Phi2003 Seminar Questions

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## Seminar 1: Regina v. Dudley and Stephens

On July 5, 1884, the yacht Mignonette was sunk by a wave 1,600 miles off the coast of [Africa](http://everything2.com/title/Africa). Its four crew members scrambled into a lifeboat, and survived for the next week on two cans of [turnip](http://everything2.com/title/turnip)s and the carcass of a [turtle](http://everything2.com/title/turtle). After two weeks at sea and one week of starvation, the [ship's boy](http://everything2.com/title/ship%2527s%2520boy), Richard Parker, was near death. Dudley, the captain, conferred with the first mate, Stephens, and the two agreed that they would kill and eat Parker if help did not arrive by the following morning. Sure enough, nobody came, so Dudley and Stephens stabbed Parker and survived on his meat for another four days, until a German ship rescued the three survivors (the third wanted nothing to do with the plan).

Dudley and Stephens disembarked at [Falmouth](http://everything2.com/title/Falmouth) and explained their story to the authorities, who promptly arrested them and sent them before a [magistrate](http://everything2.com/title/magistrate), who charged them with [murder](http://everything2.com/title/murder). Their [trial](http://everything2.com/title/trial) convened at [Exeter](http://everything2.com/title/Exeter) on November 6. Baron Huddleston, the judge, asked the [jury](http://everything2.com/title/jury) to return a [special verdict](http://everything2.com/title/special%2520verdict), which was necessary in order to send the case to the [Queens Bench Division](http://everything2.com/title/Queens%2520Bench%2520Division). The verdict said, in part:

If the men had not fed upon the body of the boy, they would probably not have survived to be picked up and rescued, but would within the four days have died of [famine](http://everything2.com/title/famine); that the boy, being in a much weaker condition, was likely to have died before them; that at the time of the act in question there was no sail in sight, nor any reasonable prospect of relief; that under the circumstances there appeared to the prisoners every probability that, unless they fed, or very soon fed, upon the boy or one of themselves, they would die of starvation; that there was no appreciable chance of saving life except by killing someone for the others to eat; that, assuming any necessity to kill anybody, there was no greater necessity for killing the boy than any of the other three men.

The case was brought to a five-judge panel led by Lord Coleridge on December 4. After Dudley and Stephens' barrister made arguments in favor of their acquittal, the [Attorney General](http://everything2.com/title/Attorney%2520General) stepped up to deliver the prosecution's arguments, but Coleridge interrupted, "We need not trouble you, Mr Attorney General, to reply, as we are all of the opinion that the prisoners must be convicted." Simple enough? Well, not quite. His ruling drew on a large body of legal thought to reach the conclusion that necessity was not the mother of law.

{Lord Hale states} that in a case of extreme necessity, either of hunger or clothing, "[theft is no theft](http://everything2.com/title/theft%2520is%2520no%2520theft), or at least not punishable as theft, and some even of our own lawyers have asserted the same; but I take it that here in England that rule, at least by the laws of England, is false, and, therefore, if a person, being under necessity for want of victuals or clothes, shall upon that account clandestinely and [animo furandi](http://everything2.com/title/animo%2520furandi) steal another man's goods, it is a felony and a crime by the laws of England punishable with death." If, therefore, Lord Hale is clear, as he is, that extreme necessity of hunger does not justify larceny, what would he have said to the doctrine that it justified murder?

It is satisfactory to find that another great authority, second probably only to Lord Hale, speaks with the same unhesitating clearness on this matter. ...In the view of Sir [Michael Foster](http://everything2.com/title/Michael%2520Foster), necessity and self-defence (which {he} defines as "opposing force to force even to the death") are convertible terms. There is no hint, no trace of the doctrine now contended for; the whole reasoning of the chapter is entirely inconsistent with it.

And then, some distance down the page:

The one real authority of former time is [Lord Bacon](http://everything2.com/title/Lord%2520Bacon), who in his Commentary on the maxim, "[Necessitas iducit privilegium quoad juraprivata](http://everything2.com/title/Necessitas%2520iducit%2520privilegium%2520quoad%2520juraprivata%22%20%5Co%20%22Necessitas%20iducit%20privilegium%20quoad%20juraprivata)," lays down the law as follows:

"Necessity carrieth a privilege in itself. Necessity is of three sorts: necessity of conservation of life, necessity of obedience, and necessity of the act of God or of a stranger. First, of conservation of life. If a man steals viands to satisfy his present hunger, this is no felony nor larceny. So if divers be in danger of drowning by the casting away of some boat or barge, and one of them get to some plank, or on the boat's side, to keep himself above water, and another to save his life thrusts him from it, whereby he is drowned, this is neither se defendendo nor by misadventure, but justifiable."

On this it is to be observed that Lord Bacon's proposition that [stealing to satisfy hunger is no larceny](http://everything2.com/title/stealing%2520to%2520satisfy%2520hunger%2520is%2520no%2520larceny) is hardly supported by Staundforde, whom he cites for it, and is expressly contradicted by [Lord Hale](http://everything2.com/title/Lord%2520Hale) in the passage already cited. As for the proposition regarding the plank or boat it is said to be derived from the canonists; at any rate, he cites no authority for, and it must stand upon his own. Lord Bacon was great even as a lawyer, but it is permissible to much smaller men, relying upon principle and on the authority of others the equals and even the superiors of Lord Bacons as lawyers, to question the soundness of his dictum. There are many conceivable states of things in which it might possibly be true, but, if Lord Bacon meant to lay down the broad proposition that a man may save his life by killing, if necessary, an innocent and unoffending neighbour, it certainly is not law at the present day.

Finally, Coleridge laid down his argument in his own words.

To preserve one's life is generally speaking, a duty, but it may be the plainest and the highest duty to sacrifice it. War is full of instances in which it is a man's duty not to live, but to die. The duty, in case of [shipwreck](http://everything2.com/title/shipwreck), of a captain to his crew, of the crew to the passengers, of soldiers to women and children, as in the noble case of [The Birkenhead](http://everything2.com/title/The%2520Birkenhead) - these duties impose on menthe moral necessity, not of the preservation, but of the sacrifice, of their lives for others, from which in no country - least of all it is to be hoped in England - will men ever shirk, as indeed they have not shrunk. It is not correct, therefore, to say that there is any absolute and unqualified necessity to preserve one's life. "[Necesse est ut eam, non ut vivam](http://everything2.com/title/Necesse%2520est%2520ut%2520eam%252C%2520non%2520ut%2520vivam%22%20%5Co%20%22Necesse%20est%20ut%20eam%2C%20non%20ut%20vivam)," is a saying of a Roman officer quoted by Lord Bacon himself with high eulogy in the very chapter on Necessity, to which so much reference has been made. it would be a very easy and cheap display of commonplace learning to quote from Greek and Latin authors - from [Horace](http://everything2.com/title/Horace), from [Juvenal](http://everything2.com/title/Juvenal), from [Cicero](http://everything2.com/title/Cicero), from [Euripides](http://everything2.com/title/Euripides) - passage after passage in which the duty of dying for others has been laid down in glowing and emphatic language as resulting from the principles of heathen ethics. It is enough in a Christian country to remind ourselves of the [Great Example](http://everything2.com/title/Great%2520Example) which we profess to follow.

It is not needful to point out the awful danger of admitting the principle which has been contended for. Who is to be the judge of this sort of necessity? By what measure is the comparative value of lives to be measured? Is it to be strength, or intellect, or what? It is plain that the principle leaves to him who is to profit by it to determine the necessity which will justify him in deliberately taking another's life to save his own. In this case the weakest, the youngest, the most unresisting was chosen. Was it more necessary to kill him than one of the grown men? The answer must be, [No](http://everything2.com/title/No).

Dudley and Stephens were thus convicted of murder and sentenced to death. However, Queen [Victoria](http://everything2.com/title/Victoria), bowing to public opinion, commuted their sentences to six months in prison.

