2003, p.86).

The issues of world poverty and environmental degradation are connected in several ways. Both are global problems requiring international co-operation and changes in

policy and practice at national and international levels. Environmental degradation is likely to exacerbate the plight of those already suffering the effects of poverty, and may well increase the number of people in poverty and increase the divide between rich and poor. Those most likely to suffer the negative effects of environmental damage, or be most affected by them, will be those whose circumstances are already poor. The effects of global warming, such as flooding of low lying areas and increased desertification, are probably going to hit the poorest nations and people the hardest. Clearly reducing and eradicating world poverty should be a top priority; however, such policies may well have a detrimental effect on the environment. For instance, China and India are becoming increasingly affluent, but this diminution in total levels of poverty has, in many cases, been at the expense of the environment. Average rates of pollution from third world countries are a long way from those emitted by the rich West, but the gap is diminishing. How can the joint challenges of eradicating world poverty and reducing environmental destruction be ethically and effectively met? Should development take precedence over the environment, or are the two inextricably linked? What balance should be struck between environmental concerns and environmental protection, and the moral requirement to eliminate absolute poverty?

In this work a biocentric, consequentialist normative framework has been advocated. This means that environmental degradation is not only an issue because it affects human life: it is a problem because it affects all entities capable of life, and therefore capable of flourishing. The extent of moral standing has been considered already (see chapter two); it is worth noting that moral standing extends beyond entities capable of sentience (the position adopted by Singer in *Practical Ethics*). The case for the moral

standing of non-sentient entities is illustrated partly by Richard Routley's 'Last Man' scenario, and Donald Scherer's thought experiment involving the planets 'Flora' and 'Lifeless' (see p.5 above).

In addition, Regan (1981) argues that some non-conscious, non-sentient beings, as well as conscious entities, can be held to have moral standing. He writes that the notion of interests should extend beyond wants, desires, hopes and concerns etc., to include being benefited or harmed. Clearly only conscious entities can have wants and desires etc.; however, it is conceivable that non-conscious beings can be harmed or benefited by what is given or denied them, and if this is the case these entities 'can have a good or value that can be advanced or retarded depending on what is done to them' (Regan, 1981, p.22), i.e., they have interests in receiving benefits and not being harmed. Even a comatose person can therefore be argued to have interests. It might be maintained that such an individual could have an interest in dying, if they would be better off dead. Even though a comatose (or anaesthetised) individual cannot feel pain they may have interests because they may be able to exercise essential capacities necessary for human flourishing at some point in the future (i.e., when they recover consciousness). An unconscious person may have interests connected to their pre-comatose state but entirely unrelated to sentience. For example, a person may wish to have their life ended if they enter a persistent vegetative state, and the knowledge that these wishes will be carried out can be allied to psychological wellbeing and respect for human dignity. The family and friends of the unfortunate comatose individual also have interests not only in not seeing their loved one suffer, but also in having the memory and dignity of this person respected. In a similar vein, an animal genetically engineered to be incapable of experiencing pain can also be harmed if, as seems

likely, such a procedure would prevent it from engaging with its environment in a way that is meaningful for it.

It seems clear from the arguments above that sentience cannot be the fulcrum of moral standing; we still value people (and animals) that are insentient. Sentience may be a sufficient condition for human and non-human moral standing, but it is not a necessary condition; there are other aspects of existence that give life its moral value. If we discount sentience as a necessary condition for the moral standing of human and non-human animals, why should this be any different for other forms of life? One of the outcomes of adopting the moral position advocated in this work is that moral consideration also encompasses non-sentient beings, and rightly so.

Singer is correct to highlight the importance of sentience regarding moral standing; however, he is wrong to maintain that sentience is the only source of moral value and therefore there can be no good or bad 'events', 'experiences' or states of being for non-sentient creatures. In this work it is argued that anything which promotes and enhances flourishing is good, and anything that prevents this is bad. Flourishing refers to an entity's ability to develop and exercise its essential capacities, i.e., those qualities that constitute wellbeing for a typical member of that species. Essential capacities will vary enormously between species but anything that can arguably thrive, i.e., be a healthy example of that species, has well-being. The more sophisticated the entity, the more sophisticated will be its essential capacities. A tree or plant will have very limited essential capacities (photosynthesis is an example); conversely, higher order animals, including humans, will have a complex set of essential capacities, which will refer to psychological as well as physical needs (essential capacities are

discussed in greater detail in chapter three). A person denied autonomy, or enough food or water cannot flourish, either physically or psychologically; similarly a tree prevented from growing towards sunlight cannot flourish. The moral significance of these two examples obviously varies enormously; however, the simple fact that there is a difference in moral significance between the two does not imply that a tree does not have moral standing; it simply means that where I have only enough water to save a de-hydrated tree or a de-hydrated person, I should give the water to the person. The reason for this rests on the nature of the essential capacities involved. Sentience, consciousness and self-consciousness are hugely morally significant and so greater weight should be given to these capacities; however, they are not the only capacities that elicit moral consideration; therefore, creatures with these capacities are not the only entities worthy of such moral consideration (also referred to as moral standing).

Singer writes that if we cease to regard morality solely in terms of sentience, the boundary between what is morally considerable and what is not becomes impossibly blurred, so much so that distinctions between the living organisms and inanimate natural objects disintegrate. Singer argues that in the case of rivers, plants and guided missiles, it is possible to give a purely physical explanation of how they work. He maintains that there is no good reason why we should respect the physical processes that govern the growth and decay of living things more than those that govern non-living things. If this is the case, he asserts, there is no obvious reason why we should have greater reverence for a tree than for a mountain, for instance.

There are some ethicists who believe that non-living natural features of the environment, such as rivers and mountains are morally valuable; however, this is a

misguided notion. Singer is correct to assert that mountains and rivers are not morally considerable. Neither a guided missile, nor a mountain nor a river can be said to have intrinsic value: inanimate objects cannot flourish in any biological or physiological sense, and clearly cannot flourish in any psychological sense. Neither a river nor a guided missile has intrinsic value, a good of its own. A particular land mass may or may not be accurately described as a mountain, but such a land mass cannot be said to 'flourish', at least not in any meaningful way. Meeting the criteria for a specific definition of, for example, a mountain or a guided missile, or having the capabilities or capacities required for certain instrumental ends (as in the case of a guided missile), does not attest moral worth. A mountain or river may contain life, a missile may destroy life, but these objects do not have life of themselves; they cannot be harmed or benefited and so cannot bear any moral weight. A missile may disintegrate and a mountain may crumble, a door may open and close, but these changes are not manifestations of inherent biological purpose, and so cannot be held as analogous with biological flourishing and the development and exercise of inherent biological capacities: to argue otherwise is misguided. There may well be instrumental value in inanimate objects, but this derives from the part they play in supporting entities that have inherent biological capacities for development within them, i.e., entities that can be harmed or benefited by particular actions or events.

As has just been illustrated, there are ways to distinguish between the intrinsic value of biological entities and the instrumental value of inanimate objects. Singer is wrong to assume that consciousness and sentience alone provide the only criteria for moral consideration and therefore the only means of distinguishing between what is morally considerable and what is not. Clearly it is wrong to assume that nothing counts as



harm unless the thing harmed has feelings of hurt; for instance, a person can be harmed by malicious gossip, yet can be completely oblivious to the harm being caused to them. We do know what is good for plants and trees (water, sunlight and good soil etc.) and what is bad for them, and if we recognise this then we must surely acknowledge that plants or trees can flourish or thrive in their own ways. Conscious, sentient beings may have a more complex set of goods and harms, goods and harms that we can more readily relate to, yet this does not show that non-sentient entities do not have their own goods and harms. Furthermore, good reasons exist for not extending moral value to all aspects of the natural world. Only living things can be harmed or benefited; nonliving entities can be damaged or destroyed, but as they are devoid of any inherited and innate capacities they cannot be harmed or benefited by the prevention, elimination or facilitation of the development and exercise of these capacities.

