

STUDY GUIDE---SHORT ANSWER QUESTIONS PHILOSOPHY 162

1. Just war theory; the ethics of killing in war.

The general question is, under what circumstances, if any, is it permissible to kill (a) combatants and (b) noncombatants in war.

Walzer, *Just and Unjust Wars*. There are two main parts to Walzer's view, the theory of just war (what is a just cause to wage war) and the theory of just warfare (what is the morally permissible way to wage war). He argues that the two accounts are substantially independent of each other (this is the doctrine of the moral equality of soldiers) for the most part.

Topics in Walzer:

The legalist paradigm

A just war is a war against aggression, or a war against anticipated aggression (pre-emptive strike versus preventive war), or a justified intervention—either support of a secession movement, or counterintervention to balance intervention in a civil war, or humanitarian intervention.

The war convention; the distinction between combatants and noncombatants and its significance.

The Doctrine of Double Effect, and Walzer's revision of it: How does DDE shape his interpretation of the war convention?

According to Walzer, can reprisals (violations of the war convention aimed at deterring those who have violated the war convention from doing so in future) be justified? Why or why not?

What is Walzer's understanding of terrorism? What is his view regarding its moral permissibility?

The rights and duties of combatants and noncombatants in guerrilla war scenarios.

The war convention according to Walzer holds up to supreme emergency.

What's a supreme emergency?

G.E.M. Anscombe, "War and Murder." Provides a short summary of traditional just war theory. Her view differs from Walzer's in important respects. What are these? In her view, can there be justified infringements of the war convention, justified terror bombing, for example? Why or why not?

J. McMahan, "The Ethics of Killing in War." Criticizes traditional just war theory. He rejects Walzer's doctrine of the moral equality of soldiers. For what reasons?

R. Brandt, "Utilitarianism and the Rules of War." Recommends a different way of thinking about what the rules of warfare ought to be from what Walzer upholds.

R. Hare, "Loyalty and Obedience." In war, we should follow orders issued by superior officers and we should refrain from killing the innocent (noncombatants). What should we do when these norms conflict? He recommends a distinction between intuitive and critical moral thinking, as

essential to thinking through the answer to this question in a clearheaded way. (Hare's view is explained further in Peter Singer's essay "Outsiders," in Chatterjee volume.)

Terrorism. Contrast Walzer's view with that of Fullinwider in "Terrorism, Innocence, and War." David Luban, "The War on Terrorism and the End of Human Rights." Criticizes the mixing of the war paradigm and the criminal justice paradigm in the U.S. government's response to 9/11. What's the criticism?

2. Physician assisted suicide.

The question of suicide: Is it ever morally permissible to kill oneself? If so, when? Some possible answers: (a) Suicide is OK when voluntarily chosen, (b) suicide is OK when voluntarily chosen and death now is good for the agent, (c) suicide is OK only when you would not be violating obligations to other persons by doing so, so for example, parents may not permissibly commit suicide unless they have arranged alternative care for their offspring, (d) some combination of a or b and c, (e) never under any circumstances. Further question: Is it ever morally required to kill oneself?

The question of euthanasia (mercy killing): Is it ever morally permissible to kill another person for her own good? The possible answers will track, with some adjustments, the possible answers to questions about the moral permissibility of suicide.

The question of physician-assisted suicide: Is it ever morally permissible for a physician to assist a patient to commit suicide? Such aid might take the form of making available to the patient drugs that if ingested, will kill her. Might PAS in some circumstances be required conduct for a physician?

Leon Kass argues that the essential purposes of medicine as a profession rule out the idea that it is or should be permissible for doctors to practice euthanasia (mercy killing) or physician-assisted suicide. What are his reasons?

D. Callahan, "When Self-Determination Runs Amok," and Daniel Brock, "Voluntary Active Euthanasia," consider an ideal of personal sovereignty and autonomy, each person should be left free to do whatever she chooses provided she does not wrongfully harm others.

Frances Kamm versus J. David Velleman. Consider suicide for pain relief. I have a terminal illness, and I am suffering from pain that medicine will not relieve. Kamm says suicide for pain relief may be ok, and assisting such a suicide may be a legitimate doctor's duty. She argues that if you think it is ok to give large doses of opiates, intending to relieve pain and knowing but not intending that as

a side effect, death will ensue, then why is it not ok to assist a suicide, intending that death ensue (the four-step argument). What is her argument here? She argues against Kantian objections to suicide for pain relief.

Velleman rejects suicide for pain relief and therefore assisted suicide for pain relief, on Kantian grounds. What are these?