Why do law students around the world still read about this case? It established a right to life in the [common law](http://everything2.com/title/common%2520law) of Britain, and made it almost completely inexcusable to intentionally kill another human being. Other cases in the United States, Ireland, South Africa, and other countries have since affirmed the basic philosophy behind Lord Coleridge's decision: the only notable exception, which has been ruled in a number of cases, is if the victim's death is imminent and the continuation of the victim's life would, in and of itself, threaten another's life (e.g. killing one conjoined twin to save the other, or shooting down a hijacked airplane before it is flown into a skyscraper).

Downloaded from *Everything2.com*, <http://everything2.com/e2node/Regina%2520v.%2520Dudley%2520and%2520Stephens>, on the 20th October, 2008, at 10:35am.

1. Was the sailor’s killing of the cabin boy intelligible? Was the sailor’s killing of the cabin boy justified? If you were defending the two sailors, how would you argue for their acquittal? If you were prosecuting the sailors, how would you argue for their conviction? Try to map the concepts of ‘deontology’, ‘consequentialism’ and ‘virtue ethics’ on to this debate.
2. How would Hobbes have judged the actions of the men?
3. Are your actions free or determined? If they are determined, what causes them? If they are free, how do you explain them?
4. What role can necessity play in ethical arguments? Can it justify or merely explain actions of human beings? Are the following agents responsible for their actions? If so, why? If not, why not? (Think about the concept of **responsibility**.):
	1. a car slips on ice and kills a pedestrian;
	2. a child steals some sweets from a shop;
	3. a drunk drives home after the pub and accidentally kills a pedestrian;
	4. a kleptomaniac steals from a shop;
	5. a husband returns home and finds another man in bed with his wife – he kills them both then and there.
5. Give a definition, in your own words, of what a right is and illustrate this with examples. Offer a definition of a law or an obligation and illustrate this with some basic, uncontroversial laws of our state. What is the relationship between a right and a law? Do we have a right to life without conditions?
6. With reference to *Leviathan* ch 14, explain how Hobbes defines both right and law. How is it related to liberty as he understands it?
7. What is, according to Hobbes, the right of nature? Does it sound familiar and is it perhaps better suited to a discipline other than moral philosophy? Why is this, would Hobbes say?
8. Do you agree with Hobbes that this right of nature should be unrestricted? Is there a problem with the phrasing of the prior question?
9. List Hobbes’s first three laws of nature. When do they apply to individuals?
10. What, according to Hobbes, justifies moral laws?
11. Were Dudley and Stevens in a state on nature? What, then, of the unnamed third sailor? Is there symmetry between acts of necessity and acts of heroism as seems to be implied? Should one be impartial between one’s own life and the lives of others or between one’s own child and a stranger?