Nevertheless, there are some, for example, John O'Neill (1993), who argue that extending moral consideration to all forms of life means that even a slight amount of intrinsic value has to be ascribed to viruses, such as small-pox and HIV. This may well seem counter-intuitive, but Attfield (2003) argues it is at least a conceptual possibility. Attfield asserts that giving a lifeless planet viral life, or preserving such life as opposed to destroying it, is marginally preferable to maintaining it in its lifeless state (unless there was a chance of this planet being inhabited by more complex life forms at some point in the future). The excitement generated by the possibility of bacterial life existing in the distant past on Mars, previously thought to be completely devoid of life, suggests that we do attach at least some value to even basic forms of life. Moreover, viral forms of life are so primitive that any moral significance

attached to such entities is practically non-existent, and certainly would not compare to the moral significance enjoyed by entities with more complex essential capacities (see pp.7-8 and chapter five). Furthermore, it is possible to prioritise value and balance competing claims to moral consideration. Less complex biological entities cannot be harmed or benefited as much as more sophisticated ones, and it is this consideration which we should use to guide us in moral dilemmas. However, this is not to admit that less complex entities have no moral standing, or that the interests of higher order animals (both human and non-human) cannot be outweighed by those of lower order entities, especially where trivial, minor interests of complex entities are considered against the survival interests of less complex life-forms. (For a more detailed discussion of this issue see chapter five).

Any concept that aims to reduce world poverty and environmental degradation obviously needs to be global in scale, as these are global issues which do not recognise national boundaries. In addition, such a concept needs to adopt cosmopolitan terms of reference. Dower (1998) broadly defines a cosmopolitan ethic as one which recognises and promotes the notion of universal values and global responsibilities. Consequentialism and cosmopolitanism are clearly intertwined (although this connection is not exclusive; for instance, some deontological and rights theories adopt a cosmopolitan approach). Attfield (2003) notes that cosmopolitan ethicists maintain that ethical responsibilities apply to everyone, everywhere, irrespective of tradition or community membership; consequences of actions supply the reasons for actions, and where the actions of an agent will promote greater wellbeing than the alternatives, any other similarly placed agent, whatever their community, should act in the same way. Attfield notes that cosmopolitanism does not

necessarily conflict with communitarianism (in all senses of that phrase); a strong sense of community often enhances wellbeing and is an inexorable part of human nature. Cosmopolitanism does clash with meta-ethical communitarianism, which maintains that obligations arise from community relations and are only relevant within communities. However, human wellbeing transcends communities; the notions of essential capacities and basic needs (i.e., the components of wellbeing or flourishing) are universal and extend beyond particular communities. Any credible normative theory to enhance wellbeing must acknowledge this. Sustainable development is one such concept and offers a very promising framework for tackling global poverty, environmental degradation and so enhancing quality of life. A brief analysis of the concept of sustainable development demonstrates this.

## EIGHTEEN

### **SUSTAINABLE DEVELOPMENT: A CONTESTED CONCEPT OR POTENTIALLY USEFUL THEORETICAL FOUNDATION FOR TACKLING ENVIRONMENTAL DEGRADATION AND GLOBAL POVERTY?**

The problems of global poverty and environmental degradation, outlined above, have come into sharp focus over the past decade or so. As Jacobs (1997) notes, as little as two decades ago environmental problems were commonly regarded as minor, technical, politically uncontentious problems that were the side-effects of progress and economic growth. Furthermore, continued economic growth, combined with technological development, would generate universal wealth, and poverty and environmental problems would be inevitably resolved. The reality has clearly been somewhat different.

Sustainable development has been advanced as the best way to tackle the problems of global poverty and environmental degradation. The concept of sustainable development gained widespread recognition with the publication of the 'Brundtland Report' (1987); many of the principles outlined in the Brundtland Report were subsequently endorsed by over 150 national governments at the United Nations Conference on Environment and Development in Rio de Janeiro (The 'Earth Summit', 1992); however, as Jacobs (1999), among others, notes, endorsement is not the same as action or practice. Jacobs (1999), Attfield (2004; 2003) and others highlight the two most widely used definitions of sustainable development, they are: *'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'* (Brundtland Report, 1987) and *'improving the*

*quality of life while living within the carrying capacity of supporting ecosystems'*

*(Caring for the Earth, World Conservation Union, United Nations Environment*

*Programme and World Wide Fund for Nature, 1991).* These definitions have been

widely accepted and acknowledged as very significant in the effort to reduce

environmental damage and eradicate world poverty. However, the coalescence of

sustainable development around these two broad definitions is not without its

problems and controversies. Indeed the broad consensus that surrounds the concept of

sustainable development has generated much debate over its efficacy.

Keekok Lee (2000) criticises the Brundtland Report's conception of sustainable

development for being divisive and pointing towards a divided, not common, future.

She argues that developed countries are expected to continue their present level of

growth, and so meet the ever increasing demands and wants of their citizens, while

using technological advances and state initiatives to reduce levels of pollution and

ecological damage. Developing countries are also expected to achieve economic

growth; however, their growth should be geared towards meeting basic needs, as

opposed to wants and desires. Such a policy may reduce environmental damage, Lee

acknowledges, but is unfair to developing countries, whose citizens are expected to be

grateful for this modest growth, while their affluent contemporaries wallow in

comparative luxury. Such a policy may produce sustainable development, but is not

one which enhances social justice (one of the objectives of the Brundtland Report).

Lee argues that the dynamic nature of technology offers a solution to the economic

divide between North and South. Technology can be used to enable all people to

share a common quality of life; however, what is needed to achieve social justice and

a common level of wellbeing is a suitable and effective means of transferring

technology between North and South.

Andrew Dobson (2000) comments that the linkage between environmental damage and global poverty made by sustainable development is problematic. He writes that while poverty may be one cause of environmental degradation under certain circumstances, especially in developing countries, it is by no means the only or the primary one. If poverty is not necessarily the primary cause of environmental damage, then reducing poverty, while being a very good objective in itself, will not have the impact on environmental protection that is sometimes expected. If we are serious about reducing environmental degradation, Dobson argues, we should adopt direct strategies for achieving this goal; indirect strategies aimed at reducing poverty, and which view nature only in instrumental and not intrinsic terms, cannot do the job adequately. This is not to say that such policies are without merit, or do nothing for the environmental and biodiversity cause; they simply do not do enough. Such an anthropocentric view of environmental protection does not place enough emphasis on environmental concerns, according to Dobson. Sustainable development really means sustaining development into the future, and where biodiversity is seen as being connected to this development all is well and good; however, Dobson maintains that this does not do enough to secure the continued existence of enough biodiversity. If some aspects of nature are not connected to the cause of continued development and poverty reduction, they will not be encompassed by the concept of sustainable development. This will obviously be highly unsatisfactory for many environmentalists and this is why Dobson predicts a quick divorce between the goals of social justice and environmental sustainability: they simply do not have enough in common to be joined together forever. In fact sustainable development can readily

accommodate the demands of development in combination with ecological sustainability and social justice.

Alan Holland (1999) argues that a growing consensus has emerged regarding the need to question the pace of economic development and to move away from the 'business as usual' operation of development policies. He writes that there are three main reasons for this: the belief that the unquestioning pursuit of development has substantial economic costs; moral issues surrounding unrestrained economic growth; and the ecological damage caused by unchecked economic growth. Holland writes that these concerns are being dealt with in an inadequate way because of flawed analysis surrounding the issues of sustainability, capital and substitution.

The Brundtland Report states that the needs of future generations should be taken into consideration, alongside those of the present generation; this clearly requires some notion of sustainability. However, this presents a problem, as Holland illustrates. Firstly, many practices may be both sustainable and increase economic wealth; nevertheless, they may be morally objectionable: slavery is an example used by Holland to demonstrate this. In addition, the *Caring for the Earth* definition of sustainable development has led some to infer there are obligations to produce an ever increasing level of human wellbeing. Beckerman (1994), among others, rejects this idea, especially where some other pattern of distribution might produce greater aggregate welfare, and where current human interests are so great and future ones are, in many ways, so speculative. Also, Holland maintains, welfare considerations can fluctuate enormously and can be very unpredictable; they can be extremely hard to accommodate and are influenced by, for instance, various psychological factors,

cultural expectations, and unforeseen events. As Holland notes, these problems are hard enough to deal with when considering the welfare needs of current people, but are compounded when considering the welfare of future generations. Ensuring both present and future people enjoy a reasonable quality of life, where welfare needs are well-catered for, an explicit aim of the Brundtland Report, requires they have sufficient resources, or 'capital' to facilitate this.