There is an argument that legalizing assisted suicide and euthanasia may not be in people's interests, because if I am legally permitted to waive my right not to be killed, I may have to face the question, maybe I ought to waive my right not to be killed. Consider cases where caring for me is expensive and a burden for my relatives. What is legally permissible may become the obligatory. If euthanasia and assisted suicide were prohibited, I would not have to think about this perplexing issue, and would be better off. Dan Brock discusses this argument in his essay "Voluntary Active Euthanasia." What's his line? John Hardwig in his essay "Is There a Duty to Die?" answers the title question Yes. In some cases, keeping me alive may pose such a burden on those near and dear to me, that choosing death is obligatory.

3. Social Welfare and Individual Responsibility.

David Schmitz, taking responsibility, internalizing versus externalizing responsibility.

Holding people responsible, blaming.

Schmitz: "This essay's purpose is to explain how individual responsibility contributes to the welfare of people in general" (p. 4). He adds that his task is "to argue that people are better off thinking of their welfare as their own responsibility rather than as the government's responsibility."

R. Goodin. Everyone affirms personal responsibility. The question is, what to do when people do not behave responsibly and in some cases, when they cannot behave responsibly. Back-up responsibility assignments are needed, to prevent avoidably bad outcomes. Responsibility should be collectivized, in a sense (chapter 3). Policy advocates' talk about the badness of dependency sounds substantive, but when pressed, turns out to be trivial: they are saying that morally bad dependency is morally bad (chapter 2).

What is at the root of the disagreement between Goodin and Schmitz concerning proper or morally appropriate social welfare policy? Who gets the better of this argument, and why? Are there perspectives on these issues that are ignored by both authors, but decisive in showing us what should be done? Or do the authors between them pretty much cover all bases?

4. Duties to distant needy strangers.

Peter Singer, "Famine, Affluence, and Morality" and "Outsiders." The latter offers second thoughts on the former.

Singer: Thinking through this issue should induce us to revise our thinking about the moral concepts, especially charity. Charity is normally thought to be conduct above and beyond the requirements of duty and obligation. Performing charitable acts is being nice to people beyond what morality requires. Singer disagrees. In "Famine, Affluence, and Morality," he invokes this principle: "If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it." He then spells out what he takes to be the implications of this principle regarding our duties to aid distant needy strangers.

Some of the remaining course readings in this section can be understood as replies to Singer.

Liam Murphy: Our moral duties should not become greater just because other people do not do what they ought to do. His "Cooperative Principle" of beneficence encapsulates this idea.

Richard Miller: His two essays defend "patriotic priority" and the duty of nearby rescue. According to Miller, as citizens acting through the state we owe more to fellow countrymen than to foreigners, and as private individuals we owe more to those close by than to those far away. Why so? He suggests several considerations that he believes are mutually reinforcing. In the second essay, "Moral Closeness and World Community," he explicitly addresses Singer's views and counterproposes his own "Principle of Sympathy."

Jean Hampton: She begins by considering the example of a self-sacrificing woman, Terry, and ends by proposing stringent limits on the moral permissibility of self-sacrificing altruism.

David Miller: He wants to defend the idea that just as persons can be morally responsible for their good or bad condition, so can nations. He is concerned by the fact that different peoples around the globe with different cultures sharply disagree about what global justice requires. He nonetheless defends the idea of a basic minimum owed, in some sense, to all people.

Thomas Pogge. He thinks the duties not to harm and not to profit by unjust arrangements in current circumstances trigger serious duties on the part of people in affluent nations to compensate the global poor. These duties, he thinks, would hold even if there was no duty at all to help people merely because they are in need.

Martha Nussbaum. This essay stands more independent of the themes of the P. Singer essay than other readings. Her essay queries the moral significance of national borders and suggests practical guidelines for cosmopolitans.

5. The application of genetic science advances to public policy; the rights of the disabled.

Should there be limits on the uses of genetic knowledge by parents and potential parents to produce the children they would prefer to have and to give their own children advantages in social competitions for especially advantageous positions? This question is addressed in "Why Not the Best?".

In recent years disability rights activists have raised interesting issues as to whether public policy efforts to use genetic science to reduce the incidence of disabilities are morally problematic in that the rationale of the public policy efforts implicitly or explicitly devalues the lives of the disabled and undercuts efforts to protect their rights. Allen Buchanan (with coauthors) explores these concerns in "Genetics and the Morality of Inclusion." He places this issue in a larger moral framework that he labels "the morality of inclusion."

Dan Brock, "Health Care Resource Prioritization and Discrimination against Persons with Disabilities." Brock outlines a conflict between the requirements of the Americans with Disabilities Act and efforts to ration health care that is funded by the public with minimal loss of health benefits.

Jeff McMahan, "Cognitive Disability, Misfortune, and Justice." McMahan argues that the scope of egalitarian theories of justice should be set so that they are limited to compensating for misfortune and whether people are suffering misfortune is not determined merely by whether their well-being level is low but by the extent of the shortfall between their actual well-being and their potential and capacity for well-being.

He is exploring an aspect of the issue, what do the "able" owe to people with disabilities?