## Seminar 2: Punishment

**John Stuart Mill
"Speech In Favour of Capital Punishment"**

. . . It would be a great satisfaction to me if I were able to support this Motion. It is always a matter of regret to me to find myself, on a public question, opposed to those who are called--sometimes in the way of honour, and sometimes in what is intended for ridicule--the philanthropists. Of all persons who take part in public affairs, they are those for whom, on the whole, I feel the greatest amount of respect; for their characteristic is, that they devote their time, their labour, and much of their money to objects purely public, with a less admixture of either personal or class selfishness, than any other class of politicians whatever. On almost all the great questions, scarcely any politicians are so steadily and almost uniformly to be found on the side of right; and they seldom err, but by an exaggerated application of some just and highly important principle. On the very subject that is now occupying us we all know what signal service they have rendered. It is through their efforts that our criminal laws--which within my memory hanged people for stealing in a dwelling house to the value of 40s.-laws by virtue of which rows of human beings might be seen suspended in front of Newgate by those who ascended or descended Ludgate Hill--have so greatly relaxed their most revolting and most impolitic ferocity, that aggravated murder is now practically the only crime which is punished with death by any of our lawful tribunals; and we are even now deliberating whether the extreme penalty should be retained in that solitary case. This vast gain, not only to humanity, but to the ends of penal justice, we owe to the philanthropists; and if they are mistaken, as I cannot but think they are, in the present instance, it is only in not perceiving the right time and place for stopping in a career hitherto so eminently beneficial. Sir, there is a point at which, I conceive, that career ought to stop*. When there has been brought home to any one, by conclusive evidence, the greatest crime known to the law; and when the attendant circumstances suggest no palliation of the guilt, no hope that the culprit may even yet not be unworthy to live among mankind, nothing to make it probable that the crime was an exception to his general character rather than a consequence of it, then I confess it appears to me that to deprive the criminal of the life of which he has proved himself to be unworthy--solemnly to blot him out from the fellowship of mankind and from the catalogue of the living--is the most appropriate as it is certainly the most impressive, mode in which society can attach to so great a crime the penal consequences which for the security of life it is indispensable to annex to it*. I defend this penalty, when confined to atrocious cases, on the very ground on which it is commonly attacked--on that of humanity to the criminal; *as beyond comparison the least cruel mode in which it is possible adequately to deter from the crime*. If, in our horror of inflicting death, we endeavour to devise some punishment for the living criminal which shall act on the human mind with a deterrent force at all comparable to that of death, we are driven to inflictions less severe indeed in appearance, and therefore less efficacious, but far more cruel in reality. Few, I think, would venture to propose, as a punishment for aggravated murder, less than imprisonment with hard labor for life; that is the fate to which a murderer would be consigned by the mercy which shrinks from putting him to death. But has it been sufficiently considered what sort of a mercy this is, and what kind of life it leaves to him? If, indeed, the punishment is not really inflicted--if it becomes the sham which a few years ago such punishments were rapidly becoming--then, indeed, its adoption would be almost tantamount to giving up the attempt to repress murder altogether. But if it really is what it professes to be, and if it is realized in all its rigour by the popular imagination, as it very probably would not be, but as it must be if it is to be efficacious, it will be so shocking that when the memory of the crime is no longer fresh, there will be almost insuperable difficulty in executing it. What comparison can there really be, in point of severity, between consigning a man to the short pang of a rapid death, and immuring him in a living tomb, there to linger out what may be a long life in the hardest and most monotonous toil, without any of its alleviations or rewards--debarred from all pleasant sights and sounds, and cut off from all earthly hope, except a slight mitigation of bodily restraint, or a small improvement of diet? Yet even such a lot as this, because there is no one moment at which the suffering is of terrifying intensity, and, above all, because it does not contain the element, so imposing to the imagination, of the unknown, is universally reputed a milder punishment than death--stands in all codes as a mitigation of the capital penalty, and is thankfully accepted as such. For it is characteristic of all punishments which depend on duration for their efficacy--all, therefore, which are not corporal or pecuniary--that they are more rigorous than they seem; while it is, on the contrary, one of the strongest recommendations a punishment can have, that it should seem more rigorous than it is; for itspractical power depends far less on what it is than on what it seems. There is not, I should think, any human infliction which makes an impression on the imagination so entirely out of proportion to its real severity as the punishment of death. The punishment must be mild indeed which does not add more to the sum of human misery than is necessarily or directly added by the execution of a criminal. As my hon. Friend the Member for Northampton (Mr.Gilpin) has himself remarked, the most that human laws can do to anyone in the matter of death is to hasten it; the man would have died at any rate; not so very much later, and on the average, I fear, with a considerably greater amount of bodily suffering. Society is asked, then, to denude itself of an instrument of punishment which, in the grave cases to which alone it is suitable, effects its purposes at a less cost of human suffering than any other; which, while it inspires more terror, is less cruel in actual fact than any punishment that we should think of substituting for it. My hon. Friend says that it does not inspire terror, and that experience proves it to be a failure. But the influence of a punishment is not to be estimated by its effect on hardened criminals. Those whose habitual way of life keeps them, so to speak, at all times within sight of the gallows, do grow to care less about it; as, to compare good things with bad, an old soldier is not much affected by the chance of dying in battle. I can afford to admit all that is often said about the indifference of professional criminals to the gallows. Though of that indifference one-third is probably bravado and another third confidence that they shall have the luck to escape, it is quite probable that the remaining third is real. But the efficacy of a punishment which acts principally through the imagination, is chiefly to be measured by the impression it makes on those who are still innocent; by the horror with which it surrounds the first promptings of guilt; the restraining influence it exercises over the beginning of the thought which, if indulged, would become a temptation; the check which it exerts over the graded declension towards the state--never suddenly attained--in which crime no longer revolts, and punishment no longer terrifies. As for what is called the failure of death punishment, who is able to judge of that? We partly know who those are whom it has not deterred; but who is there who knows whom it has deterred, or how many human beings it has saved who would have lived to be murderers if that awful association had not been thrown round the idea of murder from their earliest infancy? Let us not forget that the most imposing fact loses its power over the imagination if it is made too cheap. When a punishment fit only for the most atrocious crimes is lavished on small offences until human feeling recoils from it, then, indeed, it ceases to intimidate, because it ceases to be believed in. The failure of capital punishment in cases of theft is easily accounted for; the thief did not believe that it would be inflicted. He had learnt by experience that jurors would perjure themselves rather than find him guilty; that Judges would seize any excuse for not sentencing him to death, or for recommending him to mercy; and that if neither jurors nor Judges were merciful, there were still hopes from an authority above both. When things had come to this pass it was high time to give up the vain attempt. When it is impossible to inflict a punishment, or when its infliction becomes a public scandal, the idle threat cannot too soon disappear from the statute book. And in the case of the host of offences which were formerly capital, I heartily rejoice that it did become impracticable to execute the law. If the same state of public feeling comes to exist in the case of murder; if the time comes when jurors refuse to find a murderer guilty; when Judges will not sentence him to death, or will recommend him to mercy; or when, if juries and Judges do not flinch from their duty, Home Secretaries, under pressure of deputations and memorials, shrink from theirs, and the threat becomes, as it became in the other cases, a mere *brutum fulmen*; then, indeed, it may become necessary to do in this case what has been done in those--to abrogate the penalty. That time may come--my hon. Friend thinks that it has nearly come. I hardly know whether he lamented it or boasted of it; but he and his Friends are entitled to the boast; for if it comes it will be their doing, and they will have gained what I cannot but call a fatal victory, for they will have achieved it by bringing about, if they will forgive me for saying so, an enervation, an effeminancy, in the general mind of the country. For what else than effeminancy is it to be so much more shocked by taking a man's life than by depriving him of all that makes life desirable or valuable? Is death, then, the greatest of all earthly ills? *Usque adeone mori miserum est?* Is it, indeed, so dreadful a thing to die? Has it not been from of old one chief part of a manly education to make us despise death--teaching us to account it, if an evil at all, by no means high in the list of evils; at all events, as an inevitable one, and to hold, as it were, our lives in our hands, ready to be given or risked at any moment, for a sufficiently worthy object? I am sure that my hon. Friends know all this as well, and have as much of all these feelings as any of the rest of us; possibly more. But I cannot think that this is likely to be the effect of their teaching on the general mind. I cannot think that the cultivating of a peculiar sensitiveness of conscience on this one point, over and above what results from the general cultivation of the moral sentiments, is permanently consistent with assigning in our own minds to the fact of death no more than the degree of relative importance which belongs to it among the other incidents of our humanity. The men of old cared too little about death, and gave their own lives or took those of others with equal recklessness. Our danger is of the opposite kind, lest we should be so much shocked by death, in general and in the abstract, as to care too much about it in individual cases, both those of other people and our own, which call for its being risked. And I am not putting things at the worst, for it is proved by the experience of other countries that horror of the executioner by no means necessarily implies horror of the assassin. The stronghold, as we all know, of hired assassination in the 18th century was Italy; yet it is said that in some of the Italian populations the infliction of death by sentence of law was in the highest degree offensive and revolting to popular feeling. Much has been said of the sanctity of human life, and the absurdity of supposing that we can teach respect for life by ourselves destroying it. But I am surprised at the employment of this argument, for it is one which might be brought against any punishment whatever. It is not human life only, not human life as such, that ought to be sacred to us, but human feelings. The human capacity of suffering is what we should cause to be respected, not the mere capacity of existing. And we may imagine somebody asking how we can teach people not to inflict suffering by ourselves inflicting it? But to this I should answer--all of us would answer--that to deter by suffering from inflicting suffering is not only possible, but the very purpose of penal justice. Does fining a criminal show want of respect for property, or imprisoning him, for personal freedom? Just as unreasonable is it to think that to take the life of a man who has taken that of another is to show want of regard for human life. We show, on the contrary, most emphatically our regard for it, by the adoption of a rule that he who violates that right in another forfeits it for himself, and that while no other crime that he can commit deprives him of his right to live, this shall. There is one argument against capital punishment, even in extreme cases, which I cannot deny to have weight--on which my hon. Friend justly laid great stress, and which never can be entirely got rid of. It is this--that if by an error of justice an innocent person is put to death, the mistake can never be corrected; all compensation, all reparation for the wrong is impossible. This would be indeed a serious objection if these miserable mistakes--among the most tragical occurrences in the whole round of human affairs--could not be made extremely rare. The argument is invincible where the mode of criminal procedure is dangerous to the innocent, or where the Courts of Justice are not trusted. And this probably is the reason why the objection to an irreparable punishment began (as I believe it did) earlier, and is more intense and more widely diffused, in some parts of the Continent of Europe than it is here. There are on the Continent great and enlightened countries, in which the criminal procedure is not so favorable to innocence, does not afford the same security against erroneous conviction, as it does among us; countries where the Courts of Justice seem to think they fail in their duty unless they find somebody guilty; and in their really laudable desire to hunt guilt from its hiding places, expose themselves to a serious danger of condemning the innocent. If our own procedure and Courts of Justice afforded ground for similar apprehension, I should be the first to join in withdrawing the power of inflicting irreparable punishment from such tribunals. But we all know that the defects of our procedure are the very opposite. Our rules of evidence are even too favorable to the prisoner; and juries and Judges carry out the maxim, "It is better that ten guilty should escape than that one innocent person should suffer," not only to the letter, but beyond the letter. Judges are most anxious to point out, and juries to allow for, the barest possibility of the prisoner's innocence. No human judgment is infallible; such sad cases as my hon. Friend cited will sometimes occur; but in so grave a case as that of murder, the accused, in our system, has always the benefit of the merest shadow of a doubt. And this suggests another consideration very germane to the question. The very fact that death punishment is more shocking than any other to the imagination, necessarily renders the Courts of Justice more scrupulous in requiring the fullest evidence of guilt. Even that which is the greatest objection to capital punishment, the impossibility of correcting an error once committed, must make, and does make, juries and Judges more careful in forming their opinion, and more jealous in their scrutiny of the evidence. If the substitution of penal servitude for death in cases of murder should cause any declaration in this conscientious scrupulosity, there would be a great evil to set against the real, but I hope rare, advantage of being able to make reparation to a condemned person who was afterwards discovered to be innocent. In order that the possibility of correction may be kept open wherever the chance of this sad contingency is more than infinitesimal, it is quite right that the Judge should recommend to the Crown a commutation of the sentence, not solely when the proof of guilt is open to the smallest suspicion, but whenever there remains anything unexplained and mysterious in the case, raising a desire for more light, or making it likely that further information may at some future time be obtained. I would also suggest that whenever the sentence is commuted the grounds of the commutation should, in some authentic form, be made known to the public. Thus much I willingly concede to my hon. Friend; but on the question of total abolition I am inclined to hope that the feeling of the country is not with him, and that the limitation of death punishment to the cases referred to in the Bill of last year will be generally considered sufficient. The mania which existed a short time ago for paring down all our punishments seems to have reached its limits, and not before it was time. We were in danger of being left without any effectual punishment, except for small of offences. What was formerly our chief secondary punishment--transportation--before it was abolished, had become almost a reward. Penal servitude, the substitute for it, was becoming, to the classes who were principally subject to it, almost nominal, so comfortable did we make our prisons, and so easy had it become to get quickly out of them. Flogging--a most objectionable punishment in ordinary cases, but a particularly appropriate one for crimes of brutality, especially crimes against women--we would not hear of, except, to be sure, in the case of garotters, for whose peculiar benefit we reestablished it in a hurry, immediately after a Member of Parliament had been garrotted. With this exception, offences, even of an atrocious kind, against the person, as my hon. and learned Friend the Member for Oxford (Mr.Neate) well remarked, not only were, but still are, visited with penalties so ludicrously inadequate, as to be almost an encouragement to the crime. I think, Sir, that in the case of most offences, except those against property, there is more need of strengthening our punishments than of weakening them; and that severer sentences, with an apportionment of them to the different kinds of offences which shall approve itself better than at present to the moral sentiments of the community, are the kind of reform of which our penal system now stands in need. I shall therefore vote against the Amendment.