The issue of 'capital' and its sustainability across generations can be considered in one of two ways, according to Holland: ambitiously, or moderately. The ambitious method would be to regard welfare, and the 'capital' necessary for human welfare, not only in material terms, but also morally and psychologically, and even spiritually. The moderate method involves maintaining what is more traditionally understood by 'capital', i.e., resources, be they natural, such as minerals, biodiversity, well-functioning ecosystems and natural pollution-control systems; and human-made ones, such as buildings, technology, knowledge, skills and habits. 'Total capital' refers to both natural and human-made capital. One position maintains that as long as total capital remains the same across the generations it does not matter if there are reductions in natural capital; this implies that human-made capital can be substituted for natural capital. This position is sometimes referred to as weak sustainability. Strong sustainability involves recognising limits to such substitution; i.e., human-made capital cannot be substituted for natural capital indefinitely, and some level of non-declining natural capital must be maintained. Herman Daly (1995), for example, argues for the notion strong sustainability, maintaining that natural and man-made capital are not substitutable as a shortage of natural resources does act as a limiting factor. A shortage of natural resources cannot be compensated by more man-made



capital, as that necessitates the use of more natural assets: man-made and natural capital are therefore complementary and not substitutable. However, Holland questions the distinction between weak and strong sustainability.

Holland argues that supporters of strong sustainability generally believe that non-declining levels of natural capital are necessary for non-declining levels of human welfare; for this reason human-made capital cannot be substituted for natural capital infinitely. If this is correct the basis for protecting natural capital rests solely on its contribution to sustaining human welfare; proponents of strong sustainability have no other reason for securing non-declining levels of natural capital. As a result their position becomes indistinguishable from weak sustainability (although Daly and Jacobs, among others, would disagree). Securing sustainable levels of natural capital becomes inextricably linked to securing total capital, as both natural and human-made capital are needed for human welfare. Holland uses the term 'critical' capital to describe the notion that both human-made and natural resources are necessary for human welfare. This concept suggests that natural capital should be protected, but only if it is critical for human welfare. Clearly this would rule out protection for large swathes of natural capital which could not be considered necessary for human wellbeing. Holland points out that even natural capital that could not conceivably be substituted by human-made capital might not be protected, as non-substitutability does not imply 'critical' value; for instance, a certain species of toad might not be replaceable once it becomes extinct, but this fact alone would not render the species of toad part of the world's 'critical' natural capital. Arguments about uncertainty, irreversibility, life-support and loss aversion similarly provide only the weakest of arguments for maintaining a minimum level of 'critical' natural capital, Holland

maintains.

When one considers the extent of human misery as it exists at present, combined with the fact that using up some natural capital now could reduce this suffering, uncertainty about the effects of the depletion of natural capital on human welfare in the future does not seem an explicit enough reason not to do it, according to Holland. Also to argue that the depletion of natural capital is irreversible is not necessarily the case; for example, Holland writes that technology may supply the means to lower global temperature in the future. Additionally not all aspects of human-made capital are replaceable, but this would not always make their loss a cause for concern. The extinction of some species may be irreversible, but this does not imply an overall decrease in natural capital; the extinction of certain species may allow for other forms of speciation. Some aspects of natural capital may be necessary to support life, but many are not, so this appeal to the non-depletion of natural capital is very weak. Finally, Holland notes, people typically have an aversion to environmental loss; nevertheless, this aversion has not prevented the depletion of large amounts of natural capital; what is more this aversion to loss extends well beyond nature with many people being equally, if not more concerned about the loss of human-made capital, such as industries, buildings and planes.

Holland notes that one way to protect natural capital would be to defend it even at the cost of some decline in total or critical capital. This position may be favoured by some 'ultra-green' environmental campaigners and writers, but the diminution of human welfare in favour of natural capital is unlikely to gain widespread support. Without support, changes in national and international policies with regard to natural

capital are highly doubtful, making such a stance ineffectual. Instead, Holland argues against the entire notion of natural capital and substitutability, in favour of an inventory of physical stock. Measuring this physical stock is clearly very difficult; quantitative data by itself generally tells us little of real significance. Furthermore, we are not aware of all the species that are currently in existence, making an inventory of natural stock very difficult. However, perhaps the biggest problem with Holland's position, as outlined so far, from a consequentialist perspective is that his ultra-strong sustainability militates against development. His arguments against almost any form of substitutability add up in essence to a ban on development, such would be the extent of the restrictions on development. This is clearly not conducive to enhancing wellbeing and promoting social justice. For example, Holland's position implies that the building of a hospital in an area where a particular rare species lived could not be justified if it resulted in the destruction of this species, despite all the welfare benefits that would be brought by the hospital. Clearly, it would be better if steps could be taken to prevent the extinction of the particular species concerned; however, the fact that such steps could not be taken should not prevent considerations of overall wellbeing and benefit being made, and the hospital being built. Such a conclusion becomes increasingly clear when the moral significance of the endangered species is slight compared to that of the agents likely to be benefited by the development of the project.

Holland points out that technological innovations might mean that more value can be utilised from less physical stock. This could be based on an entirely anthropocentric view of nature which assumes - wrongly - that the value of nature derives from the fact that it can be utilised in any number of ways by people. Such an economic,

anthropocentric view of nature as capital takes no account of the 'health' of nature. Various things 'indicate' the health of nature, such as the numbers of indigenous species present; this notion of 'physical stock' is, Holland argues, much more likely to do justice to specifically environmental concerns. A physical stock approach, by disregarding the notion of natural capital, its substitutability and value for human utilisation, should provide the protection the environment merits. According to Holland's formulation of sustainability, nature - including inanimate nature - is intrinsically valuable; as such any type of sustainability based on nature as capital, an economic, substitutable commodity that can be traded-off against other (possibly more important) types of capital, is fundamentally wrong. Holland argues that our focus should be on fostering adequate procedures; to act according to the right principles, rather than to focus on any particular outcomes. His advocacy of deontological, as opposed to consequentialist principles, stems from his belief that intergenerational equality, and presumably to some extent inter-species equality, does not permit the assessing of outcomes.

Jacobs (1999) writes that the concept of sustainable development can be regarded as having two levels of meaning. He writes that the first level, the core meaning, generally encapsulated by the Brundtland Report and the *Caring for the Earth* definition, supplies the foundations for the concept. This core meaning may be vague, but is by no means meaningless, according to Jacobs. He argues that, just like other concepts, such as democracy, liberty and social justice, the primary meaning of sustainable development is well-understand and useful. However, it is the secondary level of meaning that is contestable and open for debate. The core meaning of concepts such as democracy and liberty are well-understood and widely accepted, but

the interpretation of these concepts is often fiercely contested and controversial: so it is with the concept of sustainable development. Jacobs writes that the core meaning of sustainable development serves three very useful purposes. Firstly, ideas and issues concerning environmental degradation and global justice are brought together in one concept, where previously they were expressed individually and so had less impact. The concept of sustainable development has undoubtedly focused minds at both national and international levels. As Jacobs points out, sustainable development has not been the path followed by most, if any, nations over the past fifty years, but now there is at least acknowledgement of the issues encompassed by sustainable development, and some (piecemeal?) attempts to address them. Governments have made some commitments to sustainable developments, and as a result they have opened themselves up for scrutiny by concerned pressure groups and the media. Additionally, Jacobs notes, sustainable development discourse is causing institutions, governments and organisations alike to consider their policies and practices in light of environmental and social justice issues. Of course, as Jacobs admits, ultra-green environmentalists are highly dissatisfied with the scope and current operation of sustainable development; nevertheless, environmental and world poverty issues would not even register on the international radar, if not for the concept of sustainable development and the discourse surrounding it, he maintains.

Jacobs therefore asserts that the core, or first level, meaning of sustainable development is secure, useful and although vague, cannot now be changed. However, the second level of meaning of sustainable development is in the midst of much polemical discourse. Jacobs writes that there are four 'faultlines' surrounding the second level of meaning of sustainable development. These four faultlines comprise:

the degree of environmental protection required by the concept of sustainable development; the level of both intergenerational and intragenerational equity required by the concept; the degree of participation commanded, and whether it is 'top-down' or 'bottom-up'; and finally the scope of the concept. Jacobs argues that each of these faultlines can be divided into two versions of sustainable development: weak or conservative sustainable development, and strong or radical sustainable development.