Downloaded from <http://ethics.sandiego.edu/Books/Mill/Punishment/index.html> on the 9th September, 2010 at 11:01 am.

1. Why do we punish individuals who transgress a law? What is the purpose of sanction?
2. How might Hobbes justify punishment?
3. On what basis does Mill defend the use of the death penalty? In what types of cases should it be used?
4. Mill states that a punishment’s "practical power depends far less on what it is than on what it seems." Explain what he means by this. What implications does this have for how we punish?
5. Mill contrasts the death penalty and life imprisonment. What conclusions does he draw from this contrast? Do you agree with his conclusions?
6. Is Mill’s view consistent with utilitarianism?
7. Mill seems to downplay the importance and terribleness of death. Obviously this has implications for our views on the death penalty, but what implications does it have on our views of *murder*? Discuss.

## Seminar 3: Animal Rights

Reading: Singer, “All animals are equal” (available on BlackBoard)

1. Mill is a universalistic hedonist. What does that mean and are there any problems with such a position?
2. What is the greatest happiness principle? How does one calculate the merits of an action or policy?
3. Who (or what) ought to be considered when we look at the consequences of our actions?
4. Do you think that some pleasures are more valuable than others? What would a utilitarian say?
5. Would Mill agree that the interests of non-human animals are equal to the interest of humans? Would his answer be consistent with utilitarianism?
6. What is racism? What is sexism? What is speciesism? Why is it speciesist to describe a non-human animal as merely an “animal”?
7. Is Singer using the deconstructive method? (Hint: think through the dualism animal/human: is it rational, arbitrary, a mere linguistic echo?)
8. If equality is based on an equal consideration of interests, would it be speciesist to exclude animals from our calculations? What about plants?
9. Is there a reasoned distinction between the Inuit of the North Pole killing a seal for food and you wearing leather shoes? Are we back to the concept of necessity and, if so, what does it entail?
10. Is human life sacred? What does this question presuppose as a background context (in other words, what must be true for it to be intelligible)? Is it any different from asking “does human life have intrinsic value”? How?
11. Are there any reasons for treating human beings differently?
12. Is “all humans are equal” a description of reality? If so, what fact of identity do we share? If not, what is it? What is the difference between a description and a prescription?
13. What is the Great Chain of Being? What is an ideology? Is the Great Chain of Being an ideology? Do you feel you suffer from false consciousness? What might be an alternative cause of this false consciousness other than a certain anthropocentric moral view?
14. What would Hobbes say about the rights of non-human animals? Could we enter into a hypothetical contract with them?

## Seminar 4: Famine, poverty and obligations to others

**Extract from Hardin, Lifeboat Ethics**

Before taking up certain substantive issues let us look at an alternative metaphor, that of a lifeboat. In developing some relevant examples the following numerical values are assumed. Approximately two-thirds of the world is desperately poor, and only one-third is comparatively rich. The people in poor countries have an average per capita GNP (Gross National Product) of about $200 per year, the rich, of about $3,000. (For the United States it is nearly $5,000 per year.) Metaphorically, each rich nation amounts to a lifeboat full of comparatively rich people. The poor of the world are in other, much more crowded, lifeboats. Continuously, so to speak, the poor fall out of their lifeboats and swim for a while in the water outside, hoping to be admitted to a rich lifeboat, or in some other way to benefit from the “goodies” on board. What should the passengers on a rich lifeboat do? This is the central problem of “the ethics of a lifeboat.”

First we must acknowledge that each lifeboat is effectively limited in capacity. The land of every nation has a limited carrying capacity. The exact limit is a matter for argument, but the energy crunch is convincing more people every day that we have already exceeded the carrying capacity of the land. We have been living on “capital” — stored petroleum and coal — and soon we must live on income alone. Let us look at only one lifeboat — ours. The ethical problem is the same for all, and is as follows. Here we sit, say fifty people in a lifeboat. To be generous, let us assume our boat has a capacity often more, making sixty. (This, however, is to violate the engineering principle of the “safety factor.” A new plant disease or a bad change in the weather may decimate our population if we don’t preserve some excess capacity as a safety factor.)

The fifty of us in the lifeboat see a hundred others swimming in the water outside, asking for admission to the boat, or for handouts. How shall we respond to their calls? There are several possibilities. *One*. We may be tempted to try to live by the Christian ideal of being “our brother’s keeper,” or by the Marxian ideal (Marx 1875) of “from each according to his abilities, to each according to his needs.” Since the needs of all are the same, we take all the needy into our boat, making a total of one hundred and fifty in a boat with a capacity of sixty. The boat is swamped, and everyone drowns. Complete justice, complete catastrophe.

*Two.* Since the boat has an unused excess capacity of ten, we admit just ten more to it. This has the disadvantage of getting rid of the safety factor, for which action we will sooner or later pay dearly. Moreover, *which* ten do we let in? “First come, first served?” The best ten? The neediest ten? How do we *discriminate*? And what do we say to the ninety who are excluded?

*Three*. Admit no more to the boat and preserve the small safety factor. Survival of the people in the lifeboat is then possible (though we shall have to be on our guard against boarding parties). The last solution is abhorrent to many people. It is unjust, they say. Let us grant that it is. “I feel guilty about my good luck,” say some. The reply to this is simple: *Get out and yield your place to others.* Such a selfless action might satisfy the conscience of those who are addicted to guilt but it would not change the ethics of the lifeboat. The needy person to whom a guilt addict yields his place will not himself feel guilty about his sudden good luck. (If he did he would not climb aboard.) The net result of conscience-stricken people relinquishing their unjustly heldpositions is the elimination of their kind of conscience from the lifeboat. The lifeboat, as it were, purifies itself of guilt. The ethics of the lifeboat persist, unchanged by such momentary aberrations. This then is the basic metaphor within which we must work out our solutions. Let us enrich the image step by step with substantive additions from the real world.

**Further reading:**

Hardin (2001)

Singer, P., “Famine, Affluence, Morality”

O’Neill, O., “Kantian approaches to some famine problems” (last 2 available on Blackboard.)

1. Is famine bad? Why?
2. What is negative utilitarianism?
3. Are we obliged to stop something bad happening? If you saw a child about to run into a road do you have an obligation to stop him or her? Are there any constraints on this obligation?
4. What is moral distance? Do you have a greater obligation to members of your own family than unknown strangers?
5. Is Singer’s obligation too demanding? Or, is it only comfortable to think so?
6. Is the obligation to stop poverty an individual or governmental one?
7. How might we achieve the lessening of suffering through our own actions?
8. Which formulation of the categorical imperative is O’Neill interested in? Why this one and not the others?
9. How are we to understand using a person as a mere means? Can you think of examples?
10. What is the distinction between duties of justice and duties of beneficence?
11. Which acts are forbidden and which are praiseworthy? Is the blame and praise symmetrical (viz. when someone is blamed are they as bad as someone who is praised is good)?
12. Is there a distinction between charity and duty? What is it? What role do these dichotomies play in moral thinking: duty versus charity; and close versus distant? Should we deconstruct them and go beyond them?
13. What are the obligations of the individual in the case of famine? Is this enough?
14. Why do the authors have different approaches to the question of moral distance? Who do you agree with and why?
15. Do you feel any personal obligation towards victims of poverty? Is it “philosophical” or “emotional”? Is there a difference?
16. Whose presentation of our obligations, Singer or O’Neill, is preferable? Why?
17. Is the capacity to be autonomous more important than the experience of suffering? Are they commensurable (can they be compared)?
18. What is Hardin’s lifeboat metaphor supposed to prove? Is it reliable?
19. Is it unfair that some people have more than others?
20. How do things belong to one person and not another? Can private property be justified?
21. Is not doing something as bad as doing something?
	1. I didn’t save the child who fell from the bridge in New York when I was in Paris compared to me pushing a child from a bridge.
	2. The doctor who withholds treatment compared to the doctor who gives a lethal dose to a terminally ill patient.
	3. The sole heir to the rich man’s estate who does not give medicine compared to the sole heir who batters the rich man with a spade.
22. Should we cast the above as ‘failing to benefit’ an agent and ‘harming’ an agent? Is this more useful?
23. Why does modern ethics hold independence to be a value? Does this prompt us to think in terms of harm and benefit?
24. Is anyone wholly independent of all others?
25. How would Hegel’s social ethics help us here? To whom would we owe obligations?

## Seminar 5: Euthanasia

**'He wasn't prepared for a second-class life': why injured rugby star went to Switzerland to die**

**• Ex-England youth player paralysed by accident
• One of youngest Britons to seek assisted suicide**

* Robert Booth

* [The Guardian,](http://www.guardian.co.uk/theguardian) Saturday 18 October 2008, downloaded from <http://www.guardian.co.uk/uk/2008/oct/18/11> on the 26ht Jan., 2009 at 15:23.

Police are investigating the assisted suicide of 23-year-old rugby player Daniel James. Photograph: PA

A 23-year-old who played rugby for England as a teenager has committed suicide in a Swiss euthanasia clinic after having become paralysed from the chest down in a training accident. Police are investigating.

Nuneaton rugby club hooker Daniel James felt his body had become a "prison" and lived in "fear and loathing" of his daily life, his parents said last night, having accompanied him to Switzerland from their home in Sinton Green, near Worcester. He had attempted to kill himself several times since March 2007 when a scrum had collapsed on him and dislocated his neck vertebrae, trapping his spinal cord and rendering him immediately tetraplegic.

West Mercia Police have begun an investigation into his assisted suicide, which took place on September 12. Details were made public yesterday when police published a statement relating to an inquest in progress. Assisted suicide is illegal in the UK, and family or friends who help face up to 14 years in jail. Officers have questioned a man and a women in the case and are preparing to submit a report to the Crown Prosecution Service.

James' parents, Mark and Julie, said last night that their son had been "an intelligent young man of sound mind" and "not prepared to live what he felt was a second-class existence".

He is one of the youngest Britons to have travelled abroad for assisted suicide. Earlier this month, Dignitas, the centre for assisted dying in Zurich, said that 100 Britons have travelled to Switzerland to make use of its more liberal laws. It is thought James attended a clinic in Berne.

James was a talented player who seemed destined for a professional career. He played for England at under-16 level and went on to play for Loughborough University, where he was an engineering undergraduate. The training accident happened four days after he helped England Students beat a France side in Oxford.

In a training session for forwards, he was practising a scrum when the pack came crashing down. Under their weight, he dislocated bones in his neck and trapped the spinal cord.

In the following weeks he had several operations and spent eight months in rehabilitation, including a stay at Stoke Mandeville hospital, before returning home; he only ever regained a small amount of use in his fingers. Early last month he travelled to Switzerland. His funeral took place in the UK on October 1.

"His death was an extremely sad loss for his family, friends and all those that cared for him, but no doubt a welcome relief from the prison he felt his body had become and the day to day fear and loathing of his living existence," the James family solicitors said last night. "This is the last way that the family wanted Dan's life to end, but he was, as those who know him are aware, an intelligent, strong-willed, and some say determined young man."

Yesterday the Spinal Injuries Association expressed shock. "When someone has an injury like this, you think its the end of the world as life is going to change for ever," said Daniel Burden, head of public affairs. "But our mantra is that life need not end if you are paralysed. We know of people with similar or worse injuries than Dan who have lived fulfilling lives."

The case comes as Debbie Purdy, 45, who has primary progressive multiple sclerosis, awaits a high court judgement seeking clarification of the legal status of family and friends who accompany people who commit assisted suicide.

Her action is being supported by Dignity in Dying, which campaigns for a law change to allow terminally ill and mentally competent patients to choose assisted death in the UK. James, who was not terminally ill, would not have been eligible under any such alteration of the law.

Prior to his death, James's uncle, Mark Roebuck, who started The Dan James Trust which raised nearly £25,000 for spinal research, paid tribute to his nephew.

"On Monday March 12 2007 Dan was just like thousands of 23-year-olds, full of life, hope, excitement and dreams. Whatever he chose to do, he would have done it with the good humour and lovely nature that made him a lovable young man."

The message boards on Nuneaton rugby club's website carried tributes yesterday. "This is really sad and tragic news, and it makes all the silly arguments with the rugby and football club very trivial and unimportant," said Nutty Nun. "My thoughts, sympathy and prayers are with Dan's family. RIP Dan."

Forbidden by law

Although suicide is no longer a crime in England and Wales, it is still an offence under the Suicide Act 1961 to "aid, counsel or procure the suicide of another"; the penalty is up to 14 years' imprisonment, and there have been 12 prosecutions since 2005.

The only jurisdictions where assisted suicide is not illegal are Switzerland, the Netherlands, Belgium, Luxembourg, and the state of Oregon in the US.

Although Swiss law does not specifically permit assisted suicide or provide any details about how it can be done legally, it does not prohibit it either. Several clinics have been established, providing facilities for terminally ill people to commit suicide, including Dignitas in Berne, the only clinic which offers its services to people not living in Switzerland. Since it opened in 1998 it has helped 868 people to end their lives, 100 of them from the UK.

Dignitas's motto is "to live with dignity - to die with dignity". It offers a service to the terminally ill and their families including accommodation, access to doctors and a dose of a drug causing a deep coma and painless death. However, anyone who accompanies a relative to Dignitas risks prosecution on their return for assisting suicide contrary to English law.

**Afua Hirsch**

**Further reading:**

Edwards (1998)

Harris (1998)

Kuhse (1993)

Thomson (2007)

Stoffell (2001)

Hartogh (2001)

1. How does euthanasia differ from suicide?
2. Is there a moral difference between killing and letting die?
3. Demarcate these distinctions: voluntary euthanasia, involuntary euthanasia and non-voluntary euthanasia. Which best describes the case above.
4. Should the parents face criminal charges?
5. What are the direct objections to euthanasia? What are the indirect objections that euthanasia is wrong?
6. Evaluate the following claims:
	1. Being human is intrinsically valuable
	2. Being alive is intrinsically valuable
	3. Being self-conscious is intrinsically valuable
	4. Having a life is intrinsically valuable
7. Is this statement true: ‘A subject will not want to end his or her life if it is worth living’? Who, then, ought to make the decision concerning an act to end a life?
8. Would the legalisation of euthanasia pose a ‘slippery slope’ problem?
9. Imagine the following thinkers attitude to euthanasia: Hobbes, Mill, Kant, Hegel and MacIntyre.