According to Jacobs, the 'weak' version of sustainable development regarding environmental protection advocates a commitment to environmental conservation, but rejects the idea that economic activity should be confined within certain environmental limits; trade-offs between economic growth and ecological protection are permitted as the value of the environment is purely instrumental. The 'strong' version adopts a much more stringent view of environmental limits; these are generated by the 'carrying capacities' of the biosphere. The weak version of equity, Jacobs notes, pays only scant attention to global resource distribution issues (this approach tends to be adopted by Northern hemisphere countries); conversely, the strong version (mainly supported by Southern hemisphere countries) advocates a dramatic shift in global consumption patterns and international economic relations. The weak version of participation suggests 'top-down' interpretation, whereby governments establish objectives and the wider community is simply involved in the implementation of these policies. Participation is limited to the major 'stakeholders' in society and is of instrumental value only. The strong version advocates 'bottom-up' participation, where the community is involved in both deciding objectives and implementing them; it is a 'multi-stakeholder' approach which is intrinsically valuable. The weak version of the final faultline (the scope of sustainable development) almost

entirely revolves around environmental issues: the strong version sets out a much broader set of concerns, including not only the environment but also education, health and social justice, i.e., issues involved in establishing and maintaining quality of life.

Jacobs contends that adopting the radical, strong version of the second level of meaning of sustainable development will do much to address the problems of environmental degradation and global poverty - far more than ultra-green environmentalists anticipate. Jacobs maintains that the current sustainable development discourse may well facilitate the kind of change in political attitudes that the ultra-green environmental campaigners desire. Instead of the concept of sustainable development being co-opted, corrupted or 'watered-down' by the implacable forces of conservatism, a strong approach to sustainable development may well succeed in completely the opposite way. The strong version of sustainable development may well propagate a more radical approach to environmental protection and global poverty, and erode the conservative attitude to these problems, without the problem of Holland's 'ultra-strong' sustainability and its implicit rejection of any form of development. The strong version of the concept of sustainable development takes a broad view of quality of life and does not equate human welfare exclusively, or even predominantly, with material welfare, but rather has a wide-ranging, universal and inclusive notion of wellbeing. Jacobs acknowledges that the battle between the weak and strong versions of sustainable development is still raging, and that elements of both approaches may be shaping policies and practices; it is, according to him, a contested concept after all, and that contest is not over yet. However, Jacobs' perhaps unintended implication seems to be that the sustainable development concept is open to almost any interpretation; this is clearly not the case.

Julie Davidson (2000) writes that extensive environmental degradation and persistent global inequalities require a radical overhaul of our current way of life; one that rejects the modernist view of progress and economic growth and demands a redefinition of individual and collective interests. She argues that development which is synonymous with economic growth, i.e., where individual wellbeing is equated with material comfort, and where liberal democracies are dependent on free or self-regulating markets, means that a very restricted view of what is meant by quality of life and 'good living' emerges. Davidson asserts that the radical approach to sustainable development, as advanced by Jacobs, will best meet her broad view of human wellbeing. Davidson's notion of human wellbeing is heavily influenced the work of John O'Neill (1993), enabling her to add some rigidity to the notion of sustainable development and so counter Jacobs' charge of conceptual openness. O'Neill adopts an Aristotelian account of human flourishing, where well-being is facilitated by the development and exercise of certain characteristic human capacities (this conception of well-being has been discussed in detail above, see chapter three). Moreover, human flourishing is, according to O'Neill and Davidson, intimately connected with environmental protection. O'Neill maintains that a flourishing human life is constituted by the flourishing of *'the goods and entities of nonhuman life'* (O'Neill, 1993, p.24); a person seemingly cannot be said to truly flourish if they are engaged in activities that undermine their natural environment.

Furthermore, Davidson argues that the consensus regarding the role of the liberal state, a tradition established by Hobbes, is one that actually erodes human goods. The state as neutral arbitrator between the competing self-serving interests of individuals



gravely undermines the criteria of quality of life. Davidson argues for a broad understanding of human quality of life, encompassing basic human needs for self-fulfilment, equal opportunities, access to information and education, participation, protection of local and indigenous culture, as well as environmental protection. The liberal democratic focus on individualism, and utilitarian emphasis on maximising happiness and preference satisfaction are entirely inappropriate for genuine quality of life, according to Davidson. The notion, derived from evolutionary biology, of humans as self-interested, competitive beings (an idea that seems to justify the market driven society) is wrong, Davidson writes. Many organisms, she contends, actually live in accordance with the satisfaction of their needs, as opposed to the maximisation of them; they establish symbiotic relationships and find environmental niches which protect them from competition. Davidson maintains that this idea can and should be applied to human existence. She asserts that the emphasis on individualism should be replaced by a focus on community relationships and collective responsibilities; the collective good as opposed to narrow, materialistic, individual goods based on self-interest. Davidson's notion of collective responsibility extends beyond the human community to relationships and obligations towards the nonhuman community as well. Davidson writes that human autonomy should not be construed in terms of freedom from the constraints of nature (as it typically has) but as freedom to flourish; this a positive freedom to live according to our true evolutionary potential; this means respecting nature, not dominating it.

Davidson acknowledges that some traditional forms of community can be oppressive and foster negative values; however, communities that foster a broad sense of human flourishing and recognise human embeddedness in nature are more likely to engender

a collective sense of wellbeing and enhance quality of life. Davidson writes that for an individual to flourish the importance of community and collective relationships must be recognised, together with a broad understanding of wellbeing which is facilitated by virtuous practices. This can only be achieved by a radical interpretation of sustainable development along the lines advocated by Michael Jacobs. For instance, as befits the notion of community and collective relationships, participation must be extensive and involve individuals and communities in the setting of objectives, as well as their implementation, i.e., participation must be 'bottom-up'. Furthermore, if quality of life is to be understood in broad as opposed to narrow terms, the maintenance of the environment is essential to ensure human wellbeing; it cannot be substituted by non-natural capital or goods. Moreover quality of life is based on more than material welfare and level of consumption; recognising this means confronting issues surrounding intergenerational and intragenerational equity.

The concept of sustainable development has generated much discussion, elements of which have been mentioned above. The assessment of sustainable development has sometimes been negative; however, it is the contention of this work that it is a very useful, well-formulated and suitably dynamic concept that offers an effective framework for dealing with the problems of environmental degradation and global poverty. Keekok Lee is right to point out the risks of policies which generate a divided, not common, future; it is clearly unjust that developing countries should endure a lesser quality of life than developed countries. However, while there is a risk that pursuing a weak version of sustainable development may produce such an outcome, it seems unlikely that adherence to the strong, radical version will. Radical sustainable development, which emphasises collective, global obligations and

responsibilities and a broad understanding of what constitutes quality of life, i.e., one that is not solely based on material welfare, Gross Domestic Product and levels of consumption, seems well-placed to supply a coherent framework on which to hang the goals of environmental protection and improved global equality. The type of radical sustainable development described above can be supported by the form of consequentialism advocated in this work and further strengthens the case for it.

Dobson's criticism of sustainable development, as conceptualised in the Brundtland Report, is that it could be construed as essentially anthropocentric. It may encourage development, the fair distribution of wealth and resources and so reduce social injustice, but it does so at the expense of the environment, as nature is viewed in entirely instrumental terms. Nature may not be protected sufficiently if it comes second to reducing global poverty and inequality. Attfield (2003) notes that such an interpretation of sustainable development is wrong, as the Brundtland Report explicitly recognises the intrinsic value of nature. In this work a biocentric view of moral value has been advocated (as revisited above pp.285-291) and it seems clear that a radical, dynamic conceptualisation of sustainable development can accommodate such a value system. However, it is important to distinguish between the value of biological entities, i.e., a biocentric approach, and the value of natural systems and non-living aspects of nature, i.e., ecocentrism.

Holland's case for rejecting the notion of natural capital and the substitutability of natural capital is well-made; a narrow, anthropocentric view of sustainable development clearly does not give sufficient moral weight to nonhuman biological entities. However, to argue that nonliving aspects of nature have intrinsic value in the

same way that biological entities do is wrong, as has been illustrated above (see chapters two and seventeen). In fact adopting an ecocentric approach may well be, paradoxically, quite damaging to the environmental cause. If moral obligations are extended too far and without strong enough reasons, much more rational moral responsibilities may be tainted by association, leading to greater support for anthropocentric positions and lessening of biocentric ones. Holland is also wrong to promote deontological principles; his rejection of all forms of substitutability leaves insufficient scope for development and may conceivably require reductions in human wellbeing in some circumstances, as discussed above. The case for consequentialism has already been made in quite substantial detail (see chapters seven and eight). It is sufficient to note here that whether or not principles are 'right' can only be truly validated by the outcomes of adherence to them. It is true that we may not see these outcomes, as in the case of intergenerational obligations, but we arguably know enough about human nature and nonhuman nature to know what will promote and enhance well-being for humans and nonhuman entities alike for generations to come; consequentialism requires us to act according to foreseeable outcomes and it does not compel us to take account of entirely unpredictable, unforeseeable circumstances.