## Seminar 6: Abortion

**Extract from <http://www.askbaby.com/foetal-development.htm>, downloaded at 14:46 on 29/01/2009.**

In the very early weeks, the developing baby is called an embryo. Then, from about eight weeks onward, it is called a foetus, meaning 'young one'.

Three weeks from the first day of your last menstrual period the fertilised egg moves slowly along the fallopian tube towards the womb. The egg begins as one single cell. This cell divides again and again. By the time the egg reaches the womb it has become a mass of over 100 cells, called an embryo, ant is still growing. Once in the womb, the embryo burrows into the womb lining. This is called implantation.

The embryo now settles into the womb lining. The outer cells reach out like roots to link with the mothers blood supply. The inner cells form into two and then later into three layers. Each of these layers will grow to be different parts of the baby's body. One layer becomes the brain and nervous system, the skin, eyes and ears. Another layer becomes the lungs, stomach and gut. The third layer becomes [the heart](http://www.askbaby.com/foetal-development.htm), blood, muscles and bones.

The fifth week is the time of the first missed period when most [women](http://www.askbaby.com/foetal-development.htm) are only just beginning to think they may be pregnant. Yet already the baby's nervous system is starting to develop. A groove forms in the top layer of cells. The cells fold up and round to make a hollow tube called the neural tube. This will become the baby's brain and spinal cord, so the tube has a 'head end' and a 'tail end'. Defects in this tube are the cause of spina bifida.

At the same time the [heart](http://www.askbaby.com/foetal-development.htm) is forming and the baby already has some of its own blood vessels. A string of these blood vessels connects baby and mother and will become the umbilical cord.

There is now a large bulge where the heart is and a bump for the head because the brain is developing. The heart begins to beat and can be seen beating on an ultrasound scan.

Dimples on the side of the head will become the ears and there are thickenings where the eyes will be. On the body, bumps are forming which will become muscles and bones. And small swellings (called 'limb buds') show where the arms and legs are growing.

At seven weeks the embryo has grown to about 10 mm long from head to bottom. This measurement is called the 'crown-rump length'.

A face is slowly forming. The eyes are more obvious and have some colour in them. There is a mouth, with a tongue. There are now the beginnings of hands and feet, with ridges where the fingers and toes will be. The major internal organs are all developing; the heart, brain, lungs, kidneys, liver and gut. At nine weeks, the baby has grown to about 22 mm long from head to bottom.

The umbilical cord is the baby's lifeline, the link between baby and mother. Blood circulates through the cord, carrying oxygen and food to the baby and carrying waste away again.

The placenta is rooted to the lining of the womb and separates the baby's circulation from the mother's. In the placenta, oxygen and food from the mother's bloodstream pass across into the baby's bloodstream and are carried to the baby along the umbilical cord. Antibodies, giving resistance to infection, pass to the baby in the same way, but so too can alcohol, nicotine and other drugs.

Inside the womb the baby floats in a bag of fluid called the amniotic sac. Before or during labour the sac, or 'membranes', break and the fluid drains out. This is called the 'waters breaking'.

Just 12 weeks after conception the foetus is fully formed. It has all its organs, muscles, limbs and bones, and its sex organs are well developed. From now on it has to grow and mature.

The baby is already moving about, but the movements cannot yet be felt. By about 14 weeks, the heartbeat is strong and can be heard using an ultrasound detector. The heartbeat is very fast, about twice as fast as a normal adult's heartbeat.

**Extract from Thomson (1971):**

… I propose, then, that we grant that the fetus is a person. from the moment of conception. How does the argument go from here? Something like this, I take it. Every person has a right to life. So the fetus has a right to life. No doubt the mother has a right to decide what shall happen in and to her body; everyone would grant that. But surely a person's right to life is stronger and more stringent than the mother's right to decide what happens in and to her body, and so outweighs it. So the fetus may not be killed; an abortion may not be performed. It sounds plausible. But now let me ask you to imagine this. You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you-we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you." Is it morally incumbent on you to accede to this situation? No doubt it would be very nice of you if you did, a great kindness. But do you have to accede to it? What if it were not nine months, but nine years? Or longer still? What if the director of the hospital says, "Tough luck, I agree, but you've now got to stay in bed, with the violinist plugged into you, for the rest of your life. Because remember this. All persons have a right to life, and violinists are persons. Granted you have a right to decide what happens in and to your body, but a person's right to life outweighs your right to decide what happens in and to your body. So you cannot ever be unplugged from him." I imagine you would regard this as outrageous, which suggests that something really is wrong with that plausible-sounding argument I mentioned a moment ago. In this case, of course, you were kidnapped; you didn't volunteer for the operation that plugged the violinist into your kidneys. Can those who oppose abortion on the ground I mentioned make an exception for a pregnancy due to rape? Certainly. They can say that persons have a right to life only if they didn't come into existence because of rape; or they can say that all persons have a right to life, but that some have less of a right to life than others, in particular, that those who came into existence because of rape have less. But these statements have a rather unpleasant sound. Surely the question of whether you have a right to life at all, or how much of it you have, shouldn't turn on the question of whether or not you are the product of a rape. And in fact the people who oppose abortion on the ground I mentioned do not make this distinction, and hence do not make an exception in case of rape…

**Further reading:**

Thomson (1971)

Hare (1975)

Warren, M. (2001)

Foot (2007)

Tooley (2007)

Here is the traditional argument against the practice of abortion:

1. It is wrong to kill an innocent human being;
2. A human foetus is an innocent human being;
3. Therefore, it is wrong to kill a human foetus.
4. Is the argument **valid**?
5. Is the argument **true**? If not, which premise is not true?
6. Test the following situations in terms of the categorical imperative:
	1. You are very hungry and in the supermarket. However, you have no money on you: should you steal some food if the chance arises and you will not be caught?
	2. Your child is starving and you have no money at all, in the above situation should you now steal?
	3. Should you pay the fare on the metro?
	4. Should you plagiarise an essay?
7. Would Kant agree with the first premise (a) of the argument? Explain how in terms of (i) ends-in-themselves; and (ii) the categorical imperative. Do your explanations differ?
8. What is autonomy? Why is it so crucial to Kant’s ethical theory?
9. Can we deny the foetus is a person? At what point does personhood begin:
	1. Conception
	2. Quickening
	3. When the foetus is conscious
	4. When the foetus is self-conscious
	5. Birth
	6. Viability
	7. About the Roman period of history (Hegel).
10. Would Kant assert or deny that the foetus is a person?
11. Can you think of any reasons not to prohibit the practice of abortions?
12. Are conflicting duties a problem in a case of abortion where it is a choice of the mother’s life or the foetus’s life?
13. What is Thomson’s example (see above) supposed to prove?
14. Do women have a right of self-ownership of their own bodies? Can we justify this right? Can Kant? How does it relate to the problem of abortion?
15. How would a utilitarian reason as concerns abortion?
16. Is abortion a case of a victimless crime?

## Seminar 7: War and Peace

**Jus ad bellum, from Hegel (1991: §§334-35)**

Consequently, if no agreement can be reached between particular wills, conflicts between states can be settled only by *war*. Since the sphere of the state is extensive and its relations through its citizens are extremely varied, it may easily suffer injuries on many occasions. But which of these injuries should be regarded as a specific breach of treaties or an injury to the recognition and honour of the state remains *inherently* indeterminable; for a state may associate its infinity and honour with any one of its individual interests, and it will be all the more inclined to take offence if it possesses a strong individuality which is encouraged, as a result of a long period of internal peace, to seek and create an occasion for action abroad.

Furthermore, the state, as a wholly spiritual entity, cannot confine itself simply to noting that an *injury* has actually taken place. On the contrary, a further cause of discord arises in the *idea* of such an injury as a *danger* threatening from another state, in changing estimates of greater and lesser degrees of probability, in conjectures as to the other state’s intentions, etc.