Jacobs' contribution to the sustainable development debate in 'Sustainable Development as a Contested Concept', referred to above, is a very insightful and provocative account of the concept. However, Attfield (2003) rejects the idea that it is essentially a contestable concept. He writes that although the sustainable development of the Brundtland Report is neutral about the intrinsic value of non-human creatures, it can readily be interpreted to comprise varieties of development that are environmentally and socially sustainable. Attfield maintains that the Brundtland and

*Caring for the Earth* definitions of sustainability suggest that sustainability is a practice capable of being maintained indefinitely, and development is a process that *'aims at the constant improvement of the well-being of all the inhabitants of a territory on the basis of their active, free and meaningful participation in this process and in the distribution of the resulting benefits to satisfy their basic needs'* (United Nations, *Declaration on the Right to Development*, cited in Attfield, 2003, p.129).

Such interpretations, he asserts, make the concept of sustainable development lucid and far less contestable than Jacobs contends. Wilfred Beckerman (1999) argues that such a stance suggests we are obligated to produce ever-increasing levels of wellbeing across the future, and this is unjust to earlier generations. Clearly there is no moral justification for distant future generations enjoying a greater quality of life than near future generations (or indeed current generations). However, sustainable development need not be interpreted in this way. Sustainable development does not necessarily imply that improvement should proceed forever; instead development can be interpreted as improvements in rates of basic needs satisfaction. Sustainable development can reasonably be interpreted as referring to a level of existence where basic needs are met in a way that is sustainable across generations. Viewed in this way sustainable development need not be construed as a concept that requires continual economic growth and continual increments to quality of life. Sustainable development requires no more than the provision of practices and resources that will allow current and future basic needs to be satisfied.

It seems reasonable to expect that we should always aim to enhance wellbeing; to be always trying to make things better by satisfying basic needs wherever and whenever they may exist does not seem particularly onerous.

Neither can it be argued that sustainable development requires large sacrifices in wellbeing to be made by existing generations for the sake of future ones. It is difficult to see how this analysis of sustainable development could enhance wellbeing, as each generation would be required to make huge sacrifices for the next, and no generation would be able to enjoy the fruits of the previous one's efforts. Sustainable development is ultimately about sustaining and enhancing wellbeing, so practices which do not promote this outcome should be rejected.

Attfield argues that the core meaning of sustainable development is far more substantial than Jacobs suggests and bolsters the concept significantly. However, the debate about how to implement and achieve this core meaning is still raging, Attfield acknowledges. Jacobs' contribution to this aspect of sustainable development - the 'second level of meaning' - is very important and illuminating. The case for a strong, radical interpretation of sustainable development is powerful; if more than just lip-service is to be paid to the goals of reducing environmental degradation and eradicating world poverty, a radical version of sustainable development seems necessary. Furthermore a radical version of the concept of sustainable development appears capable of achieving these objectives.

Davidson (2000) also makes a valuable and important contribution to the sustainable development debate. Her article 'Sustainable Development: Business as Usual or a New Way of Living?' makes a strong case for a radical interpretation of the concept of sustainable development, along the lines suggested by Jacobs. Also, like Holland, she advocates an 'ambitious' attitude towards what constitutes quality of life; it is not simply material wellbeing measured in terms of economic growth: development

should not be regarded as the ability to pursue 'boundless consumption'. She rejects what she refers to as the Hobbesian liberal, neutral state approach to human wellbeing, which focuses on individualism and self-interest. Instead she cites O'Neill's Aristotelian account of human flourishing, one which promotes the notion of virtue and characteristic human capacities. Humans are not self-interested, market-driven animals according to this account, but derive wellbeing from a wide-range of activities, including communal, collective relationships and the environment; indeed, humans are 'embedded' in nature. Davidson's views about the extent of human wellbeing and the importance of nature certainly give strong support to the concept of sustainable development and provides a meaningful method of moving the concept forward. However, there are some important caveats to note.

While community and collective relationships are clearly very important and in some ways intrinsically valuable, they are not unreservedly valuable. The arguments for adopting a cosmopolitan approach to sustainable development have been outlined above (see pp291-292; while wellbeing is often bound up with communities and communal relationships, it also transcends them; moreover a practice or policy that undermines wellbeing should not be disregarded simply because it reflects a particular community's values, traditions or beliefs. Also resting a moral approach on virtue theory is problematic. Although a capacities approach to human wellbeing has been endorsed in this work (see pp.16-17 for example), virtue theory itself has been rejected (see chapter eight, xii). Attfield (2003) points out that having a virtuous regard for nature, i.e., appreciating or caring about the intrinsic value of nature, may be a desirable component of human make-up, but it is not a necessary part of human flourishing. For instance, as Attfield points out, many biological entities, while

having a good of their own, cannot realistically be thought of as constitutive of, or contributing towards, human flourishing. Do Great White sharks contribute towards human flourishing? The vast majority of people will never see a Great White shark, and those that do might not regard the experience as constitutive of their flourishing, especially if the shark attacks them! There are many species in existence that humans will have no contact with and no knowledge of but both humans and the species concerned can flourish regardless. Attfield also asserts that human flourishing does not require the development of every one of a person's characteristic human capacities, even though it does require that of most. It is conceivable that many people will flourish, i.e., exercise enough of their characteristic human capacities, without ever exercising their capacity to care for nature, nor even their capacity to appreciate nature.

The virtue theory approach of O'Neill and Davidson seems to place an overtly anthropocentric slant on the protection of nature; nature does not appear to be intrinsically valuable, but instead derives its value from its contribution to human flourishing. Clearly a biocentric approach towards moral value cannot accept such a stance. Virtue theory seems to place an abstract, almost spiritual value on nature, one that seems to ignore the intrinsic, concrete value of natural entities. It could be argued that many elements of human flourishing are abstract notions, such as autonomy or self-creation; however, unlike nature, these concepts are distinctly human in practice and operation. Autonomy, for example, is arguably necessary for human flourishing; not all natural entities are necessary for human flourishing, and regarding them as abstract ideals of human flourishing, ignores their own unique, intrinsic value.



Attfield also points out that liberal democracies can accommodate the demands of strong sustainability, something which Davidson is highly sceptical about. Attfield argues that liberal democracies that adopt the Precautionary Principle with regard to the environment and sustainable development in general can facilitate the flourishing of both present and future human and nonhuman biological entities. The Precautionary Principle, in essence, states that where there is reason to believe a policy or practice will result in substantial and avoidable environmental damage, this practice should not be undertaken. Attfield (2003) argues that the form of precautionary principle adopted at the United Nations Conference on Environment and Development ('The Earth Summit') held at Rio de Janeiro in 1992, is more or less sound. That declares that, *'where there are threats of serious or irreversible damage lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation'* (Rio Declaration, cited in Attfield, 2003, pp.144-145). Attfield maintains that 'serious or irreversible damage' can be applied to nonhuman as well as human interests if a biocentric interpretation of sustainable development is recognised. Also restricting the precautionary principle to serious or irreversible damage prevents a raft of unnecessary and intrusive regulation from being introduced. Attfield notes that requirements of cost-effectiveness should not be included in the precautionary principle, as it may give governments and industries a clause for opting out of taking the required preventative action. Nevertheless, he maintains that the precautionary principle provides credible guidance regarding issues of environmental degradation and human action.

There has been some criticism that the precautionary principle can actually reduce wellbeing; for instance, where people suspected of being terrorists are kept in

detention, without trial, because they might pose a threat to society and cause the deaths of many innocent people. This type of application of the precautionary principle actually undermines civil liberties, it is argued. It is not the purpose of this work to discuss these particular issues; however, it is worth noting that the precautionary principle as applied to environmental issues not only reduces potential, foreseeable risks, but arguably does so without incurring any equivalent significant risks. For example, increasing the costs of aeroplane tickets may reduce the number of cheap holidays taken by people; this will be an inconvenience, but compared to the resultant damage done to the ozone layer if plane travel continues at its present and predicted levels, it is a small price to pay, and well worth paying. It is debateable whether the same can be said for detaining people without trial and public scrutiny. Attfield points out that a lack of consensus, or the existence of borderline cases where there will be both losses and gains to nature, does not render the precautionary principle meaningless. There are many instances where enough consensus among experts exists and where the potential harm is so damaging that the arguments for applying the precautionary principle are overwhelming; global warming is one such example.

Attfield contends that a liberal democracy which employs the precautionary principle can also adopt a radical, strong version of sustainable development. In addition recognition of Mill's Harm Principle, which maintains that an agent can be allowed to harm themselves, but which authorises coercion to prevent harm being done to other agents, can be used to strengthen the link between strong sustainable development and liberal democracy. This principle of harm can be extended to cover nonhuman species and future generations. Furthermore, as Attfield notes, as harm can be done through

inaction, it allows for proactive policies to be initiated to prevent harm being done. If a biocentric, consequentialist moral framework is adopted, it is possible to argue that future generations, as well as nonhuman biological entities, can be harmed, and if they can be harmed they merit protection from harm. Such a stance seems to fit perfectly with a radical, strong conceptualisation of sustainable development. It may not even be necessary for governments to have sustainable development policies, together with the Precautionary and Harm principles, as part of their formal constitutions, as long as they are signatories to international agreements which recognise the concept of sustainable development and accept the precautionary and harm principles. Attfield and Hattingh (2004) discuss sustainable development and its implementation in the South African constitution and conclude that so long as a strong version of sustainable development is adhered to, and it does not become 'watered-down', it is a good thing. It seems that liberalism does not have to be completely rejected for a strong version of sustainable development to become accepted and practised. Rejecting liberalism (and some of its obvious good points) when it can be suitably and effectively combined with radical sustainable development seems foolish and extreme, and unlikely to generate the type of positive outcomes that are claimed.

Earlier in this work it was argued that we have moral obligations to future generations (see chapter six). It was asserted that a modified version of the Total theory, one which is not about maximising happiness *per se*, but instead focuses on enhancing wellbeing, can accommodate our obligations to future generations and does not require dramatic and detrimental shifts in population size in either direction. A radical concept of sustainable development coincides with this view of population policy and future generations. It could be argued that we cannot know what the needs of future

generations will be; however, if we regard needs as those capacities essential for an entity capable of flourishing to flourish, then we can have a good idea of what the needs of future generations will be, and they will not be significantly different from our current basic needs. The development and exercise of essential capacities requires quite foreseeable and predictable conditions to exist now and to continue exist; it seems clear that continued unsustainable practices, such as those that cause global warming, will undermine the ability of many future moral entities, including people, to develop and exercise their essential capacities and enjoy a good quality of life.

Attfield (2004) defines development as a process which leads to something, or some entity, fulfilling its potential. It is both a process and the state it leads to. In the case of humans, he argues, it refers to the satisfaction of basic human needs (the concept of basic needs and essential capacities has been discussed earlier, see chapters three, four and five). In the case of societies it refers to the needs and capacities of their members. This notion of development does not assume that 'growth', for example, of the economic kind is in question, but instead refers to the fulfilment of essential capacities and basic needs. Developing and exercising essential capacities is necessary for wellbeing; however, acquiring more wealth is not. The sustainable aspect of sustainable development also needs clarity. Some of the problems with the notion of sustainability have been outlined above by Holland. Attfield (2004) writes that the Brundtland definition of sustainable under-defines sustainability, with the resultant problem that governments, businesses and environmentalists have different interpretations of it. However, this does not mean that the Brundtland definition is meaningless; it simply means it needs firming up. Attfield suggests one possible way to strengthen this definition would be to argue that sustainable practices, *involve not*

*increases from one generation to the next, but parity, at a stage where basic needs are already satisfied, including needs for meaningful work, companionship and self-respect.*' (Attfield, 2004, p.4). This definition also removes the implication that successive generations should enjoy an ever increasing quality of life. Carter (2000) writes that sustainable development need not be viewed as development that goes on forever, but rather as a certain set of practices or processes that facilitate wellbeing, i.e., where basic needs are met and essential capacities flourish; these practices should be sustainable economically, socially and ecologically, and should benefit future generations and nonhuman species alike. Instead of development itself being sustainable across generations it is the state of society, or the practices of society and the global community that are (or should be) sustainable. This definition of sustainable development strengthens the Brundtland Report one; it clarifies the position regarding what is sustainable and what development should consist of, and it recognises the intrinsic value of non human species. Thus the concept of sustainable development involves ecological and social as well as economic sustainability.

The concept of sustainable development, when formulated along biocentric, radical lines, clearly has a lot to commend it; however, it could be argued, as Attfield and Hattingh (2004) note, that it confronts us with the dilemma of saving nature or feeding people; should the feeding of the starving take precedence over the conservation of nature? Holmes Rolston III (1996) has controversially claimed that the starvation of people can sometimes be justified for the sake of environmental protection. When put in such stark terms it seems that a biocentric, radical form of sustainable development flounders. It seems that in such circumstances sustainable development, whilst requiring the protection of nature and the feeding of the starving, cannot do both;

whichever course of action is taken, i.e., protecting nature or feeding the starving, will require abandoning one of the key tenets of the concept. Does this fatally flaw the concept of sustainable development? No. Rolston argues that such a disturbing dilemma serves to focus our minds on the relationship between development and conservation; does development really force us to choose between nature and feeding the starving? Will the type of economic development so often advocated by affluent nations really reduce global poverty, and does nature have to pay the price? Economic development does not always equate with enhanced quality of life and the development of wellbeing, so it would be a mistake to believe that the concept of sustainable development forces into a choice between eradicating poverty and protecting nature. As Rolston and Attfield (1998) both point out, enough good reasons exist to protect large aspects of nature from human interference, and although there might be political, economic and commercial reasons to encroach upon nature even further, these are not moral reasons and they do not involve enhancing wellbeing. In fact, Rolston argues that if we want to promote quality of life now and for future generations we need to take dramatic steps to stop environmental degradation; such action, far from increasing misery and harm, will actually enhance wellbeing.

Quality of life will not be able to be experienced in a world with such depleted and dilapidated natural resources and systems. Attfield and Hattingh point out that as a result of complex economic, political and social processes people in South Africa are often literally and figuratively pushed up against the fences of nature reserves; however, this does not mean that these fences should be torn down. They maintain that it is unlikely that conservation is the problem; therefore, abolishing conservation areas will not reduce poverty, at least not in the long-term. Instead problems should

be tackled at their root cause, at the political, social and economic level. It is political, economic and social decisions that cause problems, so a radical overhaul of these processes is required. A system which is unfair, inefficient in many respects, such as the utilisation of human talent, which is exploitative and which distributes the wealth and goods of society randomly and even unfairly cannot enhance wellbeing. Rather than continue to degrade nature to perpetuate such a system, possibly in the mistaken belief that such a policy will actually improve quality of life (despite the mounting evidence to the contrary), we should change the system. We do not really need to choose between protecting nature and eradicating poverty, we need to choose between maintaining the current *status quo*, complete with inequalities, self-interest, massive levels of chronic consumption, egregious and pervasive materialism, or adopting a radical, morally coherent and just system of sustainable practices processes and policies.

The detractors argue that the concept of sustainable development is so vague and covers such a wide range of issues that it is meaningless in any practical sense. It has been diluted and reduced by vested interests, such as governments and big corporations, that it cannot possibly achieve anything. The corruption of the concept of sustainable development by these vested interests renders it impotent in the face of the challenge posed by global poverty and environmental degradation. The radical steps necessary to deal with these issues cannot now occur because of the adulterated nature of sustainable development. Some proponents of radical sustainable development maintain that our current conception of liberal democracy needs to be drastically overhauled if we are to achieve the twin goals of environmental protection and global equity. Given the current stranglehold consumerism appears to have on

international trade and public opinion in the affluent West, such a radical re-examination seems highly unlikely.