**Jus in bello, extract from McMahan (1985)**

The Deontologist's Argument involves three claims. The first is that the actual use, of nuclear weapons would be wrong. Normally the ground for this first claim is that the use of nuclear weapons would inevitably violate one or both of the traditional 'just war" criteria for determining what types of action are permissible in warfare. These two criteria are:

1. The Criterion of Proportionality.-This states that the level of force employed must be proportional to the good it is intended to achieve. In other words, for an act to be justified, the good it is intended to achieve must, when probabilities are taken into account, outweigh any bad consequences which might also be caused.
2. The Criterion of Discrimination.-This states that force should be used in a way which respects the distinction between combatants and noncombatants. In particular, the intentional killing of non- combatants is forbidden.

These are plausible principles, though each suffers from a certain in- determinacy. The Criterion of Proportionality, for example, requires us to maintain a relation of proportionality between good and bad consequences which it may be impossible to compare with any precision. How, for example, does sacrificing the lives of x number of people compare with preserving the liberty and independence of y? And the Criterion of Discrimination suffers from the fact that there is no generally accepted test for determining whether certain consequences of an act are to count as intended or as merely foreseen but unintended. Suppose, for example, that tactical nuclear weapons were to be used on the battlefield in Europe, with the predictable consequence that large numbers of civilians living in nearby areas would be killed. Would the deaths of these noncombatants be an intended consequence of the use of tactical nuclear weapons, so that the use of these weapons would in this case violate the Criterion of Discrimination? The authors of one recent study contend that the Criterion of Discrimination would be violated since "these deaths are not the accidental or incidental result of lawful military action, but are what one is aiming to do in choosing to fight with this type of weapon."' Others, however, would claim that the deaths were not intended and that this is shown by the fact that the aims of the armies using tactical nuclear weapons would not have been less well achieved if, miraculously, no civilians had been around to be killed. According to this view, the use of tactical nuclear weapons in these circumstances would not be ruled out by the Criterion of Discrimination (though of course it might be by the Criterion of Proportionality).2 Despite these problems, the two criteria seem plausible as rough guides to the limits of permissible conduct in warfare. It also seems clear that most uses of nuclear weapons would violate one or both of these criteria. Certainly a direct, punitive strike against a city would violate the Criterion of Discrimination, and most other uses would be too destructive to be considered proportionate. Yet there are certain uses of nuclear weapons which might not violate either criterion. Limited counterforce strikes against remote military installations might be discriminate, in that they would not be intended to kill noncombatants, and they could conceivably be considered proportionate, in that, for example, they could reasonably be expected to lead to a favorable settlement of some military conflict. On the other hand, it is sometimes suggested that the overwhelming likelihood of uncontrollable escalation following even the most limited use of nuclear weapons means that the probable bad consequences of virtually any use of nuclear weapons would outweigh any good that might be achieved and that virtually any use of nuclear weapons would therefore violate the Criterion of Proportionality. This claim has considerable plausibility-though of course there remain certain conceivable cases in which escalation would be very unlikely. What does seem true is that virtually all of the uses of nuclear weapons contemplated by strategists as realistic possibilities, and in particular those which constitute the ultimate sanction in any viable policy of nuclear deterrence, would violate either the Criterion of Discrimination or the Criterion of Proportionality-in the latter case either by directly causing a disproportionate amount of violence or by posing a high risk of escalation to a level of violence that would be disproportionate. Indeed, in virtually every case that could be considered realistic, it is precisely the possibility of escalation which makes the threat of "limited" use credible as a deterrent. Thus I shall assume-and this is all that the argument requires-that those uses of nuclear weapons which have to be threatened in order to maintain a viable policy of deterrence would be wrong. (Perhaps surprisingly, this assumption is not uncontroversial. There are those, such as the present bishop of London, who appear to believe that the intentional mass killing of the innocent with nuclear weapons could be "morally acceptable, as a way of exercising our moral responsibility in a fallen world.")

**Further reading:**

Aquinas

**Questions on jus ad bellum:**

1. Should we be a **political realist** about war and admit that all actions of state are directed by national interest and morality has nothing to do with it? If not, why not? How would you convince a politician that ethical concerns are central to discussions about war?
2. Can we begin from the other extreme and assert, with the **pacifist**, that killing or violence can never be legitimate or justified? What might be a legitimate use of violence according to you?
3. Consider the traditional conditions of a just war and justify them:
	1. War must be fought for a just cause;
	2. The decision to embark on a war must be made for the right intentions;
	3. The decision must be made by a legitimate authority;
	4. There must be a reasonable chance of success;
	5. There must be a formal declaration of war;
	6. War must be a last resort;
	7. The good achieved must not be outweighed by the harms incurred or caused.
4. Must self-defence be against actual aggression? What does Hegel think?
5. What other just causes for war might there be?
6. Can you describe any wars in history as just? Justify your answer.
7. Is your way of life worth dying for?

**Questions on jus in bello:**

1. Is the theatre of war a moral vacuum or are there limits to permissible action? Why?
2. Does a threat need to be sincere to be credible?
3. A just war must meet the requirement of proportionality. What does this entail?
4. Does proportionality rule out any practices? Any technology? Any weapons?
5. Who are permissible targets in military action?
6. Can the moral regulations on military actions ever be overridden?
7. How would a utilitarian differ from a rights-theorist (deontologist) as concerns actions in war? What would a rule utilitarian say?

## Seminar 8: the environment

**Severn clean power project gains pace**

As climate change becomes a more urgent policy priority, plans to generate low-carbon power from the Severn estuary's tidal range are moving ahead. But at what price?

* Jonathon Porritt

* [guardian.co.uk](http://www.guardian.co.uk), Tuesday 27 January 2009 12.26 GMT

For over a hundred years, people have dreamed about generating power from the huge tidal range of the Severn estuary. With the [potential to provide an estimated 5% of the UK's electricity](http://www.guardian.co.uk/environment/2009/jan/26/barrage-tidal-severn), it's a challenge which has drawn generations of inventive minds, only too keen to get stuck into the public debate before the sheer enormity of the problems – technical, political and environmental – push it to back to the realm of unworldly pipedream for another generation.

The government's current initiative constitutes the most ambitious and concerted effort to date to bring forward [tidal power generation](http://www.guardian.co.uk/environment/waveandtidalpower) in the Severn estuary.

Its [consultation includes proposals for both barrages and lagoons](http://www.guardian.co.uk/environment/interactive/2009/jan/26/renewableenergy-waveandtidalpower), as well as funding for research into tidal reefs and fences. The [draft shortlist contains a very diverse but technically feasible list of proposals](http://www.guardian.co.uk/environment/2009/jan/26/renewableenergy-waveandtidalpower), combining a range of smaller options which could be realised sooner, and larger ones which would provide more energy but will take longer to become reality. Potentially promising but as yet completely unproven tidal reef and tidal fence technologies will receive £500,000 to take them forward – which puts the onus on their enthusiastic advocates to quickly demonstrate their potential.

There's now a much greater determination to establish some kind of common ground between different protagonists. Yet the polarisation of views remains daunting. Some supporters believe the prize of a huge source of secure energy with a very low carbon cost is so great that any other environmental concerns are irrelevant. However, some of those championing environmental issues argue that the consequences of irreparable change to these habitats, not to mention the political preferences set by the strong likelihood of breaching the EU directives protecting them, would be so dire as to negate the benefits of clean, renewable energy offered by the Severn.

The real driver, of course, is the fact that the climate science has moved on a long way even since the government began to look at the possibilities of the Severn. Week in, week out, there seems to be some new study pointing to the acceleration of climate-related phenomena. As the targets tighten, a "now or never" mood is taking hold.

[Jonathon Porritt](http://www.guardian.co.uk/profile/jonathonporritt) is the chairman of the [UK Sustainable Development Commission](http://www.guardian.co.uk/environment/2009/jan/27/www.sd-commission.org.uk).