However, these criticisms do not substantially damage the concept of sustainable development. The need to eradicate global poverty and reduce environmental degradation is almost universally accepted and there is widespread consensus that something needs to be done. Global poverty needs to be eradicated because it is clearly morally unacceptable that millions of people should endure an horrific quality of life and degrading existence; this situation is not impossible to change and does not require dramatic reductions in population levels or the swapping of poverty from one hemisphere to the other. The eradication of poverty may well have a significant impact on the environment; action which undermines the already precarious state of nature should not be undertaken because that will ultimately reduce quality of life. The effects of environmental degradation have a disproportionately adverse effect on the world's poor, although such harm is not limited to them. These points have now been recognised by many members of the global community. These are global issues and require a global, cosmopolitan response. Environmental degradation and global poverty require the involvement of national governments, international economic and political organisations and big corporations; it therefore seems disingenuous to criticise the concept of sustainable development because of the acceptance of the concept by these bodies. As Jacobs points out, it is not clear if these bodies are being pushed towards a more radical agenda, or whether they are trying to dilute it. Even if such organisations are trying to dilute the concept of sustainable development that does not detract from the efficacy and moral value of the concept; it simply means the case for a radical approach has to be made even more strongly, coherently and



consistently. Moreover the current system of liberal democracy enjoyed by the West does not have to be stripped away for sustainable development to succeed, as Attfield points out. Whilst it may be painful for many to reduce their level of consumption, it is not unreasonable to suppose this is possible. Advertisers work on the principle that they can persuade people to buy things that they do not need. Surely it is just as possible to persuade people not to have things they do not need for the sake of enhanced quality of life.

Steve Connor, Science Editor of *The Independent*, has reported research by psychologists that shows people in the developed world are no happier than people in the 1950s who were less affluent (*The Independent*, 20th November, 2003).

Moreover, consumerism and the pressure to succeed are creating an epidemic of unhappiness as people become more aware that material wellbeing does not always equate to personal wellbeing. In the same article it is suggested that personal happiness was related to being a valued member of a group that could share experiences and emotions. This undermines the notion that people are self-interested and individualistic. Clearly happiness is not the only feature of a good quality of life, but happiness is likely to be reflected in wellbeing. If the selfish pursuit of happiness, via the acquisition of material wealth and avid consumerism, does not provide us with the quality of life we crave, perhaps a re-formulation of well-being along less materialistic lines will. This re-evaluation of our Western sense of well-being may be easier, less controversial and more beneficial than is often assumed by the sceptical (or cynical) purveyors of consumerism. Consider the following statistics, as reported in *The Independent*, 24th December, 2004, 'The Cost of Christmas': in Britain it is estimated 30 billion pounds were be spent celebrating Christmas 2004; 4.2 billion

pounds were spent on cosmetics over that period; the British aid budget for developing countries in 2004 will amount to 4.14 billion pounds (and Britain is regarded as having a fairly generous aid budget). The widening gulf between the affluent and the poor, those who have more than enough and those who have nothing, those who enjoy wellbeing and those who do not, cannot be morally justified.

The notion of quality of life, and what constitutes quality of life, has been addressed at various points in this work. Attfield, Holland, O'Neill and Davidson have argued convincingly for a re-assessment of what quality of life means. Instead of referring to material wealth, if quality of life is taken to be the development and exercise of those capacities essential for wellbeing then the necessity for continuing material growth disappears. Moreover, our understanding of which entities are capable of wellbeing needs to be expanded. It is not just humans that are capable of wellbeing, it is all biological entities (but not all aspects of nature). All biological entities are capable of bearing intrinsic value, as well as instrumental value. The case for a biocentric, as opposed to an anthropocentric or ecocentric, view of moral value has been presented already; together with a method of prioritising values and dealing with competing moral interests. A radical version of the concept of sustainable development, one that does not regard nature as a transferable commodity, or as capital, seems well-suited to the task that lies before it. Furthermore, a rejection of liberal democracy is not required, if the precautionary and harm principles are an integral part of the concept of sustainable development.

The concept of sustainable development, in its radical formulation, is capable of meeting the objectives of reducing environmental degradation and eradicating global

poverty, within the biocentric, cosmopolitan, consequentialist framework that is advocated here. The broad notion of quality of life promoted in this work, with its emphasis on developing and meeting capacities, can be accommodated within the concept of sustainable development. Sustainable development, if interpreted radically, is neither vague nor meaningless; it can provide a cogent and coherent framework for dealing with the problems of environmental degradation and global poverty. The concept itself is sound; what is now needed is the commitment, imagination and will to put the formulation of it advocated here into practice. The moral case for sustainable development is incontrovertible; political and practical practices should now reflect this.

## NINETEEN

### CONCLUSION

The aim of this work is to develop a normative approach, based on consequentialist principles of optimising intrinsic value, which can be applied to medicine and sustainable development. Various criticisms of consequentialism and its application to bioethical issues and sustainable development have been considered and have been refuted. It is argued that the form of biocentric consequentialism advocated here not only acknowledges the extent of moral standing; it also provides a meaningful framework for ethical practices related to medicine and sustainable development.

It is maintained in this work that moral standing applies to any biological entity that can reasonably be argued to have capacities and the ability to thrive or flourish.

Flourishing is characterised as the development and exercise of those essential capacities. The work of Attfield, Goodpaster, Scherer, Singer, Glover, O'Neill, Hursthouse and Nussbaum, among others, has been considered in this context.

Clearly some species have such limited capacities that their moral significance will be very slight; however, it remains a conceptual possibility at least. The importance of examining the issue of moral standing is that it generates debate about what is morally valuable about life. It is maintained here that it is quality of life, not simply life itself, that is morally important. Quality of life is supplied by the meeting of basic needs for flourishing; these basic needs refer to the development and exercise of essential capacities.

Of course, since it is quality of life that is important, and if virtually all biological life

is capable of flourishing in its own species-unique way, how can we balance the needs of people and higher order mammals against those of much less sophisticated organisms, such as trees and single-cell organisms? However, the moral weight, or significance, of essential capacities is not the same for all biological entities. Clearly consciousness, and self-consciousness denote a significant qualitative difference in wellbeing potential. For this reason entities capable of consciousness and self-consciousness have greater moral significance than those that are not; similarly where one individual has self-consciousness and another does not, the agent with self-consciousness has greater moral significance than the one without it. This does not mean that entities incapable of consciousness or self-consciousness do not have moral standing, but it does mean that where the basic needs of a self-conscious agent are in jeopardy, their fulfilment may take precedence over the interests of less sophisticated entities in some circumstances. However, the fulfilment of the non-basic needs of a conscious or self-conscious entity should not be assumed to justify the undermining of the basic needs of non-conscious entities.

Practice-consequentialism has been advocated as the best means of meeting our moral obligations towards all bearers of moral standing. Although the notion of essential capacities is now often associated with virtue theory, neither it nor deontological theories can supply firm enough moral foundations for moral practices and policies. It has been shown that rights are only useful where their adherence results in greater overall wellbeing than their non-adherence; similarly virtuous actions can only be considered virtuous by evaluating the outcomes of the virtuous trait or practice.

Different formulations of consequentialism have also been considered, and Richard Hare's work on critical and intuitive levels of moral thinking has been very instructive.

However, his notion of preference-utilitarianism has been found wanting. Criticisms concerning the overdemandingness of consequentialism have also been tackled and rebutted. Hare illustrates that our 'intuitive' moral thinking is often sufficient for our everyday moral judgements and assumptions, but that acceptance of such 'intuitive' thinking should not be unquestioning. Generally intuitive moral thinking provides us with the course of action that is most likely to maximise benefits, but sometimes such moral intuitions need 'critical' analysis. However, we are not required and do not need to critically analyse our every moral judgement in our day-to-day lives and so consequentialism cannot be overdemanding in this sense. Railton also shows that consequentialism does not have to be alienating or be excessively impersonal.

The notion of practice-consequentialism promoted in this work provides a framework that provides the best available balance of good over harm for all entities capable of being benefited or harmed.. Practices which facilitate this are 'optimific', to use Attfield's term; the optimising of value provides an effective means of balancing competing moral interests. Practices which are overburdensome are unlikely to be 'optimific', and so individuals are not necessarily expected to make huge personal sacrifices in the name of consequentialism. Nevertheless this does not mean that difficult options never have to be taken, but they only have to be taken where they are likely ultimately to increase wellbeing. Furthermore, consequentialism requires us to consider foreseeable outcomes of actions only; unpredictable outcomes, by their very nature, cannot be foreseen. This requirement still provides consequentialism with plenty of scope for enhancing wellbeing; our knowledge is sufficiently detailed for the outcomes of many practices and policies to be anticipated. A range of criticisms of consequentialism have been considered in some detail and they do nothing to

undermine the case of it.