**Further reading:**

Godfrey-Smith (1982)

1. What are the pros and cons of building the tidal energy generator?
2. Is there an obligation to preserve the Earth?
3. Is there an obligation to preserve natural habitats?
4. Is there an obligation to lower your carbon footprint?
5. What is the difference between instrumental and intrinsic value? Can you give examples? Is it a simple distinction?
6. Does the Earth have any value? Is this value merely instrumental?
7. If we view the world as merely instrumental, are we guilty of being anthropocentric?
8. What would it mean not to be anthropocentric?

## Seminar 9: pornography

**Why more and more women are using pornography**

Tanith Carey, Friday April 8 2011, *The Guardian*

It was an ordinary weekday morning when Caroline first noticed how much pornography was taking over her life. With 15 minutes to go before she was due to leave for a job interview, she opened up her laptop to print off an extra copy of her CV and there, onscreen, was a grab she'd saved from pornhub.com.

"I remember the feeling of being sucked in, really wanting that two-minute fix, that numbness I got when I used porn," says Caroline. "I was stressed out, and I risked being late for my interview, but I pressed play anyway and fast-forwarded it to the bit I wanted. It took two minutes." But the relief was to be short-lived. "Afterwards I just hated myself for giving in and getting off on images that treated women like pieces of meat. But I kept going back."

Although there is much debate about whether "porn addiction" even exists, Caroline, a 21-year-old English graduate, has just finished seeing a sex addiction therapist to help get her porn habit under control. Having started watching porn out of curiosity when it became available over the internet in her mid-teens, she and her mates used it as a graphic form of sex education. She saw nothing wrong with it, particularly as she was raised in a generation of girls for whom it was seen as hip and liberated to enjoy watching sex.

Then, as she entered a depressed job market after university, it became a form of escape, a default she turned to whenever she felt anxious or bored. "I'd be stuck at home in front of my laptop on my own all day. I'd wake up with all these ideas for the day ? and end up surfing for porn, trying to distract myself, eating and then going back for more porn. No one would ever have known. But I didn't get much done. It was like a constant battle between my sexual urges and my self-control. I'd think to myself: 'It's not doing any harm.' But then I started to loathe myself for giving in and wasting so much time on it."

Caroline is not alone. While it's accepted that women are watching and enjoying porn more and more, it's less recognised that some are also finding it hard to stop. At Quit Porn Addiction, the UK's main porn counselling service, almost one in three clients are women struggling with their own porn use, says founder and counsellor Jason Dean. Two years ago, there were none. While more than six out of 10 women say they view web porn, one study in 2006 by the Internet Filter Review found that 17% of women describe themselves as "addicted".

Dean says: "I remember getting my first woman contacts about two years ago and thinking that was fairly unusual. Now I'm hearing from about 70 women a year who are coming for their own reasons, not because their male partners have a problem."

There is little difference in the way the genders become hooked, says Jason. There is the same pattern of exposure, addiction, and desensitisation to increasingly hardcore images. The main contrast between male and female porn addicts is how much more guilty women feel. "Porn addiction is seen as a man's problem and therefore not acceptable for women," says Dean. "There's a real sense among women that it's bad, dirty, wrong and they're often unable to get beyond that."

Orgasm releases a dopamine-oxytocin high that has been compared to a heroin hit, and many regular users of internet porn report experiencing an almost trance-like effect that not only makes them feel oblivious to the world, but also gives them a sense of power that they don't have in real life. "The PC becomes an erogenous zone. The more you keep trying to put porn out of your mind, the more it keeps popping back in. The brain then learns that porn is the only way to cope with anxiety."

Yet, what strikes you on the porn addiction websites is the real sense of despair and loneliness for the women who get caught up in it ? and how early it starts. Many talk of a problem dating back to their early teens, before they've even had a relationship.

One 19-year-old college student writes: "It started seriously when I was about 14, I stumbled across some pictures while doing homework. Because all I had typed into Google was 'cream and sugar', I knew my parents wouldn't notice. I learnt all the ways round the parental controls, meticulously deleted my activities on the history and deleted the search engine entries every time."

Psychotherapist Phillip Hodson, of the British Association of Counselling and Psychotherapy, says that in consulting rooms, the issue of woman habitually using porn "is something that has not been aired before. It's something new that's just beginning to surface . . . Traditionally women's voices have been against porn. It's seen as more of a male thing, because it's men who are supposed to be visually stimulated. But that doesn't mean that women aren't. Men are just maybe more so."

Women who become regular users can suffer depression and low self-esteem because it can be hard to reconcile their enjoyment of porn with their intellectual dislike of seeing women used as sex objects. "Porn has an instant effect on the human body and mind and the psyche, even if you disapprove of what you are seeing . . . So women may find their body is saying yes, even though their mind may be saying no ? and that can be upsetting."

But as porn becomes more pervasive, Hodson observes that women are now also using it as a quick way to have sex without emotional investment, just as men traditionally have. "For women, just as for men, the internet is able to satisfy that need in rather a raw, crude sense, quickly and easily. Why serenade someone and go through all the courtship rituals with another person when you have Google?"

But it's important not to turn lone use of porn into a catastrophe, adds Hodson. For many women, it's a phase that will pass ? either because they take stock, they realise it's becoming a problem, it becomes boring ? or their life fills up again with better alternatives.

"I have a problem with the word addiction," he says. "Sex is a very natural function ? and what is an abnormal level of sex to have or to want? If a woman is taking two minutes to orgasm to porn, and she's doing it, say, 10 times a day, that's still only 20 minutes a day.

"But if porn does become a habit that interferes in other areas, it might be an opportunity to take stock and realise there's not enough happening in your life. Forgive yourself for being tempted and having a few orgasms. If it goes beyond that, there are people outside who can help."

The first support group in the US run for women by women was founded by Crystal Renaud, who also wrote a new book on women's addiction to porn, called Dirty Girls Come Clean.

A committed Christian, she first came across porn at the age of 11 in a magazine that belonged to her brother, and was addicted for eight years before she got her wake-up call when she arranged an anonymous hook-up with a man she met over the net. Renaud recalls: "I had no friends. No passions. I had one mission and purpose in my life: pornography. Any way I could find it, I would. It didn't matter where I was or what I was doing. Home, school, my friend's houses, summer camp and yes, even church: my addiction came too.

"Porn. Masturbation. Cybersex. Webcam sex. Phone sex. Anything you could think up, I watched, experienced and enjoyed. No matter how many times I said I would stop, I would just keep doing it."

As a trained counsellor, Renaud now calls women's addiction to pornography "widespread and silent". In almost every case, the women she meets believe they are the only ones ever to have struggled with the issue. "Porn and sexual addiction has always been referred to as a man's problem," says Renaud. "But for women it's an unspoken struggle. We have to give them the opportunity to say: 'Me too.'"

1. What is pornography? Is it a moral issue?
2. Who are the victims of pornography?
3. Is pornography bad art? Is its aesthetic value relevant to its moral worth? Would explicit, but good art be more acceptable? Why?
4. If pornography is offensive, if this reason to prohibit its production, exchange and consumption?
5. Does pornography harm anyone? Who and why?
6. Does pornography inhibit personal relationships? If so, how and is this a bad thing?
7. Can pornography be beneficial in any way at all?
8. What’s the problem with pornography…
	1. From a utilitarian perspective?
	2. From a rights-theorist perspective?
	3. From a Kantian perspective?
	4. From a Hegelian perspective?
	5. From a virtue ethics perspective?
	6. From your perspective?

## Extra Seminar: Essay workshop

1. How would you improve your essay from last semester?
2. Think of your highest mark and your lowest mark from the degree so far. Can you explain the difference in grades?
3. List the most important characteristics of a good answer. Put them in order. How can you achieve them?
4. Look at the questions for this semester. What would a good answer for each require?

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