While this is not a central aim of this work, it has also been shown that ethical naturalism can easily be defended against the criticisms of non-naturalists. For instance, Frankena argues that the so-called 'naturalistic fallacy' is not a fallacy at all and that the case against naturalism has been seriously overstated. Teichman cogently argues that contrary to the emotivists and intuitionists, there is enough evidence to suggest that there are universal goods which are common to humans and other species. Philippa Foot argues that our understanding of the term 'evidence' can also be applied to our moral discourse. Dorothy Mitchell also challenges the assertion made by Richard Hare that no definition of good can cover all the possible applications of 'good'. She argues that a sufficiently universal definition of good, combined with a specific exposition of good for the object or event being described, can provide a suitable explanation of what 'good' means or refers to. It therefore seems reasonable to maintain that naturalism coheres with consequentialism.

The contention of this work is that practice-consequentialism provides the best way of elucidating and resolving ethical dilemmas. Consequentialist approaches of various types have been applied to a number of bioethical issues, such as abortion, euthanasia, consent, resource allocation and embryo research; however, the emergence of cloning technology seems to present the medical profession, politicians and the public alike with new ethical dilemmas. One of the aims of this work is to establish a normative moral approach which was capable of confronting this new issue in a rational way that enhances well-being. Although therapeutic cloning is a relatively new issue many of the arguments and problems that it introduces are in fact related to long-standing

debates. Criticisms of consequentialism in a general medical context made by Grant Gillett have been examined, together with Beauchamp and Childress' principle based theory; both have been shown to be flawed and insubstantial attacks.

Consequentialism, it has been argued, does provide clear and rational arguments for abortion and embryo research, for example. The work of John Harris, Richard Hare and of Singer and Kuhse supply reasonable consequentialist grounds for permitting abortion and embryo research which are based on maximising wellbeing.

Arguments against therapeutic cloning, just like those against abortion and embryo research, centre on the potential of the embryo or foetus and the sanctity of human life. These arguments are soundly rejected here. As has already been mentioned above, the contention of this work is that quality of life matters more than life itself; for this reason the fact that an embryo is a live member of the human race does not automatically endow the embryo with the same moral standing as an adult, child or infant. Peter Singer's notion of 'personhood' is regarded as a good guide to what is valuable about being human, and in this work 'personhood' is inextricably linked to the development and exercise of essential capacities. Of course it can be argued that an embryo is a potential person; however, the view adopted here is that potentiality only gains moral weight if that potential stands a credible chance of being realised. This is not to argue that potential should be ignored, but neither should it be overemphasised. In this work it is maintained that potential becomes important at birth or if the embryo or foetus can reasonably be expected to exist as an independent entity at some point in the future. The process of independent existence begins at birth; prior to birth it seems misguided, even mawkish to regard a foetus as a potential person, and undermines the autonomy of women. The stance adopted in this work is



not the 'thin end of a wedge'; once born an infant should be regarded as a potential person, and all reasonable steps should be taken to enhance its quality of life.

Experimenting on 'spare' reproductive material, including embryos, to investigate serious conditions, and allowing women to undergo late abortions, need not be fraught with moral dangers. If consent is sought, and if such practices are transparent and are conducted openly and honestly, and carried out in order to enhance quality of life, the dangers of undermining respect for actual and potential people disappears and wellbeing is actually enhanced.

An embryo that is going to be aborted or experimented upon is clearly not going to be born and so should not be considered a potential person. Before birth the potential interests of the embryo or foetus do not outweigh the existing interests of the mother. This is not to believe that the embryo or foetus is not worthy of any consideration; sentience is after all a sufficient condition for moral standing. It is simply that it does not have the moral status of a person, so should not be regarded as one. Such a stance may seem controversial to some, but it is argued here that it is the best way to enhance wellbeing. A line has to be drawn somewhere to signify when potentiality matters; drawing it too early may demand the end of contraception: drawing it too late may cause fear and resentment. Birth seems a reasonable place that will produce the most benefits and least harm. Without a permissive attitude towards abortion and embryo research the impact of unwanted children, forced pregnancies and medical ignorance regarding genetic and congenital conditions will surely reduce well-being and increase misery. This cannot be morally acceptable. Respecting life is not always the same as respecting quality of life; where they diverge we should always favour what is most important, and that is quality of life.

This philosophy has been applied to the issue of therapeutic cloning. It is argued that therapeutic cloning offers a unique opportunity to improve quality of life for a significant number of people. It has the potential to provide treatment for a huge range of conditions, including Alzheimer's disease, Parkinson's disease and chronic arthritis. Therapeutic cloning involves the development of an embryo to the blastocyst stage, roughly 150-200 cells, in order to cultivate the stem cells necessary for the therapeutic technique. Arguments regarding potentiality, rights of the unborn and the sanctity of life clearly militate against the development of therapeutic cloning. It has been argued that therapeutic cloning brings humanity to the tip of a slippery slope that slides towards the 'instrumentalisation' of human life; if embryos can be used as 'parts' for others, where will it all end? However, these arguments have been shown to be misguided and flawed. As Hare notes slippery slope arguments are very rarely credible, and acknowledging that a foetus has potential ends is not the same as maintaining that a right to life exists. Quality of life is enhanced by therapeutic cloning and the interests of the unborn embryo are extremely limited compared to the interests of those who will benefit from this technique.

The Chief Medical Officer's Report into therapeutic cloning is broadly correct in its findings; however, it is heavily influenced by the Warnock Report, and it is the contention of this work that the Warnock Report is limited in its scope and analysis of the central issues regarding embryo research. In this work a much firmer, more lucid case has been put forward for therapeutic cloning, based on consequentialism. The issue of therapeutic cloning inevitably leads on to reproductive cloning. Many people are opposed to therapeutic cloning because they fear it will lead to reproductive

cloning. However, it is argued here that reproductive cloning is not the evil that it is assumed to be. Identical twins share a closer genetic link than children created via reproductive cloning, and yet they do not generate any degree of moral panic.

Moreover reproductive cloning arguably causes less problems than other forms of artificial birth. However, as the psychological and physical consequences of reproductive cloning are so uncertain and potentially perilous, and the potential effects on well-being so limited, it seems best that the prohibition on reproductive cloning remains in force, or should be enforced. It has also briefly been shown how practice-consequentialism can shed light on the related topics of xenotransplantation and 'designer babies'.

Finally, it has been argued that the concept of sustainable development does provide an effective means of tackling the twin evils of environmental degradation and global poverty. It has been argued that sustainable development is neither too vague nor so broad in its scope that it is meaningless. If a radical, strong version of the concept is adopted, one that does not treat nature as 'capital' that is substitutable or regard sustainable development as synonymous with continuous economic growth, it could have a significantly positive effect on wellbeing. Voracious consumption needs to be addressed and there are already some attempts to do this, for example, pollution taxes and emissions trading, but more needs to be done. It is important that quality of life is not equated to material wealth, but a broader conceptualisation of wellbeing is adopted along the lines proposed by Attfield, O'Neill and Holland, and advocated in this work. The present liberal system of democracy that we enjoy now does not have to be abandoned to pursue sustainable development, not if the precautionary and harm principles inform the way liberalism operates. (The precautionary principle should

guide moral practices regarding medical ethics to some extent also.) However, a radical version of the concept of sustainable development needs to be deployed if quality of life is to be enhanced for all those entities capable of wellbeing. It has been demonstrated that moral obligations are owed to future generations as well as the existing one, to non-sentient life as well as sentient life. Sustainable development can accommodate these moral obligations but only if the radical, undiluted version is adopted.

A biocentric, consequentialist approach has been argued to be the best way to enhance quality of life. The concept of wellbeing extends far beyond current humans and includes future generations (as discussed in some length above), and non-human forms of biological life. Consequentialist arguments have been applied to contemporary and controversial medical dilemmas, as well as to the issues of sustainable development and future generations, environmental degradation and global poverty. It has been shown that consequentialism can elucidate these moral problems and provides a rational, practical, ethically coherent and cogent means of enhancing quality of life.

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